



INSTRUMENT 2026-02-02

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2 **AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE TOWN OF ABITA SPRINGS AMENDING**
3 **PART 9 –PLANNING, ZONING AND DEVELOPMENT OF THE CODE OF ORDINANCES CONSISTENT**
4 **WITH THE MASTER PLAN ADOPTED BY THE PLANNING AND ZONING COMMISSION AND**
5 **UPON ITS RECOMMENDATION, AND TO PROVIDE FOR RELATED MATTERS.**
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7 **WHEREAS**, on March 28, 2024, the Town of Abita Springs Planning & Zoning Commission adopted the
8 Abita Springs Master Plan by Resolution No. 2024-002, following more than a year of community
9 engagement and technical analysis to guide the Town’s future growth and development; and
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11 **WHEREAS**, the Abita Springs Master Plan establishes a long-term vision for Abita Springs that seeks to
12 diversify the Town’s economy, increase employment opportunities, enhance walkability, preserve green
13 space, improve access to nature, promote sustainable growth, and to provide for the health, safety, and
14 welfare of the residents of Abita Springs; and
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16 **WHEREAS**, as part of the Master Plan development, the Town created goals seeking to guide future
17 growth in the Town in a way that included clearer and easier administration of zoning regulations and
18 design standards Townwide; and
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20 **WHEREAS**, the initially considered draft of the Abita Springs Master Plan included a proposed zoning
21 map which was not adopted, in response to public requests for additional engagement in the planning
22 process and additional consideration of the Town’s unique needs which were not met by the proposed
23 zoning map; and
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25 **WHEREAS**, following the adoption of the Abita Springs Master Plan, the Town engaged Desire Line
26 LLC, a local urban planning and disaster resiliency consulting firm, to assist the Planning Department in
27 implementing the Plan, including preparation of a new Future Land Use Map, an updated Zoning Map, and
28 a comprehensive land development code text amendment supported by additional public engagement; and
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30 **WHEREAS**, a new Future Land Use Map was prepared following collaboration with Town Staff, the
31 Planning and Zoning Commission, and members of the public, and was adopted by the Planning and
32 Zoning Commission as an appendix to the Abita Springs Master Plan on October 24, 2024; and
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34 **WHEREAS**, following adoption of the new Future Land Use Map, Town Staff and Desire Line conducted
35 a detailed review of the existing zoning code and Zoning Map, and identified multiple longstanding issues
36 including but not limited to, overly complicated and conflicting commercial zoning standards, unclear
37 guidance for certain land uses and zoning districts, and outdated land use categories, and;
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39 **WHEREAS**, Town Staff and Desire Line conducted an extensive, transparent, and iterative public
40 engagement process, including monthly presentations and feedback gathering sessions at Planning and
41 Zoning Commission Meetings, community open houses, sub-area meetings, paper surveys and comment
42 cards, and online polls, to solicit and incorporate public feedback into the draft zoning code and updated
43 Zoning Map; and
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45 **WHEREAS**, based on technical analysis and community feedback, the proposed zoning code amendments
46 are intended to improve land use compatibility, reduce potential nuisance impacts, address flooding and
47 resilience concerns, streamline code administration, and provide for the public’s health, safety and welfare
48 in Abita Springs; and
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50 **WHEREAS**, the Planning Department recommends adoption of the amendments to the Town Code of
51 Ordinances, Part 9 – Planning, Zoning, and Development, and The Town of Abita Springs, Louisiana,
52 Official Zoning Map as outlined in EXHIBIT A and EXHIBIT C; and
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54 **WHEREAS**, on January 29, 2026, the Planning and Zoning Commission unanimously voted to
55 recommend adoption of the amendments to the Town Code of Ordinances, Part 9 – Planning, Zoning, and
56 Development and the Official Zoning Map to the Board of Aldermen of the Town of Abita Springs.
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58 **THEREFORE, LET IT BE ORDAINED** by the Board of Alderman of the Town of Abita Springs, at its
59 regular session convened, that Part 9 – PLANNING, ZONING AND DEVELOPMENT is here by amended
60 and reordained to read as follows in “EXHIBIT B”; and
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62 **THEREFORE, LET IT BE FURTHER ORDAINED** by the Board of Alderman of the Town of Abita
63 Springs, at its regular session convened, that The Town of Abita Springs, Louisiana, Official Zoning Map
64 is hereby amended and reordained as shown in “EXHIBIT C”; and

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66 **THEREFORE, LET IT BE FURTHER ORDAINED** by the Board of Alderman of the Town of Abita
67 Springs, at its regular session convened, that any ordinance previously adopted in conflict with these
68 provisions is hereby repealed and replaced with these amendments.

69
70 Introduced on a motion of Alderman _____ and seconded by Alderman _____,
71 on the 24th day of February 2026.

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73 Adopted on a motion of _____ and seconded by _____, on the ___ day of ___ 2026.

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75 The vote was as follows:

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- 77 YEAS:
- 78 NAYS:
- 79 ABSTAIN:
- 80 ABSENT:

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Leanne Schaefer, Town Clerk

Daniel J. Curtis, Mayor



EXHIBIT A: STAFF REPORT: Town Zoning Map and Code Amendments

1. Background and Purpose.

- a. To guide future growth, the Town of Abita Springs Planning and Zoning Commission and Town Board of Aldermen adopted the Comprehensive Master Plan¹ on March 28, 2024, via Resolution 2024-002 concluding over a year of community engagement and technical analysis. This Plan is meant to be implemented incrementally over the next 10-20 years in support of the Town’s Vision, which includes “...ensure that change in Abita Springs diversifies the town’s economy, increases employment opportunities, enhances walkability, preserves green space, improves access to nature, grows sustainably, and upgrades the quality of life.” This Vision is further broken down into five “big ideas” including:
 - Enhance the Downtown and make it a unique destination.
 - New development should be compatible, respectful of context, and green.
 - Streets should be safe and provide a “sense of arrival” at gateway places.
 - Preserve land, increase access to nature, and build sustainably.
 - The Plan must be implementable and fiscally responsible.
- b. The Comprehensive Master Plan includes a Future Character Area Map, including broad typologies of development such as downtown or traditional neighborhood, to provide a vision for future key areas in the Town but does not fully guide consideration of future zoning and subdivision requests town-wide.
- c. During the master planning process, the Town also developed a proposed zoning map that was reviewed and ultimately put on hold when the Master Plan was adopted, because the public requested additional input in the long-term land use vision for the Town.
- d. In most master planning processes, the development of a Future Land Use Map (FLUM) supports future rezoning requests like the proposed rezoning map previously considered. As part of the adoption of the Master Plan, the Planning Commission requested the Town immediately pursue development of a Future Land Use Map prior to consideration of any future comprehensive rezoning proposal.
- e. After the Master Plan was adopted, the Planning and Zoning Department tasked Desire Line (www.desire-line.com), a local urban and regional planning firm, with beginning to implement the Comprehensive Master Plan. Immediate tasks included the development of a Future Land Use Map and an updated Comprehensive Zoning Map that incorporated more community engagement on proposed land use and zoning updates.
- f. Desire Line and the Town Planning and Zoning Department (herein called the “Planning Team”) presented and discussed a draft Future Land Use Map (FLUM) to the Town Planning and Zoning Commission on August 29 and September 26, 2024, and held a Community Meeting to collect comments on the draft FLUM on September 4, 2024. The Planning and Zoning Commission adopted the Future Land Use Map as an appendix to the Comprehensive Master Plan on October 24, 2024. The Future Land Use Map is a guiding document to support the Town’s growth and

¹ Full document can be found here:

https://www.townofabitasprings.com/files/ugd/509006_e5dadfd712724dbfbc35377b8c8043ea.pdf

- 44 development and not a regulatory tool like the Town’s zoning map and land use regulations.
- 45 g. Updating the Town’s official zoning map also requires updating the Town’s land use and zoning
46 Code to ensure the Map and the Code work together to support the Town’s future vision. This
47 process of comprehensively updating a local map and land use code is consistent with best
48 practices recommended by the American Planning Association and required by the State of
49 Louisiana. It is an important way for parishes, cities and towns to support residents’ vision for
50 their community by updating local land use laws and zoning districts to create more
51 predictability in local development patterns.
- 52 h. This report supports the adoption of the Town’s Official Zoning Map and Land Use and Zoning
53 Code Amendments (amending the Town Code of Ordinances, Part 9 – Planning, Zoning, and
54 Development), in order to effectuate zoning changes and implement a zoning code that support
55 implementation of the Town’s Comprehensive Master Plan and Future Land Use Map.

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57 **2. Findings**

- 58 a. The Planning Team reviewed the Town Zoning Code and Zoning Map and found that, in
59 addition to executing the goals and vision of the Master Comprehensive Plan, the following
60 goals could be accomplished within the scope of the Zoning Code and Zoning Map amendment
61 process:
- 62 ○ Correct long-standing issues with the current zoning map;
 - 63 ○ Align zoning district regulations with best practices in Town planning;
 - 64 ○ Streamline code administration and enhance predictability in development outcomes; and
 - 65 ○ Increase public understanding of land use practices and produce a zoning code and map that
66 reflect the public sentiment of Abita residents.
- 67 b. Further, the Planning Team found the current Town zoning map and Code to be more permissive
68 than many in the Town may realize: mapping many areas with Commercial zoning that allows
69 large commercial development, not requiring comprehensive landscaping standards for new
70 development, providing limited guidance or provisions for existing land uses in the residential /
71 commercial district, and having limited guidance on development procedures, minimum
72 standards, and the purpose and intended development patterns for existing zoning districts in
73 Town.
- 74 c. To address these issues and support implementation of the Town’s Master Comprehensive Plan,
75 the Planning Team presented a draft Zoning Code outline, approach, schedule, code amendment
76 packets, and a framework for zoning districts, permitted uses, development standards, and
77 procedural requirements as part of the following eight (8) public meetings:
- 78 ○ **September 4, 2024:** Community Open House focused on collecting input on the draft Future
79 Land Use Map.
 - 80 ○ **March 27, 2025:** Planning and Zoning Commission, presentation focused on community
81 feedback.
 - 82 ○ **April 2, 2025:** Community Open House focused on draft Zoning Map.
 - 83 ○ **April 24, 2025:** Planning and Zoning Commission meeting, presentation and discussion
84 focused on community feedback and code approach.
 - 85 ○ **May 29, 2025:** Code and map approach presentation to the Planning and Zoning
86 Commission
 - 87 ○ **June 26, 2025:** Use and Design Standards Presentation to the Planning and Zoning
88 Commission
 - 89 ○ **July 18, 2025:** Zoning Community Open House
 - 90 ○ **July 31, 2025:** Map and public survey results presentation to the Planning and Zoning
91 Commission
 - 92 ○ **August 28, 2025:** Planning and Zoning Commission, presentation focused on updates and
93 changes based on July 18th Community Open House.

- 94 ○ **September 24, 2025:** West Abita Springs Sub-Area Community Open House
 95 ○ **October 1, 2025:** South Abita Springs & Highway 36 Sub-Area Community Open House
 96 ○ **October 8, 2025:** Central & East Abita Springs Sub-Area Community Open House
 97 ○ **October 15, 2025:** Rural North Abita Springs Sub-Area Meeting
 98 ○ **October 30, 2025:** Planning and Zoning Commission meeting, presentation focused on
 99 feedback received from sub area meetings and new districts created as in response
 100 ○ **November 20, 2025:** Planning and Zoning Commission meeting, presentation focused on
 101 Adaptive Mixed Use district and Resilience Overlay.
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- d. In addition to the meetings listed here, the Planning Team deployed digital and paper community surveys and online polls and accepted written public comment throughout the study process, including:
- 106 ○ **Community Survey**, open from April 2nd – May 23rd, 2025 [88 total respondents]
 - 107 ○ **Facebook Poll**, open from April 25th – May 7th, 2025 [517 total respondents]
 - 108 ○ **Micro-Survey**, open from May 29th – June 26th, 2025[199 total respondents]
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- e. Throughout public meetings with the Planning and Zoning Commission, and Open Houses the Planning Team presented the Zoning Map and Code in an iterative process, collecting feedback on drafts in development, and building the Code and Map over the course of the planning process with input from the public and the Commission. As part of this process, the following key findings have informed the development of the **final Zoning Code amendments** for consideration:
- 116 ○ Use a standard use-based zoning code, where land uses are regulated separately from building design, to support simpler code administration within the Town. This enables the code to precisely tailor use impacts and the design of buildings and sites to the desires of the Town, and is simpler to administer than a form-based code, which does not adequately consider the impacts of land uses on neighboring properties and on infrastructure such as Town sewer and traffic.
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 - 122 ○ Better distinguish and clarify differences in residential land development patterns in the Town, including Conservation Residential, Neighborhood Residential, Townhouse, and Multifamily Residential districts.
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 - 125 ○ To address public concerns regarding flooding issues in specific areas of town, create a new Adaptive Mixed Use district with larger lot dimension requirements that reduce density in the floodplain, and; Create a new Resilience Overlay to address flooding issues with construction and building requirements.
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 - 129 ○ To support the development of more attainable, high-quality housing, add and limit the mapping of Traditional Residential District to enable the development of existing lots, where appropriate.
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 - 132 ○ Maintain the intent of the existing Residential – Commercial overlay district by implementing a mixed-use zoning district, which allows both residential and low-impact commercial uses, such as boutique stores, small restaurants, or offices.
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 - 135 ○ Limit commercial uses in the mixed-use district to only those having the lowest intensity and apply stringent use standards. This mixed-use district and its associated provisions aim to:
 - 137 ▪ Support and promote land use compatibility with nearby residential uses,
 - 138 ▪ Maintain the existing small-town, personalized aesthetic unique to Abita Springs,
 - 139 ▪ Encourage businesses that provide enhanced quality of life amenities and services for local residents in the area such as restaurants, community gathering venues, and local or artisan businesses.
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 - 142 ▪ Support small-scale food, artisan, entertainment, and craftsman-type employment opportunities for local residents.
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 - 144 ○ To minimize potential nuisance impacts to residential properties from higher intensity commercial uses through the creation of a new lower intensity Mixed Use district meant to buffer homes against commercial uses.
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- Streamline existing Industrial Districts into one (1) Light Industrial District to avoid confusion and reflect existing residents and town understanding of these uses and their future development.
 - Utilize a new Civic District to consolidate and streamline existing Parks and Schools zoning districts.
 - Limit overlay district standards to site design and aesthetics, whereby base zoning districts manage land uses and related activities, to avoid confusion and conflicting land use standards.
 - Include a streamlined table of permitted, conditional, and prohibited uses for each zoning district, informed by community input and reflective of the Town’s desire to encourage uses that are permitted by right, prohibit undesirable uses, and conditionally approve uses that require community input to assess and better understand potential development impacts.
 - Streamline, consolidate, and remove conflicting or unclear language related to specific land use standards, such as animal-related uses, auto repairs / service, home occupations, parking garages, places of assembly (such as school auditoriums or churches), short-term rentals, temporary retail sales, and townhouses.
 - Consolidate and renumber existing site design, parking, landscaping, and tree preservation standards for the Town into a single area of the Code, entitled “Land Development Code” to support user navigation and more efficient code administration. *Note: the scope of this project did not include updating or streamlining these development standards, so they are largely incorporated as written, with minor exceptions for when feedback was limited and straightforward and fell within the Team’s ability to incorporate.*
 - Update and streamline sign regulations to incorporate content neutral standards consistent with federal law.
 - Update and provide comprehensive procedural standards for future land development requests to support more predictable, streamlined and efficient land development applications.
- f. Throughout meetings with the Planning and Zoning Commission, the Planning Team continuously discussed and refined the draft Zoning Map in an iterative and transparent process. From this process, the following key findings informed the development of the **final zoning map** for consideration:
- While the Future Land Use Map was adopted as a long-term vision for the Town consistent with the Master Comprehensive Plan, many in the community expressed the need to adopt the zoning map more incrementally, or slowly, and to avoid going from today’s reality to the 20 year vision in a only few months.
 - This concern was expressed by residents concerned with commercial encroachment, as well as those who lived near state highways that were not improved to handle the level of commercial development (and associated traffic) envisioned on major roadways in and out of Town. For these reasons, Commercially zoned areas have been significantly reduced since the first draft of the Zoning Map, often changed to the less intense Mixed-Use district in areas that are already developed with commercial uses in the vicinity or are along the more heavily accessed road or pedestrian corridors in the Town, and the Mixed-Use District has also been significantly reduced, often changed to Neighborhood Residential to reflect more of the existing residential development patterns in Town.
 - Residents preferred to largely keep residential districts where they are currently mapped or expand these areas. Survey respondents also largely supported the proposed mapping of the Conservation Residential district, which is an existing, unmapped zoning district in Town.
 - Survey respondents expressed concerns over the possible proliferation of duplexes in Town, so these land uses are limited to the townhouse, multifamily, mixed use, and commercial districts.
 - There is broad consensus on keeping heavy commercial uses and light industrial sites out of Town Center.
 - Throughout the process of presenting the draft Zoning Map to residents in public meetings,

200 the Planning Team further reduced the recommended area of the traditional residential
201 district, changing proposed areas to the Neighborhood Residential zoning district.
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- 203 g. Recommendations for October 30, 2025 Meeting
 - 204 ○ Create a new zoning district to address flooding concerns, while enabling both
 - 205 residential and commercial development in the areas designated as subject to the 1%
 - 206 AEP flood per the effective (1988) and preliminary (2008) FEMA FIRM map.
- 207 h. Recommendations for December 18, 2025 Meeting
 - 208 ○ Minor changes to the naming of the Adaptive Mixed Use district and Residential Mixed
 - 209 Use district.
 - 210 ○ Allow all uses in the AMU district that are allowed in the MU district.
 - 211 ○ Allow event venues in all mixed use districts.

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3. Planning Team Recommendation:

- 215 a. Upon consideration of technical elements and public comments and community feedback, the
- 216 Planning Team recommends the adoption of a Zoning Map for the Town shown in **Exhibit C:**
- 217 **Recommended Zoning Map**
- 218 b. The Planning Team also recommends the adoption of an ordinance amending the Town Code of
- 219 Ordinances to implement the Planning, Zoning, and Development Code in: **Exhibit B:**
- 220 **Recommended Land Use & Zoning Code Amendments**

38 **Sec. 9-101.6. – Officers of Zoning Commission.**

39 The Zoning Commission shall elect a Chairman from its membership and create and fill such other
40 offices as it may determine. The term of the Chairman shall be one year, with eligibility for re-election.
41 The Zoning Commission shall meet on a periodic basis as determined by the members of the
42 Commission. It shall adopt rules for transaction of business and shall keep a public record of its
43 resolutions, transactions, findings, and determinations.

44 **Sec. 9-101.7. – Powers of Zoning Commission.**

- 45 A. The Zoning Commission shall have all powers, responsibilities and duties as set forth in R.S.
46 33:101 to 33:119 and 33:4721 et seq., 1950, as amended, and as may be amended.
- 47 B. The Zoning Commission is charged and authorized to put into effect and enforce the provisions of
48 this Chapter. It shall be the Zoning Commission's function to recommend the boundaries of the
49 zoning districts, as well as to recommend changes to zoning district boundaries and the land
50 development regulations provided for in this Chapter.
- 51 C. The Zoning Commission has the power to issue variances to the zoning regulations (Part 9, Chapter
52 3) of this Code in accordance with the procedures detailed in Part 9, Chapter 2 of this Code.

53 **Sec. 9-102—9-119. – Reserved.**

54 **Sec. 9-120. – HISTORIC DISTRICT COMMISSION**

55 **Sec. 9-120.1. – Creation of Historic District Commission.**

56 As authorized by R.S. 25:731 to 25:745, 1950, and other constitutional and statutory authority
57 supplemental thereto, there is hereby created a Historic District Commission consisting of 5 members.
58 The members shall be registered voters living and residing within the corporate limits of the Town.

59 **Sec. 9-120.2. – Membership and appointment.**

- 60 A. The members of the Historic District Commission (hereinafter referred to as "Commissioners")
61 shall be appointed by the Mayor subject to approval by a majority vote of the Board of Aldermen.
62 The term of office for each Commissioner shall be 4 years except that the terms of members of the
63 first Commission shall be staggered to assure continuity. In making appointments, preference may
64 be given for members of historic, cultural, educational, archeological, architectural, artistic and
65 preservation organizations. All members shall serve without compensation.
- 66 B. Vacancies on the Historic District Commission shall be filled by appointment in the same manner
67 as the original appointments and any member may be appointed for another term or terms. Any
68 member may be recalled at any time by the Mayor and Board of Aldermen for gross inefficiency,
69 fraud or studied neglect, but only after an open hearing and upon notice specifying the complaint
70 involved.

71 **Sec. 9-120.3. – Selection of officers.**

72 The Historic District Commission shall elect annually from its own number a Chairman, Vice-
73 Chairman, Secretary and any other offices it deems appropriate.

74 **Sec. 9-120.4. – Powers and duties.**

75 The Historic District Commission is hereby authorized, empowered and directed to establish
76 reasonable rules of procedure; and regulations regarding the guidelines, criterion and requirements for

77 issuance of a Certificate of Appropriateness. Such rules and regulations shall be in accordance with Part 9
78 of this Code and the provisions of R.S. 25:731 to 25:745, 1950, as may be amended from time to time.
79 The Historic District Commission shall have all power and authority conferred upon it by law or
80 ordinance.

81 Any regulations regarding the guidelines, criterion and requirements for the issuance of a
82 Certificate of Appropriateness must be adopted by an ordinance of the Board of Aldermen of the Town of
83 Abita Springs.

84 **Sec. 9-120.5. – Staff; donations.**

85 Subject to appropriation by the Mayor and Board of Aldermen, services of compensated clerical
86 and technical assistance may be retained.

87 **Sec. 9-120.6. – Suits to enforce rules.**

88 The Historic District Commission shall have the power to institute suit in any court of competent
89 jurisdiction to prevent any unlawful action in violation of the provisions of this ordinance or of any of the
90 rules and regulations adopted by the Commission in conformity with it.

91 **Sec. 9-121 through Sec. 9-200. – Reserved.**

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93 **CHAPTER 2. – PROCEDURES**

94 **Sec. 9-200. – DEFINITIONS APPLICABLE TO PART 9**

95 **Sec. 9-200.1. – Applicability and measurements.**

96 A. *Applicability.* For the purpose of this Chapter, the following terms, phrases, words, and their
97 derivations shall have the meaning given herein. When not inconsistent with the context, words
98 used in the present tense include the future, words in the plural number include the singular
99 number, and words in the singular number include the plural number. The word "shall" is always
100 mandatory and not merely directory.

101 B. *Measurement.*

102 1. *Minimum required building setbacks.* Minimum required building setback shall be measured
103 from the property line (either front, side, or rear) to the nearest wall of the building. Setbacks
104 shall not be measured to steps, roof overhangs, horizontal railings or hand rails.

105 2. The measurement for required building setbacks listed in (1.) above is applicable to all
106 required building setbacks, not only the front yard setback requirement.

107 **Sec. 9-200.2. - Terms defined.**

108 *Accessory structure* is a subordinate building with the use customarily incidental to and located on
109 the same lot as the main building. *Accessory dwelling unit (ADU)* is a residential living unit on the same
110 parcel on which a primary structure is present or may be constructed. It provides a complete independent
111 living facility for one or more persons and may take various forms: a detached unit; a unit that is part of
112 an accessory structure, such as a detached garage; or a unit that is part of an expanded or remodeled
113 dwelling.

114 *Accessory dwelling unit, (attached),* is an accessory dwelling unit that shares at least one common
115 wall with the primary building on a lot.

116 *Accessory dwelling unit, (detached)*, is an accessory dwelling unit that does not share a common
117 wall with the primary building on a lot.

118 *Agriculture (small-scale)* is agricultural activity of a scale too small to employ workers or provide a
119 significant volume of products for markets or processors, but which provides an opportunity for direct
120 marketing or part-time/second income agriculture.

121 *Alley* is a minor right-of-way, dedicated to public use.

122 *Alteration* as applied to a building or structure, is a change or rearrangement in the structural parts
123 or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or
124 the moving from one location or position to another;

125 Animal definitions: The following definitions apply to animals in the Town. In cases of dispute
126 regarding which definition applies, the Zoning Administrator may determine animal classification based
127 on size, species, intensity of impact, and customary agricultural use.

128 *Livestock (agricultural animals)* means animals customarily raised for agricultural, breeding, fiber,
129 dairy, meat production, labor, or similar farm purposes, or animals exceeding the size or impact of small
130 animals. This definition includes, but is not limited to horses, cattle, goats, sheep, pigs/swine, donkeys,
131 mules, llamas, alpacas, turkeys, geese, peafowl, and similar hoofed or barnyard animals. Livestock shall
132 not be considered pets or small animals regardless of how they are kept or described by the owner.

133 *Pets (companion animals)* means animals commonly kept for personal companionship within a
134 dwelling and not for agricultural, commercial, or food production purposes. This definition includes dogs,
135 cats, indoor birds, fish, hamsters, guinea pigs, gerbils, reptiles, and similar household animals. Pets shall
136 not include livestock, poultry, or farm animals regardless of whether such animals are kept as pets.

137 *Small Animals (backyard/hobby scale)* means small-scale animals typically kept outdoors for
138 personal use (e.g., eggs or hobby purposes) and not for commercial purposes, that create minimal noise,
139 odor, and land impacts when properly maintained. This definition includes hens, ducks, rabbits, quail, and
140 similar animals of comparable size and impact, including limited or miniature livestock not exceeding a
141 50-lb mature weight. This definition excludes roosters, peafowl, turkeys, geese, livestock as defined
142 herein, and any animal exceeding the weight limit.

143 *Antenna* is an apparatus external to or attached to the exterior of a building or telecommunication
144 tower for sending and/or receiving electromagnetic waves. Antennas may be principal or accessory
145 structures.

146 *Appeal* is a process by which an applicant can challenge the determination or decision-making of a
147 board or administrator of the Code.

148 *Applicant* is the owner or agent for the owner, evidenced by written instrument, requesting approval
149 from the Town and responsible for submitting all necessary information to the Town to confirm
150 compliance with this Code.

151 *Automotive body and paint repair* is an establishment primarily engaged in repairing or customizing
152 automotive vehicles and/or trailer bodies and interiors; and/or painting automotive vehicles and trailer
153 bodies.

154 *Automotive repair and maintenance* is an establishment primarily engaged in the repair or
155 maintenance of motor vehicles, trailers, and similar mechanical equipment where activities are conducted
156 within a completely enclosed building.

157 *Bed and breakfast* is a single-family, owner-occupied dwelling unit that provides guest rooms for
158 rent, where the owner resides at the residence and is on the premises during the rental.

159 *Block* is a parcel of land, intended to be used for urban purposes that is entirely surrounded by
160 public streets, highways, railroad rights-of-way, public walks, cul de sacs, parks or green space, rural land
161 or drainage channels or a combination thereof.

162 *Building* is a structure designed, built, or occupied as a shelter or roofed enclosure for persons,
163 animals, or property used for residential, business, mercantile, storage, commercial, industrial,
164 institutional, assembly, educational, or recreational purposes. For the purpose of this definition "roof"
165 shall include awning or other similar covering, whether or not permanent in nature.

166 *Building area* is the aggregate of the horizontal cross section area of the main building on a lot,
167 excluding cornices, eaves, gutters, chimneys, open porches, open carports, balconies, and terraces
168 projecting not more than 2.5 feet.

169 *Building line* or *required building setback* is the minimum required distance between a property
170 line and the nearest vertical component of a building, including a wall, post, or column.

171 *Building permit* is a written authorization from the Town of Abita Springs to proceed with the
172 construction or alteration of a single family residential dwelling or accessory structure on a buildable lot
173 or parcel of land.

174 *Child care facility* is a facility for the care of infants and other preschool children by non-family
175 members approved and licensed by the appropriate state agency.

176 *Community home* is the same as a group home. *See group home definition.*

177 *Comprehensive Plan or Master Plan* is a plan made by the Planning Commission in the Town that
178 guides the physical development of the Town and includes goals, objectives, and policies regarding the
179 location, character, and design of land use, transportation, and community facilities and infrastructure. For
180 the purpose of this Code, the "Comprehensive Plan" and "Master Plan" are the same.

181 *Container home* is a dwelling constructed from one or more intermodal shipping containers
182 originally constructed as a general cargo container used for the transport of goods and materials.

183 *Crane, scaffolding, machinery, or heavy equipment manufacturing or assembly* is the fabrication or
184 assembly of crane components, scaffolding, machines or heavy equipment used in applications such as
185 construction, oil and gas drilling, maritime shipping, or similar heavy equipment related uses. Processes
186 include forging, welding, stamping, bending, machining, painting, or any other activity inherent to the
187 manufacturing process.

188 *Critical root zone* refers to the roots located within the dripline of a tree. Clarification note:
189 *Dripline* is defined in Section 2. Item 15 of Ordinance No. 184, the Town's Urban Forestry Ordinance, as
190 "the area within the circumference of a circle drawn equal distance in all directions from the trunk of a
191 tree with a radius equal to the length of the limb, measured to the tips of its branches, extending the
192 greatest distance from the trunk of the tree.

193 *Development clearing* is the removal of more than 5 trees, greater than 6 inches DBH, in
194 conjunction with the issuance of a building or development permit for multifamily or nonresidential
195 construction or when approved by the Planning Commission in conjunction with the placement of
196 roadway or utility improvements.

197 *Development permit* is a written authorization to proceed with the construction of a multifamily or
198 nonresidential structure or public or private infrastructure improvements, usually associated with the
199 development of a subdivision subsequent to preliminary subdivision approval by the Planning
200 Commission.

201 *Deviation (subdivision)* refers to acceptable substitutions made possible by Planning Commission
202 approval, when: (1) specifically authorized in the Town's subdivision regulations and (2) such deviations
203 will not have the effect of nullifying the purpose of this Code.

204 *DBH or Diameter Breast Height* is the diameter of the trunk of a tree measured at a height of 4.5
205 feet from the ground.

206 *Debris* is material resulting from tree cutting activity including felled tree trunks and uprooted
207 stumps, but excluding small individual branches or mulch which help retain the soil on the site.

208 *Duplex* is a building that includes 2 dwelling units in a single structure and on a single lot.

209 *Dwelling unit* is one or more rooms providing complete living facilities for one family, including
210 equipment for cooking or provisions for the same, and including a room or rooms for living, sleeping, and
211 eating.

212 *Dwelling, multi-family* is a dwelling or group of dwellings on one plot containing separate living
213 units for 3 or more families, but which may have joint services or facilities.

214 *Engineer* shall mean a registered professional engineer registered in the State of Louisiana.

215 *Essential service* is the erection, construction, alteration, or maintenance by municipal utilities or
216 departments or commissions, of underground or overhead gas, electrical, steam or water transmission or
217 distribution systems, collection, communication, supply or disposal systems, including poles, wires,
218 mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants,
219 and other similar equipment and accessories in connection therewith, but not including buildings
220 reasonably necessary for the furnishing of adequate service by the municipal utilities or departments, or
221 commissions for the public health or safety or general welfare.

222 *Electric Vehicle (EV) charging station* is an electrical component assembly or cluster of component
223 assemblies designed specifically to charge batteries within electric vehicles. EV charging stations are
224 further categorized based on the following levels:

- 225 A. *Level 1* is slow charging 1KW, 120VAC
- 226 B. *Level 2* is medium charging 7-19 KW, 208-240 VAC
- 227 C. *Level 3* is fast or rapid charging 50-350KW, 400-1,000 VAC

228 *Family* is a single individual, or a group of people doing their own cooking and living upon the
229 premises as a separate housekeeping unit in a domestic relationship based upon birth, marriage, or other
230 domestic bond. The occupants of a community home or group home for disabled people or unrelated
231 people occupying a dwelling unit and living as a single housekeeping unit are considered a family for the
232 purpose of this Code.

233 *Feather sign* also known as feather flag sign or harpoon sign, is a vertical sign printed on a flexible
234 material that is suspended on a curved pole.

235 *Flag* is any piece of cloth, or flexible material of any size, color, and design, hoisted on a flag pole
236 permanently affixed to the ground, or displayed via a pole bracket permanently affixed to a building.

237 *Floor area, gross.* For the purpose of determining the ratio of the floor area of a building to the area
238 of the lot, the "gross floor area" shall be the sum of the gross horizontal areas of the several floors of the
239 building excluding areas (1) used for accessory garage purposes, (2) basement and cellar areas, and (3)
240 areas devoted exclusively to uses accessory to the operation of the building. All horizontal dimensions
241 shall be taken from the exterior faces of walls, including walls or other enclosures of enclosed porches.

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

244 *Garage, private,* is a building or part thereof accessory to a main building and providing for the
245 storage of automobiles, and in which no occupation or business for profit is carried on.

246 *Garage, public or storage*, is a building or part thereof other than a private garage for the storage of
247 motor vehicles and in which service station activities may be carried on.

248 *Group home* is a residential facility designed to serve children or adults with disabilities. A group
249 home must be licensed by an agency of the State of Louisiana and/or a state-licensed child placement
250 agency, as a group home, receiving home, or similar Therapeutic Group Home (TGH) or Adult Residential
251 Care Provider (ARCP). A group home and community home are the same for the purpose of this Code.

252 *Guyed tower* is a telecommunication tower that is supported, in whole or in part, by guy wires and
253 related ground anchors.

254 *Home occupation* is an occupation carried out by a resident within a dwelling unit, that is clearly
255 incidental and secondary to the use of the dwelling unit for residential purposes.

256 *Hotel* is a building containing rooms intended or designed to be used or which are used, rented or
257 hired out to be occupied or which are occupied for sleeping purposes by guests and where only a general
258 kitchen and dining room are provided with the building or in an accessory building.

259 *Invasive plant species* is a plant that is non-native to the local ecosystem, and species introduction
260 causes or is likely to cause economic or environmental harm, or harm to human health.

261 *Junk* is any worn out, cast off, or discarded article or material which is ready for destruction or has
262 been collected or stored for salvage or conversion to some use. Any article or material which, unaltered or
263 unchanged and without further reconditioning can be used for its original purposes as readily as when
264 new shall not be considered junk.

265 *Junk yard* is the use of more than 500 square feet of the area of any lot, whether inside or outside a
266 building, or the use of any portion of that half of any lot that joins any street, for the storage, keeping or
267 abandonment of junk.

268 *Lot* is a portion of a tract or other parcel of land intended as a unit for the transfer of ownership or
269 for building development or both, including the development of one ownership with two or more
270 buildings for separate occupancy.

271 *Lot, Corner* is a lot that abuts 2 or more streets at their intersection.

272 *Lot Depth* is the distance between front and rear lot lines. If these lines are not parallel the average
273 of both dimensions shall be the lot depth.

274 *Lot, Double frontage* is a lot that runs through a block from street to street and has frontage on 2 or
275 more streets.

276 *Lot, Interior* is a lot that is not a corner lot.

277 *Lot line, Front* is the line separating the lot from the street or road. The front lot line of a corner lot
278 shall be the shortest line.

279 *Lot line, Rear* is the line opposite and generally parallel to the front lot line. The rear lot line of a
280 triangular or irregularly shaped lot shall be no less than 10 feet long lying wholly within the lot, parallel
281 to and the greatest distance from the front lot line.

282 *Lot line, Side* is any lot line that is not a front or rear lot line.

283 *Lot of record* is a parcel of land, the dimensions of which are shown on a map on file with the Clerk
284 of Court of St. Tammany Parish prior to October 1, 1978. All lots of record shall have ingress and egress
285 by means of a public street or road.

286 *Lot, Reverse frontage* is a lot fronting on 2 parallel streets but with access to only one.

287 *Lot width* means the width of the lot at the building setback line measured parallel to the street
288 right-of-way line.

289 *Machinery manufacturing* is the fabrication or assembly of machines and heavy equipment used in
290 applications such as construction, oil and gas drilling, maritime shipping, or similar heavy equipment
291 related uses. Processes include forging, welding, stamping, bending, machining, painting, or any other
292 activity inherent to the manufacturing process.

293 *Managed buffer* is a roadway or adjacent-use buffer on a developed site where:

- 294 A. No trees greater than 2 inches DBH are to be removed;
- 295 B. Trees are required to be planted, if the buffer area does not meet minimum applicable
296 standards; and
- 297 C. Understory trees, groundcover and shrubs are allowed to be managed in accordance with an
298 approved landscape plan.

299 *Manufactured home* means a factory-built, residential dwelling unit constructed to standards and
300 codes as promulgated by the United States Department of Housing and Urban Development (HUD),
301 under the National Manufactured Housing Construction and Safety Standards Act of 1974. Further, the
302 terms "mobile home," "manufactured home," and "manufactured housing" can be used interchangeably
303 and apply to structures bearing the permanently affixed seal of the United States Department of Housing
304 and Urban Development or to factory-built, residential dwellings that are mounted on a chassis.
305 Manufactured homes can be characterized by being affixed to a permanent foundation (fill, piers, pilings,
306 or a slab) and once placed on a site and are no longer "road-ready," meaning that all wheels are removed,
307 and the structure does not contain any portion of a self-propelled vehicle. Manufactured homes are also
308 characterized by a red "HUD tag" and a "data plate" showing the wind zone for the structure and
309 manufacturing information.

310 *Marquee sign* shall mean any sign attached to or hung from a marquee. For the purpose of this
311 code, a marquee is a covered structure projecting from and supported by the building with independent
312 roof and drainage provisions that is erected over a doorway, or doorways as protection against the
313 weather.

314 *Master Plan* means a statement of public policy for the planned physical development of the Town
315 of Abita Springs adopted by the Planning Commission via resolution. Master Plan and Comprehensive
316 Plan are the same.

317 *Mobile home* See *Manufactured home*.

318 *Modular home* is a home that is designed, built, permitted and inspected and must be installed on
319 permanent foundations (e.g., poured footers, stem walls & poured piers or engineered slabs, as with site
320 built homes) that are designed and built specifically for that home by a contractor licensed by the State.
321 The term "modular home" does not include manufactured or mobile homes regulated by the HUD code or
322 the National Manufactured Housing Construction and Safety Standards Act of 1974.

323 *Monopole tower* is a telecommunication tower consisting of a single pole or spire self supported by
324 a permanent foundation, constructed without guy wires and related ground anchors.

325 *Multi-family dwelling* is a building that includes 3 or more dwelling units in a single structure and
326 on a single lot.

327 *Nonconforming use* is a use that was legally established, but which is no longer classified as a
328 permitted use or no longer classified as a special use in the zoning district in which it is located.

329 *Non-invasive species, or native plant*, is a plant that is a part of the balance of nature that has
330 developed over hundreds or thousands of years in a particular region or ecosystem.

331 *Notice or public hearing notice* is the method by which a board, commission, or public body
332 provides information to the public about how to participate in a public hearing. Notice procedures in the
333 Town are subject to Louisiana Open Meetings Law including Louisiana Revised Statutes Title 42: Public
334 Officers and Employees and 43: Public Printing and Advertisements as well as applicable Federal and
335 local laws. Notice for public hearings is typically accomplished using advertisements in the Town’s
336 newspaper of record and may also use a publicly accessible website, printed signs, or mailed letters.

337 *Occupancy* pertains to and is the purpose for which a building is used or is intended to be used;

338 *Owner* is a person who is named on the real property document, translative of title, or recorded in
339 the St. Tammany Parish Clerk of Court’s Office.

340 *Parcel* is any lot of record, any group of contiguous lots owned by the same person(s), firm or
341 corporation, or any other property not previously subdivided into lots of record.

342 *Planner* shall mean a professional working in the field of urban planning responsible for the design
343 and implementation of planning studies, comprehensive or master plans, and related land development
344 plans designed to promote the orderly growth and development of the Town as a whole and of subareas
345 within its boundaries.

346 *Planner, Senior* shall mean an active, certified professional planner registered with the American
347 Institute of Certified Planners, indicated by the credentials “AICP.”

348 *Plat, Preliminary* is a map of a proposed land subdivision showing the character and proposed
349 layout of the tract in sufficient detail to indicate the suitability of the proposed subdivision of land.

350 *Plat, Final* is a map of a land subdivision prepared in a form suitable for filing of record with
351 affidavits, dedications and acceptance, in accordance with Chapter 4 of this Code, including complete
352 bearings and dimensions of all lines defining lots and blocks, streets, alleys, public areas, and other
353 dimensions of land and containing such other information as is required.

354 *Previously developed parcel* is any parcel of land upon which a structure was previously
355 constructed or which has been previously wholly or partially cleared of trees in accordance with Town
356 laws.

357 *Primary façade* is the principal elevation of a structure facing a street or public right of way. On a
358 corner lot, the primary façade is the one with the most prominent entrance.

359 *Primary street* is the street immediately abutting the primary building(s), main entrance, or the front
360 orientation.

361 *Public hearing* is a meeting of a board, commission, or public body (see definition of “public body”
362 and “meeting” in Louisiana Revised Statutes 42:13) that is open to the public, allows the public to
363 observe the hearing and allows for some means of public comment. Public hearings are subject to
364 Louisiana Open Meetings Laws.

365 *Recreational Vehicle (RV)* means a vehicle that is built on a single chassis, designed to be self-
366 propelled or permanently towable, and designed primarily not for use as a permanent dwelling but as
367 temporary living quarters for recreational, camping, travel or seasonal use.

368 *Rehabilitative care center* is a building other than an apartment hotel, hotel, group home, rooming
369 house, tourist home, motel or motor lodge, providing temporary lodging and board and a special program
370 of specialized care and counseling on a full-time basis. Such a center includes but is not limited to centers
371 that provide for alcohol and drug abuse clientele, former inmates of prisons or correctional institutions, or
372 former patients of mental illness institutions. A rehabilitative care center must be licensed by an agency of
373 the State of Louisiana as a rehabilitative or similar Therapeutic Group Home (TGH) or Adult Residential
374 Care Provider (ARCP) care facility and shall be operated by an entity that is similarly licensed by the
375 State of Louisiana.

376 *Replacement tree* is a tree having a minimum of 2 inches DBH at the time of planting, which is or
377 was required to be planted by the provisions of this Code, to replace a previously existing tree.

378 *Residential clearing* is the removal of more than 5 trees greater than 6 inches DBH, in conjunction
379 with the issuance of a single-family residential building permit.

380 *Resubdivision* is synonymous with "subdivision," and refers to the consolidation of 2 or more lots,
381 plats, tracts, parcels, or other divisions of land into one or more lots, plats, tracts, parcels, or other
382 divisions of land.

383 *Right-of-way* is a grant by the property owner, usually in the form of a dedication to the public, of a
384 strip or strips of land, title to which shall rest in the public for the purpose stated in the dedication.

385 *RV campsite* includes any place or premises adapted for parking or used for parking 2 or more RVs
386 for living or sleeping purposes, or any place or premises used or held out to the public for the purposes of
387 supplying motor trailers or house cars for living or sleeping purposes.

388 *Self support lattice tower* is a telecommunication tower that is constructed without guy wires and
389 related ground anchors that is not a monopole tower.

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

392 *Short-term rental* is the rental of a residential dwelling unit or accessory building on a temporary
393 basis for the purpose of overnight lodging for a period of 30 consecutive days or less.

394 *Sidewalks* are the portion of a street or crosswalk, right-of-way, paved or otherwise surfaced,
395 intended for pedestrian use only.

396 *Sign* is a physical image or copy that is attached to a building or land that may include any symbol,
397 device, image, poster, flag, banner, billboard, or wayfinding sign, whether painted upon, attached to,
398 erected on, or otherwise maintained on any premises containing any words, letters, logos, emblems, or
399 image. The term "Sign" shall not include the following: architectural elements incorporated into the
400 structure or facade of a building; devices, displays, or structures that are visible only from the inside of a
401 building.

402 *Sign area* is the area of the sign face together with any frame or other material forming an integral
403 part of the display or used to differentiate such sign from the background against which it is placed. Any
404 structure, or part of a structure, which departs from standard architectural procedures in an attempt to
405 attract attention to the premises by reason of color scheme, building shape, or unusual architectural
406 features shall be considered part of the sign area and is subject to all pertinent regulations. Those portions
407 of the supports, uprights, base of a sign or area used for street address that do not function as a sign shall
408 not be considered as part of the sign area.

409 *Site development plan* is a plot or survey prepared and certified by a registered engineer showing
410 the size and location of each lot, and the location of all water distribution lines, sewage collection lines,
411 electrical distribution lines, sewage collection lines, electrical distribution lines, telephone service lines
412 and other such utilities, and specifications thereon; and such other specifications, and information as may
413 be required by this Chapter or any regulations and requirements issued pursuant hereto.

414 *Small Box Discount store* is a retail establishment that offers for sale a combination and variety of
415 convenience shopping goods and consumer shopping goods and conspicuously markets items in their
416 inventory for sale at a price per item of \$5.00 or less. This definition includes stores commonly known as
417 "dollar stores." A small box discount store is distinguished from a grocery store based on its inclusion of
418 a substantial proportion of non-grocery items or non-refrigerated items. A small box discount store is
419 distinguished from a boutique retail store or a convenience store based on its advertising or marketing
420 emphasis on small-cost items (\$5.00 or less) and its franchise or national model.

421 *Snipe sign* is a sign that is attached to vegetation of any kind, landscape materials, utility poles,
422 public infrastructure, or fences. Snipe signs are generally temporary in nature and this definition includes
423 signs attached to a building that were not posted or approved by the property owner.

424 *Specifically protected trees* are Cypress, Live Oak, Longleaf Pine and Magnolia, measuring 6
425 inches DBH or greater, which are required to be preserved.

426 *Spoils* means the removal of soil or debris during construction.

427 *Streets* means a public thoroughfare used as a way for pedestrians and vehicular traffic, whether
428 designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place
429 or however otherwise designated.

430 *Street, Arterial and Highways* are streets and roadways that are used primarily for fast or heavy
431 traffic and that form a part of the existing or projected Federal Aid Highway System, or the State
432 Highway System.

433 *Street, Major* is a street that provides easy access to the various traffic generators within the Town
434 and to the arterial highway system.

435 *Street, Collector* is a street that carries traffic from minor streets to the major streets in residential
436 and business areas and includes the principal entrance streets of a residential development and streets for
437 circulation within such a development.

438 *Street, Minor* is a street that is used primarily for access to abutting properties.

439 *Street, Cul-De-Sac* is a minor street with a turn-around that is permanently closed to through traffic
440 and used primarily for access to abutting properties.

441 *Street, Frontage or Service* is a minor street auxiliary to and located on the side of a major street for
442 service to abutting properties and adjacent areas for control of access and protection from through traffic.

443 *Street Right-of-Way* is that area dedicated to public use for streets, walks, drainage, and utility
444 servitudes, etc. between front property lines.

445 *Structure* is anything constructed or erected that requires location on the ground or attached to
446 something having location on the ground, including signs and billboards, but not including fences or walls
447 used as fences.

448 *Subdivider* is any person, firm, partnership, corporation or other entity, acting as a unit, subdividing
449 or proposing to subdivide land as herein defined. *Subdivider* and *developer* are the same.

450 *Subdivision* means the division of a lot, tract, or parcel of land into 2 or more lots, plats, sites or
451 other divisions of land for the purpose, whether immediate or future, of sale or of building development.
452 It includes resubdivision and relates to the process of subdividing or to the land or territory subdivided.

453 *Subdivision, Administrative* refers to the administrative approval of subdivision requests involving
454 the realignment or shifting of boundary lines in accordance with Chapter 4 of this Code and the minimum
455 requirements and procedures set forth in this Code.

456 *Subdivision, Minor* refers to subdivisions that involve the creation, amendment or subdivision of 5
457 or fewer lots, with no proposed or required infrastructure improvements. Minor subdivisions may obtain
458 final approval after one public hearing of the Planning Commission provided all conditions of these
459 subdivision regulations and the Code of Ordinances are met.

460 *Subdivision, Major* refers to all subdivision applications that include the provision of infrastructure,
461 are not eligible for administrative or minor subdivision plat approval, and may involve more than 10 lots
462 or 5 acres.

463 *Surveyor* is a Professional Land Surveyor registered in the State of Louisiana.

464 *Telecommunication tower* is a tower, pole, or similar structure constructed principally for the
465 purpose of supporting one or several telecommunication antennas operated for commercial purpose above
466 ground in a fixed location, freestanding, guyed, or on a building or other structures.

467 *Telecommunications* is the transmission between or among points specified by the user, of
468 information for the user's choosing, without change in the form or content of the information as sent and
469 received.

470 *Timber harvesting* is cutting of trees for profit by an applicant on parcels of land 6 acres or greater
471 in size.

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

479 *Tree removal* is the removal of any specifically protected tree (as defined herein) or more than 5
480 trees, 6 inches DBH or greater, per previously-developed parcel, when not being removed in conjunction
481 with the issuance of a building or development permit.

482 *Townhouse* is a single-family attached dwelling forming part of a series of attached dwellings with
483 property lines and the required fire walls separating each dwelling or a detached single-family home.

484 *Townhouse subplot* is a lot approved by the Planning Commission where a townhouse is allowed to
485 be constructed.

486 *Uncut vegetation buffer* is an area on the periphery of a parcel where the existing trees and
487 understory vegetation are to remain in the condition they were in at the time of the permit application or
488 be replaced, if previously removed in violation of this Part.

489 *Utility* is a commodity or service that is of public convenience and need, such as electricity, gas,
490 sewer, water, transportation, or telephone or telegraph service.

491 *Vacant*, for the purposes of this Part the word "vacant" means that the building or land has not been
492 occupied or used in whole or in part, or by any nonconforming use, for a period of 12 calendar months.
493 Neither the intention of the owner nor that of anybody else to use a building or lot or part of either for any
494 prohibited business, nor the fact that the building or lot or part of either may have been used by a
495 makeshift or pretended business, shall be taken into consideration when interpreting and construing the
496 word "vacancy" in this Part; provided that any building or part of any building known as a place of
497 business, which had been constructed at the date of the adoption of any prohibitory ordinance affecting
498 the building or part thereof shall not be deemed vacant for a period of 12 months from that date, and any
499 building or part thereof which had not been constructed at that date, if completed within 12 months from
500 that date, shall not be deemed vacant for a period of 12 months from the date of its completion; provided
501 further that if the lessee of any building or place used or occupied for commercial purposes under a lease
502 duly recorded in the conveyance office shall at any time before the expiration of the lease cease to occupy
503 or use the building for commercial purposes, the building or place shall nevertheless be considered as
504 used or occupied for those purposes and shall not be considered vacant until the owner of the building or
505 place shall again obtain legal control of its occupancy and use.

506 *Variance* is an exception to the strict application of the Code of Ordinances to a specific site to
507 resolve a hardship that would result in a strict application of the Code based on the specific characteristics
508 of the property. If granted, a variance "runs with the land" meaning that the variance is issued
509 permanently to the subject property.

510 *Waterway* is a river, creek and includes all natural tributaries and manmade drainage improvements.

511 *Wireless facility* is a telecommunication tower, antennae, wireless transmission and relay
512 equipment, perimeter fencing, and any other equipment or buildings necessary for the operation of
513 wireless reception and transmission.

514 *Wireless transmission and relay equipment* is any system of rods, wires, poles, reflecting discs, or
515 similar devices used for the transmission or reception of telecommunications signals external to or
516 attached to the exterior of any building or other structure.

517 *Yard* is an open space other than a court, on a lot, unoccupied and unobstructed from the ground
518 upward, except as otherwise provided in this Part.

519 *Yard, front*, is an open unoccupied space on the same lot with a main building, extending the full
520 width of the lot and situated between the street line and the front building line projected to the side lines
521 of the lot.

522 *Yard, rear*, is an open unoccupied space on the same lot with the building between the rear line of
523 the building and the rear line of the lot extending to the full width of the lot.

524 *Yard, side*, is an open unoccupied space on the same lot with the building situated between the
525 building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a
526 rear line or a front line shall be a side line.

527 **Sec. 9-201. – GENERAL REQUIREMENTS AND APPLICATIONS**

528 A. *Purpose*. The purpose of this Chapter is to consolidate the procedures relevant to filing and
529 processing applications for land use, zoning, or subdivision actions within the Town.

530 B. *Types of applications and processes*. **Table 9-201.1**. details the applications and processes that
531 support land development in the Town.

532 C. *Permit requirement and administration*.

533 1. Except as otherwise provided, the Building Inspector, Planning and Zoning Director, and the
534 Town Clerk shall administer this Land Development Code including the receiving of
535 applications. The Building Inspector shall approve building permits and premises and enforce
536 this Land Development Code. No building permit shall be issued by the Town Clerk, except
537 in cases in which the provisions of this Land Development Code have been complied with
538 and only after approval of the Building Inspector.

539 2. No vacant lands shall be occupied or used and no building or structure shall be erected, added
540 to, repaired, or structurally altered until a permit has been issued by the Building Inspector.
541 All applications for permits shall be in accordance with the requirements of this Land
542 Development Code.

543 3. Applications for Building Permits shall be made to the Building Inspector upon a form
544 furnished by the Town and approved by the Building Inspector which shall state, among other
545 things, the following:

- 546 a. The name and address of the owner of the land;
- 547 b. The name and address of the owner of the building, if different;
- 548 c. The location of the property; and
- 549 d. The nature of the improvements, alterations, or repairs.

550 Attached to the form shall be furnished plans and drawings as determined to be necessary by
551 the Building Inspector to show the essential features of the building or structure and the

552 proposed construction, alteration, repair, or removal of the same. Also attached to the form
553 shall be an official statement from the St. Tammany Parish School Board indicating the
554 current capacities and enrollment of those present school facilities and the capacities and
555 expected completion dates of those planned, funded school facilities (if any) which will
556 provide educational services for students who reside in the Town of Abita Springs. This
557 information shall be considered as a factor in the decision making process for such building
558 permit before such permit shall be issued.

559 4. There shall be submitted with all applications for building permits, including those for new
560 additions and new building construction, 2 copies of the layout or plat drawn to scale,
561 showing the actual dimensions of the lot to be built upon, the exact size and location on the
562 lot of the building and appurtenant structure to be erected, a set of specifications, a building
563 plan, and other information as may be necessary to determine and provide for the
564 enforcement of this Chapter. Final approval shall not be made until the Building Inspector has
565 made a final inspection with approval.

566 5. On outside wall alterations bordering a public street or a new construction facing a public
567 street, or on commercial buildings in a commercial zone, or on accessory buildings in
568 residential zones built on a street line, the applicant shall attach to the application 2 copies of
569 a plan or sketch made by a licensed civil engineer or a licensed surveyor showing the
570 measured property line of the lot on which the building is or will be located and an outside
571 outline of the building or buildings facing the public street with measurements with relation
572 to the property line. Before work is begun, the civil engineer or surveyor shall stake the
573 property line along the public street.

574 6. One copy of the layout plat plan shall be returned when approved by the Building Inspector
575 together with the permit to the applicant upon the payment of a fee in accordance with a
576 schedule of amounts of building fee as set by the Mayor. The amount of such fee shall be
577 published on the website of the Town and included in a list of such fees made available at the
578 Office of the Town Clerk.

579 7. Applications for building permits shall be acted upon within 5 working days from the date on
580 which a complete application is submitted.

581 8. A building permit shall be valid for one year from the date of issuance.

582

583

584 **Table 9-201.1. – Land Management Applications and Processes.**

585 Key:

586 R = Review

587 RR = Review and Recommend

588 D = Final Decision

589 A = Appeal

APPLICATION TYPE	PUBLIC HEARING REQUIRED	REVIEW BODY					FURTHER INFO. LOCATED IN
		PLANNING AND ZONING DEPT.	PLANNING COMMISSION	HISTORIC COMMISSION	BOARD OF ALDERMEN	22 ND JUDICIAL DISTRICT COURT	
Comprehensive Plan Amendment or New Comprehensive Plan Adoption	Yes	RR	D		A		Sec. 9-204.
Amendments to the Code of Ordinances, Part 9	Yes	RR	RR		D	A	Sec. 9-205.
Zoning map amendments	Yes	RR	RR		D	A	Sec. 9-206.
Conditional Use	Yes	RR	D		A		Sec. 9-207.
Development review	No	D					Sec. 9-208.
Certificate of Appropriateness	Yes	R		D	A		Sec. 9-209.
Variances	Yes	R	D		A		Sec. 9-210.
Appeals of Administrative Decisions	Yes		D		A		Sec. 9-211.
Minor Subdivisions	No	D					Sec. 9-215.
Major Subdivisions	Yes	R	D		A		Sec. 9-215.
Public Infrastructure Dedication or Revocation of Streets	Yes	RR	RR		D	A	Sec. 9-216.

590

591 D. *Filing Applications.*

592 1. Applications for the processes listed in **Table 9-201.1.** must be submitted to the Planning and
593 Zoning Department using forms provided by the Planning and Zoning Department.

594 2. Applicants for the processes listed in **Table 9-201.1.** have an opportunity to request a pre-
595 application conference with the Planning and Zoning Director or their designee prior to filing
596 an application to discuss procedures, standards, and regulations applicable to the request. This
597 pre-application conference is not required, but is beneficial to the applicant.

598 3. The Planning and Zoning Department shall provide forms, advise of deadlines, and outline
599 fees for the applications listed in **Table 9-201.1.** and may update this information and
600 requirements as necessary to cover administrative needs and costs.

601 E. *Completeness Review.*

602 1. The Planning and Zoning Director or their designee shall review all applications to verify that
603 the application is complete and includes all required information as directed by the
604 application instructions and all necessary information to determine if the request is in
605 conformance with this Code.

606 2. If an application submitted is incomplete, the Planning and Zoning Director or their designee
607 shall inform the applicant of deficiencies and shall not process the application until such
608 deficiencies are remedied.

609 3. The applicant's failure to resolve an application deficiency is grounds for the Town to reject
610 the application and not schedule the case for a public hearing or action as shown in **Table 9-**
611 **201.1.**

612 4. Complete applications will be reviewed for compliance or scheduled for public hearing or
613 appropriate action per **Table 9-201.1.**

614 F. *Withdrawal of Applications.*

615 1. Any application withdrawn from the processes in **Table 9-201.1.** must be withdrawn via
616 written communication to the Planning and Zoning Director or their designee. In such cases,
617 the Town shall not be obligated to return application fees to the applicant.

618 2. Applications that do not require a public hearing may be withdrawn at any time in the review
619 process.

620 3. Applications or appeals requiring public hearings may be withdrawn prior to the public
621 hearing where a decision is rendered. Once a decision is rendered, the application or appeal
622 may not be withdrawn.

623 G. *Resubmission of Denied Applications.*

624 1. Applications that have been denied by the relevant entities (with "D" shown in **Table 9-**
625 **201.1.**) may not be resubmitted within one year of the date of denial unless changes to
626 applicable regulations have been demonstrated by the applicant.

627 2. The Planning and Zoning Director shall make the determination on whether changes to
628 regulations applicable to the application are demonstrated.

629 3. Nothing in this Section shall prevent the appeals processes indicated in **Table 9-201.1.**

630 **Sec. 9-202. – NOTICE FOR PLANNING COMMISSION AND HISTORIC**
631 **COMMISSION HEARINGS.**

632 A. *Methods of Notice.* Notice of public hearing by the Planning Commission or Historic Commission
633 will be by means of the following 3 procedures:

634 1. The date, the location, and the subject of the hearing will be posted in the official journal of
635 the Town once a week in 3 different weeks commencing at least 15 days prior to the hearing
636 date.

637 2. The Planning and Zoning Department will install onsite an official sign including the date,
638 the location, and the subject of the hearing.

- 639 3. The date, the location, and the subject of the hearing will be posted on the Town's website.
- 640 B. *Validity of Defective Notice.* No action on any application submitted for public hearing by the
641 Planning and Zoning Commission or Historic Commission shall be declared invalid by reason of
642 any defect in notice, provided the Planning and Zoning Department has made an effort to publish
643 notice in the official journal and has notified the applicant of the time and date of the hearing.
- 644 C. *Special Notice Procedure: Notification to adjacent property owners for revocation, exchange, or*
645 *sale of right-of-way.*
- 646 1. All property owners which are adjacent to that portion of a public street right-of-way which
647 has been recommended for disposal by the Planning Commission to the Board of Aldermen
648 of the Town shall be notified by registered mail.
- 649 2. Such registered mail shall be sent at least 15 days prior to the meeting of the Board of
650 Aldermen when action will be taken on the street revocation. This notification shall be sent to
651 the record owner of the property which is adjacent to that portion of the street right-of-way
652 sought to be disposed of. Certification by the Clerk of the Board of Aldermen for the Town of
653 Abita Springs of such mailing shall be sufficient for the proof thereof.

654 **Sec. 9-203. – PUBLIC HEARING**

- 655 A. *Purpose and Applicability.* Where indicated by **Table 9-201.1.**, a public hearing is required for
656 certain land development requests to the Town. The purpose of this hearing is to enable the public's
657 awareness of the subject request and to allow the applicant and any other interested parties to voice
658 public comment on the matter.
- 659 B. *Applicable laws beyond this Code.* Public hearings held in fulfillment of the public hearing
660 requirements of this Chapter must be conducted in conformance with applicable state and local
661 conduct and open meetings laws.
- 662 C. *Continuances or Deferred Items.* If a board or commission required to hold a public hearing in
663 fulfillment of this Chapter votes to defer an item to a future meeting, additional notice for the
664 deferred item is not required.
- 665 D. *Conduct and Public Comment.* The chairperson of each board or commission, or vice chairperson
666 in the chairperson's absence, shall conduct the meeting according to state law and Robert's Rules of
667 Order, including allowing public comment on any items on the meeting agenda.

668 **Sec. 9-204. – AMENDMENTS TO THE COMPREHENSIVE PLAN OR ADOPTION OF**
669 **A NEW COMPREHENSIVE PLAN**

- 670 A. *Process.* Amendments to the Comprehensive Plan or Adoption of a new Comprehensive Plan must
671 proceed through the following steps (see excerpt from **Table 9-201.1.**):
- 672 1. *Initiation.* The Planning and Zoning Director (or their designee) or the Planning Commission
673 can initiate either amendments to the Comprehensive Plan or adoption of a new
674 Comprehensive Plan. A motion or majority vote by the Planning Commission is not required
675 to initiate these processes.
- 676 2. *Review and decision.* The Planning and Zoning Department must review proposed
677 amendments to the Comprehensive Plan or adoption of a new Comprehensive Plan and
678 provide a recommendation to the Planning Commission on this matter. This recommendation
679 may be accompanied by a staff report.
- 680 3. *Hearing and decision.* The Planning Commission must hold a public hearing for proposed
681 amendments to the Comprehensive Plan or the adoption of a new Comprehensive Plan. The

682 Planning Commission may hold multiple hearings prior to final decision. The Planning
 683 Commission may approve, deny, or defer a motion for proposed amendments or new
 684 Comprehensive Plan. If the motion is approved by majority vote, the Comprehensive Plan
 685 shall be updated per the motion. If the motion is denied by majority vote, the Planning and
 686 Zoning Department and Planning Commission may coordinate to amend the proposed content
 687 and bring back a new proposal to the Planning Commission. If there is a tie vote or if the
 688 Planning Commission votes to defer action on the item, the item shall be heard at a following
 689 meeting, with time and date determined by the Planning Commission.

690 **Excerpt from Table 9-201.1.**

APPLICATION TYPE	PUBLIC HEARING REQUIRED	REVIEW BODY				
		PLANNING AND ZONING DEPT.	PLANNING COMMISSION	HISTORIC COMMISSION	BOARD OF ALDERMEN	22 ND JUDICIAL DISTRICT COURT
Comprehensive Plan Amendment or New Comprehensive Plan Adoption	Yes	RR	D		A	

691

692 B. *Status and appeal.* A Comprehensive Plan adopted by the Planning Commission shall become
 693 effective per such motion to adopt. The Plan shall be implemented by the Town’s administrative
 694 departments, Board of Aldermen, and boards and commissions and such entities shall consult the
 695 Plan to confirm that their actions are consistent with it. Appeals to the amendment or adoption of a
 696 Comprehensive Plan shall be processed by the Board of Aldermen at a public hearing, however
 697 action by the Board of Aldermen shall be limited to the following:

- 698 1. Concurrence with the appeal and requiring the Planning Commission to adopt an amendment
 699 or new Comprehensive Plan; or
- 700 2. Denial of the appeal.

701 **Sec. 9-205. – AMENDMENTS TO THE CODE OF ORDINANCES, PART 9**

702 A. *Process.* Amendments to the Code of Ordinances, Part 9 – Planning, Zoning, and Development
 703 must proceed through the following steps (see excerpt from **Table 9-201.1.** below):

- 704 1. *Initiation.* The Planning and Zoning Director (or their designee), Planning Commission, or
 705 the Town Board of Aldermen can initiate amendments to the Code of Ordinances, Part 9. A
 706 motion or majority vote by the Planning Commission is not required to initiate these
 707 processes.
- 708 2. *Review and decision.* The Planning and Zoning Department must review the proposed
 709 amendments to Code of Ordinances, Part 9 and provide a zoning recommendation to the
 710 Planning Commission and Board of Aldermen on this matter. This recommendation may be
 711 accompanied by an administrative report.
- 712 3. *Planning Commission Hearing.* The Planning Commission must hold a public hearing for the
 713 proposed amendments, identify the matter as a zoning item on the Planning Commission’s
 714 agenda, and provide a recommendation to the Board of Aldermen. The Planning Commission
 715 may hold multiple hearings prior to final decision on this matter. The Planning Commission
 716 may recommend approval, denial, approval with modifications, or deferral on the subject
 717 amendments. If there is a tied vote or if the Planning Commission votes to defer action on the
 718 item, the item shall be heard at a following meeting, with time and date determined by the

719 Planning Commission. Any other recommendation from the Planning Commission may be
 720 forwarded to the Board of Alderman for their final action. If the Planning Commission
 721 recommends denial of the amendment to the Code of Ordinances, Part 9, the Board of
 722 Aldermen is not required to hear or act on the subject amendment, in which case it shall be
 723 automatically denied.

724 **Excerpt from Table 9-201.1.**

APPLICATION TYPE	PUBLIC HEARING REQUIRED	REVIEW BODY				
		PLANNING AND ZONING DEPARTMENT	PLANNING COMMISSION	HISTORIC COMMISSION	BOARD OF ALDERMEN	22 ND JUDICIAL DISTRICT COURT
Amendments to the Code of Ordinances, Part 9	Yes	RR	RR		D	A

725

726 B. *Status and Appeal.* Amendments to the Code of Ordinances, Part 9 shall be enacted as all Code
 727 amendments by the Board of Aldermen. Appeal shall follow the standard process of appeals of
 728 actions of the Board of Aldermen. See the Code of Ordinances, Part 2 for more information on
 729 powers and procedures of the Board of Aldermen.

730 **Sec. 9-206. – ZONING MAP AMENDMENTS**

731 A. *Process.* Amendments to the Official Town Zoning Map must proceed via the following steps (see
 732 summary excerpt from **Table 9-201.1.** below):

733 1. *Initiation.* A Zoning Map amendment may be initiated by property owners, the Planning and
 734 Zoning Director or their designee, the Planning Commission, or the Town Board of
 735 Aldermen.

736 a. *Initiation by property owner.* A property owner (or group of property owners holding
 737 50% or more) of a property may request a change to the zoning map for the property
 738 that they own.

739 b. *Initiation by Town.* The Planning and Zoning Director (or their designee), Planning
 740 Commission, or the Town Board of Aldermen can initiate amendments to the Zoning
 741 Map. A motion or majority vote by the Planning Commission is not required to initiate
 742 these processes.

743 2. *Review and decision.* The Planning and Zoning Department must review the proposed Zoning
 744 Map amendments, identify the matter as a zoning item on the Planning Commission’s
 745 agenda, and provide a recommendation to the Planning Commission and Board of Aldermen
 746 on this matter. This recommendation may be accompanied by a staff report.

747 3. *Planning Commission hearing.*

748 a. The Planning Commission must hold a public hearing for the proposed amendments
 749 and provide a recommendation to the Board of Aldermen. The Planning Commission
 750 may hold multiple hearings prior to final decision on this matter.

751 b. The Planning Commission must consider the following in making its recommendation
 752 on the subject request:

753 i. Lessening the congestion in public streets;

754 ii. Securing safety from fire;

- 755 iii. Promoting health and general welfare;
- 756 iv. Providing adequate light and air;
- 757 v. Avoiding undue concentration of population;
- 758 vi. Facilitating adequate transportation, water supply, sewerage, schools, parks and
- 759 other public requirements;
- 760 vii. Reasonable consideration of the character of the district, and its particular
- 761 suitability for particular uses;
- 762 viii. Consistency with the Town’s Comprehensive Plan; and
- 763 ix. Reasonable consideration with a view to conserving the value of the buildings
- 764 and encouraging the most appropriate use of land throughout the Town.
- 765 c. The Planning Commission may recommend approval, denial, approval with
- 766 modifications, or deferral on the subject amendments. If there is a tie vote or if the
- 767 Planning Commission votes to defer action on the item, the item shall be heard at a
- 768 following meeting, with time and date determined by the Planning Commission. Any
- 769 other recommendation from the Planning Commission may be forwarded to the Board
- 770 of Alderman for their final action. If the Planning Commission recommends denial of
- 771 the Zoning Map amendment, the Board of Aldermen is not required to hear or act on
- 772 the subject amendment, in which case it shall be automatically denied.
- 773 4. *Board of Aldermen decision.*
- 774 a. The Board of Aldermen shall vote to approve, deny, or defer the requested Zoning Map
- 775 amendment, unless the amendment does not require Board action per **Sec. 9-206. A.3.c.**
- 776 b. In the event of a protest against a change, duly signed by the owners of 20 percent or
- 777 more of the area in the immediate vicinity of the proposed zoning change, the
- 778 amendment shall not become effective except by the favorable vote of three-fifths of
- 779 the members of the Board of Aldermen. For the purpose of administering this
- 780 provision, “in the immediate vicinity” means those properties within 500 feet of the
- 781 subject site of the rezoning application, measured radially from the property lines of the
- 782 subject property.
- 783

784 **Excerpt from Table 9-201.1.**

APPLICATION TYPE	PUBLIC HEARING REQUIRED	REVIEW BODY				
		PLANNING AND ZONING DEPARTMENT	PLANNING COMMISSION	HISTORIC COMMISSION	BOARD OF ALDERMEN	22 ND JUDICIAL DISTRICT COURT
Zoning map amendments	Yes	RR	RR		D	A

- 785
- 786 B. *Status and Appeal.* Amendments to the Zoning Map shall be enacted promptly by administrative
- 787 staff once approved by the Board of Aldermen. Appeal shall follow the standard process of appeals
- 788 of actions of the Board of Aldermen. See the Code of Ordinances, Part 2 for more information on
- 789 powers and procedures of the Board of Aldermen.

790 **Sec. 9-207. – CONDITIONAL USE PERMIT**

791 A. In order to accomplish the general purpose of these regulations, there are certain uses which must
792 be recognized in addition to the regular permitted uses of a district because of unusual
793 characteristics or the service they provide the public. Because the principal objective of this
794 ordinance is to promote an orderly arrangement of compatible buildings and land uses, these
795 conditional use permits require special regulations to achieve compatibility with existing or planned
796 development.

797 B. *Process.* The issuance of a Conditional Use Permit must proceed via following steps (see excerpt
798 from **Table 9-201.1.** below):

- 799 1. *Initiation.* A property owner (or group of property owners holding 50 percent or more of a
800 property) may request a Conditional Use Permit for the property that they own.
- 801 2. *Review and recommendation.* The Planning and Zoning Department shall accept the
802 Conditional Use Permit application, review the proposal, and provide a recommendation to
803 the Planning Commission on the request. This recommendation may be accompanied by a
804 staff report.
- 805 3. *Considerations.* Conditional use permits may be granted after consideration of the following:
- 806 a. The location and size of the use, the nature and intensity of the operation involved in
807 (or conducted in connection with) the use, the size of the site in relation to the use, and
808 the location of the site with respect to streets giving access to the site shall be such that
809 the use will be in harmony with the land uses in the zoning district in which it is
810 located.
- 811 b. Time limit requirements for length of permit use.
- 812 c. Hours of operation for use, buffering and/or landscaping above the minimum Town
813 requirements.
- 814 d. The location, nature and height of structures, walls and fences, and the nature and
815 extent of landscaping on the site shall be such that the use will not hinder or discourage
816 the development and use of adjacent land and structures.
- 817 e. Parking areas shall be of adequate size for the particular use, properly located and
818 suitably screened from adjoining residential uses, and the ingress and egress drives
819 shall be laid out so as to achieve maximum safety.
- 820 f. Preservation of historic architecture.
- 821 3. *Planning Commission hearing and decision.* The Planning Commission must hold a public
822 hearing for the requested Conditional Use Permit and identify the matter as a zoning item on
823 the Planning Commission’s agenda. The Planning Commission may hold multiple hearings
824 prior to final decision on this matter. The Planning Commission may recommend approval,
825 denial, approval with modifications, or deferral on the requested Conditional Use Permit. If
826 there is a tie vote or if the Planning Commission votes to defer action on the item, the item
827 shall be heard at a following meeting, with time and date determined by the Planning
828 Commission.
- 829 a. The Planning Commission may attach such conditions to the conditional use permit as
830 necessary to assure continuous conformance to all applicable standards and
831 requirements.

- 832 b. Failure to observe the conditions of the Commission, imposed pursuant to the issuance
 833 of the Conditional Use Permit, shall be deemed to be a violation of these regulations
 834 and may be grounds for revocation of the Conditional Use Permit.
- 835 c. The Planning Commission may approve uses subject to the regulations, and may add
 836 any additional requirements imposed in the public interest to cover circumstances
 837 unique to the selected site including a drainage analysis of the site by an independent
 838 engineering firm.

839 **Excerpt from Table 9-201.1.**

APPLICATION TYPE	PUBLIC HEARING REQUIRED	REVIEW BODY				
		PLANNING AND ZONING DEPARTMENT	PLANNING COMMISSION	HISTORIC COMMISSION	BOARD OF ALDERMEN	22 ND JUDICIAL DISTRICT COURT
Conditional Use	Yes	RR	D		A	

- 840
- 841 C. *Status and Appeal.*
- 842 1. If a Conditional Use Permit is approved, the property owner or their representative may
 843 pursue permits and licenses to improve the site as approved by the Commission.
- 844 2. If the Conditional Use Permit is denied, the property owner may not submit the same request
 845 within one calendar year.
- 846 3. Appeals of the Planning Commission action on Conditional Use Permits shall be processed
 847 by the Board of Aldermen.
- 848 4. Conditional use permits are transferable, however once the use has ceased activity a new
 849 permit must be acquired to occupy the site or reactivate the previous area.
- 850 D. *Use Standards.* All requests for development that require a Conditional Use Permit must still adhere
 851 to all applicable Use Standards stated in Chapter 3 of this Code.

852

853 **Sec. 9-208. – DEVELOPMENT REVIEW**

- 854 A. *Permit Request.* A permit is required for any scope of work or development indicated as requiring a
 855 permit in Chapter 4 – Floodplain Management, Chapter 5 – Building and Construction Regulations,
 856 or in this Chapter.
- 857 B. *Development Review.* The Town’s administrative departments shall coordinate to review permits
 858 impacting their authorities (see excerpt from **Table 9-201.1.** below). The Planning and Zoning
 859 Department shall review the following types of permit requests:
- 860 1. Zoning compliance reviews for occupational licenses or building permits.
- 861 2. All permit requests in the Commercial District (C), Mixed Use District (MU), Historic
 862 Overlay (HO), Midtown Cultural Overlay (MCO), or Tammany Trace Overlay (TTO).
- 863 3. All permit requests associated with a requested or approved Conditional Use Permit.
- 864 C. *Use determination within development review permit requests.* The Town Planning and Zoning
 865 Director shall review permit requests and determine if the proposed use is permitted in the subject
 866 zoning district, based on the Director’s analysis of the use and/or its similarity to uses listed in
 867 Chapter 3 – Zoning Regulations.

868 D. *Certificate of Occupancy*. No land or building or part thereof hereafter erected or altered in its use
 869 or structure shall be used until the Planning and Zoning Director has issued a Certificate of
 870 Occupancy stating that such land, building or part thereof, and the proposed use thereof are found
 871 to be in conformity with the provisions of this Chapter and that there are no violations of this
 872 Chapter in the construction of the improvements subject to the Certificate of Occupancy. A
 873 Temporary Certificate of Occupancy may be issued for a period not exceeding 6 months during the
 874 completion or alterations or during partial occupancy of a building pending completion. Within 3
 875 days after notification that a building or premises or part thereof is ready for occupancy or use, it
 876 shall be the duty of the Building Inspector to make a final inspection thereof and to authorize
 877 issuance of a Certificate of Occupancy if the land, building or part thereof, and the proposed use are
 878 found to conform with the provisions of this Chapter; or if such Certificate is refused, to state
 879 refusal in writing with the cause. No permanent utilities may be installed until a Certificate of
 880 Occupancy is issued. See Chapter 5. – Building and Construction Regulations for more detail.

881 **Excerpt from Table 9-201.1.**

APPLICATION TYPE	PUBLIC HEARING REQUIRED	REVIEW BODY				
		PLANNING AND ZONING DEPARTMENT	PLANNING COMMISSION	HISTORIC COMMISSION	BOARD OF ALDERMEN	22 ND JUDICIAL DISTRICT COURT
Development review	No	D				

882

883 **Sec. 9-209. – CERTIFICATE OF APPROPRIATENESS**

- 884 A. *Process*. The issuance of a Certificate of Appropriateness in the Historic Overlay (HTO) District
 885 must proceed via the following steps (see excerpt from Table 9-201.1. below):
- 886 1. *Initiation*. A property owner (or group of property owners holding 50 percent or more of a
 887 property) may request a Certificate of Appropriateness for the property that they own.
 - 888 2. *Review and technical analysis*. The Planning and Zoning Department shall accept the
 889 Certificate of Appropriateness application and review the request. The Planning and Zoning
 890 Department must provide a technical analysis for the Historic Commission’s review.
 - 891 3. *Historic Commission hearing and decision*. The Historic Commission must hold a public
 892 hearing for the requested Certificate of Appropriateness following the requirements detailed
 893 in **Sec. 9-302.3.1. – Historic Overlay (HO)** of this Code.
 894

895 **Excerpt from Table 9-201.1.**

APPLICATION TYPE	PUBLIC HEARING REQUIRED	REVIEW BODY				
		PLANNING AND ZONING DEPARTMENT	PLANNING COMMISSION	HISTORIC COMMISSION	BOARD OF ALDERMEN	22 ND JUDICIAL DISTRICT COURT
Certificate of Appropriateness	Yes	R		D	A	

896

- 897 B. *Status and Appeal*. If a Certificate of Appropriateness is approved, the property owner or their
 898 representative may pursue permits and licenses to improve the site as approved by the Commission.
 899 If the Certificate of Appropriateness is denied, the property owner may not submit the same request

900 within one calendar year. Appeals of decisions by the Historic Commission regarding a requested
 901 Certificate of Appropriateness shall be heard and acted on by the Board of Aldermen.

902 **Sec. 9-210. – VARIANCES**

903 A. *Process.* Requests for variances to this Code must proceed via the following steps (see excerpt from
 904 **Table 9-201.1.** below):

- 905 1. *Initiation.* A variance request may be initiated by a property owner (or group of property
 906 owners holding 50 percent or more of a property) for the property that they own.
- 907 2. *Review and technical analysis.* The Planning and Zoning Department shall accept the
 908 variance request application and review the request. The Planning and Zoning Department
 909 must provide a technical analysis for the Planning Commission’s review.
- 910 3. *Planning Commission hearing and decision.* The Planning Commission must hold a public
 911 hearing for the requested variance and must decide on the request. The Planning Commission
 912 may hold multiple hearings prior to final decision on the matter. The Planning Commission
 913 may grant approval, denial, approval with modifications, or deferral on the variance request.
 914 If there is a tie vote or if the Planning Commission votes to defer action on the item, the item
 915 shall be heard at a following meeting, with time and date determined by the Planning
 916 Commission.

917 **Excerpt from Table 9-201.1.**

APPLICATION TYPE	PUBLIC HEARING REQUIRED	REVIEW BODY				
		PLANNING AND ZONING DEPARTMENT	PLANNING COMMISSION	HISTORIC COMMISSION	BOARD OF ALDERMEN	22 ND JUDICIAL DISTRICT COURT
Variances	Yes	R	D		A	

918
 919 B. *Purview.* The Planning Commission shall only have the ability to grant the following variances:

- 920 1. To permit a variance in the yard requirements or the requirements of such in the development
 921 of land, height restrictions, or lot areas per family requirements of any district, but only where
 922 there are unusual and practical difficulties or a hardship.
 - 923 a. Limitation for townhouse district: No variance shall be granted to these requirements
 924 for any irregular shaped lot located in the townhouse district which does not meet
 925 minimum residential lot size, and dimension requirements when such lots may not be
 926 combined to create a regular shaped lot.
 - 927 b. Clarification regarding setbacks in the Historic Overlay District. The Planning
 928 Commission may grant a variance to the setback requirements of the Historic Overlay
 929 District, the Historic District Commission shall not administer the building setback
 930 requirements of the Historic District or the Base Zoning District.
- 931 2. Waive or reduce the parking and loading requirements in any district whenever the use of a
 932 building or land whenever it can be shown that provision of the required off-street parking
 933 space within 300 feet of the main building is not feasible and constitutes a hardship.
- 934 3. In granting a variance, the Planning Commission may attach thereto such conditions as it may
 935 deem advisable in furtherance of the purpose of this Code.

- 936 C. *Considerations.* In consideration of all requested variances, the Planning Commission shall first
 937 determine that the approval of such variances will not impair an adequate supply of air or light to
 938 adjacent property, or unreasonably increase the congestion in public streets, or endanger the public
 939 safety, or unreasonably diminish or impair established property values within the surrounding area,
 940 or in any other respect impair the public health, safety, morals, comfort, or welfare of the
 941 inhabitants of the Town.
- 942 D. *Status and Appeal.* The Planning Commission’s decision shall be final. Any appeals of the
 943 Commission’s decision must be directed to the Louisiana 22nd Judicial District Court and be filed
 944 within 30 days of the Commission’s decision.

945 **Sec. 9-211. – APPEALS OF ADMINISTRATIVE DECISIONS**

- 946 A. *Process.* Appeals of decisions or interpretations made by administrative officials of this Code must
 947 proceed via the following steps (see excerpt from **Table 9-201.1.** below):
- 948 1. *Initiation.* An appeal of an administrative decision may be initiated by a property owner (or
 949 group of property owners holding 50 percent or more of a property) directly impacted by an
 950 administrative decision by the Town within 30 calendar days of the administrative decision.
- 951 2. *Review and technical analysis.* The Planning and Zoning Department shall accept and review
 952 appeals of administrative decisions, and forward such appeals to the Planning Commission.
- 953 3. *Planning Commission hearing and decision.* The Planning Commission must hold a public
 954 hearing for the appeal and decide on the request. The Planning Commission may hold
 955 multiple hearings prior to final decision on this matter. The Planning Commission may
 956 reverse or affirm, wholly or partly, or may modify the order, requirements, decision, or
 957 determination appealed from, and may make such order, requirement, decision, or
 958 determination as ought to be made. A vote of 4 or more Planning Commission members is
 959 required to override any decision of the Planning and Zoning Director or the Building
 960 Official.

961 **Excerpt from Table 9-201.1.**

APPLICATION TYPE	PUBLIC HEARING REQUIRED	REVIEW BODY				
		PLANNING AND ZONING DEPARTMENT	PLANNING COMMISSION	HISTORIC COMMISSION	BOARD OF ALDERMEN	22 ND JUDICIAL DISTRICT COURT
Appeals of Administrative Decisions	Yes		D		A	

- 962
- 963 B. *Purview.* The Planning Commission shall only have the power to hear and decide appeals where it
 964 is alleged there is an error in order, requirement, decision or determination made by the Town
 965 Clerk, Planning and Zoning Director or their designee, Building Official, or Building Inspector in
 966 the enforcement and administration of this Chapter.
- 967 C. *Considerations.* In consideration of all requested variances, the Planning Commission shall first
 968 determine that their action on such appeal will not exceed their authority nor impair an adequate
 969 supply of air or light to adjacent property, or unreasonably increase the congestion in public streets,
 970 or endanger the public safety, or unreasonably diminish or impair established property values
 971 within the surrounding area, or in any other respect impair the public health, safety, morals, comfort
 972 or welfare of the inhabitants of the Town.

973 D. *Status and Appeal.* The Planning Commissions' decision shall be final. Any person or persons, or
974 any officer, department, board, bureau, or any other agency of the Town, jointly or severally
975 aggrieved by any decision of the Planning Commission, may present to the Civil District Court of
976 the Parish within 30 days after filing of the decision of the Planning Commission a writ of certiorari
977 asking for such relief and under such rules and regulations as are provided for such matters in
978 appropriate legislation of the State.

979 **Sec. 9-212. – ENFORCEMENT**

980 A. In the event any building or structure is erected, structurally altered, or maintained, or any building,
981 structure or land is used in violation of this Chapter; or any damage sustained by streets or other
982 Town property or structures because of construction remains unrepaired, the Building Official may
983 institute any appropriate action or proceedings. The Building Official may also institute action or
984 proceedings to prevent the unlawful erection, structural alteration, maintenance and use, to restrain,
985 correct, or abate the violation or damage, to prevent the occupancy of the building, structure, or
986 land, or to prevent any illegal act, conduct, business, or use in or about the premises.

987 B. The regulations shall be enforced by the Mayor who is hereby empowered to order in writing the
988 remedying of any condition found to exist therein or threat in violation of any provision of the
989 regulations of this Chapter. The owner or general agent of a building or premises where a violation
990 of any provision of the regulations has been committed or shall exist, or the lessee or tenant of an
991 entire building or entire premises where the violation has been committed or shall exist, or the
992 owner, general agent, lessee or tenant of any part of the building or premises in which the violation
993 has committed or shall exist, or the general agent, architect, contractor, or any other person who
994 commits, takes part in, or who assists in any violation or who maintains any building or premises in
995 which violation shall exist, shall be guilty of a misdemeanor punishable by a fine of not less than
996 \$10.00 and not more than \$500.00 or more than 30 days jail sentence for each and every day the
997 violation continues, or both.

998 C. In the event that a property in the Town is in violation of the Code of Ordinances or this Chapter,
999 the Mayor and Town administrative departments may pursue resolution of the violation and/or the
1000 misdemeanor charge or fines listed herein be applied to the property owner or authorized
1001 representative based on mailed notice of violation to the address listed on the tax assessment for the
1002 property. The property owner or authorized representative may be found guilty of the violation and
1003 related penalties or misdemeanor even if they are not present in the Town.

1004 **Sec. 9-214. – NONCONFORMITIES**

1005 A. Existing Conditions.

- 1006 1. Regulations are not retroactive. The regulations prescribed by this Code shall not be
1007 construed to require the removal, lowering, or other changes or alterations of any structure
1008 not conforming to the regulations as of the effective date of the ordinance from which this
1009 Chapter is derived, or otherwise interfere with the continuance of a nonconforming use.
- 1010 2. Nothing contained herein shall require any change in the construction, alteration, or intended
1011 use of any structure, the construction or alteration of which was begun prior to January 1,
1012 2026.
- 1013 3. Disaster or Force Majeure. In the event of force majeure, such as a hurricane, fire, or storm,
1014 or acts of public enemy, any nonconforming use, including mobile homes existing prior to the
1015 disaster or force majeure may be replaced, re-occupied, or repaired within 12 months
1016 following the disaster or force majeure. This 12-month time limit may be extended by the
1017 Planning Commission for a Federally declared disaster.

- 1018 B. *Nonconforming uses.* The lawful use of any building, structure, or land existing at the time of the
1019 enactment of this Chapter may be continued, even though the use does not conform with the
1020 provisions of this Chapter, provided all the following conditions are met:
- 1021 1. *Unsafe structures.* Nothing in this Chapter shall prevent the strengthening or restoring to a
1022 safe condition of any portion of a building structure declared unsafe by proper authority.
 - 1023 2. *Alterations.* A nonconforming building or structure may be altered, improved, or
1024 reconstructed provided the work is not to an extent exceeding in aggregate cost 10 percent of
1025 the value of the building or structure, unless the building or structure is changed to a
1026 conforming use.
 - 1027 3. *Extension.* A nonconforming use shall not be extended, but the extension of a lawful use to
1028 any portion of a nonconforming building or structure which existed prior to the enactment of
1029 this Chapter shall not be deemed an extension of the nonconforming use.
 - 1030 4. *Changes.* No nonconforming buildings, structure, or use shall be changed to another
1031 nonconforming use.
 - 1032 5. *Construction approved prior to this chapter.* Nothing herein contained shall require any
1033 change in plans, construction or designated use of a building or structure for which a building
1034 permit has been issued and the construction of which shall have been diligently prosecuted
1035 within 3 months of the date of the permit, and the ground story framework of which,
1036 including the second tier of beams, shall have been completed within 6 months of the date of
1037 the permit, and which entire building shall be completed according to the plans as filed within
1038 12 months from date of this Chapter.
 - 1039 6. *Wear and tear.* Nothing in this Chapter shall prevent the reconstruction, repairing or
1040 rebuilding of a nonconforming building, structure or part thereof existing at the effective date
1041 of this Chapter, rendered necessary by wear and tear, deterioration or depreciation provided
1042 the cost of the work shall not exceed 10 percent of the value of the building or structure at the
1043 time the work is done, nor prevent compliance with the provisions of the building relative to
1044 the maintenance of buildings or structures.
 - 1045 7. *Abandonment.* A nonconforming use of the building or premises which has been abandoned
1046 shall not thereafter be returned to the nonconforming use. A nonconforming use shall be
1047 considered abandoned:
 - 1048 a. When the intent of the owner to discontinue the use is apparent; or
 - 1049 b. When the characteristic equipment and the furnishings of the nonconforming use have
1050 been removed from the premises and have not been replaced by similar equipment
1051 within one year, unless other facts show intention to resume the nonconforming use; or
 - 1052 c. When the building remains vacant for 12 consecutive calendar months; or
 - 1053 d. When it has been replaced by a conforming use; or
 - 1054 e. When it has been changed to another use under permit from the board.
 - 1055 8. *Displacement.* No nonconforming use shall be extended to displace a conforming use.
 - 1056 9. *Unlawful use not authorized.* Nothing in this Chapter shall be interpreted as authorization for
1057 or approval of the continuance of the use of a structure or premises in violation of zoning
1058 regulations in effect at the time of the effective date of this Chapter.
 - 1059 10. *District changes.* Whenever the boundaries of a district shall be changed so as to transfer an
1060 area from one district to another district of a different classification, the foregoing provisions
1061 shall also apply to any nonconforming uses existing therein.

- 1062 C. *Nonconforming lots.*
- 1063 1. If 2 or more lots-of-record or parts thereof or combinations of lots and portions of contiguous
1064 lots are in single ownership and if all or part of the lots do not meet the minimum buildable
1065 lot size requirement of the zoning district in which the land is located, the land involved shall
1066 be considered to be an undivided parcel for the purposes of the zoning and subdivision
1067 regulations and no portion of said parcel shall be used or sold which does not meet the
1068 minimum buildable lot size nor shall any division of the parcel be made which leaves
1069 remaining any lot with width, depth or area that does not meet the minimum buildable lot size
1070 of the district in which it is located.
- 1071 2. Where a lot has less area than the minimum required, was a lot-of-record in separate
1072 ownership from adjacent property as of June 18, 1996 and is currently a lot-of-record under
1073 separate ownership from any adjacent property, such lot may be used as a building site for a
1074 use permitted in the district within which the lot is located; provided, however, that the
1075 proposed development of the building site conforms with the yard setback requirements of
1076 the district in which it is located.
- 1077 3. When a substandard lot is used together with one or more contiguous lots for a single use or
1078 unified development, all of the lots so used, including any lots used for off-street parking,
1079 shall be considered a single lot for the purposes of these zoning regulations.
- 1080 4. It shall be a violation of this section to sell or convey ownership to another for any portion
1081 less than the entire parcel of land that is considered to be an undivided parcel by this Section.
- 1082 5. Any entity or individual applying for a building permit to develop a nonconforming lot or lots
1083 or portions of lots that do not meet the minimum buildable lot size requirements of the district
1084 in which it is located must provide certification from an attorney and/or adequate conveyance
1085 records or abstracts that establishes to the satisfaction of the Town:
- 1086 a. That the owner of the nonconforming lot or lots or portions of lots does not own any
1087 land adjacent to the nonconforming lot, lots or portions of lots proposed to be
1088 developed, and
- 1089 b. That the acquisition of the nonconforming lot, lots or portions of lots from another
1090 included all the contiguous land owned by the other at the time of acquisition, or the
1091 acquisition occurred prior to the enactment of the nonconforming lot provisions of this
1092 Section.
- 1093 6. Notwithstanding any other provisions in this Code, to the contrary, the owner of any 2
1094 contiguous lots of record, acquired prior to September 18, 1996, upon which there was and
1095 remains legally situated on either such lot a dwelling, the vacant lot may be sold without the
1096 necessity of re-subdivision approval by the Planning Commission. In such case neither lot
1097 shall measure less than 50 feet fronting a dedicated street by a depth of 120 feet.
- 1098 7. Notwithstanding any other provision in this Code, to the contrary, the owner of 3 contiguous
1099 lots of record all facing the same street, acquired prior to September 18, 1996, upon which
1100 there was and remains a building legally situated on the center lot, the remaining 2 lots on
1101 either side of such building may be sold without obtaining re-subdivision approval from the
1102 Planning Commission. In such an event, no lot shall have a street frontage of less than
1103 original lot size.
- 1104 8. Nothing contained in this Subsection shall in any manner affect the setback requirements of
1105 such lots.
- 1106 9. Proof of such required acquisition of lots shall be made to the satisfaction of the Planning and
1107 Zoning Director.

1108 **Sec. 9-215. – SUBDIVISION PROCEDURES**

1109 **Sec. 9-215.1. – General provisions.**

- 1110 A. *Jurisdiction and amendment.* Subdivision regulations provided for in this Section under the authority
1111 granted by the provisions of Act 139 of 1956, Louisiana Revised Statutes 33:101 – 120, as amended,
1112 govern all subdivisions of land within the corporate limits and police jurisdiction of the Town of
1113 Abita Springs. These subdivision regulations may be amended from time to time, subject to the
1114 Planning Commission holding a public hearing before adoption by the Town Council, including notice
1115 of the purpose, time, and place of the hearing by one publication in a newspaper of general circulation in
1116 the Town at least 10 days prior to the date of the hearing.
- 1117 B. *Authority.* Any owner of tracts, parcels, lots, or lots of record within the limits of the Town of Abita
1118 Springs wishing to improve or sell lots shall submit to the Planning Commission a plat of the
1119 subdivision which shall conform to the minimum standards set forth in these regulations. Failure of
1120 the Planning Commission to approve or disapprove a plat within 60 days shall be deemed approval
1121 by said Commission, unless the time for approval is extended by mutual consent of the applicant and
1122 the Planning Commission.
- 1123 C. *Signed and Recorded Final Plat Required.* No plat of a subdivision located within the Town of
1124 Abita Springs, shall be filed and recorded in the office of the Clerk and Recorder of St. Tammany
1125 Parish, Louisiana, and no subdivider may proceed with improvements or sale of lots in a subdivision
1126 unless the subject subdivision’s final plat is approved by the Planning Commission and such
1127 approval entered in writing on the plat by the Chairman of the Planning Commission.

1128 **Sec. 9-215.2. – Supplemental conditions of subdivision approval.**

- 1129 A. *Fences and corner obstruction.* Refer to **Chapter 6 -Subdivision, Lot, and Block Standards** of
1130 this Part when subdivisions involve the development of street-facing rear lot lines for fence
1131 construction and landscaping minimum requirements.
- 1132 B. *Use of lots.* Refer to **Chapter 3 – Zoning Regulations** of this Part for minimum requirements for
1133 proposed land uses and associated site development standards.

1134 **Sec. 9-215.3. – Types of subdivision approval.**

- 1135 A. *Administrative review and approval.* The administrative procedure for the approval of subdivision
1136 plats enables the Planning Director to administratively review and approve subdivisions in
1137 accordance with requirements in **Section 9-215.4. – Administrative approval of subdivision**
1138 **plats**, upon review and signature of the Town Engineer, Mayor, and Planning Commission
1139 Chairman.
- 1140 B. *Minor subdivision review and approval.* Subdivisions creating 5 or less lots, and not involving:
1141 1. More than 5 acres,
1142 2. the creation of any new streets,
1143 3. or other infrastructure
1144 shall be considered a minor subdivision and may obtain final approval after one public hearing
1145 facilitated by the Planning Commission when all applicable requirements of the preliminary and
1146 final plat are met.
- 1147 C. *Major subdivision approval.* All subdivision requests not qualifying for administrative or minor
1148 review and approval shall be processed as a Major Subdivision application subject to review and

1149 approval of a Preliminary Plat, Construction Plans, and Final Plat in accordance with these
1150 subdivision regulations.

1151 **Sec. 9-215.4. – Administrative approval of subdivision plats.**

- 1152 A. *Criteria for administrative subdivision approval.* The Planning Director may administratively
1153 approve subdivision requests for the realignment or shifting of lot boundary lines, including
1154 removal, addition, alignment, or shifting of interior lot boundary lines, or the redesignation of lot
1155 numbers provided the application meets the following:
- 1156 1. Does not involve the creation of any new street or other public improvement;
 - 1157 2. Does not involve more than 2 acres of land or 10 lots of record;
 - 1158 3. Does not reduce a lot size below the minimum area or frontage requirements required by this
1159 Part; and
 - 1160 4. Otherwise meets all the requirements of this Part.
- 1161 B. Administrative approval of subdivision plats may also apply to parcels of land where a portion has
1162 been expropriated or has been dedicated, sold or otherwise transferred to the Parish or Town, where
1163 leaving a severed portion of the original property requires a redesignation of a lot number and
1164 establishment of new lot boundary lines.
- 1165 C. *Application for administrative subdivision.* A request for an administrative subdivision shall be in
1166 writing, submitted by the owner(s) of the property. This application shall clearly set out the facts
1167 that show that the application meets the criteria required in this section. The application shall be
1168 signed by the owner(s) or his/her designee.
- 1169 1. The application shall include 6 original copies of a plat showing the subdivision applied for
1170 herein. Such plat shall be certified as true and correct by a registered Louisiana Land
1171 Surveyor.
 - 1172 2. Such application shall be accompanied with a processing fee for such approval. This fee will
1173 be established by the Mayor.
- 1174 D. *Approval.*
- 1175 1. Upon determination by the Chairman of the Planning Commission for the Town of Abita
1176 Springs, the Town Engineer, and the Mayor of the Town of Abita Springs that the application
1177 and plat submitted under this section comply with its provisions, each shall sign the plat
1178 submitted.
 - 1179 2. All plats approved as certified by an administrative procedure provided for herein, shall
1180 designate such fact on the plat and the plat shall be recorded in the conveyance records of the
1181 Parish of St. Tammany. The legal effect of such a plat shall not occur until such recordation.
1182 Any plat so approved shall have the same force and effect and legal status of a subdivision
1183 application approved by the Planning Commission.

1184 **Sec. 9-215.5. – Engineering and legal fees.**

1185 A fee schedule shall be as provided by a Resolution adopted by the Board of Aldermen for the
1186 Town of Abita Springs. Such fee schedule shall accurately reflect the actual cost of engineering and
1187 attorneys' fees incurred for the service provided. Such fee schedules shall be made available to the public
1188 as provided in such Resolution.

1189 **Sec. 9-215.6. – Procedure for plat approval, Minor and Major.**

1190 A. *Pre-application consideration.*

1191 Whenever any subdivision of a tract of land is proposed to be made, the subdivider or the agent
1192 shall present the project to the Abita Springs Planning Commission prior to submitting the
1193 preliminary plat at a work session of the Commission.

1194 B. *Procedure for preliminary and final plat approval.*

1195 1. After the pre-application conference, the subdivider shall cause to be prepared a preliminary
1196 plat, together with improvements, plans and other supplementary material specified herein.

1197 2. The procedure for review and approval of a subdivision plat consists of 5 separate steps:

1198 a. The preparation and submission to the Abita Springs Planning Commission of a
1199 preliminary plat of the proposed subdivision.

1200 b. The preparation of plans and specifications showing all required improvements.

1201 c. Construction of all proposed improvements in conformity with approved plans and
1202 specifications and inspection and approval of said improvements, to the point being at
1203 least 95 percent complete and meeting all applicable standards of this Code.

1204 d. The posting of a maintenance bond in an amount sufficient to cover any costs which
1205 might be incurred by the Town for the maintenance and/or repair of the required
1206 improvements for a period of 2 years after completion.

1207 e. The preparation and submission of the final plat together with required certificates to
1208 the Abita Springs Planning Commission. This final plat becomes the instrument to be
1209 recorded in the office of the Clerk of Court, St. Tammany Parish, when duly signed by
1210 the Chairman of the Abita Springs Planning Commission.

1211 C. *Preliminary plat requirements.*

1212 1. At least 31 calendar days prior to the meeting at which it is to be considered, the subdivider
1213 shall submit for review to the Town Planner and the Abita Springs Planning Commission 3
1214 copies of the Preliminary Plat of the Proposed subdivision drawn to a scale of not less than 1
1215 inch equals 100 feet.

1216 2. The preliminary plat and plans for construction of public improvements shall include the
1217 following information.

1218 a. The subdivision name, the names and addresses of the Owners and the designer of the
1219 plat, and the names and addresses of persons to whom the notice hereinafter provided
1220 for shall be sent.

1221 b. Date, approximate north arrow, and a graphic scale.

1222 c. The location of existing and platted property lines, streets, buildings, water courses,
1223 railroads, sewer, bridges, culverts, drainpipes, water mains and any public utility
1224 servitudes, both on the land subdivided, and, on the adjoining land, the names of
1225 adjacent subdivisions and the names and addresses of record owners of adjoining
1226 parcels of land as they appear on the current tax records.

1227 d. The names, locations, widths, and other dimensions of proposed streets, alleys,
1228 servitude, parks and other green spaces, reservations, lot lines, and building lines.

- 1229 e. Preliminary sketch plans or proposed utility layouts (sewer, water, gas (when available
1230 and electricity) showing feasible connections, where possible, to existing and proposed
1231 utility systems.
- 1232 f. Contour intervals to sea level datum of not more than 1 foot. Show spot elevation of all
1233 breaks in grades along drainage channels or swales and at selected points not more than
1234 100 feet apart in all directions.
- 1235 g. If any portion of the land being subdivided is below flood elevation as indicated on the
1236 map adopted by the Federal Emergency Management Agency in their flood insurance
1237 program, the limits of such flood shall be shown.
- 1238 h. Typical cross-sections of the proposed grading and roadways sidewalks and
1239 topographic conditions drawn to a scale of not less than 1 inch equals 100 feet
1240 horizontal and 1 inch equals 20 feet vertical.
- 1241 i. The acreage of the land to be subdivided.
- 1242 j. Vicinity map showing location of subdivision site.
- 1243 k. The width and location of any existing street or other public ways and places within
1244 300 feet of the proposed subdivision.
- 1245 l. A wetlands determination which shows that area is designated as wetlands or non-
1246 wetlands under the regulatory jurisdiction of the U.S. Corp of Engineers.
- 1247 m. Those areas that would be inundated as a result of a 10-year storm and also a 25-year
1248 storm as defined in **Chapter 6 -Subdivision, Lot, and Block Standards** of this Part.
- 1249 n. A plat plan that shows compliance with the Town’s tree and landscape standards in
1250 **Sec. 9-304 – Development Standards** in this Part.
- 1251 o. A drainage study.
- 1252 p. An erosion control and sedimentation plan.
- 1253 q. School board statement. In addition to all other requirements set forth in this chapter
1254 for obtaining approval for the construction of any new subdivisions within the Town of
1255 Abita Springs any person, firm, or corporation seeking approval and/or permitting of
1256 any new subdivision development within the jurisdiction of the Town of Abita Springs
1257 shall first obtain from the offices of the St. Tammany Parish School Board an official
1258 statement of the current capacities and enrollment of those present facilities and the
1259 capacities and expected completion dates of those planned, funded school facilities (if
1260 any) which will provide educational services for the students who reside in the Town of
1261 Abita Springs which statement shall be submitted to the town with all other required
1262 documents. This statement shall be considered as a factor in the decision-making
1263 process for such approval/permitting process before any such approval/permit shall be
1264 granted.
- 1265 3. A Public Hearing will thereafter be conducted, after which the Planning Commission will
1266 review and indicate approval, disapproval, or tentative approval with conditions. In making
1267 its decision to approve, deny, defer, or modify a plat, the Planning Commission shall consider
1268 recommendations from the Planning Director and Town Engineer as to whether the proposed
1269 plat is in conformance with the Master Plan, as well as input from the public made available
1270 via the public hearing. If a plat is disapproved, reasons for such disapproval shall be stated in
1271 writing. If approved subject to conditions, the nature of the required conditions shall be
1272 indicated in writing. Any plats submitted to the Planning Commission shall contain names
1273 and addresses of the persons to whom notice of the hearing shall be sent; and no plat shall be

1274 acted on by the Planning Commission without affording a hearing thereon. Notice shall be
1275 sent to said addresses by registered mail with the time, date and place of such hearing not less
1276 than 5 days before the date fixed, therefore. Similar notice shall be mailed to owners of land
1277 immediately adjoining the platted land as their names appear upon the parish assessment
1278 rolls.

1279 4. *Minor subdivisions.* Minor Subdivisions may obtain final approval after the initial hearing
1280 provided for in this Section. In such cases, all requirements of these regulations and the
1281 Town's Code of Ordinances must be met, except where deviations or variances are
1282 authorized, and the preliminary and final plat approval shall be considered together. Should
1283 the Planning Commission approve the proposed minor subdivision in one hearing, the
1284 resultant plat shall be considered the final plat and recorded in accordance with the
1285 requirements for final plat.

1286 5. One copy of the preliminary plat will be retained in the Planning Commission files; one copy
1287 shall be returned to the subdivider with any notations at the time of approval or disapproval
1288 and the specific changes if any required; and one copy shall be transmitted to the Town's
1289 Engineer.

1290 6. The approval of the preliminary plat by the Planning Commission shall be revocable and
1291 shall not be entered on the preliminary plat.

1292 7. Approval of the preliminary plat shall lapse unless a final plat based thereon is submitted
1293 within 12 months from the date of such approval, unless an extension of time is applied for
1294 and granted by the Planning Commission.

1295 D. *Plans and specifications of proposed improvements.*

1296 1. At least 31 days prior to the meeting at which it is to be considered, the subdivider shall
1297 submit for review to the Town Planner, Town Engineer, and Planning Commission, 6 sets of
1298 complete construction plans and specifications for all proposed improvements to be
1299 constructed.

1300 2. Plans and specifications for all proposed improvements shall require the approval of the
1301 Town's Engineer, the Planning Commission, and the Louisiana Department of Health before
1302 commencing construction.

1303 E. *Construction of project.*

1304 1. All materials for construction of the project shall be submitted to the Town's Engineer for
1305 approval.

1306 2. Subdivider shall submit in writing monthly progress reports to the Town Engineer regarding
1307 the construction of improvements.

1308 3. All required tests shall be made in the presence of the Town's Engineer at the expense of the
1309 developer. Only testing laboratories certified in the required testing, demonstrated as part of
1310 the testing submittal, and at the expense of the Subdivider shall be considered.

1311 4. Three (3) sets of as-built drawings for all utilities and showing exact location of mains,
1312 services, and all other proposed infrastructure improvements, shall be furnished to and
1313 reviewed by the Town's Engineer before the Planning Commission considers final
1314 acceptance of the subdivision.

1315 F. *Final requirements.*

1316 1. The final plat shall conform to the preliminary plat as approved; and may constitute only a
1317 portion of the approved preliminary plat if project phasing was addressed as part of

- 1318 preliminary approval, provided, however, that such portion conforms to all requirements of
1319 these regulations.
- 1320 2. At least 21 calendar days prior to the meeting at which it is to be considered, the subdivider
1321 shall submit 6 sets of the final plat. The final plat shall be drawn on sheets 24 inches by 36
1322 inches and shall be at a scale of 100 feet to 1 inch or larger. Where necessary, the plat may be
1323 on several sheets accompanied by an index sheet showing the entire subdivision.
- 1324 3. A public hearing will thereafter be held, after which the Planning Commission will review
1325 and indicate approval, disapproval or tentative approval with conditions. No final approval
1326 will be granted until the Town Engineer has approved construction as 100 percent or
1327 substantially complete with deposit, and all review and inspection service fees have been paid
1328 in full.
- 1329 4. When the final plat has been approved by the Planning Commission, copies shall be
1330 distributed as follows:
- 1331 a. One (1) approved copy to the subdivider for his records.
- 1332 b. One (1) copy retained by the Planning Commission.
- 1333 c. One (1) copy to St. Tammany Parish Tax Assessor's Office.
- 1334 d. One (1) copy to the St. Tammany Parish Health Unit.
- 1335 e. One (1) copy with the certification thereon for filing with the St. Tammany Parish
1336 Clerk of Court's Office as the official plat which must be filed within 90 calendar days,
1337 otherwise, such approval shall be voided.
- 1338 f. One (1) copy to the Town's Engineer.
- 1339 5. The Planning Commission shall approve or disapprove this final plat within 60 calendar days
1340 after its submission. In making its decision to approve, deny, defer, or modify a plat, the
1341 Planning Commission shall consider recommendations from the Planning Director and Town
1342 Engineer as to whether the proposed plat is in conformance with the Master Plan, as well as
1343 input from the public made available via the public hearing. Failure by the Planning
1344 Commission to act on this final plat within these 60 days shall be deemed approval of it. The
1345 parties may agree to an extension of such 60 day period. If the plat is disapproved, the
1346 grounds for disapproval shall be stated upon the record of the Planning Commission in
1347 writing.
- 1348 6. The final plat shall show:
- 1349 a. Primary control points, or descriptions and "Ties" to such control points, to which all
1350 dimensions, angles, bearings, and similar data on the plat shall be referred.
- 1351 b. Tract boundary lines, right-of-way lines of streets, servitudes and other rights-of-way
1352 and property lines of residential lots and other sites with accurate dimensions, bearings
1353 or deflection angles, and radii, arcs, and central angles of all curves.
- 1354 c. Name and right-of-way width of each street or other right-of-way.
- 1355 d. Location, dimensions and purpose of any servitude.
- 1356 e. Number to identify each lot or site.
- 1357 f. Minimum building set back line on all lots and other sites.

- 1358 g. If any portion of the land being subdivided is below the elevation of flood as indicated
 1359 on the map adopted by the Federal Emergency Management Administration in their
 1360 flood insurance program, the limits of such flood shall be shown.
- 1361 h. Location and description of monuments. Permanent reference monuments shall be
 1362 shown thus: All corner lot markers shall be permanently located and show thus: "0"
 1363 and located in the ground to the existing grade. Permanent reference markers are to
 1364 reference the Louisiana State Plain Coordinate System.
- 1365 i. Names of record owners of adjoining unplatted lands.
- 1366 j. Names and addresses of persons to whom notice of public hearing shall be sent.
- 1367 k. Reference to recorded subdivision plats of adjoining platted land by record name, date
 1368 and number.
- 1369 l. Title, scale, north arrow and date.
- 1370 m. Any zoning districts shown on any official zoning map of the Town of Abita Springs.
- 1371 n. All items required under preliminary approval.
- 1372 7. The following certificates shall be recorded on the final plat:
- 1373 a. Certificate showing the applicant is the landowner and dedicates streets, rights- of-
 1374 ways, and any sites for public use.
- 1375 b. Certificate by a Louisiana licensed and registered surveyor or engineer certifying to
 1376 accuracy of survey and plat.
- 1377 c. Certification by the parish health officer of sewerage and water systems.
- 1378 d. Certification by Town's Engineer and Town Clerk prior to the approval of the plat that
 1379 the subdivider has complied with one of the following alternatives:
- 1380 i. Installation of all improvements in accordance with requirements of these
 1381 regulations, or
- 1382 ii. Posting of cash deposit in an amount 3 times the Town Engineer's estimate for
 1383 project completion to assure completion of all required improvements. For any
 1384 cash deposit rendered in lieu of a 100 percent complete project, there shall be
 1385 submitted with the plat a certificate by the Town's Engineer as to the sufficiency
 1386 of the amount deposited.
- 1387 iii. Posting of a performance bond or a letter of credit approved by the Town
 1388 Attorney, in an amount which is 3 times the cost of completion of the necessary
 1389 improvements as certified in writing by the Town Engineer, whereby the required
 1390 improvements may be made and utilities installed without any costs to the Town.
 1391 The engineering and attorney fees required in this subsection shall be paid by the
 1392 developer prior to final approval.
- 1393 iv. The deposit will be refunded in full upon completion of the deficiencies in the
 1394 required improvement or shall be forfeited if said improvements are not
 1395 completed. If a bond or letter of credit has been posted in lieu of a cash deposit,
 1396 such shall be called by the Town. The Town may assume the responsibility of
 1397 project completion.
- 1398 v. That there exists no liability on the part of the developer for damage done to
 1399 public property during construction.

- 1400 e. Certification of the Town Engineer that all necessary plans have been submitted and
 1401 construction done in compliance with Chapter 6 - Subdivision, Lot, and Block
 1402 Standards of this Part.
- 1403 f. Certification by Town’s Engineer and Town Clerk of Abita Springs prior to approval of
 1404 the plat that a maintenance bond in an amount sufficient to cover any costs which
 1405 might be incurred by the Town for the maintenance and/or repair of the required
 1406 improvements for a period of 2 years after completion has been furnished by the
 1407 developers and accepted by the Planning Commission.
- 1408 g. Certification of approval to be signed by the Chairman of the Planning Commission.
- 1409 8. No building permit for any improvements on lots to be sold shall be issued for the
 1410 development until the project is 100 percent completed, upon acknowledgement by the Town
 1411 Engineer.

1412 **Sec. 9-215.7. – Penalties.**

- 1413 A. *Penalties.* Whoever, being the owner or agent of the owner of any land located within a subdivision
 1414 transfers or sells or agrees to sell any land by reference to or exhibition or by other use of a plat of
 1415 subdivision before such plat has been approved by the Planning Commission and recorded or filed
 1416 in the office of the Clerk of Court of the Parish, shall forfeit and pay a penalty of five hundred (500)
 1417 dollars for each lot or parcel so transferred or sold or agreed to be sold; and the description of such
 1418 lot or parcel by metes and bounds in the instrument of transfer or other document used in the
 1419 process of selling or transferring shall not exempt the transaction from such penalties herein
 1420 provided.
- 1421 Should any property be sold in violation of these regulations, each day that the land remains in the
 1422 name of any unauthorized buyer in the records of the Clerk of Court for the Parish of St. Tammany
 1423 shall constitute a separate offense.
- 1424 Further, the municipality may enjoin such transfer, sale or agreement by suit for injury brought in
 1425 any court of competent jurisdiction or may recover the penalty by a civil action in any court of
 1426 competent jurisdiction.
- 1427 B. *Improvements and unapproved streets.* The Town shall not accept, layout, open, improve, grade,
 1428 pave, curb, or light any street or authorize any water mains, sewers, or utility connections in any
 1429 street within any portion of territory for which the Abita Springs Planning Commission has adopted
 1430 a Major Street Plan except as provided for under Louisiana Act. No. 139, of 1956, R.S. 33, Section
 1431 115, as amended.

1432 **Sec. 9-215.8. – Validity, short title, effective date and repeal of conflicting ordinances.**

- 1433 A. *Validity.*
- 1434 1. Should any section or provision of these subdivision regulations be declared as invalid by a
 1435 court of competent jurisdiction, that decision shall not affect the validity of the subdivision
 1436 regulations as a whole or any part thereof, other than the part so declared to be invalid.
- 1437 2. Should a zoning regulation or other standard adopted and made a part of the Town of Abita
 1438 Springs Code of Ordinances conflict with a standard, procedure, or similar minimum
 1439 requirement prescribed in these subdivision regulations, the more restrictive shall apply.
- 1440 B. *Short title.* These regulations, duly adopted via resolution of the Planning Commission, may be
 1441 cited and otherwise referred to as the “Abita Springs Subdivision Regulations.”

1442 C. *Intentions.* It is not the intent of the Planning Commission through its adoption of these standards
1443 and proceedings to repeal, abrogate, annul or in any way impair or interfere with existing provisions
1444 of other laws or ordinances, or with private restrictions placed upon the property by covenant, deed
1445 or other private agreement, or with restrictive covenants running with the land to which the Town is
1446 a party.

1447 **Sec. 9-216. – PUBLIC INFRASTRUCTURE DEDICATION OR REVOCATION OF**
1448 **STREETS**

1449 A. *Process.* The dedication of public infrastructure or revocation of streets in the Town must proceed
1450 via the following steps (see excerpt from **Table 9-201.1.** below):

- 1451 1. *Initiation.* Public infrastructure dedication or revocation (including sale or exchange to a
1452 private party) of a street may be initiated by a property owner (or group of property owners
1453 holding 50 percent or more of a property), reviewed by the Planning Commission, and
1454 dedicated by the Board of Aldermen.
- 1455 2. *Review, technical analysis and recommendation by Town departments.* The Planning and
1456 Zoning Department and Town Engineer shall review applications for public infrastructure
1457 dedication or revocation of streets and shall provide a technical analysis and recommendation
1458 to the Planning Commission.
- 1459 3. *Planning Commission review and recommendation.*
 - 1460 a. The Planning Commission must hold a public hearing to review and make a
1461 recommendation on the request. The Planning Commission may hold multiple hearings
1462 prior to final decision on this matter.
 - 1463 b. *Action by the Planning Commission.* After a public hearing held on the matter the
1464 Planning Commission within 60 days of application for revocation, public sale, private
1465 sale or exchange shall recommend to the Board of Aldermen the following:
 - 1466 i. Accept the application as presented.
 - 1467 ii. Accept the application with the recommendation for either a revocation, public
1468 sale, private sale, or exchange of the street right-of-way.
 - 1469 iii. A recommendation of partial disposition of the street right-of-way by any method
1470 provided for herein.
 - 1471 iv. Recommend the disposition of the street right-of-way, in whole or in part, by any
1472 method provided for with the retention of servitudes, which servitudes shall be
1473 defined.
 - 1474 v. Recommend denial of the application by the Board of Aldermen.
- 1475 4. *Board of Aldermen action.*
 - 1476 a. Within 10 days of action taken by the Planning Commission, the Planning Commission
1477 shall forward to the Town Clerk of the Board of Aldermen the recommendation of the
1478 Planning Commission on the application for the revocation, public sale, or exchange of
1479 public street right-of-way.
 - 1480 b. At the next regularly scheduled monthly meeting of the Board of Aldermen, an
1481 ordinance shall be introduced by the Board of Aldermen that shall conform to the
1482 recommendation of the Planning Commission. Should the Planning Commission
1483 recommend denial, the Town Board of Aldermen are not required to introduce an
1484 ordinance, in which case the request shall be denied by default. Alternatively, the

- 1485 Board of Aldermen may introduce an ordinance to approve the dedication or revocation
 1486 and may either vote to approve or deny the request.
- 1487 c. Such ordinance introduced shall be considered at the subsequently regularly scheduled
 1488 meeting of the Board of Aldermen.
- 1489 d. Upon consideration of the ordinance introduced, based on the recommendation of the
 1490 Planning Commission the Board of Aldermen may:
- 1491 i. Adopt as proposed;
- 1492 ii. Amended in any fashion, such amendment may provide for a smaller disposition
 1493 of right-of-way and/or the reservation of certain delineated servitudes or a change
 1494 in the method of the disposition recommended by the Planning Commission; or
- 1495 iii. Deny the application.

1496 **Excerpt from Table 9-201.1.**

APPLICATION TYPE	PUBLIC HEARING REQUIRED	REVIEW BODY			
		PLANNING AND ZONING DEPARTMENT	PLANNING COMMISSION	HISTORIC COMMISSION	BOARD OF ALDERMEN
Public Infrastructure Dedication or Revocation of Streets	Yes	RR	RR		D

- 1497
- 1498 B. *Criteria.* The Town departments and Planning Commission shall consider the following criteria for
 1499 the determination of revocations, exchange public sale or private sale of public street right-of-way:
- 1500 1. In order to approve the revocation, exchange, public sale or private sale of public street
 1501 rights-of-way the Planning Commission must determine that the right-of-way is no longer
 1502 necessary for public use and will not be necessary for the public use in the future.
- 1503 2. Additionally, it must be determined that the denial by the Town Planning Commission for the
 1504 revocation, public sale, private sale or exchange of the street right-of-way will cause the
 1505 adjacent property owner unusual and practical difficulties of particular hardship, but only
 1506 when the Planning Commission is satisfied that the granting of such action will not merely
 1507 serve as a convenience to the adjacent property owner, but will alleviate some demonstrable
 1508 and unusual hardship or difficulty so great as to warrant the disposal of public property and at
 1509 the same time the surrounding property will be protected.
- 1510 3. Additionally, the action taken in the revocation, public sale, private sale or exchange of
 1511 property must resolve and settle all claims which the adjacent property owner may have
 1512 against the Town of Abita Springs.
- 1513 C. *Adjacent property owners' rights to purchase.* In the instance of a private sale of a street right-of-
 1514 way, all adjacent property owners shall have the right to buy to the middle of the right-of-way that
 1515 is adjacent to their property, where the adjacent property owner across the street may purchase the
 1516 remaining portion of the street right-of-way.
- 1517 D. *Terms of disposition.* The disposition of public right-of-way shall be under the following terms:
- 1518 1. All cash to be paid by the buyer at the act of sale.
- 1519 2. The sale shall be from the Town of Abita Springs without warranty.

1520 3. The purchaser of the right-of-way shall pay all expenses incurred by the Town of Abita
1521 Springs in the disposition of the property.

1522 4. Notwithstanding any ordinances to the contrary, the property bought shall become a part of
1523 the adjacent lot and will be governed by the land use and subdivision laws of the Town of
1524 Abita Springs.

1525 **CHAPTER 3 – ZONING REGULATIONS**

1526 **Sec. 9-301. – INTRODUCTORY PROVISIONS**

1527 **Sec. 9-301.1. – Zoning regulations adopted, purpose.**

1528 A. By virtue of the authority conferred by R.S. 33:4721 et seq., 1950, and other constitutional and
1529 statutory authority supplemental thereto, the zoning rules and regulations in this Chapter are
1530 enacted. This Chapter shall be known and may be cited as the "Zoning Ordinance of the Town of
1531 Abita Springs, Louisiana" or the "Town zoning regulations."

1532 B. Pursuant to this, the Town is hereby divided into zoning districts. The boundaries of these districts
1533 are hereby established as shown on a map entitled "Town of Abita Springs, Louisiana, Official
1534 Zoning Map" as last amended and on file in the Town Hall and is hereby incorporated by reference
1535 and made a part of this Chapter.

1536 C. The provisions of this Chapter are the minimum requirements to develop any land in the Town and
1537 are adopted to protect the public's health, safety and welfare in the Town of Abita Springs.

1538 **Sec. 9-301.2. – Interpretation and effect of regulations.**

1539 A. This Chapter does not-repeal, abrogate, annul or in any way impair or interfere with existing
1540 provisions of other laws or ordinances, except those specifically repealed by this Chapter, or with
1541 private restrictions placed upon property by covenant, deed or other private agreement, or with
1542 restrictive covenants running with the land to which the Town is a party. Where this Chapter
1543 imposes a greater restriction upon land, buildings or structures than is imposed or required by
1544 existing provisions of law, ordinance, contract or deed, the provisions of this Chapter shall control.

1545 B. This Chapter is applicable to the following:

1546 1. *Conformity of building, and land.* No building, structure, or premises shall be used or
1547 occupied, and no building or part thereof or other structure shall be erected, raised, moved,
1548 placed, reconstructed, extended, or enlarged, or altered except in conformity with the
1549 regulations herein specified for the zoning district, as shown on the official zoning map, in
1550 which it is located;

1551 2. *Conformity of buildings.* No building, structure, or premises shall be erected, altered, or used
1552 so as to produce smaller yards or less unoccupied area, and no building shall be occupied by
1553 more families than prescribed for the building, structure, or premises for the district in which
1554 it is located;

1555 3. *Conformity of open spaces.* No yard, court, or open space, or part thereof, shall be included as
1556 part of the yard, court or open space similarly required for any other building, structure, or
1557 dwelling under this Chapter.

1558 C. Where uncertainty exists with respect to the boundaries of any zoning district shown on the official
1559 zoning map, the following rules shall apply:

- 1560 1. *Where boundaries approximately follow streets, alleys or highways.* Where district
1561 boundaries are indicated as approximately following the centerline of streets, alleys, or
1562 highways, the lines shall be construed to be the district boundaries.
- 1563 2. *Where boundaries parallel street lines, alley lines or highway right-of-way lines.* Where
1564 district boundaries are so indicated that they are approximately parallel to the centerlines of
1565 streets, of alleys, or the right-of-way lines of highways, the district boundaries shall be
1566 construed as being parallel thereto and at the distance therefrom as indicated on the official
1567 zoning map. If no distance is given, the dimension shall be determined by the use of the scale
1568 shown on the official zoning map.
- 1569 3. *Where boundaries approximately follow lot lines.* Where district boundaries are indicated as
1570 approximately following lot lines, the lot lines shall be construed to be the boundaries.
- 1571 4. *Where the boundary follows a railroad line.* Where the boundary of a district follows a
1572 railroad line, the boundary shall be located midway between the main tracks of the railroad
1573 line.
- 1574 5. *Where the boundary follows a body of water.* Where the boundary of a district follows a
1575 stream, or other body of water, the boundary line shall be construed to be at the limit of the
1576 jurisdiction of the municipality unless otherwise indicated.
- 1577 6. *Submerged areas not included in the district.* All areas within the Town corporate limits that
1578 are under water and not shown as included within any district shall be subject to all of the
1579 regulations of the district which immediately adjoins the water area. If the water area adjoins
1580 2 or more districts the boundaries of each district shall be construed to extend into the water
1581 area in a straight line until they meet the other district.
- 1582 7. *District regulations apply to schools, parks, etc.* Any areas shown on the official zoning map
1583 as park, playground, school, cemetery, water, street, or right-of-way shall be subject to the
1584 zoning regulations of the district in which they are located. In case of doubt, the zoning
1585 regulations of the most restrictive adjoining district shall govern.
- 1586 8. *Property annexed.* In every case where property has become a part of the Town by
1587 annexation, the property shall automatically be classed as being zoned Conservation
1588 Residential (CR) District until the classification is changed by an amendment to this Chapter
1589 as provided by law.
- 1590 9. *Vacation of public ways.* Whenever any street alley, or other public way is vacated in the
1591 manner authorized by law, the zoning district adjoining each side of the street, alley, or public
1592 way shall automatically extend to the center of the area be subject to all regulations of the
1593 extended district.
- 1594 10. *Split zone properties.* Where a lot of record is bisected by 2 or more zoning districts, the
1595 district that occupies the most area shall apply. Where a lot of record is evenly split between
1596 2 or more zoning districts, the more restrictive district shall apply. Any land area or building
1597 within the Historic Overlay district is subject to the HTO requirements, regardless of if the
1598 overlay is on a minority percentage of the lot.

1599 **Sec. 9-302. – ZONING DISTRICTS**

1600 **Sec. 9-302.1 – Residential zoning districts.**

1601 The Residential Districts in the Town include:

1602 Conservation Residential District (CR)

1603 Neighborhood Residential District (NR)

1604 Traditional Residential District (TR)

1605 Townhouse Residential District (THR)

1606 Multifamily Residential District (MR)

1607 **Sec. 9-302.1.1 – District land use summary and applicable use standards.**

1608 A. **Table 9-302.1.1.1.** shows permitted, conditional, or prohibited uses across all residential districts
1609 mapped in the Town, where:

1610 1. "P" indicates a permitted use.

1611 2. "C" indicates a conditional use. Conditional uses must be approved by the Zoning
1612 Commission in accordance with the standards and procedures set forth in this Code.

1613 3. "—" indicates a prohibited use.

1614 B. When a land use is not specifically listed, the Planning Director may, in accordance with best
1615 planning practice, permit a similar use and utilize the rules and standards associated with that listed
1616 land use, provided the land uses are demonstrably similar in their land use activity and impacts.

1617 C. **Sec. 9-303. – Use Standards** apply to all uses, unless specifically noted otherwise in this Section.

1618

Table 9-302.1.1.1. – Use Table for Residential Districts.

USE	ZONING DISTRICTS				
	CR Conservation	NR Neighborhood	TR Traditional	THR Townhouse	MR Multifamily
RESIDENTIAL USES					
Single-family dwelling	P	P	P	P	P
Group home	C	C	C	P	P
Duplex	—	—	—	P	P
Townhouse	—	—	—	P	P
Multi-family dwelling	—	—	—	—	P
“Container homes” or structures using a shipping container as a dwelling unit	C	—	—	—	—
Mobile homes or manufactured homes	—	—	—	—	—
Modular homes	C	—	—	—	—
Recreational vehicles used for long term housing as a residential unit	—	—	—	—	—
USE	Zoning Districts				
	CR Conservation	NR Neighborhood	TR Traditional	THR Townhouse	MR Multifamily
OTHER USES					
Accessory dwelling unit	P	P	P	P	P
Accessory structure	P	P	P	P	P
Bed and breakfast	P	P	P	—	P
Childcare center	P	P	P	P	P
Church or house of worship	P	P	P	P	P
EV charging stations - level 1 & level 2	P	P	P	P	P
EV charging stations - level 3 with more than two charging stations	—	—	—	C	C
EV charging stations - level 3 with two or fewer charging stations	P	P	P	P	P
Fishing, forestry, wildlife preserve	P	—	—	—	—
Garden or agriculture	P	P	P	P	P
Government or public safety facilities and services such as fire stations, police stations, and similar uses	P	P	P	P	P
Home occupation	P	P	P	P	P
Long-term open-air retail sales	—	—	—	—	—
Museums, libraries, parks, playgrounds, community centers	P	P	P	P	P
Livestock*	P	P	P	P	P
Outdoor recreational facilities including golf courses, tennis courts, or a community pool	P	P	P	P	P
Public and private utilities such as electric transformer stations, natural gas, water, stormwater, and sewer system components (not including telecommunications towers)	P	P	P	P	P

Table 9-302.1.1.1. – Use Table for Residential Districts.					
USE	ZONING DISTRICTS				
	CR Conservation	NR Neighborhood	TR Traditional	THR Townhouse	MR Multifamily
Rehabilitative care center	C	—	—	—	—
Residential nursing homes, assisted living facilities, or similar facilities	P	P	P	P	P
School	P	P	P	P	P
Short-term rental	C	C	C	C	C
Temporary seasonal uses	—	—	—	—	—
Temporary retail sales, “pop-up markets,” food sales, and outdoor events	P	P	P	P	P
Timber harvesting	P	—	—	—	—

1619 *Chickens are not included in the definition of livestock and are permitted on all sites. Roosters
1620 are not permitted, however, if the gender of a chick cannot be determined at hatching, a chick of
1621 either gender may be kept on the property for no more than six (6) months.

1622

1623 **Sec. 9-302.1.2 - Dimensional lot standards summary.**

1624 **Table 9-302.1.2.1. – Dimensional Table for Residential Districts.**

Dimensional Requirement	Districts				
	CR Conservation	NR Neighborhood	TR Traditional	THR Townhouse	MR Multifamily
Min. lot area	2 acres	10,800 sqft	7,200sqft	3,000 sqft/unit	10,800sqft
Max. lot coverage (with buildings and impermeable pavement) ¹	60%	50%	50%	60%	60%
Min. interior living space per unit	—	—	—	900 sqft	—
Min. lot width (feet)	125	90	60	Sublot width of 20 feet	90
Min. lot depth (feet)	—	120	120	—	120
Min. front yard setback (feet)	30	30	10	20	30
Min. rear yard setback	25	25	20% of the lot depth or 25 ft, whichever is greater	20% of the lot depth or 25 ft, whichever is greater	20% of the lot depth or 25 ft, whichever is greater
Min. side yard setbacks	2 side yards, min. 20 ft each	2 side yards, min. 10 ft each, min. 40 ft when added together	2 side yards, min. 5 ft each, min. 20 ft when added together	0 ft. between townhouse units with a firewall For all other sides: 2 side yards, min. 10 ft each, min. 40 ft when added together	2 side yards, min. 10 ft each, min. 40 ft when added together
Min. primary building setback	20 ft from neighboring structures	20 ft from neighboring structures	10 ft from neighboring structures	Townhouse buildings and related structures: min. 25 ft from any other structure Single-family dwellings: 5 ft from each side of the property line creating 10 ft between buildings	20 ft from neighboring structures
Minimum corner side yard	Combined 40 ft – min. of 20 ft width for the side yard facing the street	20 ft per street facing side yard	Combined 20 ft in width, min. of 10 ft for the side yard facing the street	20 ft. width on the side facing the street	20 ft. width on the side facing the street
Driveway setback	Min. 5 ft from all property lines that are parallel to the driveway	Min. 5 ft from all property lines that are parallel to the driveway	Min. 5 ft from all property lines that are parallel to the driveway	Min. 5 ft from all property lines that are parallel to the driveway	Min. 5 ft from all property lines that are parallel to the driveway

1625 ¹ Lot coverage shall be calculated by subtracting the total area of building footprint and impermeable pavement
 1626 from the total lot area. Gravel, stone pavers with gaps of at least 3 inches in width, or permeable pavement shall
 1627 be considered equivalent to unpaved area.

1628 **Sec. 9-302.1.3. – Conservation Residential (CR).**

1629 A. *Purpose.* The purpose of the Conservation Residential (CR) district is to maintain the Town’s rural
 1630 character, conserve natural areas, limit development in floodplains, and enhance and protect
 1631 environmental quality. District regulations limit commercial activities, require lower density

- 1632 residential development patterns, and permit land uses including fishing, forestry, wildlife
1633 preserves, and single family detached homes.
- 1634 B. Permitted uses, conditional uses, and prohibited uses in the CR district shall follow the table in **Sec.**
1635 **9-302.1. – District land use summary and applicable use standards.**
- 1636 C. Minimum lot area, dimensions, and yards in the CR district shall follow the table in **Sec. 9-302.2. –**
1637 **Dimensional Lot Standards Summary.**
- 1638 D. All uses of land and structures in the CR district shall be subject to the following standards:
- 1639 1. *Flood zones.* Construction of any structures or alteration of land which occurs in the 100-year
1640 flood zone as established by the Federal Emergency Management Agency shall comply with
1641 floodplain management requirements of this Code prior to issuance of a building permit.
- 1642 2. Land clearing and tree preservation shall be subject to the Tree Removal and Timber
1643 Harvesting requirements of this Code.
- 1644 3. *Utilities.*
- 1645 a. *Sewer.* On lots without central sewerage facilities, an individual sewer system must
1646 meet Department of Health and Human Resources standards and be approved by the St.
1647 Tammany Parish Health Department.
- 1648 b. *Water.* On lots without central water facilities, any well must be 50 feet from any sewer
1649 disposal unit.
- 1650 4. *Use standards.* All uses allowed in this district, including conditional uses, are subject to the
1651 use requirements in **Sec. 9-303. – Use Standards** of this Code.
- 1652 5. *Development standards.* All structures and sites are subject to **Sec. 9-304 – Development**
1653 **standards** of this Code.

1654 **Sec. 9-302.1.4. – Neighborhood Residential (NR).**

- 1655 A. *Purpose.* The Neighborhood Residential (NR) district aims to promote a low to moderate density
1656 residential land development pattern characterized by single family homes on moderately large lots,
1657 limited opportunities for accessory dwelling units when minimum standards are met, as well as
1658 compatible neighborhood-oriented uses including, but not limited to recreational, civic, and
1659 educational uses.
- 1660 B. Permitted uses, conditional uses, and prohibited uses in the NR district shall follow the table in **Sec.**
1661 **9-302.1. – District land use summary and applicable use standards.**
- 1662 C. Minimum lot area, dimensions, and yards in the NR district shall follow the table in **Sec. 9-302.2. –**
1663 **Dimensional lot standards summary.**
- 1664 D. All uses of land and structures in the NR district shall be subject to the following standards:
- 1665 1. *Flood zones.* Construction of any structures or alteration of land which occurs in the 100-year
1666 flood zone as established by the Federal Emergency Management Agency shall comply with
1667 floodplain management requirements of this Code prior to issuance of a building permit.
- 1668 2. *Use standards.* All uses allowed in this district, including conditional uses, are subject to the
1669 use requirements in **Sec. 9-303. – Use Standards** of this Code.
- 1670 3. *Development standards.* All structures and sites are subject to **Sec. 9-304. – Development**
1671 **Standards** of this Code.

1672 **Sec. 9-302.1.5. – Traditional Residential (TR).**

- 1673 A. *Purpose.* The purpose of the Traditional Residential (TR) district is to promote a traditional
1674 neighborhood layout and support opportunities for more attainable housing stock in Town. It allows

- 1675 limited development of single family detached homes on lots having a minimum lot width of 60'
1676 when a part of a previously approved plat that has not been developed.
- 1677 B. Permitted uses, conditional uses, and prohibited uses in the TR district shall follow the table in **Sec.**
1678 **9-302.1. – District land use summary and applicable use standards.**
- 1679 C. Minimum lot area, dimensions, and yards in the TR district shall follow the table in **Sec. 9-302.2. –**
1680 **Dimensional lot standards summary.**
- 1681 D. All uses of land and structures in the TR district shall be subject to the following standards:
- 1682 1. *Flood zones.* Construction of any structures or alteration of land which occurs in the 100-year
1683 flood zone as established by the Federal Emergency Management Agency shall comply with
1684 floodplain management requirements of this Code prior to issuance of a building permit.
- 1685 2. *Use standards.* All uses allowed in this district, including conditional uses, are subject to the
1686 use requirements in **Sec. 9-303. – Use Standards** of this Code.
- 1687 3. *Development standards.* All structures and sites are subject to **Sec. 9-304. – Development**
1688 **Standards** of this Code.

1689 **Sec. 9-302.1.6. – Townhouse Residential (THR).**

- 1690 A. *Purpose.* The purpose of the Townhouse Residential (THR) district is to support the development
1691 of pedestrian-oriented, attached single-family homes that share a common wall. The THR also
1692 provides a unique housing option for those desiring a more compact built environment and less
1693 landscaping upkeep. Development is characterized as having lower required lot and setback areas.
- 1694 B. Permitted uses, conditional uses, and prohibited uses in the THR district shall follow the table in
1695 **Sec. 9-302.1. – District land use summary and applicable use standards.**
- 1696 C. Minimum lot area, dimensions, and yards in the THR district shall follow the table in **Sec. 9-302.2.**
1697 **– Dimensional lot standards summary.**
- 1698 D. All uses of land and structures in the THR district shall be subject to the following standards:
- 1699 1. *Flood zones.* Construction of any structures or alteration of land which occurs in the 100-year
1700 flood zone as established by the Federal Emergency Management Agency shall comply with
1701 floodplain management requirements of this Code prior to issuance of a building permit.
- 1702 2. *Use standards.* All uses allowed in this district, including conditional uses, are subject to the
1703 use requirements in **Sec. 9-303. – Use Standards** of this Code.
- 1704 3. *Development standards.* All structures and sites are subject to **Sec. 9-304. – Development**
1705 **standards** of this Code.

1706 **Sec. 9-302.1.7. - Multifamily Residential (MR).**

- 1707 A. *Purpose.* The purpose of the Multifamily Residential (MR) district is to accommodate multiple
1708 dwelling units within a single building or complex, providing individual living spaces for various
1709 residents within one location, such as apartments, condominiums, or townhomes.
- 1710 B. Permitted uses, conditional uses, and prohibited uses in the MR district shall follow the table in **Sec.**
1711 **9-302.1. – District land use summary and applicable use standards.**
- 1712 C. Minimum lot area, dimensions, and yards in the MR district shall follow the table in **Sec. 9-302.2. –**
1713 **Dimensional lot standards summary.**
- 1714 D. All uses of land and structures in the MR district shall be subject to the following standards:

- 1715 1. *Flood zones.* Construction of any structures or alteration of land which occurs in the 100-year
1716 flood zone as established by the Federal Emergency Management Agency shall comply with
1717 floodplain management requirements of this Code prior to issuance of a building permit.
1718 2. *Use standards.* All uses allowed in this district, including conditional uses, are subject to the
1719 use requirements in **Sec. 9-303. – Use Standards** of this Code.
1720 3. *Development standards.* All structures and sites are subject to **Sec. 9-205. – Development**
1721 **standards** of this Code.

1722 **Sec. 9-302.2 – Commercial and special purpose zoning districts.**

1723 The Commercial and Special Purpose Districts in the Town include:

- 1724 Commercial District (C)
1725 Adaptive Mixed Use (AMU)
1726 Mixed Use District (MU)
1727 Residential Mixed Use (RMU)
1728 Light Industrial District (LI)
1729 Civic District (CV)

1730 **Sec. 9-302.2.1 – District land use summary and applicable use standards.**

- 1731 A. **Table 9-302.2.1.1.** shows permitted, conditional, or prohibited uses across all commercial and
1732 special purpose districts mapped in the Town, where:
- 1733 1. "P" indicates a permitted use.
1734 2. "C" indicates a conditional use. Conditional uses must be approved by the Zoning
1735 Commission in accordance with the standards and procedures set forth in this Code.
1736 3. "—" indicates a prohibited use.
- 1737 B. When a land use is not specifically listed, the Planning Director may, in accordance with best
1738 planning practice, permit a similar use and utilize the rules and standards associated with that listed
1739 land use, provided the land uses are demonstrably similar in their land use activity and impacts.
- 1740 C. For commercial or industrial enterprises not specifically listed and not similar in impacts and
1741 activities to land use that is listed, the applicant may apply for a public hearing before the Planning
1742 Commission where the applicant must describe the proposed enterprise's activities and estimated
1743 and use impacts, submit information required by the Planning Commission, and address questions
1744 from the Commission and the public related to the proposed land use. The Planning Commission
1745 shall determine within 90 days of the public hearing:
- 1746 a. If the proposed land use's activities and impacts are in alignment with the purpose and
1747 intent of the applicable zoning district; and
1748 b. If the use is permitted in the zoning district in which is it located; and
1749 c. If land use conditions are applicable to the land use.
- 1750 D. **Sec. 9-303. – Use Standards** apply to all uses, unless specifically noted otherwise in this Section.

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Table 9-302.2.1.1. – Use Table for Commercial and Special Purpose Districts

USES	ZONING DISTRICTS					
	C Commercial	AMU Adaptive Mixed Use	MU Mixed Use	RMU Residential Mixed Use	LI Light Industrial	CV Civic
RESIDENTIAL USES						
Single-family dwelling	P	P	P	P	—	P
Group home	P	C	C	C	—	P
Duplex	P	P	P	—	—	P
Townhouse	P	—	—	—	—	P
Multi-family dwelling	—	—	—	—	—	P
Modular homes	C	C	C	—	—	—
Mobile homes or manufactured homes	—	—	—	—	—	—
“Container homes” or structures using a shipping container as a dwelling unit	—	—	—	—	C	—
OTHER USES						
Accessory structure	P	P	P	P	P	P
Accessory dwelling unit	P	P	P	—	—	P
Church or house of worship	P	P	P	P	P	P
Fishing, forestry, wildlife preserve	P	P	P	P	P	P
Garden or agriculture	P	P	P	P	P	P
Home occupation	P	P	P	P	—	—
Long-term open-air retail sales	P	C	C	—	P	P
Livestock*	P	P	P	P	P	P
Recreational vehicles used for long term housing as a residential unit	—	—	—	—	—	—
Temporary seasonal uses	P	C	C	—	P	P
Temporary retail sales, “pop-up markets,” food sales, and outdoor events.	P	C	C	—	P	P
Timber harvesting	P	—	—	—	P	P
CIVIC USES						
Airports and related facilities	C	—	—	—	C	—
Bus or railway stations	P	C	C	—	P	P
Childcare center	P	P	P	P	P	P
Dormitories	P	—	—	—	—	—
Government or public safety facilities and services such as fire stations, police stations, and similar uses	P	—	—	P	P	P
Hospitals	P	—	—	—	P	P
Lodges or civic organizations	P	P	P	—	P	P
Museums, libraries, parks, playgrounds, community centers, dog parks	P	P	P	P	P	P
Outdoor recreational facilities including golf courses, tennis courts, or a community pool	P	C	C	—	—	P
Pocket parks under 10,000 sq ft	P	P	P	P	P	P
Public and private utilities such as electric transformer stations, natural gas, water, stormwater, and sewer system components (not including telecommunications towers)	P	P	P	P	P	P
School	P	P	P	P	P	P

Table 9-302.2.1.1. – Use Table for Commercial and Special Purpose Districts

USES	ZONING DISTRICTS					
	C Commercial	AMU Adaptive Mixed Use	MU Mixed Use	RMU Residential Mixed Use	LI Light Industrial	CV Civic
COMMERCIAL USES						
Adult uses or businesses	—	—	—	—	C	—
Auditoriums – 4,000 square feet or greater	P	—	—	—	P	—
Auditoriums – under 4,000 square feet of building area	P	C	C	—	P	P
Bars	P	C	C	—	P	—
Bed and breakfast	P	P	P	P	—	P
Motor vehicle repairs and services	P	—	—	—	P	—
Bicycle repair, sales, and rental services	P	P	P	—	P	—
Boutique hotel (10 rooms or less)	P	P	P	—	—	—
Business park or research campus	P	—	—	—	P	—
Car washes	P	—	—	—	P	—
Commercial kitchens or industrial kitchens for food production	P	C	C	—	P	—
Construction materials sales	P	—	—	—	P	—
Cemeteries or mausoleums, excluding crematoria	P	—	—	—	P	P
Drive-through businesses	C	—	—	—	C	—
EV charging stations - level 1 & level 2	P	P	P	P	P	P
EV charging stations - level 3 with more than two charging stations	P	C	C	—	P	P
EV charging stations - level 3 with two or fewer charging stations.	P	P	P	P	P	P
Event venues or banquet halls – 4,000 square feet or greater	P	P	P	—	P	—
Event venues or banquet halls – under 4,000 square feet of building area	P	P	P	—	P	—
Farmer’s markets	P	P	P	—	P	P
Fireworks sale and storage – Permanent storefront	—	—	—	—	—	—
Fireworks sale and storage – Temporary stand	—	—	—	—	—	—
Food trucks and food truck compounds	P	C	C	—	P	—
Funeral homes, excluding crematory services	P	—	—	—	P	—
Gas stations or convenience stores with 3+ pumps	C	—	—	—	P	—
Gas stations or convenience stores with 2 or fewer gas pumps	C	—	—	—	P	—
Indoor amusement parks or playgrounds	P	P	P	—	—	C
In-patient clinics, nursing homes, assisted living facilities, long-term care facilities, rehabilitation care centers, or similar uses	P	C	C	—	P	—
Instructional studios, including dance, martial arts, personal fitness, or skills	P	P	P	P	P	—
Lawn, garden, or farm supply sales	P	C	C	—	P	—
Medical offices or outpatient clinics without overnight services under 20,000 square feet in building area	P	C	C	C	P	—
Medical offices or outpatient clinics without overnight services under 4,000 square feet in building area	P	P	P	P	P	—

Table 9-302.2.1.1. – Use Table for Commercial and Special Purpose Districts

USES	ZONING DISTRICTS					
	C Commercial	AMU Adaptive Mixed Use	MU Mixed Use	RMU Residential Mixed Use	LI Light Industrial	CV Civic
Ministorage or self-storage facilities	P	—	—	—	P	—
Mixed use buildings with at least one residential unit and at least one office or retail unit – under 4,000 square feet of building area	P	P	P	P	—	—
Mixed use buildings with at least one residential unit and at least one office or retail unit – 4,000 square feet of building area or greater	P	—	—	—	—	—
Motel / hotel (11+ rooms)	P	—	—	—	—	—
Motor vehicle and boat sales and rental	P	—	—	—	P	—
Movie theaters or performing arts center – 4,000 square feet or greater	P	—	—	—	P	—
Movie theaters or small performing arts center under 4,000 square feet of building area	P	C	C	—	P	—
Offices – 4,000 square feet or greater	P	—	—	—	P	—
Offices under 4,000 square feet in building area <i>Note: This does NOT include medical offices, outpatient clinics, veterinarian offices, kennels, or pet boarding facilities.</i>	P	P	P	P	P	P
Outdoor amusement parks	P	—	—	—	—	P
Professional service establishments or offices (with in-person or remote services) under 4,000 square feet	P	P	P	P	P	P
Restaurants, excluding bars: Restaurants may serve alcohol as long as their average monthly revenue from food and nonalcoholic beverages must exceed 50% of its total average monthly revenue from the sale of food, nonalcoholic beverages, and alcoholic beverages. See the Louisiana Class A-Restaurant application for additional qualifications.	P	P	P	P	P	—
Retail stores - 4,000 square feet of building area or greater <i>Note: This does NOT include wholesale trade, warehouse clubs, supercenters, or small box discount stores.</i>	P	—	—	—	P	—
Retail stores primarily selling age restricted inventory including package sale of alcohol, vaping, or smoking-related goods	P	—	—	—	P	—
Retail stores under 4,000 square feet of building area	P	P	P	—	P	—
Shopping centers or multi-tenant retail, service, or office buildings	P	—	—	—	P	—
Short-term rental	P	P	P	P	—	P
Small box discount stores	C	—	—	—	P	—
Standalone parking lots or garage structures	C	—	—	—	C	C
Telecommunication towers	C	C	C	—	C	C
Truck stops and related service centers	C	—	—	—	P	—
Vehicle tires / parts sales with no outdoor storage	P	—	—	—	P	—
Veterinarian offices or animal grooming offices without kennels or boarding facilities	P	P	P	—	P	—

Table 9-302.2.1.1. – Use Table for Commercial and Special Purpose Districts						
USES	ZONING DISTRICTS					
	C Commercial	AMU Adaptive Mixed Use	MU Mixed Use	RMU Residential Mixed Use	LI Light Industrial	CV Civic
Veterinarian offices with kennels, or pet boarding facilities, stand-alone kennel, animal training, or pet boarding facilities	P	C	C	—	P	—
Wholesale trade, warehouse clubs, or supercenters under 50,000 square feet of building area	C	—	—	—	P	—
INDUSTRIAL USES						
Ammonia or fertilizer manufacturing	—	—	—	—	—	—
Artisan manufacturing	P	C	C	C	P	—
Asphalt or concrete batching plants	—	—	—	—	C	—
Atomic energy generation	—	—	—	—	—	—
Automotive racetracks or drag strips including golf cart or go-cart tracks	C	—	—	—	C	—
Building and repair of boats in excess of 90 feet in length	—	—	—	—	P	—
Chemical manufacturing or paint manufacturing not including ammonia or fertilizer manufacturing activities	—	—	—	—	—	—
Chemical or fuel storage facilities	—	—	—	—	—	—
Chemical or petrochemical refining facilities	—	—	—	—	—	—
Collection points for recycling services (no processing on site)	P	—	—	—	P	—
Crematory facility	—	—	—	—	—	—
Distributing and logistics centers	C	—	—	—	C	—
Grain storage or production, grain or sugar refineries, crop storage for off-site agriculture	—	—	—	—	—	—
Iron or metal working or foundry	—	—	—	—	—	—
Landfills or disposal of solid waste, hazardous waste, or toxic substances	—	—	—	—	—	—
Machinery manufacturing	—	—	—	—	P	—
Microbrewery, distillery for alcoholic beverages, or brewery	P	C	C	—	P	—
Packaging and assembly facilities	C	—	—	—	P	—
Paper or pulp manufacturing	—	—	—	—	—	—
Poultry or meat processing plants, dressing of animal products, tanning or rendering facilities	—	—	—	—	C	—
Pyrotechnics, ammunition, or explosives manufacturing	—	—	—	—	—	—
Recycling processing facilities	—	—	—	—	C	—
Rubber products manufacturing	—	—	—	—	—	—
Towing establishments, vehicle storage lots, or junkyards	—	—	—	—	—	—
Warehousing	P	—	—	—	P	P

1753 *Chickens are not included in the definition of livestock and are permitted on all sites. Roosters
1754 are not permitted, however, if the gender of a chick cannot be determined at hatching, a chick of
1755 either gender may be kept on the property for no more than six (6) months.

1756 **Sec. 9-302.2.2 - Dimensional lot standards summary.**

1757 A. Lots in the commercial or special purpose districts shall follow the dimensional table below.

1758 **Table 9-302.2.2.1. – Dimensional Table for Commercial and Special Purpose Districts.**

Dimensional Requirement	Districts					
	C Commercial	AMU Adaptive Mixed Use	MU Mixed Use	RMU Residential Mixed Use	LI Light Industrial	CV Civic
Min. lot area	10,800 sq. ft.	2 acres for lots created after Jan 1, 2025 All lots existing prior to Jan 1, 2025 cannot be reduced in size.	10,800 sq. ft.	10,800 sq. ft.	50,000 sq. ft.	—
Min. lot width (feet)	90	90	90	90	—	—
Min. lot depth (feet)	120	120	120	120	—	—
Min. front yard setback (feet)	10 ft. or overlay district requirement, whichever is greater	15 ft. or overlay district requirement, whichever is greater	15 ft. or overlay district requirement, whichever is greater	30 ft. or overlay district requirement, whichever is greater Parking spaces are not allowed in the required front yard setback.	50 ft.	20 ft. or overlay district requirement, whichever is greater
Min. rear yard setback	10 ft. or overlay district requirement, whichever is greater	10 ft. or overlay district requirement, whichever is greater	10 ft. or overlay district requirement, whichever is greater	10 ft. or overlay district requirement, whichever is greater	50 ft.	20 ft.
Min. side yard setbacks	5 ft. or overlay district requirement, whichever is greater	5 ft. or overlay district requirement, whichever is greater	5 ft. or overlay district requirement, whichever is greater	5 ft. or overlay district requirement, whichever is greater	20 ft.	10 ft.
Max. building height	35 ft. measured from grade to the highest point, including vertical projections	40 ft.	40 ft.	40 ft.	60 ft.	60 ft.
Min. primary building setback	5 ft. or overlay district requirement, whichever is greater	15 ft. or overlay district requirement, whichever is greater	15 ft. or overlay district requirement, whichever is greater	30 ft. or overlay district requirement, whichever is greater	20 ft.	5 ft.
Minimum corner side yard	10 ft. or overlay district requirement, whichever is greater	15 ft. or overlay district requirement, whichever is greater	15 ft. or overlay district requirement, whichever is greater	15 ft. or overlay district requirement, whichever is greater	50 ft.	20 ft. or overlay district requirement, whichever is greater

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1760 B. *Lots in business or industrial districts adjacent to residential zones.* Where a lot in a business or
1761 industrial district abuts a lot in a residential district there shall be provided along the abutting lines a
1762 yard equal in width or depth to that required in the residential district unless the building is
1763 constructed of masonry fire resistant material as defined in the fire code.

1764 **Sec. 9-302.2.3. – Commercial District (C).**

1765 A. *Purpose.* The Commercial (C) district aims to provide a range of higher intensity, auto-oriented
1766 commercial uses adjacent to major thoroughfares or other important nodes in Town.

1767 B. *Permitted uses.* Permitted land uses in the C district include those listed in **Sec. 9-302.2.1**, as well as
1768 similar uses having the same or less intense land use impact, as determined by the Director of
1769 Planning.

1770 C. *Dimensional standards.* See **Sec. 9-302.2.2** for dimensional standards for lots and buildings.

1771 D. *Use and development standards.* See **Sec. 9-303 and 9-304** for use and development standards
1772 associated with permitted or conditional uses in this district.

1773 **Sec. 9-302.2.4. – Adaptive Mixed Use (AMU).**

1774 A. *Purpose.* The Adaptive Mixed Use (AMU) district aims to enable property owners of land in areas
1775 subject to flood risk to use their land for light-intensity commercial or residential uses. The lot size
1776 requirements in this district are intended to require large lots and low density, thereby reducing new
1777 impacts on the drainage system.

1778 B. *Permitted uses.* Permitted land uses in the AMU district include those listed in Sec. 9-302.2.1, as
1779 well as similar uses having the same or less intense land use impact, as determined by the Director
1780 of Planning.

1781 C. *Dimensional standards.* See Sec. 9-302.2.2 for dimensional standards for lots and buildings. If any
1782 property in the AMU is proposed to be subdivided after January 1, 2025, the minimum size for a
1783 newly created lot is 2 acres. Any existing lots smaller than 2 acres may remain as platted, but may
1784 not be reduced in size through the subdivision process after January 1, 2025.

1785 D. *Use and development standards.* See Sec. 9-303 and 9-304 for use and development standards
1786 associated with permitted or conditional uses in this district.

1787 E. Site and building design requirements.

1788 1. Freeboard required.

1789 a. All new residential buildings must have the lowest floor (including basement), elevated
1790 to or above the base flood elevation plus two feet (BFE + 2).

1791 b. Nonresidential buildings and accessory structures. All new commercial, industrial or
1792 other nonresidential structures shall either have the lowest floor (including basement)
1793 elevated to or above the base flood elevation plus two feet (BFE+2) or together with
1794 attendant utility and sanitary facilities, be designed so that below the base flood level
1795 plus two feet, the structure is watertight with walls substantially impermeable to the
1796 passage of water and with structural components having the capability of resisting
1797 hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional
1798 engineer or architect shall develop and/or review structural design, specifications, and
1799 plans for the construction, and shall certify that the design and methods of construction
1800 are in accordance with accepted standards of practice as outlined in this subsection. A
1801 record of such certification which includes the specific elevation (in relation to mean

- 1802 sea level) to which such structures are floodproofed shall be maintained by the
 1803 floodplain administrator.
- 1804 c. The freeboard requirements of this section do not apply to open carports or canopies or
 1805 storage sheds without interior office space.
- 1806 2. Fill limitation and open foundation requirement.
- 1807 a. Lot Grading. Fill may be provided for landscaping and surface drainage as detailed on
 1808 a drainage plan to be approved by the Town Engineer.
- 1809 i. If the Town Engineer determines that a development site cannot be drained by
 1810 surface or subsurface drainage, the Town Engineer may authorize the use of the
 1811 minimum amount of non-structural fill necessary to ensure positive drainage in
 1812 accordance with State law.
- 1813 b. Fill added to sites. In addition to the lot grading provisions above, up to 6 inches of fill
 1814 may be placed under the perimeter of the soffit or roof line of structures to achieve
 1815 positive drainage from under the structure.
- 1816 c. Grading changes shall not have an adverse impact on adjacent properties in accordance
 1817 with State law.
- 1818 d. If a site would need more than 6 inches of fill to construct a building to meet the
 1819 elevation requirements (BFE+2), the building must be constructed on an open pier or
 1820 piling foundation, which may include enclosures, but cannot include encapsulated fill
 1821 or a monolithic slab over 6 inches above grade.
- 1822 e. Detached garages, accessory structures, and driveways. Slabs may be established under
 1823 detached garages, accessory structures without habitable area, and driveways or
 1824 parking areas, provided that the top of the slab is not greater than 6 inches above
 1825 natural grade at any point.
- 1826 f. Fill for all structures (foundations, slabs, parking, drives, accessory structures) shall
 1827 taper from the edge of the structure at a slope of 3 horizontal feet for every one vertical
 1828 foot (3:1). In any case, this fill shall not extend out from any improvement or
 1829 foundation more than 6 feet.
- 1830 g. The developer may add fill to the subject site, including structural fill in excess of 6
 1831 inches of fill under the structures only when a licensed engineer can demonstrate on a
 1832 drainage plan that the post-construction site will reduce flood depth from the 1%
 1833 chance AEP flood (the 100-year flood) in the area including the subject property and
 1834 including each abutting block on all sides of the property.
- 1835 h. No fill shall be placed within 5 feet of the property line.
- 1836 3. Exceptions for freeboard, fill limitation, and open foundation requirements.
- 1837 a. The requirements for freeboard, fill limitation, and open foundation requirements may
 1838 be waived for sites that are not at risk of flooding based on:
- 1839 i. Engineering data provided by the property owner indicating an error or higher
 1840 quality data than the effective or preliminary FIRM showing the subject area; and
- 1841 ii. an analysis of the St. Tammany and Abita Springs unified development flood
 1842 plan.

- 1843 b. In applying this waiver, the Town Floodplain Manager may waive either the freeboard
1844 requirement, fill limitation, or open foundation requirement individually based on the
1845 analysis showing the sites are not at risk of flooding.
- 1846 c. In analysis of sites requesting an exception, the Town Floodplain Manager may request
1847 the assistance of the St. Tammany Parish floodplain manager.

1848 **Sec. 9-302.2.5. – Mixed Use District (MU).**

- 1849 A. *Purpose.* The Mixed Use District (MU) aims to provide the Town with a mix of small-scale
1850 neighborhood-oriented uses to enable the development of residential housing, retail shops, offices,
1851 restaurants, and entertainment options to create vibrant, pedestrian-friendly development similar to
1852 those found in small 19th and 20th Century towns. This district is in furtherance of the original
1853 intent of the Midtown Cultural Overlay district to encourage a thriving unique community character
1854 and artisan industry in the Town that offers amenities suited to the needs of Abita Springs residents
1855 and enthusiasts of the Town.
- 1856 B. *Permitted uses.* See **Sec. 9-302.2.1.** for permitted uses.
- 1857 C. *Dimensional standards.* See **Sec. 9-302.2.2** for dimensional standards for lots and buildings.
- 1858 D. *Use and development standards.* See **Sec. 9-303 and 9-304** for use and development standards
1859 associated with permitted or conditional uses in this district.

1860 **Sec. 9-302.2.6. – Residential Mixed Use (RMU).**

- 1861 A. *Purpose.* The Residential Mixed Use (RMU) district aims to provide the Town with a mix of small-
1862 scale neighborhood-oriented uses to enable the development of residential housing, offices, and
1863 restaurants to create vibrant, pedestrian-friendly development similar to those found in small 19th
1864 and 20th Century towns. This district has fewer permitted uses than the Mixed Use District, because
1865 it is designed to be located abutting, within, or in close proximity to residential neighborhoods.
- 1866 B. *Permitted uses.* Permitted land uses in the RMU district include those listed in Sec. 9-302.2.1, as
1867 well as similar uses having the same or less intense land use impact, as determined by the Director
1868 of Planning.
- 1869 C. *Dimensional standards.* See Sec. 9-302.2.2 for dimensional standards for lots and buildings.
- 1870 D. *Use and development standards.* See Sec. 9-303 and 9-304 for use and development standards
1871 associated with permitted or conditional uses in this district.

1872 **Sec. 9-302.2.7. – Light Industrial District (LI).**

- 1873 A. *Purpose.* The Light Industrial District (LI) provides limited space for low-intensity industrial uses
1874 away from residential and mixed use districts. District standards, such as adequate screening,
1875 buffering, and setbacks, aim to reduce potential nuisances to nearby properties.
- 1876 B. *Permitted uses.* See **Sec. 9-302.2.1** for permitted uses.
- 1877 C. *Dimensional standards.*
- 1878 1. See **Sec. 9-302.2.2** for dimensional standards for lots and buildings.
- 1879 2. In addition to the dimensional standards for lots and buildings, the following buffer and
1880 setback standards apply to: industrial machinery, outdoor storage of equipment or materials,
1881 or buildings with metal facades

- 1882 a. These items must be shielded from view of roads or abutting properties by a solid brick
- 1883 or masonry fence and/or an opaque vegetative screen (composed of trees and shrubs or
- 1884 latticed vegetation); and
- 1885 b. These items must have a minimum setback from all property lines of 100 feet.
- 1886 D. *Use and development standards.* See **Sec. 9-303 and 9-304** for use and development standards
- 1887 associated with permitted or conditional uses in this district.
- 1888 E. *Nuisance and environmental standards.*
- 1889 1. All sites and buildings established in the LI district must remain in full compliance with all
- 1890 required state or federal environmental minimum standards, fire codes, and hazard prevention
- 1891 practices. If a site is found to be in noncompliance with the terms of any LDEQ, LDH, or
- 1892 EPA permits, the Town may require the site to immediately cease operations.
- 1893 2. All sites must limit noise from any operations on-site such that no noise perceptible at the
- 1894 property line is emitted during the hours of 7 pm through 7 am every day. If the Town
- 1895 receives a noise complaint about a site in the LI District, the property owner of the site
- 1896 receiving the complaint must provide verified evidence from a third party expert to the Town
- 1897 indicating that the site is operating in conformance with this requirement. If insufficient
- 1898 evidence is provided and the property owner fails to make operations compliant with this
- 1899 Section within 15 days of notice, the site shall be subject to a noise violation, including a
- 1900 daily penalty or fine of \$250 per day until the noise violation is corrected, with a maximum
- 1901 penalty of \$3,500 or 14 days of fines.

1902 **Sec. 9-302.2.8. - Civic District (CV).**

- 1903 A. *Purpose.* The Civic District (CV) provides opportunities for parks, open space, schools, and public,
- 1904 governmental, or community-oriented land uses. This district provides some flexibility to include
- 1905 commercial uses or unique sites that serve a public or community purpose.
- 1906 B. *Permitted uses.* See **Sec. 9-302.2.1** for permitted uses.
- 1907 C. *Dimensional standards.* See **Sec. 9-302.2.2** for dimensional standards for lots and buildings.
- 1908 D. *Use and development standards.* See **Sec. 9-303 and 9-304** for use and development standards
- 1909 associated with permitted or conditional uses in this district.
- 1910 E. *Nuisance and environmental standards.*
- 1911 1. All sites and buildings established in the Civic District (CV) must remain in full compliance
- 1912 with all required state or federal environmental minimum requirements, fire codes, and
- 1913 hazard prevention practices. If a site is found to be in noncompliance with the terms of any
- 1914 LDEQ, LDH, or EPA permits, the Town may require the site to immediately cease
- 1915 operations.
- 1916 2. All sites must limit noise from any operations on-site such that no noise perceptible at the
- 1917 property line is emitted during the hours of 7 pm through 7 am every day. If the Town
- 1918 receives a noise complaint about a site in the civic district, the property owner of the site
- 1919 receiving the complaint must provide verified evidence from a third-party expert to the Town
- 1920 indicating that the site is operating in conformance with this requirement. If insufficient
- 1921 evidence is provided and the property owner fails to make operations compliant with this
- 1922 Section within 15 days of notice, the site shall be subject to a noise violation, including a
- 1923 daily penalty or fine of \$250 per day until the noise violation is corrected, with a maximum
- 1924 penalty of \$3,500 or 14 days of fines. Town sponsored events are exempt from this standard.

1925 **Sec. 9-302.3. – OVERLAY DISTRICTS**

1926 **Sec. 9-302.3.1. – Historic Overlay (HTO).**

1927 A. *Purpose.* The purpose of the Historic Overlay (HTO) district is to promote the educational, cultural,
1928 economic, and general welfare of the Town pursuant to the provisions of LA R.S. 25:731 to 25:745;
1929 to preserve and protect the historic architecturally worthy buildings, structures, sights, monuments,
1930 streetscapes, squares, and neighborhoods of the historic area; and to help ensure new development
1931 is compatible with the Town’s history, character, and culture.

1932 B. *Applicability.*

1933 1. *Limited to public street view.* Historic Overlay (HTO) district regulations shall only apply to
1934 structures fronting on the public right of way or within 200 feet of the right-of-way.

1935 2. *Base zoning standards apply.* In the HTO district, all uses and buildings shall be developed-in
1936 accordance with base zoning district requirements. Use of a building in the HTO district shall
1937 be governed and administered by the Zoning Commission of the Town.

1938 3. *Certificate of appropriateness (COA) required.* No private building, structure, or edifice,
1939 including fences, boundary walls, signs, light fixtures, steps and paving or other appurtenant
1940 fixtures *visible from the public right of way*, shall be erected, altered, restored, moved or
1941 demolished, nor shall earthworks of historical or archeological importance be excavated or
1942 any earth, rock or subsoil removed therefrom if located within the HO district until after an
1943 application for a Certificate of Appropriateness has been submitted to and approved by the
1944 Historic District Commission established in **Sec. 9-120** et seq. of this Code, except as
1945 otherwise provided in this Chapter or as provided by rules, regulations, policies, procedures
1946 and standards adopted by the Historic District Commission.

1947 4. *Compliance required for repair of substantial damage or substantial improvements.* Any
1948 structure undergoing repair of substantial damage or substantial improvements, as defined by
1949 Chapter 4 – Floodplain Management, of this Code, must comply with the Historic Overlay
1950 District regulations in the following ways:

1951 a. If the property is in the special flood hazard area, the property must comply with all
1952 requirements of Chapter 4 – Floodplain Management of this Code, including elevation
1953 to the applicable base flood elevation and using the required foundation design
1954 applicable to the site.

1955 b. If the property is not in the special flood hazard area, all portions of the building within
1956 the proposed scope of improvement or repair must increase compliance with the
1957 Historic District Guidelines. For example, if the foundation of the property is intact, but
1958 the walls and roof of the structure are being replaced, the new walls and roof design
1959 must be compliant with the Historic District Guidelines, but the existing foundation
1960 may remain.

1961 5. *Building setbacks are the purview of the Planning Commission.*

1962 a. New construction of primary dwellings shall maintain the existing historic pattern of
1963 building setbacks, meaning that new construction in the Historic District must have a
1964 front, side, and rear yard setback that matches the prevailing average setback of
1965 structures within the adjacent two blocks, even if this average setback is higher than the
1966 required setback of the underlying zoning district.

1967 b. Clarification regarding setbacks in the Historic Overlay District. The Planning
1968 Commission may grant a variance to the setback requirements of the Historic Overlay

1969 District, the Historic District Commission shall not administer the building setback
1970 requirements of the Historic District or the Base Zoning District.

1971 C. *Review and issuance of a COA.* In considering a certificate of appropriateness or COA, the Historic
1972 District Commission shall not consider interior arrangement or use, but shall consider the
1973 relationship of the exterior of the buildings concerned with all others in the HTO district so as to
1974 avoid incongruity and promote harmony therewith.

1975 1. The Historic District Commission shall adhere to and seek compatibility of structures in the
1976 HTO district in terms of size, texture, scale and sight plans in accordance with guidelines
1977 established herein, and rules and regulations promulgated from time to time by the Historic
1978 District Commission.

1979 2. As used in this Section, the term "exterior architectural features" shall include but need not be
1980 limited to the color, architectural style, general design and general arrangement of the exterior
1981 of a structure, including the kind and texture of the building material, the type and style of all
1982 roofs, windows, doors, light fixtures, signs and other appurtenant fixtures.

1983 3. The style, scale, material, size and location of all signs, including temporary signs and bill
1984 posters, within the HTO District shall be subject to the control and supervision of the Historic
1985 District Commission.

1986 D. *Regular maintenance not requiring a COA.* Nothing contained herein shall be construed to prevent
1987 ordinary maintenance or repairs which do not involve a change of design, material, or of outward
1988 appearance, thereof; nor to prevent the construction, reconstruction, alteration or demolition of any
1989 such feature which is required to protect public safety because of an unsafe or dangerous condition.

1990 **Sec. 9-302.3.2. – Midtown Cultural Overlay (MCO).**

1991 A. *Purpose.* The purpose of the Midtown Cultural District (MCO) is to encourage economic
1992 revitalization within the center of Town by taking advantage of the Louisiana Cultural Districts
1993 Program, which provides tax credits for the rehabilitation of properties within the district.

1994 B. *Boundaries.* The Midtown Cultural District of Abita Springs is a certain area of the Town of Abita
1995 Springs situated in Section 31 and 36, Township 6 South, Range 12 East, Parish of St. Tammany,
1996 State of Louisiana and more particularly described as follows to-wit:

1997 Begin at Northeast corner of Square 1 of the Northwest Division of the Town of Abita Springs
1998 which point is on the South right-of-way line of Andrews Street and the Westerly right-of-way line
1999 of Live Oak Street. Thence travel northerly along the West right-of-way line of Live Oak Street and
2000 its projector to the Abita River, follow the river westerly to Hwy 36, thence in a Westerly direction
2001 along the Southern right-of-way Hwy. 36 to its intersection with Gordon Avenue up to a point that
2002 is the Northwestern corner of Square 7 of the Northwest Division of the Town of Abita Springs;
2003 thence run un an easterly direction along the eastern corner of Square 7 to the southeast corner of
2004 Square 7 then continue on a line parallel to Gordon Avenue to a point on the Northern right-of-way
2005 line of the Tammany Trace; thence follow said right-of-way line in an easterly direction to the west
2006 bank of the Abita River in its meandering in a Southerly direction to its intersection with its
2007 Northern right-of-way line of Seventh Street in the Northwest Division of the Town of Abita
2008 Springs; from that point run in a line along the northern line of Seventh Street to its intersection
2009 with Hwy 59; thence crossing Hwy 59 on a line parallel to the Southern right-of-way line of said
2010 Seventh Street thence go a Southerly direction along the Easterly right-of-way line of Fourth Street
2011 in an Easterly direction to its intersection with the Westerly right-of-way line of former Bossier
2012 Avenue (now revoked) thence run in a line crossing Maple Street in a Easterly direction to a point
2013 which is the Southwest corner of Lot 10 Square D Northwest Division in a Southerly direction.
2014 Thence go along the eastern right-of-way line of the former Bossier Avenue (now revoked) to its

2015 intersection north right-of-way line of Andrew Street thence in an easterly direction along the
2016 Northern right-of-way line of Andrew Street to the Western right-of-way line of Live Oak Street
2017 and the point of beginning.

2018 **Sec. 9-302.3.3. – Tammany Trace Overlay (TTO).**

2019 A. *Purpose.* The purpose of the Tammany Trace Overlay (TTO) district is to ensure that properties
2020 that abut the Tammany Trace have appropriate setbacks, fencing, and buffers to provide a
2021 consistent, natural viewshed along the bike corridor.

2022 B. *Applicability.*

2023 1. *Properties abutting the Tammany Trace.* Tammany Trace Overlay (TTO) district regulations
2024 shall only apply to sites directly abutting the Tammany Trace trail or the Trailhead museum.

2025 2. *Base zoning standards apply.* In the TTO district, all uses and buildings shall be developed in
2026 accordance with base zoning district requirements.

2027 C. *Non-residential sites: Site design and buffer requirements.*

2028 1. *Setbacks required.* All new buildings or structures constructed on sites in the TTO district
2029 must have a minimum “untouched” 15-foot setback with natural vegetation between the
2030 closest edge of the trace and the nearest structure or parking area.

2031 2. *Landscaping and greenery.* Within the 15-foot setback, landscape buffering shall be provided
2032 to create a consistent, natural area alongside the Trace. Landscaping can include, but is not
2033 limited to trees, shrubs, and other natural greenery. The area shall be maintained and kept
2034 free of trash and debris and landscaping elements shall not be so placed as to impede clear
2035 vision for cyclists or drainage systems in the surrounding area.

2036 3. *Consistent fencing.* The following requirements apply to any new fences constructed on the
2037 boundaries of properties in the TTO abutting the Trace:

2038 a. The fencing materials used must reflect the traditional historical character of their
2039 surroundings, acceptable materials include wooden slats, wrought iron, metal garden
2040 (scallop or square grid), or metal picket fence or a similar material to those listed here,
2041 subject to Historic Commission approval. Living fences (such as hedges or other
2042 landscaping) are also acceptable materials.

2043 b. Fences may be a maximum height of 7 feet, with the exception that wooden fences may
2044 be 6 feet in height with a 2-foot framed lattice top.

2045 c. Wood supports measuring 4” by 4” or metal pipe are recommended. Property owners
2046 must maintain the fence with regular painting, repair, or replanting if the fence includes
2047 plant material.

2048 d. All nondecorative posts, horizontal posts, cross-members, and similar structural or
2049 unfinished components of the fence must be located on the side of the fence that is not
2050 visible from the Trace.

2051 e. All fences in the TTO must be reviewed and approved by the Historic Commission.

2052 D. *Residential sites: Site design and buffer requirements.*

2053 1. *Setbacks required.* All new buildings or structures constructed on sites in the TTO district
2054 must have a minimum 10-foot setback between the closest edge of the trace and the nearest
2055 structure.

- 2056 2. *Consistent fencing.* The following requirements apply to any new fences constructed on the
 2057 boundaries of properties in the TTO abutting the Trace:
- 2058 a. The fencing materials used must reflect the traditional historical character of their
 2059 surroundings, acceptable materials include wooden slats, wrought iron, metal garden
 2060 (scallop or square grid), or metal picket fence or a similar material to those listed here,
 2061 subject to Historic Commission approval. Living fences (such as hedges or other
 2062 landscaping) are also acceptable materials.
- 2063 b. Fences may be a maximum height of 7 feet, with the exception that wooden fences may
 2064 be 6 feet in height with a 2-foot framed lattice top.
- 2065 c. Wood supports measuring 4” by 4” or metal pipe are recommended. Property owners
 2066 must maintain the fence with regular painting, repair, or replanting if the fence includes
 2067 plant material.
- 2068 d. All nondecorative posts, horizontal posts, cross-members, and similar structural or
 2069 unfinished components of the fence must be located on the side of the fence that is not
 2070 visible from the Trace.
- 2071 e. All fences in the TTO must be reviewed and approved by the Historic Commission.

2072 **Sec. 9-302.3.4. – Resilience Overlay (RO).**

- 2073 A. *Purpose.* The purpose of the Resilience Overlay is to ensure that properties subject to flood risk can
 2074 be used, but are built to withstand flooding conditions without causing threat to life or property.
 2075 This overlay district applies building standards, but does not change permitted uses in the area.
- 2076 B. Site and building design requirements.
- 2077 1. Freeboard required.
- 2078 a. Residential units. All new buildings containing residential units must have the lowest
 2079 floor (including basement), elevated to or above the base flood elevation plus two feet
 2080 (BFE + 2). This requirement applies to attached garages for residential homes, but does
 2081 not apply to open carports, storage sheds without living area, or detached garages
 2082 without living area.
- 2083 b. Nonresidential buildings and accessory structures. All new commercial, industrial or
 2084 other nonresidential structures shall either have the lowest floor (including basement)
 2085 elevated to or above the base flood elevation plus two feet (BFE+2) or together with
 2086 attendant utility and sanitary facilities, be designed so that below the base flood level
 2087 plus two feet, the structure is watertight with walls substantially impermeable to the
 2088 passage of water and with structural components having the capability of resisting
 2089 hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional
 2090 engineer or architect shall develop and/or review structural design, specifications, and
 2091 plans for the construction, and shall certify that the design and methods of construction
 2092 are in accordance with accepted standards of practice as outlined in this subsection. A
 2093 record of such certification which includes the specific elevation (in relation to mean
 2094 sea level) to which such structures are floodproofed shall be maintained by the
 2095 floodplain administrator.
- 2096 2. Fill limitation and open foundation requirement.
- 2097 a. Lot Grading. Fill may be provided for landscaping and surface drainage as detailed on
 2098 a drainage plan to be approved by the Town Engineer. If the Town Engineer determines
 2099 that a development site cannot be drained by surface or subsurface drainage, the Town

- 2100 Engineer may authorize the use of the minimum amount of non-structural fill necessary
2101 to ensure positive drainage in accordance with State law.
- 2102 b. Fill added to sites. In addition to the lot grading provisions above, up to 6 inches of fill
2103 may be placed under the perimeter of the soffit or roof line of structures to achieve
2104 positive drainage from under the structure.
- 2105 c. Grading changes shall not have an adverse impact on adjacent properties in accordance
2106 with State law.
- 2107 d. If a site would need more than 6 inches of fill to construct a building to meet the
2108 elevation requirements (BFE+2), the building must be constructed on an open pier or
2109 piling foundation, which may include enclosures, but cannot include encapsulated fill
2110 or a monolithic slab over 6 inches above grade.
- 2111 e. Detached garages, accessory structures, and driveways. Slabs may be established under
2112 detached garages, accessory structures without habitable area, and driveways or
2113 parking areas, provided that the top of the slab is not greater than 6 inches above
2114 natural grade at any point.
- 2115 f. Fill for all structures (foundations, slabs, parking, drives, accessory structures) shall
2116 taper from the edge of the structure at a slope of 3 horizontal feet for every one vertical
2117 foot (3:1). In any case, this fill shall not extend out from any improvement or
2118 foundation more than 6 feet.
- 2119 e. No fill shall be placed within 5 feet of the property line.
- 2120 3. Exceptions for freeboard, fill limitation, and open foundation requirements.
- 2121 a. The requirements for freeboard, fill limitation, and open foundation requirements may
2122 be waived for sites that are not at risk of flooding based on:
- 2123 i. Engineering data provided by the property owner indicating an error or higher
2124 quality data than the effective or preliminary FIRM showing the subject area; and
- 2125 ii. an analysis of the St. Tammany and Abita Springs unified development flood
2126 plan.
- 2127 b. In applying this waiver, the Town Floodplain Manager may waive either the freeboard
2128 requirement, fill limitation, or open foundation requirement individually based on the
2129 analysis showing the sites are not at risk of flooding.
- 2130 c. In analysis of sites requesting an exception, the Town Floodplain Manager may request
2131 the assistance of the St. Tammany Parish floodplain manager.

2132 **Sec. 9-303. – USE STANDARDS**

2133 **Sec. 9-303.1. – Accessory structures on a residential site.**

- 2134 A. All accessory structures shall meet the following minimum requirements provided for in this
2135 Section:
- 2136 1. On lots of less than 2 acres, the total gross square footage of all accessory structures must not
2137 exceed the total gross square footage of the main structure and shall not exceed a height of 20
2138 feet or the height of the main structure, whichever is greater.
- 2139 2. On lots of 2 acres or more, the total square footage of accessory structures must not exceed 7
2140 percent of the total square footage of the lot, and shall not exceed a height of 35 feet.

- 2141 3. An accessory structure shall be not less than 5 feet from the main building.
- 2142 4. No accessory structure shall be closer than 5 feet to the nearest property line on the lot it
2143 occupies. No accessory structure can be located in the front yard or the side yard of a corner
2144 lot facing the street.
- 2145 5. Any addition to an accessory structure or accessory dwelling unit shall be considered part of
2146 that structure and be subject to square footage and height restrictions outlined in this Section.
- 2147 6. Any addition to the primary residential dwelling on a lot shall be considered part of that
2148 structure and not an accessory structure.
- 2149 7. An accessory structure can be connected to the main structure by a breezeway that shall not
2150 be less than 5 feet in distance from wall to wall and the roof no more 6 feet wide. The sides
2151 must remain open.
- 2152 B. Accessory dwelling units shall meet the following requirements:
- 2153 1. All requirements of **Sec. 9-303.1.A.**;
- 2154 2. For each primary residential dwelling, only one accessory dwelling unit may be permitted on
2155 the same site in accordance with this Section;
- 2156 3. The accessory dwelling unit must include at least 300 square feet of living space and be no
2157 larger than one-half the size of the primary residential dwelling. Measurement of the primary
2158 dwelling shall be calculated based upon the footprint of the structure excluding any porches,
2159 decks, or similar exterior or outdoor structural features.
- 2160 4. All proper documents required by any governmental agency shall be required prior to the tie-
2161 in to an individual sewer treatment facility. Upon meeting all requirements set out herein an
2162 accessory dwelling unit may be allowed a separate utility service.

2163 **Sec. 9-303.2. – Animal-related uses.**

2164 In all residential districts, these standards apply to all animal-related uses including animals raised for
2165 household agriculture, stables, and kennels.

- 2166 A. A breeder shall not conduct any breeding activity in a residential zoning district.
- 2167 B. A structure may be erected for a private stable, pen, barn, shed, or silo for raising, treating and/or
2168 storing products raised on the premises. This structure may not include a dwelling unit.
- 2169 C. Standing under roofed stables must be made of a material that provides for proper drainage so as
2170 not to create offensive odors, fly breeding, or other nuisances.
- 2171 D. Fences for pens or similar enclosures must be built with sufficient height and strength to retain the
2172 animals. No pen, fence, or similar enclosure may be closer than 20 feet to an adjacent property line.
2173 The widths of alleys, street rights-of-way, or other public rights-of-way may be used to calculate
2174 the 10-foot requirement.
- 2175 E. The regulations for this land use do not apply to government agencies, governmentally supported
2176 organizations, or educational agencies that keep and maintain animals' health, research, or similar
2177 purposes, nor do these regulations apply to special events such as circuses and livestock exhibitions
2178 which are otherwise regulated.
- 2179 F. In addition to the Town noise ordinance, Sec. 7-404. - Disturbing the peace, no animal-related use
2180 may house animals that present a repeated or constant noise nuisance. Any complaints about a
2181 specific site housing animals making excessive noise may be presented to the Town Planning and
2182 Zoning Office and the subject site must present proof that the source of the excessive noise has

2183 been mitigated. If the site receives repeated complaints, the issue may be referred to the Mayor’s
 2184 Court.

2185 G. Livestock. Livestock must be provided with an enclosure preventing their escape, and shall not be
 2186 over-crowded such as to endanger public health and safety. If the Town administration suspects a
 2187 site of over-crowded livestock conditions, the Town administration shall refer the complaint to the
 2188 St. Tammany Parish Department of Animal Services (DAS) and/or to the State of Louisiana for
 2189 further investigation.

2190 H. Allowed animals and minimum lot size thresholds. In addition to those standards listed above in
 2191 this section, the following standards apply to all zoning districts in the Town:

Type of animal allowed	Districts this animal is allowed in	Minimum lot area	Minimum setback from all property lines and drainage ditches – animal pens, coops, stables, kennels, and any manure storage must adhere to these setbacks	Additional standards applicable
Pets (companion animals)	All zoning districts	N/A	N/A	N/A
Chickens	All zoning districts	N/A	25 ft. from all property lines	<ol style="list-style-type: none"> 1. No roosters are allowed. 2. Chickens are only permitted for non-commercial use. 3. Chicken areas must be kept clean and free of odor, runoff, and nuisances perceptible beyond the property line.
Small animals (backyard / hobby scale)	All zoning districts	½ acre	N/A	N/A
Livestock (agricultural animals)	See zoning district use matrices	1 acre	N/A	N/A

2192

2193 **Sec. 9-303.3. – Auto repairs and services.**

- 2194 A. The following activities shall not be performed in conjunction with any auto repair service station,
2195 inclusive of both “automotive body and paint repair” and “automotive repair and maintenance” uses
2196 defined in **Sec. 9-213** of this Code:
- 2197 1. Outdoor repairs, including changing of oil and lubrication of automobiles.
 - 2198 2. Outdoor painting and body work on automobiles.
 - 2199 3. Outdoor storage of automotive parts.
 - 2200 4. The outdoor storage of wrecked or abandoned vehicles.
 - 2201 a. If an operable or wrecked motor vehicle remains outside on the premises for more than
2202 24 hours, the premises shall be considered an outside salvage or reclamation use.
 - 2203 b. However, a premises is not an outside salvage or reclamation use if the premises stores
2204 inoperable or wrecked motor vehicles each of which having a valid state registration,
2205 current safety inspection certificate, and documentary record of pending repairs or
2206 other disposition.
 - 2207 c. All vehicles shall be screened from public view by a 100 percent, 6 foot non-living or
2208 70 percent living screen. Objects shall be stored at a minimum of 5 feet from this
2209 screen.
 - 2210 5. Sale of 2 or more automobiles, trailers, trucks, tractors, boats, or any other similar
2211 commodity.

2212 **Sec. 9-303.4. – Bed and breakfasts.**

- 2213 A. The property owner or a permanent on-site operator must reside on the subject site and be on the
2214 premises during guest stays.
- 2215 B. Guest accommodations must include meal service at least once per day.
- 2216 C. Guests are limited to overnight stays of no more than 2 weeks.

2217 **Sec. 9-303.5. – Construction offices and event trailers.**

2218 Temporary offices and trailers for construction or special events may be permitted when provided in
2219 accordance with the following minimum standards:

- 2220 A. The trailer or temporary office location must be approved by the Planning and Zoning Director and
2221 must be located as shown on the approved site plan or permit.
- 2222 B. A temporary trailer may be parked upon the premises for special events and cannot encroach into
2223 the public right-of-way.
- 2224 C. A construction office or event trailer cannot be placed prior to the issuance of the permit, and must
2225 be removed from the jobsite upon the issuance of Certificate of Occupancy or per the duration
2226 established in the permit issued.
- 2227 D. When used to support retail construction sales, a temporary construction or sales office may not be
2228 located in another subdivision or used for construction or sale in another subdivision.

2229 **Sec. 9-303.6. – Group homes and rehabilitative care centers.**

- 2230 A. Requirements for group homes:

- 2231 1. New group homes must be located a minimum of 2,000 feet from any existing group home or
 2232 rehabilitative care center. This distance shall be measured radially from all lot lines of the
 2233 subject sites.
- 2234 2. Lot area requirements, setbacks, and any other dimensional or design requirements of the
 2235 base zoning district or overlay district shall apply to group homes.
- 2236 3. A minimum of 350 square feet of habitable floor area must be provided for each resident.
- 2237 B. Requirements for rehabilitative care centers:
- 2238 1. New rehabilitative care centers must be located a minimum of 4,000 feet from any existing
 2239 group home or rehabilitative care center. This distance shall be measured radially from all lot
 2240 lines of the subject sites.
- 2241 2. Lot area requirements, setbacks, and any other dimensional or design requirements of the
 2242 base zoning district or overlay district shall apply to rehabilitative care centers.

2243 **Sec. 9-303.7. – Home occupations on a residential site.**

- 2244 A. Home occupations shall be permitted on a residential site, provided the home occupation
 2245 demonstrates compliance with all of the following minimum standards:
- 2246 1. All on-site business activities must be conducted inside the dwelling and such business
 2247 activities must be incidental and secondary to the use of the dwelling.
- 2248 2. The dwelling used for the home occupation must be the principal residence of the resident
 2249 conducting the home occupation.
- 2250 3. A home occupation shall not generate noise, solid waste, vibration, glare, fumes, odors, or
 2251 electrical interference beyond what normally occurs in a residential dwelling.
- 2252 4. No outside storage or display of materials, merchandise, inventory, or heavy equipment is
 2253 permitted.
- 2254 5. No bulk storage, assembly, or manufacturing of products is allowed on the site.
- 2255 6. A maximum of 25 percent of the building's floor area shall be used for the home occupation.
- 2256 7. If a home occupation includes lessons or a service provided to a visitor (ex: music lessons,
 2257 retail sales), only four customers may be present at any time and such activities must take
 2258 place between 7:00 a.m. and 7:00 p.m.
- 2259 8. Childcare services may be provided in a single-family residence for no more than 7 children
 2260 at any one time excluding those children residing in the dwelling.

2261 **Sec. 9-303.8. – Long-term open-air retail sales.**

2262 This Section sets forth general performance standards for retail sales from vehicles or tents in parking lots
 2263 or open air sites that last over 3 months.

- 2264 A. *Permit required.* The retailer proposing open-air sales must apply for a permit with the Planning
 2265 and Zoning Department. The permit application must include the following:
- 2266 1. Contact information for the vendor and the property owner where the open-air retail sales is
 2267 proposed to take place. The applicant for the long-term open-air retail sales use must have a
 2268 contract or lease with the property owner allowing them to operate on the site.
- 2269 2. A site plan showing:

- 2270 a. All existing parking areas, including any parking areas that will be used by vendor
2271 stands or activities;
- 2272 b. Proposed location of all tents or structures to be placed on the site;
- 2273 c. Location and description of any cooking facilities, open flames, grills, propane tanks,
2274 or other flammable substances proposed;
- 2275 3. Occupational license for the vendor;
- 2276 4. Food safety certificate for each food vendor, if applicable;
- 2277 5. A trash and cleanup plan for the site;
- 2278 6. Traffic and circulation plan for the subject site; and
- 2279 7. Permit fees as determined by the Planning and Zoning Department.
- 2280 B. *Renewal.* A long-term open-air retail sales use must initially apply for a one-month permit and must
2281 renew their permit every 6 months thereafter. If the Town receives complaints about an open-air
2282 retail sales use, the Town may require the use to cease operations or may decline to renew the
2283 permit.
- 2284 C. *Noise.* Speakers or amplifiers may not be used on the site.
- 2285 D. *Alcoholic beverages.* No alcoholic beverages shall be permitted.
- 2286 E. *Signage.* Any signs proposed for a long-term open-air retail sales site must be submitted through a
2287 separate sign permit request and if they are in the Historic District, such signs must be issued a
2288 COA prior to their installation.

2289 **Sec. 9-303.9. – Manufactured housing or mobile homes.**

- 2290 A. No manufactured home or mobile home shall be placed within the Town, except those legally
2291 existing prior to January 1, 2026, such existing mobile homes may be replaced only in the instance
2292 of a disaster or force majeure, per Section 9-214 Nonconformities of this code and must be replaced
2293 within a 12 month period following the disaster or force majeure. This prohibition shall not apply to
2294 unoccupied camper trailers or recreational vehicles located adjacent to, or in close proximity to a
2295 fixed residential structure that structure is owned by or is in the possession of the owner of said
2296 recreational vehicle. The standards herein provide requirements for manufactured homes or mobile
2297 homes even though such uses are not allowed, and these regulations will apply in the instance that
2298 any Town Board or Body permits the placement of a manufactured or mobile home.
- 2299 B. Manufactured homes placed in the Town after June 2025 must comply with the following:
 - 2300 1. The prefabricated, including type, home must be permitted in the base zoning district where it
2301 is located.
 - 2302 2. The manufactured or mobile home must comply with all applicable codes set forth in the
2303 United States Department of Housing and Urban Development's "Manufactured Home
2304 Construction and Safety Standards" (24 CFR Part 3280), and must have a current HUD
2305 Label. The manufactured or mobile home must meet the wind zone requirements for its
2306 proposed location.
 - 2307 3. The manufactured or mobile home must be no older than 20 years old, measured from the
2308 date of manufacture to the date of placement.
 - 2309 4. The manufactured or mobile home may not have a metal roof or visible metal siding.

- 2310 5. Manufactured or mobile homes must be placed on a permanent foundation (on footings or
2311 piers) and must conform with all applicable floodplain requirements. The foundation must be
2312 skirted or concealed from view using lattice or building façade materials. The skirting may
2313 not be metal or chain link fencing.
- 2314 6. The wheels and tongue of the manufactured or mobile home must be removed prior to
2315 building permit inspections.

2316 **Sec. 9-303.10. – Modular housing.**

- 2317 A. Modular homes are subject to the following conditions:
- 2318 1. Modular homes must be constructed in compliance with all applicable state and local
2319 building standards (IBC / IRC). All required inspections for a typical permanent foundation
2320 (“stick-built” home) shall also apply to the construction of a modular home. Any structure
2321 that is regulated by the HUD code or National Manufactured Housing Construction and
2322 Safety Standards Act of 1974 is NOT considered a modular home and is considered a
2323 manufactured or mobile home.
- 2324 2. Modular homes must include a front porch with a minimum depth of 7 feet.
- 2325 3. Modular homes must follow all façade requirements of the zoning district in which they are
2326 located and any modular homes proposed in the Historic Overlay HTO district must apply for
2327 and receive a Certificate of Appropriateness prior to construction on the site.
- 2328 4. Modular homes must not employ the use of visible corrugated metal or metal siding as a
2329 façade material and must have a minimum of 2 windows on each façade.

2330 **Sec. 9-303.11. – Motor vehicle and boat sales and rental.**

- 2331 A. A site plan of the use must be approved by the Director of Planning. At a minimum, this plan shall
2332 include the following information:
- 2333 1. Location of all structures on the site.
- 2334 2. Proposed traffic movements and point of ingress and egress, including parking and sight
2335 triangles.
- 2336 3. Location and coverage of lighting, signage, and fencing; including materials, textures, and
2337 colors to be used on all surfaces.
- 2338 4. Pedestrian access to adjacent sites.
- 2339 5. Approved landscape plan.
- 2340 6. Approved layout of parking area for vehicles for sale and/or lease.
- 2341 7. Any additional information as determined by the Director of Planning.
- 2342 B. A minimum lot area of 20,000 square feet shall be required.
- 2343 C. Areas used for storage of vehicles or water-craft to be serviced shall be screened with opaque
2344 fencing and/or landscaping.

2345 **Sec. 9-303.12. – Outdoor display of pre-assembled accessory buildings, pools, or
2346 playground equipment.**

- 2347 A. Display or storage of building, pool, or playground equipment is prohibited within the required
2348 parking area and within required landscape areas.

2349 B. Display of portable storage containers is not allowed on site.

2350 **Sec. 9-303.13. – Outdoor salvage yards.**

2351 A. Must be screened from public view along the front, sides and rear by a 100 percent opaque 8-foot-
2352 tall screen consisting of wood, solid masonry, concrete, or other material as approved by the
2353 Planning and Zoning Director.

2354 B. The owner of an outside salvage or reclamation use shall not stack objects higher than 8 feet high
2355 within 40 feet of the visual screen.

2356 C. If an inoperable or wrecked motor vehicle remains outside on the premises for more than 24 hours,
2357 the premises shall be considered an outside salvage or reclamation use and subject to violation.
2358 However, a premises is not an outside salvage or reclamation use if the premises stores inoperable
2359 or wrecked vehicles each having a valid state registration, current safety inspection certificate, and
2360 documentary records of pending repairs or other disposition.

2361 D. A minimum distance of 200 feet is required between an outside salvage or reclamation use and a
2362 residential district.

2363 **Sec. 9-303.14. – Parking garages.**

2364 A. The perception of the bulk (or mass) of a parking garage as seen from the street must be minimized
2365 by orienting the garage so that its short dimension is along the edge of the street frontage of the lot.

2366 B. The parking garage must include retail or other appropriate uses at the ground level and/or along no
2367 less than 60 percent of the linear frontage abutting a street, parking area, or open space.
2368 Alternatively, the parking garage shall be located behind another principal building.

2369 C. Any remaining portions of the façade not devoted to retail or other appropriate uses shall
2370 incorporate one or more of the following devices to screen the view of parked cars:

- 2371 1. Ornamental grillwork (plain vertical or horizontal bars are not acceptable);
- 2372 2. Decorative artwork, such as metal panels, murals, and mosaics; and/or
- 2373 3. Display windows for use by nearby merchants.

2374 D. Vehicular entrances shall be designed to incorporate architectural elements that frame the opening,
2375 such as an arch, lintels, pilasters, masonry trim, planters, or ornamental lighting.

2376 E. Where the dimensions of the parcel proposed for development do not accommodate building
2377 frontage as set out above, parking structures and vehicle entrances shall be designed to minimize
2378 views into the garage from surrounding and adjacent properties, streets, and sidewalks. Methods to
2379 help minimize such views may include, but are not limited to, landscaping, planters, masonry walls
2380 up to 42 inches in height, and decorative grilles and screens. The frontage along the garage shall
2381 include street furniture at intervals of not more than 40 feet.

2382 F. Parking structures shall be architecturally consistent with exterior architectural elements of the
2383 principal structure or adjacent traditional buildings, including rooflines, façade design, articulation,
2384 modulation and finish materials.

2385 G. Parking structure façades shall have brick cladding or a combination of brick and other masonry
2386 and have regularly spaced square, rectangular, or arched openings.

2387 H. Security grilles for parking structures shall be architecturally consistent with and integrated with the
2388 overall design. Chain link fencing is not permitted for parking structure fencing.

2389 **Sec. 9-303.15. – Schools, churches, houses of worship, assembly buildings, and other**
2390 **institutional uses.**

- 2391 A. *Applicability.* The requirements herein shall apply to the new establishment or expansion of any
2392 assembly area within a school, church, house of worship, or other institutional campus with a
2393 seating capacity of 300 people or more.
- 2394 B. *Regulations.*
- 2395 1. The applicant for a permit for construction of an assembly building must submit a traffic
2396 impact analysis by a qualified professional to the Planning and Zoning Department.
 - 2397 2. The applicant must show a parking and circulation plan for the building at maximum
2398 capacity.
 - 2399 3. The property owner or operator of the assembly building must designate a member of the
2400 staff as an event circulation monitor to ensure that special events or events that generate up to
2401 90% of the maximum capacity of the building do not cause traffic or safety issues in the
2402 nearby streets and properties. Any potential nuisances generated by these events must be
2403 addressed to the event circulation monitor, whose information must be provided to the Town
2404 upon issuance of the building permit for the assembly building.

2405 **Sec. 9-303.16. – Short term rentals.**

- 2406 A. *Applicability.* No person shall use or maintain, nor shall any person advertise the use of any
2407 residential dwelling unit on any parcel in Town for short-term rental without a short-term rental
2408 permit.
- 2409 B. *Regulations.*
- 2410 1. The short-term rental permit shall be in the name of the property owner, or an authorized
2411 representative of the entity owning the property.
 - 2412 2. The owner shall keep on file with the Town the name, telephone number, cell phone number,
2413 and e-mail address of a local manager serving as the contact person who shall be responsible
2414 for responding to questions or concerns regarding the operation of the short-term rental. This
2415 information shall be posted in a conspicuous location within the short-term rental dwelling.
2416 The manager must be available 24 hours a day to accept telephone calls and respond
2417 physically to the short-term rental within 60 minutes when the short-term rental is rented and
2418 occupied.
 - 2419 3. One person or entity may hold no more than one short-term rental permit in the Town. The
2420 permit shall not be transferable.
 - 2421 4. For short-term rental proposals in a multi-unit building, including duplexes, the property
2422 owner or property manager must reside permanently on-site, and only one unit per
2423 development site may be used as a short-term rental. Examples below illustrate how this
2424 requirement should be applied:
 - 2425 a. *Example 1:* In a four-plex building, one unit must be occupied by the property owner or
2426 manager and one unit may be used as a short-term rental.
 - 2427 b. *Example 2:* A single family home site includes an accessory dwelling unit. The
2428 property owner or manager must live in one unit (either the primary home or the
2429 accessory dwelling unit) and the other unit may be used as a short-term rental.
- 2430 A single-family home without an accessory dwelling unit may be used as a short-term rental
2431 without the requirement that the property owner or manager reside on site.

- 2432 5. Short-term rentals shall not be operated outdoors or in a recreational vehicle.
- 2433 6. Short-term rentals use shall be limited to residential dwelling units existing and constructed
2434 as of the date of application for the short-term rental permit.
- 2435 7. Short-term rental dwellings shall meet all applicable building, health, fire, and related safety
2436 codes at all times and shall be inspected by the fire department before any short-term rental
2437 activity can occur. Each bedroom shall contain a smoke detector and a carbon monoxide
2438 detector.
- 2439 8. A minimum of one on-site parking space shall be provided for use per bedroom used by the
2440 short-term rental occupants. Vehicles shall be parked in the designated area onsite and shall
2441 not be parked on the street.
- 2442 9. The short-term rental shall appear outwardly to be a residential dwelling. No exterior signage
2443 or other exterior evidence that the property is used for short-term rental shall be permitted
2444 except for a sign not more than 4 square feet showing the name of the house.
- 2445 10. Use of the short-term rentals for commercial functions, ceremonies, and/or other special
2446 events shall be prohibited.
- 2447 11. The owner shall ensure that the occupants and/or guests of the short-term rental use do not
2448 create unreasonable noise or disturbances, engage in disorderly conduct or violate provisions
2449 of this Code or any state law pertaining to noise, disorderly conduct, the consumption of
2450 alcohol, or the use of illegal drugs or be subject to fines and penalties levied by the Town up
2451 to and including revocation of the short-term rental permit.
- 2452 12. The owner, upon notification that occupants and/or guests of his or her short-term rental use
2453 have created unreasonable noise or disturbances, engaged in disorderly conduct or committed
2454 violations of this Code or state law pertaining to noise, disorderly conduct, the excessive
2455 consumption of alcohol or the use of illegal drugs, shall prevent a recurrence of such conduct
2456 by those occupants or guests or be subject to fines and penalties levied by the Town up to and
2457 including revocation of the short-term rental permit.
- 2458 13. The owner shall maintain an occupational license and pay all occupancy taxes required by
2459 law, including but not limited to state sales tax and hotel/motel occupancy tax.
- 2460 14. No food service shall be provided by the owner or anyone on his behalf.
- 2461 C. *Permits.* Prospective owner-applicants of a short-term rental shall apply for an annual permit with
2462 the Planning Director in accordance with the provisions of this Section and on a form provided by
2463 the Town. The application must be approved by the Zoning Commission. A short-term rental
2464 permit is a privilege, not a right, and may be revoked or not renewed based on non-compliance with
2465 the requirements provided herein.
- 2466 1. The application shall be accompanied by the short-term rental permit fee as set forth herein to
2467 cover the administrative costs of issuing a short-term rental permit and, but not limited to,
2468 inspecting the following information:
- 2469 a. The name, address, and phone number of the applicant, and verification that the
2470 applicant is the owner of the property, including proof of homestead exemption for all
2471 properties located in eligible residential districts;
- 2472 b. The assessor's parcel number of the lot on which the short-term rental use is proposed;
- 2473 c. A site and floor plan identifying the location of parking on the site and the location of
2474 any bedrooms to be used for short-term rental use;

- 2475 d. Evidence that the property has current, valid liability insurance of \$500,000.00 or more
2476 with proof that such coverage includes use as a short-term rental property; and
- 2477 e. Acknowledgment of compliance with all regulations pertaining to the operation of a
2478 short-term rental.
- 2479 2. The permit term for all short-term rental permits shall run from January 15 to January 14 of
2480 each year, regardless of when issued. All permits must be renewed annually.
- 2481 3. There shall be no more than 15 short-term rental permits issued by the Town annually.
- 2482 4. The annual permit fee for a short-term rental permit shall be \$500.00.
- 2483 5. Any fraud, material misrepresentations, or false statements contained in the attestations,
2484 required documentation, or correlating application materials shall be grounds for immediate
2485 revocation of a short-term rental permit. Furthermore, all requirements herein shall be
2486 continuously maintained throughout the duration of the permit.
- 2487 D. *Violations.* Any violation of this Section and the correlating provisions in this Chapter may subject
2488 a violator to any remedy, legal or equitable, available to the Town. Violations include but are not
2489 limited to: advertisement or rental of a short-term rental without proper permitting, operation
2490 outside the scope of any of the applicable short-term rental regulations provided by law and
2491 advertising a short-term rental outside the permitted scope of a short-term rental permit. The
2492 Planning Director may suspend, revoke or not renew any permit issued pursuant to this section if
2493 the he or she determines that the permit holder has violated any provision of this Section, two or
2494 more times. Remedies include but are not limited to: revocation of a short-term rental permit, daily
2495 fines, and property liens, as more fully provided in **Sec. 9-212. - Enforcement** of this Chapter.
2496 Each day of violation shall be considered a separate offense. Nothing contained herein shall be
2497 construed to limit the legal remedies available to any other person for the correction of violations of
2498 this Section.

2499 **Sec. 9-303.17. – Small box discount stores.**

2500 No small box discount store shall be located within 10,000 feet of any other small box discount store
2501 measured radially from the property line.

2502 **Sec. 9-303.18. – Snowball stands.**

- 2503 A. Snowball stands not exceeding 250 square feet in area shall be permitted in commercial or mixed
2504 use districts, provided they conform with all of the following regulations:
- 2505 1. The structure shall not encroach upon any required planting areas.
- 2506 2. All such structures shall be setback at least 10 feet from any lot line that abuts a public street
2507 right-of-way.
- 2508 3. Permanent off-street parking shall not be required.
- 2509 4. Any snowball stand that is permitted by this Section may not be used to sell any item other
2510 than snowballs and related ice cream items.

2511 **Sec. 9-303.19. – Telecommunication towers.**

- 2512 A. Wireless facilities are limited to the installation of antennas on existing structures or upon newly-
2513 constructed buildings that are not telecommunication towers, and the construction of monopole
2514 towers and related antennas and wireless transmission and relay equipment. Self support lattice and
2515 guyed towers shall be strictly prohibited in the Town of Abita Springs. In the case of the
2516 construction of any new monopole towers, the following requirements shall apply:

- 2517 1. Monopole towers shall:
- 2518 a. Not exceed 200 feet in tower height.
- 2519 b. Ensure a minimum of 750 feet of separation between towers.
- 2520 c. Ensure a minimum of 500 feet distance from any public street or road of record.
- 2521 d. Ensure a minimum distance from any adjacent residential zoning district to be no less
- 2522 than the height of the tower.
- 2523 2. Tower height shall be measured as the distance from the ground elevation from the base of
- 2524 the telecommunication tower to the top of the telecommunication tower or any attached
- 2525 wireless transmission and relay equipment.
- 2526 3. All towers shall have the capacity to permit multiple users. At a minimum, monopole towers
- 2527 shall be able to accommodate 2 carriers.
- 2528 4. Request for building permits to construct new monopole towers will require the applicant to
- 2529 request a public hearing before the Planning Commission and a final vote of approval by the
- 2530 Town Board of Alderman, and require the applicant to provide the following with its
- 2531 application:
- 2532 a. One copy of the typical specifications for the proposed structure and antenna, including
- 2533 description of design characteristics and materials.
- 2534 b. A site plan drawn to scale showing property boundaries, tower location, tower height,
- 2535 existing structures, photographs or elevation drawings depicting the typical design of
- 2536 proposed structures, parking, fences and landscape plan.
- 2537 c. A survey from a licensed land surveyor or civil engineer indicating the distance from
- 2538 any existing residential land uses and districts, adjacent property, streets and roads to
- 2539 the wireless facility.
- 2540 d. A certificate from a licensed engineer of capacity by type and number of the
- 2541 communication tower, and a certification that the tower is designed to withstand winds
- 2542 in accordance with ANSI/EIA/TIA 222-F, latest revision, standards.
- 2543 e. Written authorization from the site owner allowing the applicant to submit the
- 2544 application.
- 2545 f. Certification by the applicant that the proposed activity is in compliance with Federal
- 2546 Aviation Administration (FAA) requirements.
- 2547 5. The Town Board of Alderman may only approve a new monopole after reviewing a
- 2548 determination of need and acceptance of the following information and justification provided
- 2549 by the applicant:
- 2550 a. Propagation study demonstrating the need for the additional monopole tower and
- 2551 inability to use the following existing sites.
- 2552 i. Existing water towers within the Town limits.
- 2553 ii. Existing telecommunications towers within Town limits; and
- 2554 iii. Other existing structures of sufficient height within the Town limits.
- 2555 b. Existing structures may not be used only if a minimum of 3 of the following criteria are
- 2556 met.
- 2557 i. Structural capacity of the existing structure;

- 2558 ii. Geographical service area requirements;
- 2559 iii. Radio frequency interference;
- 2560 iv. Mechanical or electrical incompatibility;
- 2561 v. Restrictions or limitations of the Federal Communications Commission that
- 2562 would preclude the shared use of the structure;
- 2563 vi. Unwilling or unreasonable terms imposed by the owner of the structure; and
- 2564 vii. Any other information that would demonstrate the need for a new monopole
- 2565 tower.

2566 6. The Town may, at its sole discretion and at the expense of the applicant, retain the services of
2567 an independent expert in the field to review the information submitted by the applicant. The
2568 independent expert may request additional information that shall be deemed to be a
2569 requirement of the application and formulate a recommendation to the Town. No hearing or
2570 permit may be issued until such time as the recommendation of the independent expert is
2571 reviewed and accepted by the town.

2572 In the event the Town deems it necessary to obtain an independent expert, the Town shall
2573 obtain a proposal from the expert and obtain payment for the cost of the expert prior to
2574 processing the application. The application shall be processed once payment is received.
2575 Once the application is complete, the Town shall obtain a closing statement from the
2576 independent expert outlining the cost; any increase in cost from the initial proposal shall be
2577 paid by the applicant to the Town prior to issuance of the building permit, in addition to the
2578 assessed impact fee.

2579 7. *Impact fees.* It is the intent of the Town that new development of cellular and PCS facilities
2580 shall bear a cost based upon the visual and aesthetic impacts caused by those facilities when
2581 constructed. The impact fees in this Section are based upon the determination by the Town of
2582 a fair and equitable assessment for such facilities so that the Town may make other
2583 improvements as the Mayor and Board of Alderman deem fit to balance the effects of the
2584 cellular or PCS facility. Any new development consisting of a cellular or PCS monopole
2585 transmission tower, or any colocation of antennas on same, shall be required to pay impact
2586 fees in the amounts set forth below:

- 2587 a. New tower construction: \$6,000.00.
- 2588 b. Colocation on existing tower: \$3,000.00.

2589 No building permit for any such development requiring payment of an impact fee pursuant to
2590 this Section shall be issued until the impact fee has been paid. The person applying for
2591 issuance of a building permit subject to the above impact fees shall pay the impact fees to the
2592 Abita Springs Permitting Department after a determination has been made by the permitting
2593 department that an impact fee is due, and prior to the issuance of the building permit.

2594 8. *Filing fee.* In order to equitably allocate the cost for the aforesaid filing fee pursuant to this
2595 subsection the Town of Abita Springs levies an annual filing fee upon the following persons
2596 and their property:

- 2597 a. The owner of the tower \$500.00 per year; and
- 2598 b. Individual owners of attachments placed upon leased space on the tower; \$500.00 per
- 2599 year.

- 2600 The annual filing fee shall be due on each anniversary date of the issuance of any building
2601 permit for the construction of a monopole tower or installation of any equipment within the
2602 Town.
- 2603 9. *Filing fee responsibility.* Timely payment of annual filing fees shall be the responsibility of
2604 the owner of the tower and/or individual owners of attachments. A late fee of \$50 shall be
2605 assessed at the time of payment for each filing fee submitted more than 30 days past its due
2606 date.
- 2607 10. Notice of the public hearing shall be in the manner provided for resubdivisions and variances.
2608 The Planning Commission shall conduct a public hearing in order to formulate its
2609 recommendations to the Town Board of Alderman on the new monopole tower permit
2610 application. Following the public hearing, the Commission shall recommend approval,
2611 approval subject to modification, or recommend denial of the proposal to the Board. The
2612 Board shall be the final decision-maker on applications for permits to construct monopole
2613 towers in Light Industrial (LI) district. Following a public hearing and in consideration of the
2614 Planning Commission's recommendations, the Town Board of Alderman shall approve,
2615 modify or deny the proposal for the new monopole tower permit.
- 2616 11. When considering an application for construction of a new monopole tower, the Planning
2617 Commission, in making its recommendation and the Town Board of Alderman, in rendering
2618 its decision on the application, shall, on the basis of the site plan and other information
2619 submitted, evaluate the impact of the request upon, and the compatibility of the proposed use
2620 with, surrounding properties and neighborhoods to ensure the appropriateness of the use at a
2621 particular location. The Planning Commission and the Town Alderman shall consider the
2622 extent to which:
- 2623 a. The proposed use is consistent with the general purpose and intent of the underlying
2624 zoning district regulations, and is not materially detrimental to the public health, safety,
2625 convenience and welfare, or results in material damage or prejudice to other property in
2626 the vicinity.
- 2627 b. The proposed use is compatible with and preserves the character and integrity of
2628 adjacent development and neighborhoods and, as required by particular circumstances,
2629 includes improvements or modifications either on site or within public rights-of-way to
2630 mitigate development-related adverse impacts, including, but not limited to:
- 2631 i. Adequate ingress and egress to property and proposed structures thereon with
2632 particular references to vehicular and pedestrian safety and convenience, and
2633 access in case of fire;
- 2634 ii. Off-street parking and loading areas;
- 2635 iii. Refuse and services areas;
- 2636 iv. Utilities with reference to location, availability, and compatibility;
- 2637 v. Screening and buffering, features to minimize visual impacts and/or setbacks
2638 from adjacent uses;
- 2639 vi. Control of signs, if any, and proposed exterior lighting with reference to glare,
2640 traffic safety, economic impact, and compatibility and harmony;
- 2641 vii. Required yards and open space; and
- 2642 viii. Height and bulk of structures.

- 2643 12. In recommending approval of the application, the Planning Commission may recommend and
 2644 the Town Board of Alderman may impose such conditions as are reasonably necessary to
 2645 assure compliance with these standards and the purpose and intent of these requirements. Any
 2646 conditions imposed shall be set forth in the ordinance by the Town Board of Alderman
 2647 approving the permit for the new monopole tower, and shall be incorporated into or noted on
 2648 the site plan for final approval. The Director of Planning and Zoning or agents shall verify
 2649 that the plan incorporates all conditions as set forth in the ordinance authorizing the permit,
 2650 and shall sign the plan to indicated final approval. The Planning and Zoning Department shall
 2651 maintain a record of such approved permits and the site plans and conditions attached thereto.
- 2652 13. In conformity with the authority to the Town Board of Alderman to authorize these permits
 2653 for new monopole towers the Town Alderman may waive or modify specific standards
 2654 otherwise made applicable to the use by this ordinance to secure the general objectives of this
 2655 section.

2656 **Sec. 9-303.20. – Temporary seasonal uses.**

2657 This Section sets forth general performance standards for temporary uses including: Christmas tree sales,
 2658 seasonal produce or seafood stands.

- 2659 A. All signs must be approved by the Planning and Zoning Director. If the use is in the Historic Overly
 2660 (HTO) district, a COA will be required.
- 2661 B. Restroom facilities must be made available to employees. When an RV is located on the site, the
 2662 petitioner must provide documentation that restroom facilities shall be provided by either of the
 2663 following ways:
- 2664 1. Port-o-lets located on the site; RV facilities shall not be used.
- 2665 2. Contract between petitioner and a waste disposal company.
- 2666 3. Letter from adjacent property owners permitting use of restroom facilities and RV.
- 2667 C. No alcoholic beverages shall be permitted.
- 2668 D. The applicant for the temporary seasonal use must have a contract or lease with the property owner
 2669 allowing them to operate on the site.
- 2670 E. All structures used in connection with the permit shall be removed 10 days after expiration of the
 2671 permit.
- 2672 F. The longest duration a temporary seasonal use shall remain on a site is 3 months. If the Town
 2673 receives complaints about a temporary seasonal use the Town may require the use to cease
 2674 operations immediately.
- 2675 G. Fireworks sales shall not be permitted as a temporary seasonal use.
- 2676 H. Signage. Any signs proposed for a long-term open-air retail sales site must be submitted through a
 2677 separate sign permit request and if they are in the Historic District, such signs must be issued a
 2678 COA prior to their installation.

2679 **Sec. 9-303.21. – Temporary retail sales, “pop-up markets,” food sales, and outdoor events.**

2680 This Section sets forth general performance standards for temporary retail sales, food sales, and outdoor
 2681 events, for example: fairs, festivals, or artist markets.

- 2682 A. *Permit required.* The organizer of any use specified in this Section must apply for an event permit
 2683 with the Planning and Zoning Department. If the permit is not issued prior to the event, the event
 2684 must be cancelled. The permit application must include the following:

- 2685 1. Contact information for the responsible party for the event and the property owner where the
2686 event will take place.
- 2687 2. A site plan showing:
 - 2688 a. All existing parking areas, including any parking areas that will be used by vendor
2689 stands or activities;
 - 2690 b. Proposed location of all tents or structures and signs to be placed on the site for the
2691 event;
 - 2692 c. Location and description of any cooking facilities, open flames, grills, propane tanks,
2693 or other flammable substances proposed for the event;
 - 2694 d. Evacuation path for attendees, including for those attendees with mobility challenges or
2695 disabilities;
- 2696 3. Occupational license for each vendor;
- 2697 4. Food safety certificate for each food vendor;
- 2698 5. A trash and cleanup plan for the event;
- 2699 6. A security plan for the event, including staffing levels;
- 2700 7. Time, date, staffing plan, and confirmation of sales tax collection for the subject event;
- 2701 8. Traffic and circulation plan for the subject site; and
- 2702 9. Temporary permit fees as determined by the Planning and Zoning Department.
- 2703 B. *Lease or contract for use of site.* The applicant for the temporary retail sales must have a contract or
2704 lease with the property owner allowing them to operate on the site.
- 2705 C. The longest duration a temporary retail sales use shall remain on a site is 3 days. If the Town
2706 receives complaints about a temporary retail sales use, the Town may require the use to cease
2707 operations immediately.
- 2708 D. *Noise.* Speakers or amplifiers may not be used during the hours of 9:00 pm and 7:00 am. No noise
2709 shall be audible at a distance of 100 feet from the event. Event organizers must reduce noise if
2710 complaints from any adjacent residents are received by the Town.
- 2711 E. *Signs.* All signs must be approved by the Planning and Zoning Director. If the use is in the Historic
2712 Overlay (HTO) district, a COA will be required.
- 2713 F. *Town exempt.* Events organized by the Town of Abita Springs or civic events approved by the
2714 Town are exempt from the regulations in this Section for temporary retail sales.

2715 **Sec. 9-303.22. – Townhouses.**

- 2716 A. *Dimensional requirements.*
 - 2717 1. *Distance between structures.* No portion of a townhouse building or accessory structure in or
2718 related to one townhouse building shall be closer than 25 feet to any portion of another
2719 townhouse building or accessory structure related to another townhouse building or to any
2720 building outside the townhouse site except for between detached single-family homes, which
2721 must be a minimum of 5 feet from each interior property line resulting in 10 feet between
2722 structures.
 - 2723 2. There shall be a 20-foot green space setback around the perimeter of the development.

- 2724 3. At least 45 percent of the total area in a townhouse development shall remain unpaved or
 2725 covered in natural landscaping after construction is finished. This green space must be
 2726 maintained by a homeowner's association, created through a restrictive covenant or another
 2727 method approved by the Planning Commission.
- 2728 B. The density of the project shall not be more than 12 units per acre.
- 2729 C. A townhouse building shall not contain more than 4 townhouse units built in a row.
- 2730 D. The facade of each unit shall be different from its adjacent facade with not more than 2 similar
 2731 facades appearing in any one townhouse building.
- 2732 E. No more than 2 units in a series of 4 shall have the same front building setback line.
- 2733 F. Townhouse fire walls shall be required:
- 2734 1. *Fire walls between units.* Fire walls between each townhouse unit shall be not less than 2-
 2735 hour rating and shall be constructed in conformance to the building codes of the state fire
 2736 marshal for structures built on property lines, whichever is more restrictive.
- 2737 2. *Fire walls between groups of units.* Each townhouse development shall be divided into
 2738 groups of not more than 4 units each with each group separated by a fire wall of not less than
 2739 2-hour rating, constructed in conformance with the building codes of the Town, extending 3
 2740 feet above the roof and 18 inches beyond the outside face of the building or 5 feet along the
 2741 face of the building each side of the fire wall, except that roof and wall penetration by the fire
 2742 wall may be omitted when units are offset by not less than 5 feet in each direction and facing
 2743 materials are noncombustible.
- 2744 G. Utility services shall be made available to each townhouse and shall be installed underground.
 2745 Water, electrical, sewerage, storm drainage and telephone shall be considered utility services. In
 2746 addition, cable TV and gas may also be provided and shall be required to be installed underground.
- 2747 H. No townhouse developments existing at the time of the passage of these regulations shall not
 2748 qualify for conversion to townhouse conversion and subdivision of townhouse sublots unless
 2749 constructed to meet the requirements of these regulations as they apply to required fire walls.
- 2750 I. All dumpsters and any permanently placed refuse receptacles shall be located a minimum of 50 feet
 2751 from any adjacent property zoned or used as residential, townhouse, condominium or multifamily
 2752 or used for a purpose permitted in such a district. The location of and access to dumpsters or any
 2753 other refuse receptacles shall be reviewed and approved by the Zoning Commission.

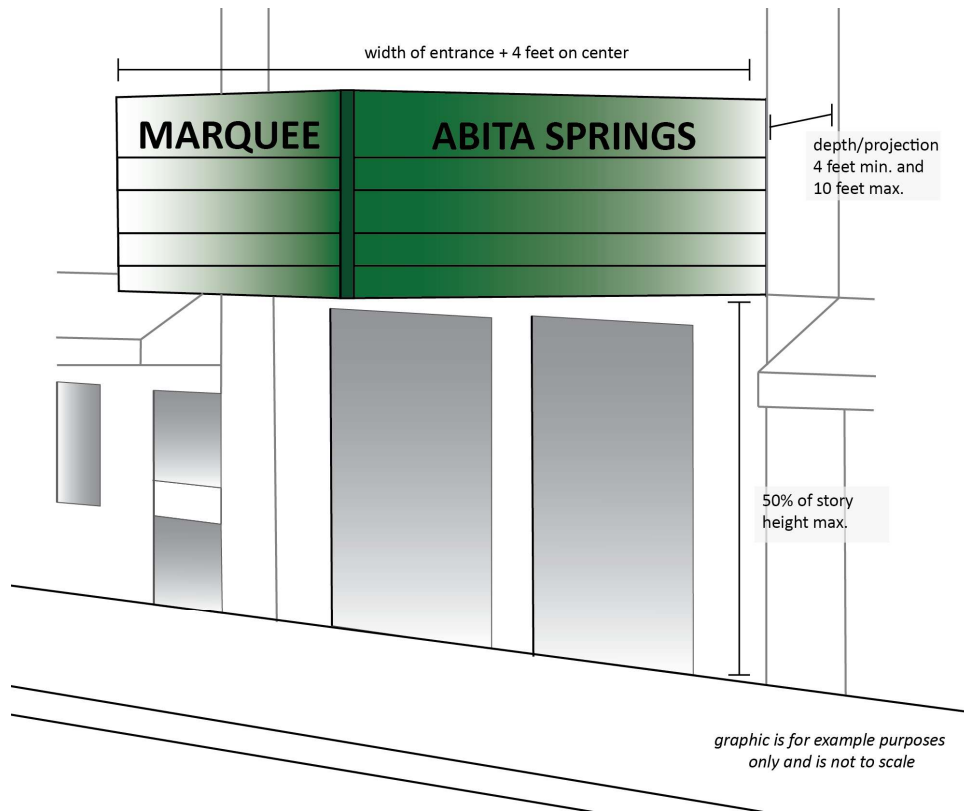
2754 **Sec. 9-304. – DEVELOPMENT STANDARDS**

2755 **Sec. 9-304.1. – Site development standards in commercial, mixed-use, and special purpose**
 2756 **districts.**

- 2757 A. *Purpose.* It is the express intent of this Section to advance the development of structures that
 2758 promote a human-scale, pedestrian-oriented design appropriate to the Town's character in
 2759 commercial, mixed-use, and special purpose districts.
- 2760 1. *Scale and massing.* In commercial, mixed-use, and special purpose districts, the massing of
 2761 building(s) and appropriate scale must be accomplished in at least one of the following ways:
- 2762 a. Avoid continuous and unbroken wall planes, or
- 2763 b. Introduce architectural elements or features that create a variety of scale relationship, or
- 2764 c. Use of materials consistent throughout the project, or

- 2765 d. Use of architectural elements or details that emphasize a human scale or mimic
2766 structural features on adjoining properties, or
- 2767 f. Other design techniques or elements of design that reasonably comply with the purpose
2768 stated herein.
- 2769 B. Development density shall not exceed 1 residential unit per 3,000 square feet or no more than 12
2770 units per acre.
- 2771 C. *Screening.* Yards, fences, vegetative screening or berms shall be provided to screen adjacent, more
2772 restrictive residential districts from views of off-street parking areas, mechanical equipment,
2773 storage areas and areas for refuse collection. If fences are utilized for screening, fence height must
2774 be at least 8 feet.
- 2775 D. All dumpsters and any permanently placed refuse receptacles shall be located a minimum of 50 feet
2776 from any adjacent property zoned or used as residential, townhouse, condominium or multifamily
2777 or used for a purpose permitted in such a district. The location of and access to dumpsters or any
2778 other refuse receptacles shall be reviewed and approved by the Zoning Commission.
- 2779 E. No intensive recreational use (e.g., swimming pool, tennis court, ball court, or playground) shall be
2780 permitted within 50 feet of any adjoining residential, townhouse, condominium or multifamily
2781 district.
- 2782 F. *Building orientation and primary entrances.*
- 2783 1. Primary façades of every primary building shall be oriented to a front lot line or public space.
- 2784 2. The primary entrance of every principal building must directly face a street or a public space.
2785 Public space may include a central garden or courtyard when that public space opens directly
2786 onto the primary street.
- 2787 3. Public entry and exit doors that swing outward shall be recessed into the façade at a minimum
2788 of 3 feet where the sidewalk abuts the building.
- 2789 4. Buildings on corner lots shall have the building and primary entrance oriented to the corner.
- 2790 G. *Façade material and design.*
- 2791 1. For buildings of 2 stories or more, the ground floor should be architecturally differentiated
2792 from above floors to reinforce the pedestrian space. This may be accomplished through the
2793 application of different façade materials, aesthetic treatments, pedestrian overhangs, larger
2794 storefront windows, planters, or similar treatments.
- 2795 2. Columns and posts shall not be spaced further apart than the height of any individual column
2796 or post.
- 2797 3. At least one of the following architectural treatments must be applied the building.
- 2798 a. *Balconies.* To be considered an architectural treatment that meets this requirement, an
2799 application must demonstrate compliance with all of the following conditions:
- 2800 i. Balconies must be provided along all street-facing facades on each story
2801 provided.
- 2802 ii. Minimum underside clearance is 10 feet.
- 2803 iii. Balconies may extend past the build-to line, may encroach within the right-of-
2804 way with special easement permission, and must be located at least 2 feet from
2805 the curb line.

- 2806 iv. Balconies shall be permitted to have roofs, but are required to be open,
2807 unconditioned parts of buildings.
- 2808 v. Balconies must be visually supported from below by brackets or another
2809 structurally implicit mechanism, from above by suspension cables or chains, or
2810 adjacent side walls (if the balcony is set completely within the main body of the
2811 building).
- 2812 vi. On corners, balconies shall be permitted to wrap around the side of the building
2813 facing the adjacent street.
- 2814 b. *Awnings or canopies.* To be considered an architectural treatment that meets this
2815 requirement, an application must demonstrate compliance with all of the following
2816 conditions:
- 2817 i. Awnings or canopies must be provided for at least 25 percent of the street-facing
2818 façade on each story provided.
- 2819 ii. The minimum awning depth for a first-floor awning is 5 feet measured
2820 perpendicular to the wall face.
- 2821 iii. The minimum underside clearance of a first-floor awning is 8 feet above grade or
2822 the walkway surface below.
- 2823 iv. Awnings may extend past the build-to line, may encroach within the right-of-way
2824 with special easement permission, and must be located at least 2 feet from the
2825 curb line.
- 2826 v. Awnings must be made of durable fabric and may be either fixed or retractable.
2827 High-gloss or plasticized fabrics are prohibited. Backlit awnings are also
2828 prohibited.
- 2829 c. *Marquees.* To be considered an architectural treatment that meets this requirement, an
2830 application must demonstrate compliance with all of the following conditions:
- 2831 i. For uses such as theaters or hotels where people regularly congregate on the
2832 sidewalk, marquees may be applied as an architectural treatment in fulfillment of
2833 this requirement.
- 2834 ii. Marquees may extend past the build-to line, may encroach within the right-of-
2835 way with special easement permission, and must be located at least 2 feet from
2836 the curb line.
- 2837 iii. Marquees must meet the following requirements: 1 per business, width is that of
2838 the entrance plus 4 feet on center, height is 50 percent of the story height
2839 maximum, depth/projection is 4 feet minimum and 10 feet maximum.
- 2840



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4. *Brick and masonry detailing.*

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a. *Headers.* All openings in masonry construction shall be spanned by a header.

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b. *Sills.* All window and door openings in masonry construction shall have a sill at their base.

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c. *Caps.* A cap shall protect the tops of all masonry structures exposed to the weather, including garden walls, stair treads, planter edges, parapets, and freestanding piers.

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i. Caps shall be made of stone, cast stone, brick, concrete, or slate.

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ii. The edges of caps may be rectangular or may be more ornate.

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iii. Caps shall project past the edge of the masonry structure below by a minimum of one-half inch.

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5. *Wide buildings.* The primary façade of buildings wider than 150 feet shall be varied with a change of architectural expression. These changes in expression may be a vertical element running from the ground plane to the roof, a change in fenestration, color, or texture, or a break in building façade plane or roof line.

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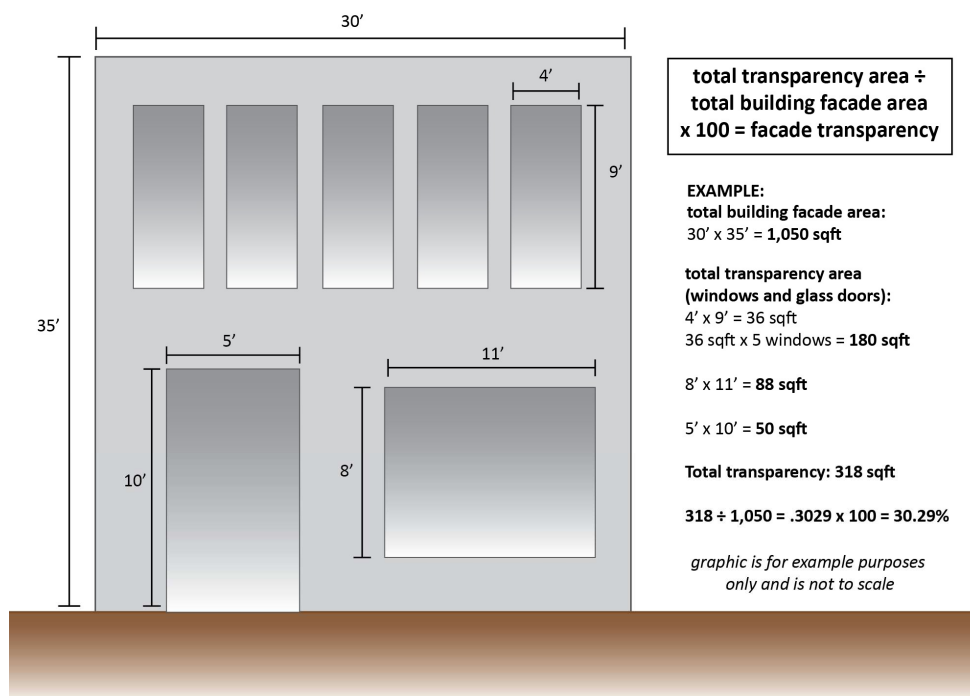
2857

6. *Façade transparency.* All building façades that face onto a street (including secondary or side streets) or public space must have a minimum of 30 percent of the façade area of each façade facing the street composed of transparent doors or windows. Windows may be tinted.

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Calculating Facade Transparency



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2861

7. *Lighting.*

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- a. Lighting must be energy efficient (LED) and have a color temperature of 2,700 Kelvins maximum.

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- b. Private parking lots must have cutoff, downward lighting.

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- c. Light fixtures located within the interior area of a parking lot shall not exceed 30 feet in height.

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- d. Light fixtures located along the perimeter edge of a parking area within 50 feet of a property line shall not exceed 16 feet in height.

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- e. *Pedestrian-scale lighting.* Light fixtures located along pedestrian walkways shall not exceed 10 feet in height.

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8. *Service areas and loading docks.* Trash and recycling dumpsters or similar collection areas shall be located in the rear or to the side of buildings and screened from view from adjacent public rights-of-way, properties, and pedestrian walkways (not including alleys) using a fence or vegetative screening material.

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9. *Drive-in or drive-through facility.*

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- a. A ground-floor shopfront shall face the primary street.

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- b. Drive-through windows shall be located on the side or rear of the building.

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10. *Utilities.* Utilities are to be placed underground and at the rear of buildings, when practicable.

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Sec. 9-304.2. – Parking for all uses.

2880

- A. *General requirements for off-street parking.*

- 2881 1. *Location serving the use.*
- 2882 a. Off-street parking spaces for residential uses (excluding mixed-use developments) must
- 2883 be located on the same lot as the building to be served.
- 2884 b. Off-street parking spaces for non-residential uses or mixed-use developments may be
- 2885 located on the same lot as the building to be served or may be located on another lot
- 2886 within 200 feet of the building to be served. If any parking spaces are shared among 2
- 2887 developments, the property owners must submit a contract or agreement to the Town
- 2888 stating how parking will be administered among the sites. Where required off-street
- 2889 parking is located on a lot other than the lot occupied by the use requiring it, site plan
- 2890 approval for both lots shall be required.
- 2891 2. *Fence required for parking lots and driveways abutting residential district.* Whenever a
- 2892 parking lot or a driveway to a parking lot is hereafter established in a commercial district so
- 2893 as to abut the side or rear line of a lot in a residential district a solid masonry wall, or a fence
- 2894 with a minimum height of 5 feet and a maximum height of 8 feet, shall be constructed and
- 2895 maintained along the side or rear lot line abutting the residential district. Acceptable fence
- 2896 materials include masonry, wood, or decorative iron. Chain link fences are not allowed.
- 2897 3. *Planning review.* All off-street parking facilities including circulation and loading areas must
- 2898 be reviewed by the Planning and Zoning Director and the Planning and Zoning Director may
- 2899 request the input of relevant subject experts including the Town Engineer, DOTD, or a third-
- 2900 party expert, as necessary as determined by the Planning and Zoning Director.
- 2901 4. *Size of parking spaces.*
- 2902 a. Parking spaces must have minimum dimensions of 9 feet by 20 feet, unless indicated
- 2903 otherwise in **Table 9-304.2.-1**. Each space shall have a vertical clearance of not less
- 2904 than 7.5 feet. Each space shall be independently accessible.
- 2905 b. Each parking space designated for use by the handicapped shall consist of a rectangular
- 2906 area not less than 12.5 feet wide by 18.5 feet long, with a vertical clearance of 7.5 feet,
- 2907 shall be located in an area not exceeding a 2 percent slope, and shall be located near
- 2908 and convenient to a level or ramped entrance accessible to handicapped persons.
- 2909 Parking spaces for the handicapped shall be signed and restricted for use by the
- 2910 handicapped only.
- 2911 5. Off-street parking spaces shall have access from driveways on the development site and not
- 2912 directly from the public streets. Each parking space shall have adequate drives, aisles, and
- 2913 turning and maneuvering areas for access and usability, and shall at all times have adequate
- 2914 access to a public street. Such access to a public street shall not be less than 20 feet nor
- 2915 exceed 35 feet in width for two-way access or be less than 12 feet nor exceed 15 feet in width
- 2916 for a one-way access.
- 2917
- 2918

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Table 9-304.2.-1. Parking Space Sizes Permitted.

Angle of Parking (Degrees)	Width of Stall (Feet)	Depth of Stall 90° to Aisle (Feet)	Width of Aisle (Feet)	Width of Stall Parallel to Aisle (Feet)	Module Width (Feet)
Standard Parking Spaces					
30	8.5	16.9	12.5	17.0	47
30	9.0	17.3	12.5	18.0	47
30	9.5	17.8	12.5	19.0	48
30	10.0	18.3	12.5	20.0	49
45	8.5	17.5	13.0	12.0	48
45	9.0	17.5	12.5	12.7	48
45	9.5	17.5	12.5	13.4	48
45	10.0	17.5	12.5	14.1	48
60	8.5	19.0	18.0	9.8	56
60	9.0	19.0	16.0	10.4	54
60	9.5	19.0	15.0	11.0	53
60	10.0	19.0	15.0	11.6	53
75	8.5	19.5	25.0	8.8	64
75	9.0	19.5	23.0	9.3	62
75	9.5	19.5	22.0	9.8	61
75	10.0	19.5	22.0	10.3	61
90	8.5	18.5	28.0	8.5	65
90	9.0	18.5	26.0	9.0	63
90	9.5	18.5	25.0	9.5	62
90	10.0	18.5	25.0	10.0	62
Parallel Parking Spaces					
0	8.5	8.5	12.5	22.0	21

2920

B. Number of required parking spaces for each use.

2921

1. *Minimum number of spaces required.* The table below shows the minimum required number of parking spaces for each use in the Town. Where the required parking spaces calculation results in a fraction, the Planning and Zoning Director shall round either down or up to the nearest whole number. These regulations do not replace but act in concert with any other parking requirements under state or federal law, such as laws pertaining to providing parking for the handicapped.

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2. In each parking facility of 20 or more spaces, a portion of the total parking spaces should be specifically designed, located, and reserved for vehicles licensed by the state for use by the handicapped in accordance with **Table 9-304.2.-2** or the current state or federal requirements, whichever is greater.

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Table 9-304.2.-2 – Minimum Number of Handicap Spaces Required.

Total spaces	Minimum number of handicapped spaces required
19 or less	0
20-50	1
51-100	4% of total in excess of 50
101-150	3% of total in excess of 50
151+	2% of total in excess of 50

2933

3. *Administration of the parking requirements.*

2934

a. Sites in the Town may not reduce the number of parking spaces below the minimum required.

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2936

b. If the use of a building changes, then the required parking must be recalculated.

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c. No new use may be permitted in a development without sufficient parking consistent with the minimum required. Required parking must be installed prior to the issuance of a Certificate of Occupancy for the use which it serves.

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d. If a “shell” retail building is proposed to be developed and the owner has not determined which tenants will be in the building, the Town shall treat half of the units as retail and half as restaurants, to calculate the required minimum number of parking spaces.

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e. If a use is not listed in **Table 9-304.2.-3**, the Planning and Zoning Director shall determine the required minimum number of parking spaces based on a similar use.

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f. If the applicant for a non-residential permit submits market research or studies indicating that the proposed use will need less than the minimum parking required in **Table 9-304.2.-3**, the Planning and Zoning Director may reduce the required number of parking spaces at their discretion by up to 50 percent of the initial requirement.

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g. When a building or use is enlarged or increased, the parking and loading requirements for this Chapter shall apply to the enlargement or increase.

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h. *Bicycle parking incentive.* Two (2) bicycle parking locations (bicycle racks accommodating 2 bicycles) can replace one required parking space in commercial and industrial uses, up to 5 parking spaces.

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Table 9-304.2.-3. Minimum parking spaces.

Use	Number of Parking Spaces Required
Single-family dwelling	2 spaces
Accessory dwelling unit	1 space per each 300 square foot of living area
Two-family dwelling	2 spaces per dwelling unit
Group home	2 spaces
Townhouse, 3+ unit multifamily dwelling, dormitory, or group living facility	2 spaces per dwelling unit
Church or house of worship, event venues, banquet halls, movie theaters, or auditoriums	1 space per 70 square feet of assembly area, a maximum of 50% of required parking may be on-street parking
Rehabilitative care center	0.5 spaces per unit or bed
Home occupation	No additional parking spaces required
Garden, agriculture, fishing, forestry, wildlife preserve, or timber harvesting	No parking spaces unless the use serves the general public. If the use serves the general public, then parking requirements shall be those required for outdoor recreational facilities.
Public and private utilities	No parking spaces required unless the use includes an office. If the use includes an office, the parking for an office must be calculated.
Bed and breakfast	1 space per unit.
Short-term rental	The required parking spaces based on the housing type (ex: single-family residence or multi-family dwelling).
Childcare center or elementary / middle school	2 spaces per classroom.
High school, trade school, or university	10 spaces per classroom.
Museums, libraries, parks, playgrounds, community centers, outdoor recreational facilities, amusement parks, automotive racing or drag strips	1 space per 400 square feet of building area or 10 spaces, whichever is greater.
Government or public facilities with walk-in services or offices and bus or railway stations	1 space per 1,000 square feet of building area. If there is no walk-in services or office space, no parking is required.
Modular Homes	See residential uses above ex: single-family residential dwelling.
Mobile homes or manufactured homes	See residential uses above ex: single-family residential dwelling.
Airports and related facilities	1 space per 1,000 square feet of building area.
Cemeteries, mausoleums, or funeral homes	1 space per 400 square feet of building area.
Farmer's markets, food trucks, food truck compounds, fireworks stands, or other outdoor or temporary market	Must be located within 100 feet of a parking lot and organizing party of the market / stand must have a parking agreement with the parking lot owner to use at

Use	Number of Parking Spaces Required
	least 10 parking spaces. The spaces used for the market / stand must be in excess of the required parking spaces for the use they were constructed to serve or must be used for the market/stand at a time when the use they were constructed to serve is closed.
Hospitals	0.5 space per bed.
Mixed use buildings	Calculate the parking requirements using this table for each of the different uses in the building.
Hotels or motels	1 space per unit.
Restaurants or bars with indoor seating	1 space per 200 square feet of building area.
Restaurants with drive-through only service	1 space per 400 square feet of building area. All parking must be located behind the building.
Retail stores	1 space per 300 square feet of building area.
Offices and service establishments including professional offices, medical offices, and businesses (excluding retail and restaurants) serving walk-in customers including instructional studios	1 space per 400 square feet of building area.
Motor vehicle and boat sales and rental	Calculate the parking requirements using the office area (see “offices and service establishments” above). No additional required spaces.
Auto repairs and service, car washes, towing establishments, vehicle storage yards or junkyards	Calculate the parking requirements using the office area (see “offices and service establishments” above). No additional required spaces.
In-patient clinics, nursing homes, long-term care facilities, rehabilitation centers, or similar uses	0.5 space per bed or residential unit.
Gas station or truck stop	1 space per 300 square feet of building area.
Ministorage or self storage facility	1 space per 1,000 square feet of building area.
Commercial kitchens or industrial kitchens for food production, microbrewery, distillery for alcoholic beverages, or brewery, artisan manufacturing, warehousing, distributing or logistics centers, and packaging or assembly facilities	1 space per 1,000 square feet of building area.
Industrial uses	No minimum parking requirement, except for office uses as part of industrial site. See “Offices and service establishments” above.
Telecommunications towers	No minimum parking requirement.

- 2957 4. *Use of parking areas.*
- 2958 a. No parking facilities accessory to residential structures shall be used for the storage of
- 2959 commercial vehicles or for the parking of automobiles belonging to employees,
- 2960 owners, tenants, or customers of nearby nonresidential uses.

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- b. Vehicle parking space shall be used for parking only. Any other use of such space, including for open storage of goods, the storage of vehicles for sale or rent, storage of inoperable vehicles, repair work or servicing of any kind other than in an emergency, or the requirement of any payment for the use of such space, shall be deemed to constitute a separate commercial use in violation of provisions of this Chapter.
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- c. No building of any kind shall be erected in any off-street parking area, except a parking garage containing parking spaces conforming to the requirements set forth in this Chapter, or a shelter house for a parking attendant, providing the number of spaces required is not reduced.
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- d. The required parking area on any lot, as set forth and designated in this Chapter, shall not be reduced or encroached upon in any manner. No parking shall be allowed in designated front yard setback areas.
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- e. *Truck parking in residential areas.* No motor vehicle over two-ton capacity or bearing a commercial license, and no commercially licensed trailer or commercial type truck trailer shall be parked or stored in a townhouse or condominium district except when loading, unloading, or rendering a service. This provision shall not apply to vehicles operated, parked or stored on the site of a legally nonconforming use, to recreational vehicles and pickups, or to temporary use of rental vehicles for noncommercial purposes.
- 2980
5. *Design of parking areas.*
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- a. There shall be no off-street parking spaces within 15 feet of any street right-of-way except as specifically as provided by this Code.
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- b. Access drives shall be no closer than 5 feet to interior property lines and 15 feet to side street property lines on local streets and shall minimally meet the requirements of the state department of transportation and development for collector and arterial streets.
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- c. It shall be the joint and solitary responsibility of the operator and owner of the principal use, uses, and/or buildings to maintain, in a neat and serviceable manner, the parking spaces, accessways, landscaping, fences and buffering materials serving such use or building.
- 2990
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- d. New buildings must have their surface parking lots located on the side or rear of buildings.
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- e. A maximum of 20 percent of the lot may be devoted to surface parking lots, with no individual parking lot larger than 2 acres.
- 2994
- f. *Parking surfaces and drainage.*
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- i. Parking surfaces can be impervious or pervious material, however loose aggregate or gravel may not be used for the driveways. Driveways must be surfaced with asphalt, concrete, or other permanent material. Loose aggregate surfacing shall be contained by curbing. Curbing shall not sever roots 2 inches in diameter or greater or penetrate natural grade greater than 3 inches in depth within the dripline of a tree.
- 3001
- ii. No base preparation will be allowed within the dripline of a tree.
- 3002
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3005
- iii. Parking areas should be designed to drain or retain water in a manner that does not displace water onto adjacent properties. All parking and loading facilities shall be graded and provided with permanent storm drainage facilities, according to construction specifications approved by the Town Engineer pursuant to this

- 3006 Code. Surfacing, curbing, and drainage improvements shall be sufficient to
3007 preclude free flow of water onto adjacent properties or public streets or alleys,
3008 and to provide adequate drainage.
- 3009 g. *Safety features.* Parking facilities shall meet the following standards:
- 3010 i. Safety barriers, protective bumpers or curbing, and directional markers shall be
3011 provided as needed to assure safety, prevent encroachment onto adjoining public
3012 or private property.
- 3013 ii. Visibility of and between pedestrians, bicyclists and motorists shall be assured
3014 when entering individual parking spaces, when circulating within a parking
3015 facility and when entering and exiting a parking facility.
- 3016 A). *Sight triangle at street and accessway intersection.* Where an accessway
3017 intersects a street a clear vision area shall be maintained between the
3018 height of 3 feet and 7 feet above the centerline grade of the street within a
3019 sight triangle measuring 25 feet on the side adjacent to the street and 15
3020 feet on the side adjacent to the accessway.
- 3021 B). *Sight triangle at accessway intersection.* Where an accessway intersects
3022 another accessway, there shall remain a clear vision area between the
3023 height of 3 feet and 7 feet from the grade of the accessways within a sight
3024 triangle measuring 15 feet along both of its sides adjacent to the
3025 intersecting accessways.
- 3026 C). The Town Engineer is authorized to prepare a diagram in conformity with
3027 this subsection, which shall be part of this ordinance.
- 3028 iii. Internal circulation patterns, and the location and traffic direction of all access
3029 drives, shall be designed and maintained in accordance with accepted principles
3030 of traffic engineering and traffic safety.
- 3031 h. *Parking lot lighting.* Parking lot lighting shall meet the following standards:
- 3032 i. In all use districts, the lighting, including any permitted illuminated sign, on any
3033 parking lot or driveway shall be arranged so that there will be no glare directed or
3034 reflected toward residential buildings or districts. If the Town receives a
3035 complaint about lighting coming from a specific site, the property owner of the
3036 site in question shall be required to submit an analysis or lighting study by a
3037 professional with expertise in commercial lighting to verify whether or not the
3038 site is in compliance with this Code.
- 3039 ii. Parking lot lighting design shall provide for the reasonable safety, comfort, and
3040 convenience of the parking of patrons and use of pedestrians.
- 3041 iii. Parking lot lighting illumination design levels and visibility glare shall in general
3042 comply with the latest issue of IES Lighting Handbook section on parking
3043 facilities lighting.
- 3044 iv. Parking lot lighting shall be designed to minimize light spillover into adjoining
3045 streets and nearby residential areas and shall be directed downward and away
3046 from adjoining property and abutting streets by shielding the light source from
3047 visibility from adjoining properties or streets in such a way as not to create a
3048 nuisance. All exterior lighting shall be hooded or shielded so that the light source
3049 is not visible from adjacent more restrictive residential districts adjacent streets
3050 or highways.

- 3051 i. *Noise.* Areas used for primary circulation or frequent idling of vehicle engines shall be
3052 designed and located to minimize impacts on adjoining properties, including provisions
3053 for screening or sound baffling.
- 3054 j. *Maintenance.* All parking facilities shall be maintained to assure desirability and
3055 usefulness of the facility. Such facilities shall be maintained free of refuse, debris, or
3056 other accumulated matter and shall at all times be available for the off-street parking
3057 use for which they are required or intended.

3058 **Sec. 9-304.3. – Landscaping requirements for all uses.**

3059 A. *Planting requirements for all uses.*

- 3060 1. In addition to the landscaping required for 3+ unit residential, mixed-use, and all non-
3061 residential uses, all sites must include the following minimum number of trees:
 - 3062 a. For sites 2 acres or smaller: Required trees = lot square footage multiplied by 0.0006.
 - 3063 b. For sites larger than 2 acres: Required trees = lot square footage multiplied by 0.0004
- 3064 2. The resulting number must be rounded up to the nearest whole number.
- 3065 3. Preserved trees may count toward the number of required trees for the site.

3066 B. *Landscaping for 3+ unit residential, mixed-use, and all non-residential uses.*

- 3067 1. See **Section 9-304.4. – Tree preservation** for specifically protected tree species, protection,
3068 removal, and permitting. Additionally, the following tree preservation requirements apply:
 - 3069 a. Trees over 36 inches in diameter must be maintained unless a hardship would be
3070 caused by that tree. The Town Arborist may make an exception to allow the removal of
3071 pines in the building footprint of a proposed structure or pines that potentially threaten
3072 an existing structure.
 - 3073 b. Replacement trees must be planted no closer than 10 feet and shall be at least 8 feet tall
3074 with a diameter of at least 2 inches when measured 10 inches above the soil line.
 - 3075 c. Allowable trees are maintained in a list at the Planning Department
 - 3076 d. Trees shall be guaranteed for one year by the owner of the property. If a required tree
3077 dies within one year of planting, the owner shall be required to replace the tree with a
3078 similar specimen immediately.
- 3079 2. *Tree plantings required in buffers or green belt areas.*
 - 3080 a. All areas between the street / property line and parking lot, and side yard setbacks,
3081 otherwise known as “buffers or green belt areas” must be planted with a minimum of
3082 one class "A" tree and one class “B” tree every 25 feet, as well as groundcover such as
3083 turf or other vegetative cover.
 - 3084 b. Type "A" trees include all hard woods indigenous to the area such as oak, maple, cedar,
3085 cypress, birch, pine, pecan, etc.
 - 3086 c. Type "B" trees include ornamental species such as crepe myrtle, dogwood, redbud,
3087 laurel, magnolia, sweet olive, gardenia, lasianthus, native fringe, etc.
 - 3088 d. For every 500 square feet of building, 10 shrubs of a minimum of 3-gallon size shall be
3089 planted. Each shrub shall be guaranteed for a one-year period.
 - 3090 e. A buffer zone of 6 feet will be required on the rear of the property abutting residential
3091 property. This area must be planted in accordance with (a) through (d) of this Section.

- 3092 f. All new construction sites must include sodded landscape areas.
- 3093 3. *Provisions for planting in parking areas.*
- 3094 a. Interior plantings in parking areas that contain more than 8 spaces are required to be
3095 planted with a minimum of the following per 2,000 square feet of parking or paved area
3096 (approximately 5 spaces):
- 3097 i. One tree;
- 3098 ii. 40 shrubs (3-gallon sized minimum); and
- 3099 iii. Vegetative ground cover.
- 3100 b. For 10 or more spaces in a row, an island at least 5 feet in width is required.
- 3101 c. All parking lots of 10 or more spaces require a landscape and layout plan, approved by
3102 the Director of Planning and Zoning, as a condition of obtaining a building permit.
- 3103 d. For existing parking lots that do not comply with the required parking lot landscape
3104 standards, such landscaping shall be provided when any of the following occur:
- 3105 i. A new principal building is constructed.
- 3106 ii. An addition is constructed that expands the building footprint by 30 percent or
3107 more.
- 3108 iii. Over 50 percent of the total area of an existing parking lot is reconstructed.
- 3109 4. *Interior planting.* Interior planting parking areas containing more than 8 spaces are required
3110 to be planted with a minimum of one tree and 40 shrubs (3-gallon sized minimum) per 2,000
3111 square feet of parking area or paved area in the parking lot (approx. 5 spaces) along with
3112 vegetative ground cover.
- 3113 C. *Streetscapes.* Each property with a street frontage shall install at least one bench, bicycle rack,
3114 planter, or piece of public art per 500 feet of street frontage or part thereof.

3115 **Sec. 9-304.4. – Tree preservation.**

- 3116 A. *Protection of trees.*
- 3117 1. Trees, because of the beneficial services they provide and the character they add to the
3118 community, shall be retained and preserved to the maximum extent feasible on all property
3119 within the Town limits.
- 3120 2. Nothing herein shall prohibit the use of land for any primary or accessory improvements
3121 allowed by this Code.
- 3122 3. In the design of building sites and the development of subdivisions the location of
3123 infrastructure, structures and parking areas shall take into consideration, to the maximum
3124 extent feasible, the preservation of existing trees.
- 3125 4. The following methods shall be utilized to preserve existing trees:
- 3126 a. Fill shall be avoided in the critical root zones of existing trees being preserved;
- 3127 b. Changes in drainage patterns, which might negatively affect existing trees to be
3128 preserved, shall be avoided;
- 3129 c. A protective tree barrier shall be erected beyond the critical root zone of trees to be
3130 preserved during building, development, tree clearing or tree removal activities.

- 3131 d. Trenching shall be avoided within the critical root zone of trees to be preserved.
- 3132 e. Clearing of underbrush, within the critical root zone of a tree to be preserved, by use of
3133 any motorized vehicle, shall be avoided.
- 3134 f. The failure to utilize any of the above methods shall be considered a violation.
- 3135 B. *Permits required to remove, clear or harvest trees.* Prior to any tree removal, residential clearing,
3136 development clearing, or timber harvesting, as defined herein, within the Town of Abita Springs, a
3137 tree removal, residential clearing, development clearing or timber harvesting permit shall be
3138 obtained for these respective activities.
- 3139 1. *Tree removal permit.*
- 3140 a. A tree removal permit for each tree shall be required to remove any specifically
3141 protected tree, unless approved in conjunction with a residential clearing or
3142 development clearing permit, in which case all the provisions regulating the removal of
3143 specifically protected trees shall apply and the location of the critical root zones of all
3144 such trees shall be shown on the development site plan.
- 3145 b. A tree removal permit shall be required to remove in excess of 5 trees from a
3146 previously developed site when the removal of such trees is not being done in
3147 conjunction with a building or development permit.
- 3148 c. The removal of less than 5 trees on a previously developed site shall not require the
3149 issuance of a tree removal permit but shall require the submission to the Town of
3150 written documentation of the trees being removed. A file of all such submissions shall
3151 be maintained in Town Hall.
- 3152 2. *Residential clearing or development clearing permit.* A residential clearing or development
3153 clearing permit shall be required when removing in excess of 5 trees in conjunction with the
3154 issuance of a single-family residential building permit or a development permit for
3155 multifamily or nonresidential development. The removal of less than 5 trees shall not require
3156 a separate clearing permit, however, the species, size and location of the trees to be removed
3157 shall be depicted on the site plan for the residential building or development permit.
- 3158 3. *Timber harvesting permit.* A timber harvesting permit shall be required for the harvesting of
3159 pine trees (other than specifically protected longleaf pines) only. The harvesting of all other
3160 species shall be prohibited except when permitted in conjunction with a residential clearing,
3161 development clearing or tree removal permit or when no permit is required for the removal of
3162 5 trees or less.
- 3163 4. *Underbrushing permit.* An underbrushing permit is required to clean up a property from
3164 vegetative debris or vegetation that is smaller than 5 inches DBH.
- 3165 a. A permit must be requested from the Planning and Zoning Department.
- 3166 b. Prior to issuance of the underbrushing permit, protective fencing must surround all
3167 Live Oaks, Longleaf Pines, Magnolias, and Cypress trees.
- 3168 c. The required protective fencing must remain in place and functional until underbrush
3169 clearing and building construction is complete.
- 3170 d. Trees that measure 5 inches DBH or smaller may be removed during underbrush
3171 clearing, however trees larger than 5 inches DBH may not be removed unless the
3172 property owner is granted a separate tree removal permit.
- 3173 C. *Appointment, qualifications and responsibilities of Tree Inspector.*

- 3174 1. *Appointment of the Tree Inspector.* The Tree Inspector, shall be duly appointed by the Board
3175 of Aldermen upon recommendation by the Mayor. If there is no appointed Tree Inspector, or
3176 if the Tree Inspector is unable to fulfill the obligations with respect to the review of tree
3177 related permit applications and required inspections, the duty shall be assumed by the
3178 Building Inspector. The Tree Inspector position shall report to the Director of Planning and
3179 Zoning.
- 3180 2. *Qualifications of Tree Inspector.* The Tree Inspector must be an arborist licensed in the State
3181 of Louisiana.
- 3182 D. *Requirements for removal of specifically protected trees.* In all areas within the Town limits,
3183 whether previously developed or not, specifically protected trees shall be protected and shall not be
3184 removed, except in accordance with the following requirements:
- 3185 1. A tree removal permit shall be obtained from the Inspector prior to cutting or removing a
3186 specifically protected tree.
- 3187 2. The applicant must state in writing on the application that such activity will enhance the
3188 health, safety and welfare of the public, or otherwise benefit the public interest, and the
3189 applicant must offer evidence to that effect. An example of an activity for the public interest
3190 would be the removal of a hazardous tree that may fall on a sidewalk or roadway, or a tree
3191 that blocks vision at an intersection.
- 3192 3. The following facts shall be grounds supporting approval of an application for a tree removal
3193 permit for removal of a specifically protected tree:
- 3194 a. The tree is a hazard to traffic, public utilities, buildings or structures;
- 3195 b. The tree is injured, diseased or insect-infested such that it is a hazard to people,
3196 structures or other trees;
- 3197 c. The tree prevents access to a lot or parcel and no alternative location for access is
3198 feasible; or
- 3199 d. The tree prevents the placement of a lawfully permitted structure and there is no other
3200 suitable alternative location for the structure on the site.
- 3201 4. It shall be unlawful for any person to place soil in the critical root zone of a specifically
3202 protected tree such that the roots of the tree(s) may be damaged or the soil may, in any way,
3203 cause the tree to become diseased or die.
- 3204 5. It shall be unlawful to trim or prune the limbs in an excessive manner or to harm in any
3205 fashion a specifically protected tree in an excessive manner so as to cause it permanent
3206 damage or disfiguration.
- 3207 6. The Tree Inspector shall require the submission of the opinion of a licensed arborist to
3208 document evidence of the above listed facts.
- 3209 7. The Tree Inspector is empowered to issue or deny the permit based on the application and the
3210 evidence submitted.
- 3211 8. On parcels of land where a residential clearing or development clearing permit is being issued
3212 in lieu of an individual permit for specifically protected trees, all the evidence, procedures,
3213 and inspections required for a tree removal permit to remove a specifically protected tree
3214 shall apply and the location, size, species and critical root zones of specifically protected trees
3215 shall be clearly shown on the building or development permit plans.
- 3216 E. *Requirements for tree removal on previously developed sites.*

- 3217 1. A tree removal permit shall not be required when removing 5 trees or less on a previously
3218 developed site. However, written documentation of less than 5 trees being removed shall be
3219 submitted to the Town in the form of a list of the species and size of trees being removed,
3220 along with a diagram describing the parcel (lot(s) and square numbers or parcel number and
3221 boundary dimensions) indicating the approximate location on the parcel of the trees being
3222 removed.
- 3223 2. A tree removal permit shall be required to remove in excess of 5 trees from a previously
3224 developed site when the removal of such trees is not being done in conjunction with a
3225 building or development permit.
- 3226 3. The facts supporting approval of an application for a tree removal permit for the removal of
3227 trees on a previously developed site shall include all requirements for removal of specifically
3228 protected trees, as well as the following:
- 3229 a. The tree being removed will be properly transplanted to another appropriate location on
3230 the same site.
- 3231 b. The tree will be replaced in equal circumference within 30 days with an equivalent tree
3232 or trees planted in a location suitable for healthy growth on the same parcel.
- 3233 F. *Requirements for issuance of residential clearing or development clearing permits.* The following
3234 shall be the requirements for the issuance of a residential clearing or development clearing permit:
- 3235 1. *Residential clearing permit requirements.*
- 3236 a. A single-family residential building permit shall be required to be issued in conjunction
3237 with the issuance of a residential clearing permit for the same site, prior to
3238 commencement of any tree clearing or removal.
- 3239 b. All healthy and nonhazardous trees 6 inches DBH or larger on the single-family
3240 residential building site are required to be preserved except for trees in the footprints of
3241 proposed building(s) and driveway and any additional trees that may be considered a
3242 hazard as a result of the development of the site. If specific limbs, but not the whole
3243 tree, are a hazard, the pruning of potentially hazardous limbs shall be considered first as
3244 an alternative to the removal of the tree. Specifically protected trees located within
3245 proposed building or driveway footprints may be preserved by modifying the layout of
3246 the site development or construction plans to protect the critical root zones of such trees
3247 at the discretion of the Tree Inspector.
- 3248 2. *Development clearing permit requirements.*
- 3249 a. A development permit or preliminary subdivision approval by the Planning
3250 Commission and notice to proceed shall be required to be issued in conjunction with
3251 the issuance of a development clearing permit for the same site, prior to the
3252 commencement of any tree clearing or removal.
- 3253 b. There shall be no development clearing in conjunction with the development of new
3254 subdivisions or roadways, except as necessary for the installation of new roadways or
3255 other infrastructure improvements approved by the Planning Commission, subsequent
3256 to the recommendation of the landscape commission as provided by the urban forestry
3257 Ordinance No. 184, Section 7.C.3.
- 3258 c. A landscape plan shall be required to be submitted and approved by the Planning
3259 Commission for all multifamily and nonresidential developments, prior to the issuance
3260 of a development clearing permit.

- 3261 d. *Buffer requirements in conjunction with the issuance of a development clearing permit.*
3262 The following requirements are mandatory. All buffers required shall be exclusive of
3263 all easements, servitudes and/or rights-of-way within the property.
- 3264 i. *Roadway buffer.* A managed buffer of at least 25 feet in width along improved
3265 roadways and dedicated street rights-of-way shall be preserved in accordance
3266 with an approved landscape plan. Access through the buffer shall be limited to
3267 one two-way or two one-way drives per 200 feet of street frontage, in accordance
3268 with section 8.A. of urban forestry Ordinance No. 184.
- 3269 ii. *Waterway buffer.* A minimum uncut vegetation buffer of at least 50 feet in depth
3270 from the centerline of the stream channel along both banks of all established
3271 natural stream beds, riverbanks and improved drainage canals shall be preserved
3272 uncut.
- 3273 iii. *Adjacent-use buffer.* A managed buffer shall be required when a development site
3274 is adjacent to a more restrictive zoning district. A minimum managed buffer of
3275 25 feet or 10 percent of the site width or depth, measured from the adjacent more
3276 restrictive zoning district, whichever is greatest, shall be required to be preserved.
3277 A minimum of one tree per 10 linear feet and understory screening vegetation or
3278 hedges (70 percent opaque and 6 feet in height) shall be required to be planted in
3279 adjacent-use buffers not already meeting this minimum standard for vegetation.
- 3280 iv. *Large site adjacent-use buffer.* An untouched buffer with a depth of 40 feet shall
3281 be required when a development site is adjacent to a more restrictive zoning
3282 district. A minimum of one tree per 10 linear feet and understory screening
3283 vegetation or hedges (70 percent opaque and 6 feet in height) shall be required to
3284 be planted in adjacent-use buffers not already meeting this minimum standard for
3285 vegetation.
- 3286 G. *Procedure for tree removal, residential clearing and development clearing permits.* Prior to the
3287 issuance of a tree removal, residential clearing or development clearing permit, an application shall
3288 be required to be submitted for review by the Tree Inspector. A complete application for a tree
3289 removal, residential clearing or development clearing permit shall include the following items:
- 3290 1. *General information required for tree removal, residential clearing and development*
3291 *clearing permits.*
- 3292 a. A completed application form including the following:
- 3293 i. Name, address, and phone number of contact person;
- 3294 ii. Authorization by the property owner to clear the site, if applicant is other than
3295 owner of the property;
- 3296 iii. Estimated starting date;
- 3297 iv. Estimated completion date;
- 3298 v. Name, address and phone number of applicant;
- 3299 b. Copy of deed to property.
- 3300 c. All required processing and inspection fees.
- 3301 2. *Tree removal permit application requirements.* In addition to all the items listed above, a plan
3302 depicting the location, size (DBH), and species of all trees proposed to be removed shall be
3303 submitted and all trees proposed to be removed shall be marked prior to the request for the
3304 first inspection.

- 3305 3. *Residential clearing permit application requirements.* In addition to all the items listed above,
3306 a plot plan, drawn to scale, which clearly identifies the following shall be required for
3307 consideration of an application for a residential clearing permit:
- 3308 a. The specific location, size and species of specifically protected trees;
 - 3309 b. The location of trees or stands of trees proposed for preservation on the site and the
3310 intended method for marking trees to be preserved.
 - 3311 c. Location of critical root zones of specifically protected trees and all other trees required
3312 or proposed to be preserved.
 - 3313 d. Location of tree barriers to protect trees required or proposed to be protected during
3314 construction.
 - 3315 e. Erosion and sediment control plan to control the runoff of sediment when soil will be
3316 disturbed, except when the disturbed area comprises less than 50 percent of the lot or
3317 parcel and is located at least 10 feet from all property lines.
 - 3318 f. Dimensions and locations of all proposed improvements, such as buildings or
3319 structures, driveways, and paved walkways.
- 3320 4. *Development clearing permit application requirements.* In addition to all the items listed
3321 above, a plot plan, drawn to scale, which clearly identifies the following shall be required for
3322 consideration of an application for a development clearing permit:
- 3323 a. Existing stands of trees on the parcel;
 - 3324 b. The specific location, size and species of specifically protected trees;
 - 3325 c. The location of trees or stands of trees proposed for preservation on the site and the
3326 intended method for marking preserved trees prior to land clearing should be identified
3327 on the application.
 - 3328 d. Location of critical root zones of specifically protected trees and all other trees required
3329 or proposed to be preserved.
 - 3330 e. Location of tree barriers to protect trees required or proposed to be protected during
3331 construction.
 - 3332 f. Erosion and Sediment Control Plan to control the runoff of sediment when soil will be
3333 disturbed.
 - 3334 g. Dimensions and locations of all existing and proposed improvements, such as buildings
3335 or structures, driveways, and paved walkways.
 - 3336 h. Location and dimensions of all required buffers.
- 3337 5. *Decision regarding permit applications.* Within 5 working days after acceptance by the Tree
3338 Inspector of a complete application for a development clearing permit, the Tree Inspector
3339 shall either cause the permit to be issued or provide the applicant in writing with his reasons
3340 for rejecting the application as presented. In making a decision on the permit application, the
3341 Tree Inspector shall take into consideration:
- 3342 a. Applicable land use;
 - 3343 b. Health, safety, and welfare of the public and the applicant;
 - 3344 c. Aesthetic value and landscaping;
 - 3345 d. Possible replacement of removed trees;

- 3346 e. The intent of this Chapter and the goals of the community tree plan; and
3347 f. The facts supporting the approval of tree removal
- 3348 6. *Inspections required for tree removal, residential clearing and development clearing.*
- 3349 a. *Tree removal permit inspections.*
- 3350 i. *First inspection.* The applicant shall request an inspection by the Tree Inspector
3351 after marking the trees to be removed and the Tree Inspector shall inspect the
3352 site, within 24 hours of such request, to determine conformance with the permit
3353 application and the provisions of this Chapter prior to issuing a tree removal
3354 permit.
- 3355 ii. *Final inspection.* Upon completion of the tree removal work, the applicant shall
3356 request an inspection, and the Tree Inspector shall inspect the site to determine
3357 that the work was performed in conformance with the permit and the provisions
3358 of this Chapter.
- 3359 b. *Residential clearing permit inspections.*
- 3360 i. *First inspection.* After marking all trees to be preserved and erecting tree
3361 protection barriers around trees to be preserved and any erosion control methods
3362 proposed, the applicant shall request an inspection, and the Tree Inspector shall
3363 inspect the site to determine that the proposed work is in accordance with the
3364 provisions of this Chapter, prior to the issuance of the single-family residential
3365 building permit or the residential clearing permit.
- 3366 ii. *Final inspection.* Upon completion of all work and clean up of the site, the
3367 applicant shall request a final inspection of the site by the Tree Inspector. The
3368 Tree Inspector shall perform the final inspection and determine that the
3369 conditions of the residential clearing permit have been adhered to prior to issuing
3370 a certificate of occupancy or authorizing permanent utility hookups for the site.
- 3371 c. *Development clearing permit inspections for multifamily residential, nonresidential,*
3372 *infrastructure improvements or other development applications.*
- 3373 i. *First inspection.* After marking all trees to be removed and preserved and
3374 erecting tree protection barriers around trees to be preserved and the erosion
3375 control methods proposed, the applicant shall request an inspection and the Tree
3376 Inspector shall inspect the site to determine that the proposed work is in
3377 accordance with the development clearing permit application and the provisions
3378 of this chapter, prior to the issuance of the development clearing permit.
- 3379 ii. *Second inspection.* After pavement forms are in place but prior to the pouring of
3380 concrete for roadways, driveways, sidewalks, parking or loading areas, the
3381 applicant shall request a second inspection, and an inspection shall be made by
3382 the Tree Inspector to determine that forms have been placed in accordance with
3383 the development clearing permit plans.
- 3384 iii. *Final inspection.* Upon completion of all work and clean up of the site, the
3385 applicant shall request a final inspection of the site by the Tree Inspector. The
3386 Tree Inspector shall perform the final inspection and determine that the
3387 conditions of the development clearing permit have been adhered to prior to
3388 issuing a certificate of occupancy or authorizing permanent utility hookups for
3389 the site.

3390 H. *Timber harvesting requirements.* The Tree Inspector may issue a timber harvesting permit for the
3391 purpose of commercially harvesting pine trees only (except for longleaf pines which are a
3392 specifically protected tree) on land that has not been subdivided into lots of record and which has a
3393 minimum size of 6 acres. Any other trees meeting the size requirements as defined under "tree
3394 removal" which are damaged or destroyed shall be considered a violation. All timber harvesting
3395 shall be accomplished in accordance with the standards included in "Recommended Forest Best
3396 Management Practices for Louisiana" published in 2000.

3397 1. *Application.* An application for a timber harvesting permit shall include all the items required
3398 for a request for a tree removal, residential clearing, or development clearing permit, and
3399 shall include a plot plan, drawn to scale, depicting the location and dimensions of the
3400 following:

3401 a. *Roadway buffer.* All existing vegetation shall be required to be preserved in an uncut
3402 vegetation buffer at least 25 feet in width along all improved roadways and dedicated
3403 street rights-of-way, except for one 40 foot-wide accessway through the buffer to reach
3404 the interior of the site.

3405 b. *Waterway buffer.* All existing vegetation shall be required to be preserved in an uncut
3406 vegetation buffer of a width in accordance with the "Recommended Forestry Best
3407 Management Practices for Louisiana" Streamside Management Zones (SMZ) as
3408 follows:

3409 i. SMZ widths are measured from the top of each bank and established on each side
3410 of the stream, waterway or drainageway.

3411 ii. The minimum SMZ for ephemeral and intermittent streams and improved
3412 drainage canals shall be 35 feet on each side of the waterway.

3413 iii. The minimum SMZ for perennial streams less than 20 feet wide shall be 50 feet
3414 on each side.

3415 iv. The minimum SMZ for perennial streams more than 20 feet wide shall be 100
3416 feet on each side.

3417 c. *Adjacent-use buffer.* All vegetation shall be required to be preserved in a minimum
3418 uncut vegetation buffer of 50 feet in depth on all sides of the site adjacent to an existing
3419 residential zoning district.

3420 d. *Loading area.* The size and location of the designated loading area, to be located on the
3421 interior of the site beyond any required buffer areas.

3422 e. *Protected trees.* Specifically protected trees and stands of trees required to be
3423 preserved.

3424 2. *Diagram of the routes.* A diagram of the routes on public streets to be used by vehicles
3425 associated with the timber harvesting operation shall also be submitted prior to the issuance
3426 of a timber harvesting permit.

3427 3. *Preservation and restoration of trees.*

3428 a. All timber harvesting operations including skidding, yarding, trimming, loading and
3429 equipment operation or storage shall be on site and shall not intrude into any of the
3430 required buffers. No operation other than hauling shall take place on the Town streets.

3431 b. All parties conducting timber harvesting activities shall exercise due and reasonable
3432 caution when traversing public rights-of-way, public lands and water bodies in order to
3433 minimize disturbance to same. All public rights-of-way, public properties, existing and

- 3434 recognized natural drainage, and engineered drainageways shall be restored to
3435 preexisting condition with the cessation of the timber harvesting activity.
- 3436 c. All felled trees and uprooted stumps from the harvesting of trees shall be removed from
3437 the site. Scrapping or bulldozing of the site shall be allowed only for the purpose of
3438 replanting.
- 3439 d. All buffer zones, stands of protected trees and specifically protected trees shall be
3440 clearly marked prior to the inspection for the issuance of the timber harvesting permit.
- 3441 4. *Warranty provisions.*
- 3442 a. Any person who obtains a timber harvesting permit shall post security with the Town in
3443 an amount sufficient, as predetermined by the Tree Inspector, for the repair or
3444 restoration of any streets or bridges, rights-of-way, public lands or water bodies and/or
3445 drainage easements within the Town damaged as a result of timber harvesting
3446 activities.
- 3447 b. The security required by this Section shall be either a funded letter of credit or a bond
3448 approved by the Town with the town listed as obligee as follows:
- 3449 i. An annual blanket security of \$10,000.00 due on October 1, 1993, and each
3450 October 1 thereafter.
- 3451 ii. In the event that the above security has to be called for any reason, a new
3452 security will be established as follows:
- 3453 A) The security will increase in \$10,000.00 increments for each occurrence of
3454 damage.
- 3455 B) All existing permits shall be forfeited and no new permits will be issued
3456 until new security is posted and prior damage has been resolved.
- 3457 c. Applicants shall be responsible only for damage caused directly by their activities on or
3458 use of public streets, roads, bridges or lands.
- 3459 d. The security required by this Section may be posted by any interested party, including,
3460 but not limited to the land owner, logging contractor or timber purchaser on behalf of
3461 the applicant.
- 3462 e. The security posted by the applicant shall remain in effect until the issuance of the
3463 certificate of completion. The security posted shall be applied to each permit issued.
3464 Upon notification by the applicant that work is complete, the Tree Inspector shall
3465 inspect the site and, if acceptable, a certificate of completion shall be issued and
3466 recorded accordingly on the security.
- 3467 5. *Enforcement and inspections.*
- 3468 a. *First inspection.* The applicant shall mark all pine trees to be harvested and protected,
3469 erect all tree protection barriers and have sediment control mechanisms in place prior to
3470 requesting the first inspection. The Tree Inspector shall inspect and document the
3471 location and condition of all roadways proposed to be used for timber harvesting
3472 operations, all required buffers, specifically protected trees and stands of protected
3473 trees, as shown on the plot plan, and shall verify that all protected trees are clearly
3474 marked for protection, prior to the issuance of a timber harvesting permit.
- 3475 b. *Monitoring.* The Tree Inspector shall perform regular inspections of the site during the
3476 performance of the timber harvesting work to determine compliance with the timber
3477 harvesting application and the provisions of this Chapter and shall issue written notice

3478 to stop work should the harvesting operations be found to be in violation of the permit
3479 or laws of the Town of Abita Springs.

3480 c. *Final inspection and issuance of certificate of completion.* It shall be the responsibility
3481 of the applicant to request an inspection and the Tree Inspector to inspect the site after
3482 completion. Upon completion of all harvesting, cleanup and repairs or restoration
3483 required the applicant shall notify the tree inspector to request a final inspection of the
3484 site and all roadways utilized for timber harvesting activities. In the event that damage
3485 is caused to the right-of-way or Town streets through activity of the applicant or its
3486 agents, the Town shall notify the applicant in writing by certified letter. The cost of
3487 repairing the damage shall be the sole responsibility of the applicant. Approval shall be
3488 required from the Town of all specifications, as well as of the contractor who will
3489 perform the corrective action. A reasonable time frame shall be agreed upon by the
3490 Town and the applicant for corrective work to be completed but in any event no more
3491 than 90 days from notification. The certificate of completion required to release the
3492 security bond shall not be issued by the Town until all repair, restoration or tree
3493 replacement activities required of the applicant have been fulfilled.

3494 6. *Procedure for enforcement of security.* In the event an applicant or its agents causes damage
3495 to Town property and fails to correct such damage resulting in the town having to take
3496 corrective action, at the completion of all such corrective work the Town will present the
3497 invoice for said corrective work to the responsible applicant, and the applicant shall have 30
3498 days from its receipt to pay said invoice. In the event that the applicant fails to pay said
3499 invoice within 30 days, the Town may, at its option, take any appropriate action to execute on
3500 the security required herein.

3501 7. *Replanting plan.* In order to develop and be issued permits on a parcel of land that has been
3502 commercially harvested and does not have a 50-percent tree cover, the developer must submit
3503 a replanting plan to the Planning Commission. A replanting plan must be reviewed and
3504 approved by the Planning Commission on any development and/or lots within a subdivision.
3505 A certificate of occupancy on any structure within the development will not be issued until
3506 the replanting plan has been enacted and approved by the Tree Inspector. The Planning
3507 Commission may request that the landscape committee review any landscape and replanting
3508 plan and make their recommendation to the Planning Commission.

3509 I. *Expiration of permits.* All permits issued under this Chapter shall be valid for a period of one year
3510 after which time the permit automatically expires. After this period of time, all permitted activities
3511 must be complete and a compliance inspection made by the Inspector. In the event all clearing
3512 activities have not been completed during the existence of the permit, a new tree removal,
3513 residential clearing, development clearing, or timber harvesting permit must be obtained.

3514 J. *Tree replacement requirements.*

3515 1. *General requirements.* When any tree required to be preserved or planted by the provisions of
3516 this Chapter or any other laws of the Town of Abita Springs, dies or is removed, it shall be
3517 replaced with 2 trees of the same species or a species with similar characteristics measuring a
3518 minimum of 2 inches DBH each at the time of planting. If the available planting space on the
3519 site where the tree died or was removed is not adequate for the number of replacement trees
3520 required, the replacement trees unable to be placed on the site shall be donated to the Town
3521 for planting in a location to be determined by the landscape commission.

3522 2. *Expiration.* Should a building or development permit or subdivision authorization, which
3523 made possible the issuance of the development clearing permit, expire without the intended
3524 development activity being realized or trees be removed in violation of this Chapter, all trees

3525 removed shall be considered a violation and a replacement plan and schedule for replacement
3526 shall be required to be submitted by the applicant for approval of the Planning Commission.
3527 The landowner shall be required to implement the tree replacement plan within the schedule
3528 approved by the Planning Commission. Said tree replacement plan and schedule must be filed
3529 with the Town Clerk within 30 days of expiration of the building permit or subdivision
3530 authorization time period or, in the case of timber harvesting or other tree removal or clearing
3531 violations, upon notification of a violation by the Tree Inspector. This tree replacement
3532 schedule shall include a time frame for the completion of implementation, not exceeding one
3533 year from the date of the expiration of the permit or notification by the Tree Inspector, and
3534 shall be site specific for the location of both hardwood and softwood species including a
3535 variation in mature heights so as to achieve a revegetation of the cleared area in a reasonable
3536 amount of time.

3537 K. *Permit fees established.* A permit fee sufficient to cover the cost of processing the permit
3538 application and conducting all required inspections shall be paid prior to the issuance of a permit to
3539 remove, clear or harvest trees. The fee schedule shall be set by the Mayor. The amount of such fee
3540 shall be published on the website of the Town and included in a list of such fees made available at
3541 the Office of the Town Clerk.

3542 L. *Removal of hazardous or infested trees.* It shall be the duty of the property owner to remove dead or
3543 hazardous trees. It shall also be the duty of the owner of the property on which trees, that have
3544 become diseased or damaged due to any form of communicable infestation, are located to remove
3545 and properly dispose of such trees before they pose a threat to healthy trees. Inspection shall be
3546 required prior to the removal and upon completion of the removal of trees. If the tree is not an
3547 obvious hazard, the owner is required to submit documentation by a licensed or certified arborist to
3548 support the removal of the tree. However, nothing shall prevent the removal of a hazardous tree in a
3549 timely manner.

3550 M. *Emergencies.* In case of emergencies, such as wind storms, ice storms, hurricanes, general
3551 pestilence or disease, or other disasters, the requirements of this Chapter may be waived by the
3552 Building Inspector during the period of such emergencies so as not to hamper private or public
3553 work to restore order to the Town.

3554 N. *Violations and penalties.*

3555 1. Any person violating the provisions of this Chapter shall be guilty of a misdemeanor, and
3556 upon first conviction shall be punished by a fine, not to exceed a maximum of \$500.00 for
3557 each specifically protected tree removed or destroyed and \$250.00 for each other tree
3558 removed or destroyed in violation of this Chapter. Each tree removed or destroyed in
3559 violation of this Chapter shall be considered a separate violation.

3560 2. Nothing herein contained shall prevent the Town from taking such other lawful actions as
3561 necessary to prevent or remedy the violation up to and including suspension or revocation of
3562 the violator's building permit and/or tree removal, development clearing, timber harvesting
3563 permit and requiring trees removed to be replaced by the violator.

3564 3. *Replacement of trees.* Replacement trees may be accepted by the tree inspector in lieu of a
3565 fine, when approved by the Planning Commission.

3566 4. The verdict or order which levies any fines for violating the provisions of this Chapter may
3567 be prepared by the Town Clerk and signed by the Mayor's court judge and recorded in the
3568 office of the Clerk of Court for the Parish of St Tammany. Such recording shall serve as an
3569 incumbrance against the parcel of land upon which the violation occurred.

3570 O. *Appeals.* Appeals of the decisions of the tree inspector pursuant to this Chapter shall be perfected in
3571 accordance with the procedures outlined in **Chapter 2 – Procedures** of this Part.

3572 **Sec. 9-304.5. – Sign requirements.**

3573 A. These regulations apply to all development in the Town. The general purpose of these requirements
3574 are to:

- 3575 1. Retain and maintain existing historic signs, if possible.
- 3576 2. Install new signs in such a manner that no damage occurs to historic materials.
- 3577 3. Individual building signage shall be placed under such restrictions as will allow for design
3578 unity with the surrounding area.
- 3579 4. Individual and creative expression is encouraged, but will be made more efficient and
3580 meaningful when the signs of the area complement each other and the design of the building
3581 to which they are attached.
- 3582 5. *Purpose.* The purpose of this Section is to promote public health, safety, and welfare through
3583 a comprehensive system of reasonable, effective, consistent, well-maintained, content-
3584 neutral, and nondiscriminatory sign standards and requirements. It is the intent of this Section
3585 to regulate the time, place, and manner of sign placement. It is not the intent of this Section to
3586 regulate the message that signs convey; to foreclose important and distinct mediums or
3587 expression for political, religious, or personal messages; or to suggest the Town should
3588 regulate the content of signs in any manner.

3589 B. *Requirements for all signs.*

- 3590 1. No fluorescent signs are allowed in the Town. Signs may not include fluorescent lighting
3591 either internal or external to the sign face.
- 3592 2. Signs may be composed of wood, painted materials, or plastic. Internally illuminated plastic
3593 faced signs and metal signs are not allowed.
- 3594 3. External lighting (shielded lights only) may be used to illuminate signs. Lighting of signs
3595 shall be subdued and indirect. The lighting source shall be hidden from view or designed so
3596 as to blend in with the lines of the building.
- 3597 4. Backlit, fluorescent, strobe, and flashing-light signs are prohibited. Backlit coke machines are
3598 considered signage and are not permitted on the exterior of buildings or shall not be visible
3599 from the street. Such machines shall only be used if back light is not used.
- 3600 5. All exterior lighting fixtures must be approved by the Historic District Commission for
3601 proposed lighting in the Historic Overlay (HTO) district. Gooseneck type lighting is
3602 encouraged.
- 3603 6. An exemption to these requirements may be allowed by the Historic District Commission for
3604 historically appropriate neon and metal signs.
- 3605 7. Snipe signs, meaning small temporary signs (under 36 square feet) attached to public
3606 infrastructure or placed by someone other than the property owner are prohibited.
- 3607 8. Window signs are prohibited, however the Planning Commission or the Historic District
3608 Commission may allow window signs that employ hand-rendered artisan work, etching, or
3609 other unique media (other than window cling, factory produced printed material, or vinyl).
- 3610 9. Feather or harpoon style signs are prohibited.
- 3611 10. Nothing in this Section shall be construed to prohibit flags on a flag pole.

- 3612 11. Any type of sign not specifically permitted by this Section, including LED light strings used
3613 as signs, electronic variable message signs, billboards, and moving or animated signs are
3614 prohibited.
- 3615 12. All signs proposed in the Historic Overlay (HTO) district, including temporary signs, shall
3616 require a Certificate of Appropriateness prior to their placement on the site.
- 3617 C. *Primary attached signs.*
- 3618 1. Maximum area allowed: 32 square feet.
- 3619 2. Signs may be double-sided with copy on both sides of an attached sign suspended by brackets
3620 or arms perpendicular from the wall of a building. Any attached sign projecting out from the
3621 building must clear the sidewalk by 7 feet, and project no less than 6 inches and no more than
3622 5 feet from the exterior wall of the building. Hardware used in hanging the signs shall be
3623 inconspicuous.
- 3624 3. Attached signs may be any shape, but may not include moving or animated elements or
3625 flashing lights.
- 3626 4. A sign on a cloth awning may be used as the attached sign, but must follow the size
3627 limitation.
- 3628 5. Signs may not project over the roof line of the building or be hung on poles that are not
3629 attached to the building.
- 3630 6. The attached sign may be painted directly on a building wall, but still must adhere to the size
3631 limitation and must respect any architectural detail of the wall surface. Murals shall be
3632 considered attached signs painted directly on a building wall regardless of content or
3633 message. All murals or attached signs must be approved by Planning Commission or by the
3634 Historic District Commission if the site is located in the Historic Overlay (HTO) district.
- 3635 7. A permit from the Planning and Zoning Department is required for all primary attached signs.
- 3636 D. *Secondary attached signs.*
- 3637 1. Maximum area allowed: 16 square feet.
- 3638 2. Secondary attached signs are only allowed on buildings with 2 street-facing facades, and
3639 cannot be located on the same facade as the primary attached sign.
- 3640 3. A permit from the Planning and Zoning Department is required for all secondary attached
3641 signs.
- 3642 E. *Free-standing monument signs.*
- 3643 1. Free-standing monument signs are detached signs with a solid, monolithic base attached to
3644 the ground. No other types of detached permanent signs are allowed in the Town. Free-
3645 standing monument signs are only allowed in the Commercial, Light Industrial, and Civic
3646 Districts with the permission of the Planning Commission.
- 3647 2. *Maximum area allowed: 24 square feet.*
- 3648 3. Free-standing monument signs may have indirect lighting. No internal illumination is
3649 allowed.
- 3650 F. *Sculptures or monuments.*
- 3651 1. Sculptures or monuments may be used as memorials or for other purposes, regardless of
3652 content, all sculptures or monuments must be approved by the Planning Commission or the
3653 Historic District Commission if they are in the Historic Overlay (HTO) district.

- 3654 2. Sculptures or monuments may have a maximum height of 10 feet and must be compatible
3655 with the main structure in materials and design.
- 3656 3. Sculptures or monuments must be placed on private property, must comply with the required
3657 setbacks for structures, and cannot impede clear vision for motorists or bicyclists.
- 3658 G. *Marquees as permitted in Section 304.1.* Site design in commercial, mixed-use, and special permit
3659 districts may include copy and signage, however such copy may not exceed the size of the marquee
3660 structure and may not have electronically animated content.
- 3661 H. *Addresses.* Street addresses are encouraged on homes and businesses and must be in a lettering type
3662 and scale appropriate to the style and design of the structure. A permit is not required for addresses.
- 3663 I. *Banners.*
- 3664 1. Banners on buildings and/or eaves shall be allowed but require a permit from the Planning
3665 and Zoning Department prior to installation. The purpose of the permit is to verify that such
3666 banners comply with the requirements herein, and is not for the purpose of reviewing content
3667 or speech.
- 3668 2. Duration: May be displayed for no longer than 45 days.
- 3669 3. Maximum size: 32 square feet.
- 3670 4. Banners must be kept in good repair and no fan operated advertising figures are allowed.
- 3671 J. *Temporary detached signs (signs on a post or stake).*
- 3672 1. Temporary signs shall be displayed no longer than 6 months. If the Town has photo evidence
3673 of a specific sign being placed longer than 6 months, regardless of its intermittent duration,
3674 such sign must be removed. This means that temporary signs cannot be placed and then
3675 removed and replaced.
- 3676 2. Temporary signs may be made of wood, plastic, vinyl, or cloth.
- 3677 3. Temporary signs may not be placed on public right-of-ways.
- 3678 4. Each lot may have a maximum of 3 temporary signs. Total temporary detached sign area
3679 must not exceed 32 square feet.
- 3680 5. A permit from the Planning and Zoning Department is required for all temporary detached
3681 signs.

3682 **CHAPTER 4 – FLOODPLAIN MANAGEMENT**

3683 **ARTICLE A. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND**
3684 **METHODS**

3685 **Sec. 9-401. Statutory authorization**

3686 The Legislature of the State of Louisiana has in statute L.R.S. 38:84 delegated the responsibility of
3687 local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Board of
3688 Aldermen of the Town of Abita Springs, Louisiana does ordain as follows:

3689 **Sec. 9-402. Findings of fact**

- 3690 A. The flood hazard areas of Abita Springs are subject to periodic inundation which results in loss of
3691 life and property, health and safety hazards, disruption of commerce and governmental services,

3692 and extraordinary public expenditures for flood protection and relief, all of which adversely affect
3693 the public health, safety and general welfare.

3694 B. These flood losses are created by the cumulative effect of obstructions in floodplains which cause
3695 an increase in flood heights and velocities, and by the occupancy of flood hazards areas by uses
3696 vulnerable to floods and hazardous to other lands because they are inadequately elevated,
3697 floodproofed or otherwise protected from flood damage.

3698 **Sec. 9-403. Statement of purpose**

3699 It is the purpose of this ordinance to promote the public health, safety and general welfare and to
3700 minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- 3701 A. Protect human life and health;
- 3702 B. Minimize expenditure of public money for costly flood control projects;
- 3703 C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken
3704 at the expense of the general public;
- 3705 D. Minimize prolonged business interruptions;
- 3706 E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone
3707 and sewer lines, streets and bridges located in floodplains;
- 3708 F. Help maintain a stable tax base by providing for the sound use and development of flood-prone
3709 areas in such a manner as to minimize future flood blight areas; and
- 3710 G. Ensure that potential buyers are notified that property is in a flood area.

3711 **Sec. 9-404. Methods of reducing flood losses**

3712 In order to accomplish its purposes, this ordinance uses the following methods:

- 3713 A. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause
3714 excessive increases in flood heights or velocities;
- 3715 B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected
3716 against flood damage at the time of initial construction;
- 3717 C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which
3718 are involved in the accommodation of flood water;
- 3719 D. Control filling, grading, dredging and other development which may increase flood damage;
- 3720 E. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or
3721 which may increase flood hazards to other lands.

3722 **ARTICLE B. DEFINITIONS**

3723 **Sec. 9-405. Definitions.**

3724 Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to
3725 give them the meaning they have in common usage and to give this ordinance its most reasonable
3726 application.

3727 ALLUVIAL FAN FLOODING - means flooding occurring on the surface of an alluvial fan or
3728 similar landform which originates at the apex and is characterized by high-velocity flows; active processes
3729 of erosion, sediment transport, and deposition; and unpredictable flow paths.

3730 APEX - means a point on an alluvial fan or similar landform below which the flow path of the major
3731 stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

3732 APPURTENANT STRUCTURE – means a structure which is on the same parcel of property as the
3733 principal structure to be insured and the use of which is incidental to the use of the principal structure

3734 AREA OF FUTURE CONDITIONS FLOOD HAZARD – means the land area that would be
3735 inundated by the 1-percent-annual chance (100 year) flood based on future conditions hydrology.

3736 AREA OF SHALLOW FLOODING - means a designated AO, AH, AR/AO, AR/AH, or VO zone
3737 on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding
3738 to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding
3739 is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or
3740 sheet flow.

3741 AREA OF SPECIAL FLOOD HAZARD - is the land in the floodplain within a community subject
3742 to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on
3743 the Flood Hazard Boundary Map (FHBM). After detailed rate-making has been completed in preparation
3744 for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR,
3745 AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

3746 BASE FLOOD - means the flood having a 1 percent chance of being equaled or exceeded in any
3747 given year.

3748 BASE FLOOD ELEVATION – The elevation shown on the Flood Insurance Rate Map (FIRM) and
3749 found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or
3750 VE that indicates the water surface elevation resulting from the flood that has a 1% chance of equaling or
3751 exceeding that level in any given year – also called the Base Flood.

3752 BASEMENT - means any area of the building having its floor subgrade (below ground level) on all
3753 sides.

3754 BREAKAWAY WALL – means a wall that is not part of the structural support of the building and
3755 is intended through its design and construction to collapse under specific lateral loading forces, without
3756 causing damage to the elevated portion of the building or supporting foundation system.

3757 CRITICAL FEATURE - means an integral and readily identifiable part of a flood protection system,
3758 without which the flood protection provided by the entire system would be compromised.

3759 DEVELOPMENT - means any man-made change to improved and unimproved real estate,
3760 including but not limited to buildings or other structures, mining, dredging, filling, grading, paving,
3761 excavation or drilling operations or storage of equipment or materials.

3762 ELEVATED BUILDING – means, for insurance purposes, a non-basement building, which has its
3763 lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or
3764 columns.

3765 EXISTING CONSTRUCTION - means for the purposes of determining rates, structures for which
3766 the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975,
3767 for FIRMs effective before that date. "Existing construction" may also be referred to as "existing
3768 structures."

3769 EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home
3770 park or subdivision for which the construction of facilities for servicing the lots on which the manufactured
3771 homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets,
3772 and either final site grading or the pouring of concrete pads) is completed before the effective date of the
3773 floodplain management regulations adopted by a community.

3774 EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means
3775 the preparation of additional sites by the construction of facilities for servicing the lots on which the
3776 manufactured homes are to be affixed (including the installation of utilities, the construction of streets,
3777 and either final site grading or the pouring of concrete pads).

3778 FLOOD OR FLOODING - means a general and temporary condition of partial or complete
3779 inundation of normally dry land areas from:

3780 A. the overflow of inland or tidal waters.

3781 B. the unusual and rapid accumulation or runoff of surface waters from any source.

3782 FLOOD ELEVATION STUDY – means an examination, evaluation and determination of flood
3783 hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and
3784 determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

3785 FLOOD INSURANCE RATE MAP (FIRM) - means an official map of a community, on which the
3786 Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk
3787 premium zones applicable to the community.

3788 FLOOD INSURANCE STUDY (FIS) – see Flood Elevation Study

3789 FLOODPLAIN OR FLOOD-PRONE AREA - means any land area susceptible to being inundated
3790 by water from any source (see definition of flooding).

3791 FLOODPLAIN MANAGEMENT - means the operation of an overall program of corrective and
3792 preventive measures for reducing flood damage, including but not limited to emergency preparedness
3793 plans, flood control works and floodplain management regulations.

3794 FLOODPLAIN MANAGEMENT REGULATIONS - means zoning ordinances, subdivision
3795 regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance,
3796 grading ordinance and erosion control ordinance) and other applications of police power. The term
3797 describes such state or local regulations, in any combination thereof, which provide standards for the
3798 purpose of flood damage prevention and reduction.

3799 FLOOD PROTECTION SYSTEM - means those physical structural works for which funds have
3800 been authorized, appropriated, and expended and which have been constructed specifically to modify
3801 flooding in order to reduce the extent of the area within a community subject to a "special flood hazard"
3802 and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal
3803 barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed
3804 in conformance with sound engineering standards.

3805 FLOOD PROOFING - means any combination of structural and non-structural additions, changes,
3806 or adjustments to structures which reduce or eliminate flood damage to real estate or improved real
3807 property, water and sanitary facilities, structures and their contents.

3808 FLOODWAY – see Regulatory Floodway

3809 FUNCTIONALLY DEPENDENT USE - means a use, which cannot perform its intended purpose
3810 unless it is located or carried out in close proximity to water. The term includes only docking facilities,

3811 port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building
3812 and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

3813 HIGHEST ADJACENT GRADE - means the highest natural elevation of the ground surface prior
3814 to construction next to the proposed walls of a structure.

3815 HISTORIC STRUCTURE - means any structure that is:

3816 A. Listed individually in the National Register of Historic Places (a listing maintained by the
3817 Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the
3818 requirements for individual listing on the National Register;

3819 B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical
3820 significance of a registered historic district or a district preliminarily determined by the Secretary to
3821 qualify as a registered historic district;

3822 C. Individually listed on a state inventory of historic places in states with historic preservation
3823 programs which have been approved by the Secretary of Interior; or

3824 D. Individually listed on a local inventory of historic places in communities with historic preservation
3825 programs that have been certified either:

3826 1. By an approved state program as determined by the Secretary of the Interior or;

3827 2. Directly by the Secretary of the Interior in states without approved programs.

3828 LEVEE - means a man-made structure, usually an earthen embankment, designed and constructed
3829 in accordance with sound engineering practices to contain, control, or divert the flow of water so as to
3830 provide protection from temporary flooding.

3831 LEVEE SYSTEM - means a flood protection system which consists of a levee, or levees, and
3832 associated structures, such as closure and drainage devices, which are constructed and operated in
3833 accordance with sound engineering practices.

3834 LOWEST FLOOR - means the lowest floor of the lowest enclosed area (including basement). An
3835 unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in
3836 an area other than a basement area is not considered a building's lowest floor; provided that such enclosure
3837 is not built so as to render the structure in violation of the applicable non-elevation design requirement of
3838 Section 60.3 of the National Flood Insurance Program regulations.

3839 MANUFACTURED HOME - means a structure transportable in one or more sections, which is
3840 built on a permanent chassis and is designed for use with or without a permanent foundation when
3841 connected to the required utilities. The term "manufactured home" does not include a "recreational
3842 vehicle".

3843 MANUFACTURED HOME PARK OR SUBDIVISION - means a parcel (or contiguous parcels)
3844 of land divided into two or more manufactured home lots for rent or sale.

3845 MEAN SEA LEVEL - means, for purposes of the National Flood Insurance Program, the North
3846 American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a
3847 community's Flood Insurance Rate Map are referenced.

3848 NEW CONSTRUCTION - means, for the purpose of determining insurance rates, structures for
3849 which the "start of construction" commenced on or after the effective date of an initial FIRM or after
3850 December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.
3851 For floodplain management purposes, "new construction" means structures for which the "start of

3852 construction" commenced on or after the effective date of a floodplain management regulation adopted
3853 by a community and includes any subsequent improvements to such structures.

3854 NEW MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park
3855 or subdivision for which the construction of facilities for servicing the lots on which the manufactured
3856 homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets,
3857 and either final site grading or the pouring of concrete pads) is completed on or after the effective date of
3858 floodplain management regulations adopted by a community.

3859 RECREATIONAL VEHICLE - means a vehicle which is

3860 A. built on a single chassis;

3861 B. 400 square feet or less when measured at the largest horizontal projections;

3862 C. designed to be self-propelled or permanently towable by a light duty truck; and

3863 D. designed primarily not for use as a permanent dwelling but as temporary living quarters for
3864 recreational, camping, travel, or seasonal use.

3865 REGULATORY FLOODWAY - means the channel of a river or other watercourse and the adjacent
3866 land areas that must be reserved in order to discharge the base flood without cumulatively increasing the
3867 water surface elevation more than a designated height.

3868 RIVERINE – means relating to, formed by, or resembling a river (including tributaries), stream,
3869 brook, etc.

3870 SPECIAL FLOOD HAZARD AREA – see Area of Special Flood Hazard

3871 START OF CONSTRUCTION - (for other than new construction or substantial improvements
3872 under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means
3873 the date the building permit was issued, provided the actual start of construction, repair, reconstruction,
3874 rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The
3875 actual start means either the first placement of permanent construction of a structure on a site, such as the
3876 pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the
3877 stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction
3878 does not include land preparation, such as clearing, grading and filling; nor does it include the installation
3879 of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or
3880 the erection of temporary forms; nor does it include the installation on the property of accessory buildings,
3881 such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial
3882 improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other
3883 structural part of a building, whether or not that alteration affects the external dimensions of the building.

3884 STRUCTURE – means, for floodplain management purposes, a walled and roofed building,
3885 including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

3886 SUBSTANTIAL DAMAGE - means damage of any origin sustained by a structure whereby the
3887 cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the
3888 market value of the structure before the damage occurred.

3889 SUBSTANTIAL IMPROVEMENT - means any reconstruction, rehabilitation, addition, or other
3890 improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the
3891 structure before "start of construction" of the improvement. This term includes structures which have
3892 incurred "substantial damage", regardless of the actual repair work performed. The term does not,
3893 however, include either:

- 3894 A. Any project for improvement of a structure to correct existing violations of state or local health,
3895 sanitary, or safety code specifications which have been identified by the local code enforcement
3896 official and which are the minimum necessary to assure safe living conditions or
- 3897 B. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's
3898 continued designation as a "historic structure."

3899 VARIANCE – means a grant of relief by a community from the terms of a floodplain management
3900 regulation. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

3901 VIOLATION - means the failure of a structure or other development to be fully compliant with the
3902 community's floodplain management regulations. A structure or other development without the elevation
3903 certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4),
3904 (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation
3905 is provided.

3906 WATER SURFACE ELEVATION - means the height, in relation to the North American Vertical
3907 Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and
3908 frequencies in the floodplains of coastal or riverine areas.

3909 ARTICLE C. GENERAL PROVISIONS

3910 **Sec. 9-406. Lands to which this article applies.**

3911 This ordinance shall apply to all areas of special flood hazard with the jurisdiction of the Town of
3912 Abita Springs, Louisiana.

3913 **Sec. 9-407. Basis for establishing the areas of special flood hazard.**

3914 The areas of special flood hazard identified by the Federal Emergency Management Agency in the
3915 current scientific and engineering report entitled, "The Flood Insurance Study for Town of Abita Springs,
3916 Louisiana, St. Tammany Parish," dated May 17, 1988, with accompanying Flood Insurance Rate Maps
3917 (FIRM) dated May 17, 1988 and any revisions thereto are hereby adopted by reference and declared to be
3918 a part of this ordinance.

3919 **Sec. 9-408. Establishment of development permit.**

3920 A Floodplain Development Permit shall be required to ensure conformance with the provisions of
3921 this ordinance.

3922 **Sec. 9-409. Compliance.**

3923 No structure or land shall hereafter be located, altered, or have its use changed without full
3924 compliance with the terms of this ordinance and other applicable regulations.

3925 **Sec. 9-410. Abrogation and greater restrictions.**

3926 This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or
3927 deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed
3928 restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3929 **Sec. 9-411. Interpretation.**

3930 In the interpretation and application of this ordinance, all provisions shall be:

- 3931 A. Considered as minimum requirements;
- 3932 B. Liberally construed in favor of the governing body; and
- 3933 C. Deemed neither to limit nor repeal any other powers granted under State statutes.

3934 **Sec. 9-412. Warning and disclaimer of liability.**

3935 The degree of flood protection required by this ordinance is considered reasonable for regulatory
3936 purposes and is based on scientific and engineering considerations. On rare occasions greater floods can
3937 and will occur and flood heights may be increased by man-made or natural causes. This ordinance does
3938 not imply that land outside the areas of special flood hazards or uses permitted within such areas will be
3939 free from flooding or flood damages. This ordinance shall not create liability on the part of the community
3940 or any official or employee thereof for any flood damages that result from reliance on this ordinance or
3941 any administrative decision lawfully made hereunder.

3942 **ARTICLE D. ADMINISTRATION**

3943 **Sec. 9-413. Designation of the floodplain administrator.**

3944 The building inspector is hereby appointed the floodplain administrator to administer and implement
3945 the provisions of this ordinance and other appropriate sections of 44 CFR (Emergency Management and
3946 Assistance - National Flood Insurance Program Regulations) pertaining to floodplain management.

3947 **Sec. 9-414. Duties and responsibilities of the floodplain administrator.**

3948 Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the
3949 following:

- 3950 A. Maintain and hold open for public inspection all records pertaining to the provisions of this
3951 ordinance.
- 3952 B. Review permit application to determine whether to ensure that the proposed building site project,
3953 including the placement of manufactured homes, will be reasonably safe from flooding.
- 3954 C. Review, approve or deny all applications for development permits required by adoption of this
3955 ordinance.
- 3956 D. Review permits for proposed development to assure that all necessary permits have been obtained
3957 from those Federal, State or local governmental agencies (including Section 404 of the Federal
3958 Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is
3959 required.
- 3960 E. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood
3961 hazards (for example, where there appears to be a conflict between a mapped boundary and actual
3962 field conditions) the floodplain administrator shall make the necessary interpretation.
- 3963 F. Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the
3964 Department of Transportation and Development, prior to any alteration or relocation of a
3965 watercourse, and submit evidence of such notification to the Federal Emergency Management
3966 Agency.
- 3967 G. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is
3968 maintained.

3969 H. When base flood elevation data has not been provided in accordance with section 9-407. Basis for
3970 establishing the areas of special flood hazard, the floodplain administrator shall obtain, review and
3971 reasonably utilize any base flood elevation data and floodway data available from a Federal, State
3972 or other source, in order to administer the provisions of Article E of this Chapter.

3973 I. When a regulatory floodway has not been designated the floodplain administrator must require that
3974 no new construction, substantial improvements, or other development (including fill) shall be
3975 permitted within zones A1—30 and AE on the community's FIRM, unless it is demonstrated that
3976 the cumulative effect of the proposed development, when combined with all other existing and
3977 anticipated development, will not increase the water surface elevation of the base flood more than
3978 one foot at any point within the community.

3979 J. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program
3980 regulations, a community may approve certain development in zones A1—30, AE, AH, on the
3981 community's FIRM which increases the water surface elevation of the base flood by more than one
3982 foot, provided that the community first completes all of the provisions required by Section 65.12.

3983 **Sec. 9-415. Permit procedures.**

3984 A. Application for a development permit shall be presented to the floodplain administrator on forms
3985 furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale
3986 showing the location, dimensions, and elevation of proposed landscape alterations, existing and
3987 proposed structures, including the placement of manufactured homes, and the location of the
3988 foregoing in relation to areas of special flood hazard. Additionally, the following information is
3989 required:

3990 1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new
3991 and substantially improved structures;

3992 2. Elevation in relation to mean sea level to which any nonresidential structure shall be
3993 floodproofed;

3994 3. A certificate from a registered professional engineer or architect that the nonresidential
3995 floodproofed structure shall meet the floodproofing criteria of Article E, Section 9-418.
3996 Specific Standards for Nonresidential Construction;

3997 4. Description of the extent to which any watercourse or natural drainage will be altered or
3998 relocated as a result of proposed development;

3999 5. Maintain a record of all such information in accordance with subsection Sec. 9-414. Duties
4000 and responsibilities of the floodplain administrator, subsection A.

4001 B. Approval or denial of a development permit by the floodplain administrator shall be based on all of
4002 the provisions of this ordinance and the following relevant factors:

4003 1. The danger to life and property due to flooding or erosion damage;

4004 2. The susceptibility of the proposed facility and its contents to flood damage and the effect of
4005 such damage on the individual owner;

4006 3. The danger that materials may be swept onto other lands to the injury of others;

4007 4. The compatibility of the proposed use with existing and anticipated development;

4008 5. The safety of access to the property in times of flood for ordinary and emergency vehicles;

- 4009 6. The costs of providing governmental services during and after flood conditions including
 4010 maintenance and repair of streets and bridges, and public utilities and facilities such as sewer,
 4011 gas, electrical and water systems;
- 4012 7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters
 4013 and the effects of wave action, if applicable, expected at the site;
- 4014 8. The necessity to the facility of a waterfront location, where applicable;
- 4015 9. The availability of alternative locations, not subject to flooding or erosion damage, for the
 4016 proposed use;

4017 **Sec. 9-416. Variance procedures.**

- 4018 A. The appeal board as established by the community shall hear and render judgment on requests for
 4019 variances from the requirements of this ordinance.
- 4020 B. The appeal board shall hear and render judgment on an appeal only when it is alleged there is an
 4021 error in any requirement, decision, or determination made by the floodplain administrator in the
 4022 enforcement or administration of this ordinance.
- 4023 C. Any person or persons aggrieved by the decision of the appeal board may appeal such decision in
 4024 the courts of competent jurisdiction.
- 4025 D. The floodplain administrator shall maintain a record of all actions involving an appeal and shall
 4026 report variances to the Federal Emergency Management Agency upon request.
- 4027 E. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on
 4028 the National Register of Historic Places or the state Inventory of Historic Places, without regard to
 4029 the procedures set forth in the remainder of this ordinance.
- 4030 F. Variances may be issued for new construction and substantial improvements to be erected on a lot
 4031 of one-half acre or less in size contiguous to and surrounded by lots with existing structures
 4032 constructed below the base flood level, providing the relevant factors in subsection 9-415(B) of this
 4033 article have been fully considered. As the lot size increases beyond the one-half acre, the technical
 4034 justification required for issuing the variance increases.
- 4035 G. Upon consideration of the factors noted above and the intent of this article, the appeal board may
 4036 attach such conditions to the granting of variances as it deems necessary to further the purpose and
 4037 objectives of this ordinance (subsection 9-403. Statement of purpose).
- 4038 H. Variances shall not be issued within any designated floodway if any increase in flood levels during
 4039 the base flood discharge would result.
- 4040 I. Variances may be issued for the repair or rehabilitation of historic structures upon a determination
 4041 that the proposed repair or rehabilitation will not preclude the structure's continued designation as a
 4042 historic structure and the variance is the minimum necessary to preserve the historic character and
 4043 design of the structure.
- 4044 J. Prerequisites for granting variances:
- 4045 1. Variances shall only be issued upon a determination that the variance is the minimum
 4046 necessary, considering the flood hazard, to afford relief.
- 4047 2. Variances shall only be issued upon:
- 4048 a. Showing a good and sufficient cause;

- 4049 b. A determination that failure to grant the variance would result in exceptional hardship
4050 to the applicant; and
- 4051 c. A determination that the granting of a variance will not result in increased flood heights,
4052 additional threats to public safety, extraordinary public expense, create nuisances, cause
4053 fraud on or victimization of the public, or conflict with existing local laws or
4054 ordinances.
- 4055 3. Any application to whom a variance is granted shall be given written notice that the structure
4056 will be permitted to be built with the lowest floor elevation below the base flood elevation,
4057 and that the cost of flood insurance will be commensurate with the increased risk resulting
4058 from the reduced lowest floor elevation.
- 4059 K. Variances may be issued by a community for new construction and substantial improvements and
4060 for other development necessary for the conduct of a functionally dependent use provided that:
- 4061 1. The criteria outlined in subsection 9-416 (A) through (I) are met; and
- 4062 2. The structure or other development is protected by methods that minimize flood damages
4063 during the base flood and create no additional threats to public safety.

4064 ARTICLE E. PROVISIONS FOR FLOOD HAZARD REDUCTION

4065 **Sec. 9-417. General standards.**

4066 In all areas of special flood hazards the following provisions are required for all new construction
4067 and substantial improvements:

- 4068 A. All new construction or substantial improvements shall be designed (or modified) and adequately
4069 anchored to prevent flotation, collapse or lateral movement of the structure resulting from
4070 hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- 4071 B. All new construction or substantial improvements shall be constructed by methods and practices
4072 that minimize flood damage;
- 4073 C. All new construction or substantial improvements shall be constructed with materials resistant to
4074 flood damage;
- 4075 D. All new construction or substantial improvements shall be constructed with electrical, heating,
4076 ventilation, plumbing, and air conditioning equipment and other service facilities that are designed
4077 and/or located so as to prevent water from entering or accumulating within the components during
4078 conditions of flooding.
- 4079 E. All new and replacement water supply systems shall be designed to minimize or eliminate
4080 infiltration of flood waters into the system;
- 4081 F. New and replacement sanitary sewage systems shall be designed to minimize or eliminate
4082 infiltration of flood waters into the system and discharge from the systems into flood waters; and;
- 4083 G. On-site waste disposal systems shall be located to avoid impairment to them or contamination from
4084 them during flooding.
- 4085 H. Encroachments on banks of waterway; compensation. No encroachment upon the present banks of
4086 the waterway shall be allowed without prior compensating improvement in the stream-carrying
4087 capacity of the waterway.

4088 **Sec. 9-418. Specific standards.**

4089 In all areas of special flood hazards where base flood elevation data has been provided as set forth
4090 in section 9-407. Basis for establishing the areas of special flood hazard, subsection 9-414(H), or
4091 subsection 9-419 Standards for subdivision proposals (3), the following provisions are required:

4092 A. Residential construction. New construction and substantial improvement of any residential structure
4093 shall have the lowest floor (including basement), elevated to or above the base flood elevation. A
4094 registered professional engineer, architect, or land surveyor shall submit a certification to the
4095 floodplain administrator that the standard of this subsection as proposed in subsection 9-415. Permit
4096 procedures (A)(1), is satisfied.

4097 B. Nonresidential construction. New construction and substantial improvements of any commercial,
4098 industrial or other nonresidential structure shall either have the lowest floor (including basement)
4099 elevated to or above the base flood level or together with attendant utility and sanitary facilities, be
4100 designed so that below the base flood level the structure is watertight with walls substantially
4101 impermeable to the passage of water and with structural components having the capability of
4102 resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional
4103 engineer or architect shall develop and/or review structural design, specifications, and plans for the
4104 construction, and shall certify that the design and methods of construction are in accordance with
4105 accepted standards of practice as outlined in this subsection. A record of such certification which
4106 includes the specific elevation (in relation to mean sea level) to which such structures are
4107 floodproofed shall be maintained by the floodplain administrator.

4108 C. Enclosures. New construction and substantial improvements, with fully enclosed areas below the
4109 lowest floor that are usable solely for parking of vehicles, building access or storage in an area other
4110 than a basement and which are subject to flooding shall be designed to automatically equalize
4111 hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs
4112 for meeting this requirement must either be certified by a registered professional engineer or
4113 architect or meet or exceed the following minimum criteria:

- 4114 1. A minimum of two openings on separate walls having a total net area of not less than one
4115 square inch for every square foot of enclosed area subject to flooding shall be provided.
- 4116 2. The bottom of all openings shall be no higher than one foot above grade.
- 4117 3. Openings may be equipped with screens, louvers, valves, or other coverings or devices
4118 provided that they permit the automatic entry and exit of floodwater.

4119 D. Manufactured homes.

4120 1. Require that all manufactured homes to be placed within zone A on a community's FHBM or
4121 FIRM shall be installed using methods and practices which minimize flood damage. For the
4122 purposes of this requirement, manufactured homes must be elevated and anchored to resist
4123 flotation, collapse, or lateral movement. Methods of anchoring may include, but are not
4124 limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition
4125 to applicable State and local anchoring requirements for resisting wind forces.

4126 2. Require that manufactured homes that are placed or substantially improved within zones
4127 A1—30, AH, and AE on the community's FIRM on sites:

- 4128 a. Outside of a manufactured home park or subdivision;
- 4129 b. In a new manufactured home park or subdivision;

- 4130 c. In an expansion to an existing manufactured home park or subdivision; or
- 4131 d. In an existing manufactured home park or subdivision on which a manufactured home
- 4132 has incurred "substantial damage" as a result of a flood, be elevated on a permanent
- 4133 foundation such that the bottom of the longitudinal structural I beam of the
- 4134 manufactured home is elevated to or above the base flood elevation and be securely
- 4135 anchored to an adequately anchored foundation system to resist flotation, collapse, and
- 4136 lateral movement.
- 4137 3. Require that manufactured homes be placed or substantially improved on sites in an existing
- 4138 manufactured home park or subdivision within zones A1—30, AH, and AE on the
- 4139 community's FIRM that are not subject to the provisions of 9-418. Specific standards (D)(2).
- 4140 of this subsection be elevated so that either:
- 4141 a. The bottom of the longitudinal structural I beam of the manufactured home is at or
- 4142 above the base flood elevation, or
- 4143 b. the manufactured home chassis is supported by reinforced piers or other foundation
- 4144 elements of at least equivalent strength that are no less than 36 inches in height above
- 4145 grade and be securely anchored to an adequately anchored foundation system to resist
- 4146 flotation, collapse, and lateral movement.
- 4147 E. Recreational vehicles. Require that recreational vehicles placed on sites within Zones A1—30, AH,
- 4148 and AE on the community's FIRM either:
- 4149 1. Be on the site for fewer than 180 consecutive days, or
- 4150 2. be fully licensed and ready for highway use, or
- 4151 3. Meet the permit requirements of subsection 9-415(A), and the elevation and anchoring
- 4152 requirements for "manufactured homes" in (D) of this subsection. A recreational vehicle is
- 4153 ready for highway use if it is on its wheels or jacking system, is attached to the site only by
- 4154 quick disconnect type utilities and security devices, and has no permanently attached
- 4155 additions.

4156 **Sec. 9-419. Standards for subdivision proposals.**

- 4157 A. All subdivision proposals including the placement of manufactured home parks and subdivisions
- 4158 shall be consistent with subsections 9-402 through 9-404 of this ordinance.
- 4159 B. All proposals for the development of subdivisions including the placement of manufactured home
- 4160 parks and subdivisions shall meet development permit requirements of section 9-408; section 9-
- 4161 415; and the provisions of this article.
- 4162 C. Base flood elevation data shall be generated for subdivision proposals and other proposed
- 4163 development including the placement of manufactured home parks and subdivisions which is
- 4164 greater than 50 lots or five acres, whichever is lesser, if not otherwise provided pursuant to section
- 4165 9-407 Basis for establishing the areas of special flood hazard or subsection 9-414 Duties and
- 4166 responsibilities of the floodplain administrator of this ordinance.
- 4167 D. All subdivision proposals including the placement of manufactured home parks and subdivisions
- 4168 shall have adequate drainage provided to reduce exposure to flood hazards.
- 4169 E. All subdivision proposals including the placement of manufactured home parks and subdivisions
- 4170 shall have public utilities and facilities such as sewer, gas, electrical and water systems located and
- 4171 constructed to minimize or eliminate flood damage.

4172 **Sec. 9-420. Standards for areas of shallow flooding (AO/AH Zones).**

4173 Located within the areas of special flood hazard established in section 9-407 Basis for establishing
4174 the areas of special flood hazard, are areas designated as shallow flooding. These areas have special flood
4175 hazards associated with base flood depths of one to three feet where a clearly defined channel does not
4176 exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such
4177 flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- 4178 A. All new construction and substantial improvements of residential structures have the lowest floor
4179 (including basement) elevated above the base flood elevation or the highest adjacent grade at least
4180 as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth
4181 number is specified), or
- 4182 B. All new construction and substantial improvements of nonresidential structures;
- 4183 1. Have the lowest floor (including basement) elevated above the highest adjacent grade at least
4184 as high as the depth number specified in feet on the community's FIRM (at least two feet if
4185 no depth number is specified); or
- 4186 2. Together with attendant utility and sanitary facilities be designed so that below the base
4187 specified flood depth in an AO Zone, or below the Base Flood Elevation in an AH Zone, level
4188 the structure is watertight with walls substantially impermeable to the passage of water and
4189 with structural components having the capability of resisting hydrostatic and hydrodynamic
4190 loads of effects of buoyancy.
- 4191 C. A registered professional engineer or architect shall submit a certification to the floodplain
4192 administrator that the standards of this section, as proposed in subsection 9-415, are satisfied.
- 4193 D. Require within zones AH or AO adequate drainage paths around structures on slopes, to guide flood
4194 waters around and away from proposed structures.

4195 **Sec. 9-421. Severability.**

4196 If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional
4197 by any court of competent jurisdiction, then said holding shall in no way affect the validity of the
4198 remaining portions of this Ordinance.

4199 **Sec. 9-422. Penalties for noncompliance.**

4200 No structure of land shall hereafter be constructed, located extended, converted, or altered without
4201 full compliance with the terms of this ordinance and other applicable regulations. Violation of the
4202 provisions of this article by failure to comply with any of its requirements (including violations of
4203 conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any
4204 person who violates this chapter or fails to comply with any of its requirements shall upon conviction
4205 thereof be fined not more than \$500.00 or imprisoned for not more than 30 days, or both, for each violation,
4206 and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall
4207 prevent the Town of Abita Springs from taking such other lawful action as is necessary to prevent or
4208 remedy any violation.

4209 **Secs. 9-423—9-450. Reserved.**

4210 **CHAPTER 5 – BUILDING AND CONSTRUCTION REGULATIONS**

4211 **ARTICLE A. CONSTRUCTION REGULATIONS**

4212 **Sec. 9-503. Use of tarpaulins on roofs.**

4213 * * *

4214 **Sec. 9-504. Building permits required.**

4215 Within the corporate limits of the Town, no development shall be permitted except upon the
4216 issuance of a building permit granted by the Building Inspector or his duly designated representative under
4217 such safeguards and restrictions as the Mayor and Board of Aldermen may reasonably impose for the
4218 promotion and maintenance of the general welfare, health, and commerce of the inhabitants of this Town
4219 in accordance with the specific requirements of this Code.

4220 **Sec. 9-505. Complaints regarding violations.**

4221 Whenever a violation of this chapter occurs or is alleged to have occurred, any person may file a
4222 written complaint, filed with the Building Inspector, stating fully the causes and basis of the complaint.
4223 The Building Inspector shall record properly the complaint, immediately investigate, and take action
4224 thereon as provided by this Code.

4225 **Sec. 9-506. Penalties for violation.**

4226 (a) Violations of the provisions of this chapter or failure to comply with any of its requirements shall
4227 constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its
4228 requirements shall, upon conviction thereof, be fined not less than \$10.00 nor more than \$25.00 or
4229 imprisoned for not more than 30 days, or both, and, in addition, shall pay all costs and expenses
4230 involved in the case. Each day such violation continues shall be considered a separate offense.

4231 (b) The owner or tenant of any building, structure, premises, or part thereof, any architect, builder,
4232 contractor, agent, or other person who commits, participates in, assists in, or maintains such
4233 violation may each be found guilty of a separate offense and suffer the penalties herein provided
4234 for.

4235 **Sec. 9-507. Minimum fee for building permits.**

- 4236 (a) The fees for building permits and immobile home permit shall be set by the Mayor.
- 4237 (b) The amount of such fees shall be published on the website of the Town and included in a list of such
4238 fees made available at the Office of the Town Clerk.
- 4239 (c) All fees collected under this section shall be deposited in a special fund to be used exclusively for
4240 the inspection, issuance of permits, and enforcement of this chapter.

4241 **Sec. 9-508. Priority of floodplain regulations and adoption of the emergency wind and flood**
4242 **provisions of the 2003 International Building Code.**

4243 All regulations described in this chapter represent minimum standards and supersede all existing
4244 ordinances which require lower standards. The emergency wind and flood provisions addition of the 2003

4245 International Building Code, both residential and commercial sections, its successors and as amended in
4246 the future is hereby adopted by reference into this Code of Ordinances.

4247 ARTICLE B. - RECONDITIONING OF STREETS

4248 * * *

4249 CHAPTER 6. - SUBDIVISION, LOT, AND BLOCK STANDARDS

4250 Sec. 9-601. – General requirements and minimum standards of design for the subdivision
4251 of land.

4252 A. *Conformity to the Town Master Plan.* In accordance with Louisiana RS 33:109, the Planning
4253 Commission and Board of Alderman shall consider the Master Plan before adopting, approving, or
4254 promulgating any local laws, ordinances, or regulations which are inconsistent with the adopted
4255 elements of the Master Plan. The Planning Commission shall consider whether subdivision
4256 request(s) and associated regulatory amendment(s) are consistent with the Master Plan before
4257 adoption or approval. Every plat approved by a Planning Commission is an amendment of or an
4258 addition to the Town’s official Major Street Plan and a part thereof.

4259 B. *Lots.*

4260 1. *General.* The minimum width of lots and minimum area shall conform to the requirements of
4261 **Chapter 3 – Zoning Regulations** of this Part.

4262 2. *Electrical transmission lines.* In the case of electrical transmission lines where servitude
4263 widths are not definitely established, there shall be a minimum building set back line from the
4264 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

4265
4266 In the event that Electrical Code requirements are amended or changed to impose stricter
4267 requirements, then the stricter requirements will prevail over those set forth above.

4268 3. *Floodplain management.* On any proposed subdivision or resubdivision of land, the
4269 preliminary and final plats submitted for subdivision consideration shall clearly indicate the
4270 areas within the Federal Emergency Management Agency (FEMA)’s Special Flood Hazard
4271 Area (SFHA) as determined by the Town of Abita Springs adopted Flood Insurance Study
4272 (FIS) dated May 17, 1988, and its accompanying Flood Insurance Rate Map (FIRM). Within
4273 these areas the following policies apply:

4274 a. There will be no improvement of land within the channel needed to convey the
4275 stormwater from a 100-year storm event.

4276 b. There will be no net increase and fill material used to construct improvements in zones
4277 designated A, AE, or B in the FIS and on the FIRM. No net increase means that for
4278 every cubic yard of fill material imported to the site, one cubic yard of existing material
4279 must be exported from the site. Excavated areas created by soil exportation may not be
4280 used as fill ponds. Normally dry retention or detention ponds are acceptable.

4281 c. A cut and fill analysis will be required in addition to the comprehensive drainage plan
4282 required in this Chapter.

- 4283 d. Any improvements to the land that are performed in a designated flood plain will
 4284 conform to the related regulations established by the Corps of Engineers, the Parish of
 4285 St. Tammany, jurisdiction drainage districts, or other municipal regulations governing
 4286 floodplain management and/or improvements in designated flood plains.
- 4287 e. Compliance with this Section must be determined by the Town Engineer.
- 4288 4. Street frontage.
- 4289 a. Requirement to front on a public street. Every lot created in the Town through the
 4290 subdivision process must directly front on a publicly dedicated street. This means that
 4291 neither the Town administration nor the Board of Aldermen may approve the creation
 4292 (subdivision) or resubdivision of any lots lacking frontage on a public street.
- 4293 b. Existing lots lacking street frontage. Existing lots lacking street frontage may not be
 4294 built upon and the Town may not issue any building permit to develop these sites
 4295 unless such lots are resubdivided in a manner that provides them with direct access to a
 4296 public street.
- 4297 C. *Blocks.*
- 4298 1. *Requirements.* The widths, lengths, and shapes of blocks shall be determined with due regard
 4299 to:
- 4300 a. Provision of adequate building sites suitable to the land uses permitted in the zoning
 4301 districts within the proposed subdivision.
- 4302 b. Lot sizes and dimensions as indicated in **Chapter 3- Zoning Regulations** of this Code.
- 4303 c. Needs for convenient access, circulation, control and safety of street traffic.
- 4304 d. Limitations and opportunities of topography.
- 4305 2. *Length.* Blocks shall not be more than 300 feet in length.
- 4306 3. *Widths.* Blocks shall be wide enough to allow 2 rows of lots except where fronting on streets
 4307 is prevented by topographical conditions or size of property; in which case, the Planning
 4308 Commission may approve a single row of lots of minimum depth.
- 4309 4. *Street-facing rear lot lines.* Where topographic conditions or the size of property limit
 4310 development to a block containing a single row of lots with rear lot lines that face a street,
 4311 both a 10-foot easement for landscape buffering shall be provided along the rear lot lines and
 4312 a minimum 10-foot setback for fence structures constructed along the rear property line shall
 4313 be indicated on the preliminary and final plats.
- 4314 D. *Streets.*
- 4315 1. *Relation to adjoining streets.* To support higher property values, support public safety, more
 4316 effectively disperse traffic, have fiscal sustainability in public service provision, and promote
 4317 walkable neighborhoods; proposed streets shall be developed in a street grid pattern, squared
 4318 at right angles, that connects to existing streets in all cases except for when the natural
 4319 geography or environmental protections preclude a grid or associated connections.
- 4320 Approval of the Louisiana Department of Transportation and the Town Engineer is required
 4321 when the access point to the subdivision adjoins a state highway.
- 4322 2. *Minor streets.* Minor streets shall be laid out in a grid pattern to disperse traffic and provide a
 4323 variety of route options for local users.

- 4324 3. *Marginal access street.* Where a subdivision borders a contained or controlled access
 4325 highway, the Planning Commission may elect to require marginal access streets, reverse
 4326 frontage with screen planting contained in a non-access reservation along the rear property
 4327 line, deep lots with rear service alleys, or such other treatment as may be necessary for
 4328 adequate protection of residential properties and to afford separation of through and local
 4329 traffic.
- 4330 4. *Tangents.* A tangent of at least 100 feet shall be introduced between reverse curves on major,
 4331 and collector streets.
- 4332 5. *Alignments.* The horizontal and vertical alignment for all streets shall be not less than the
 4333 following except in cases of unusual topographic conditions:
- 4334 a. *Horizontal Alignment, Centerline radius.*
- 4335 i. Major Streets: 500 feet minimum
- 4336 ii. Collector Streets: 300 feet minimum
- 4337 iii. Minor Streets: 100 feet minimum
- 4338 b. All changes in street grades shall be made with vertical curves that provide minimum
 4339 sight distances of not less than the following, except in cases of unusual topographic
 4340 conditions.
- 4341 i. Major Streets with median: 500 feet minimum
- 4342 ii. Major Streets without median: 800 feet minimum
- 4343 iii. Collector Streets: 300 feet minimum
- 4344 iv. Minor Streets: 200 feet minimum
- 4345 Sight distance for vertical alignment shall be determined by measuring from a point 4.0
 4346 feet above the roadway surface along a line of sight to a point 4.0 inches above the
 4347 roadway surface.
- 4348 6. *Intersections.* Where natural geography or environmental factors preclude the development of
 4349 a street intersection at right angles, deviations shall not be less than 75 degrees. Property lines
 4350 at street intersections shall be rounded with a minimum radius of 15 feet, or otherwise set
 4351 back to permit curb construction of desirable radius without curtailing the sidewalk at the
 4352 street corner to less than normal width. Submission of a grading plan showing existing and
 4353 proposed contours at one foot intervals and a detailed design for the intersection may be
 4354 required by the Planning Commission.
- 4355 7. *Rights-of-way width.* Street right-of-way widths shall be not less than the following:
 4356

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

4357

4358

4359 8. *Minimum surface widths and cross-sections.* Minimum surface widths and cross-section shall
 4360 conform to the following:
 4361

Street Type	Urban Curb & Gutter Pavement	Urban Open Ditch Pavement
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'

4362
 4363 In no case shall trees be closer than 10 feet to the edge of pavement. However, rights-of-ways
 4364 shall be planned in such a way as to avoid interference with or destruction of trees with
 4365 significant aesthetic or historical value.

4366 9. *Curb and gutters.* If curbs and gutters are provided by the subdivision, they shall be a
 4367 minimum permanent 6-inch concrete curbs with 24-inch integral concrete gutters, standard
 4368 rolled curb and gutter or other construction approved by the Town's Engineer.

4369 10. *Additional widths on existing streets.* Subdivisions that adjoin existing streets shall dedicate
 4370 additional right-of-way to meet the above minimum street width requirements. The entire
 4371 right-of-way shall be provided where any part of a subdivision is on both sides of the existing
 4372 street. When a subdivision is located on only one side of an existing street, one-half of the
 4373 required right-of-way measured from the centerline of the existing roadway shall be provided.

4374 11. *Dead end streets.* Dead end streets or cul-de-sacs may be provided under limited
 4375 circumstances, when no other feasible alternative is possible, upon approval of the Planning
 4376 Commission, in accordance with the following:

4377 a. *Limited application.* Subdivision applications with a proposed cul-de-sac shall include
 4378 demonstrable proof that efforts to align and connect streets in the desired grid pattern
 4379 have been made and are not possible due to a factor of the natural geography or
 4380 environment. The factor (or factors) must be specified and supported by evidence from
 4381 a topographic survey (or similar scientific instrument) or public agency. Should the
 4382 factor not be supported by evidence to this effect, the subdivision request shall be
 4383 deemed incomplete and not be eligible for consideration by the Planning Commission.

4384 b. *Minimum standards.* When approved by the Planning Commission, dead end streets or
 4385 cul-de-sacs shall be constructed at the closed end with a turn-around an outside
 4386 roadway radius of at least 40 feet and a right-of-way radius of 60 feet. A cul-de-sac
 4387 street shall not exceed 300 feet in length, measured from the entrance to the centerline
 4388 of the turn-around or end of the street.

4389 12. *Private streets and reserve strips.* There shall be no private streets platted in any subdivision.
 4390 Every lot in a subdivided property shall be served from a publicly dedicated street.

4391 E. *Alleys.*

4392 1. *Locations.* Alleys may be required in residential districts, except that the Planning
 4393 Commission may elect to waive this requirement where other definite and assured provisions
 4394 are made for service access.

- 4395 2. *Rights-of-ways width.* Alley right-of-way width shall be not less 7 ½ feet for each side in
4396 residential areas when used.
- 4397 3. *Intersections.* Alley intersections and sharp changes in alignment shall be avoided, but, where
4398 necessary, corners shall be cut off sufficiently to permit safe vehicular movement.
- 4399 4. *Dead-end alleys.* Dead-end alleys shall be avoided where possible but if unavoidable, shall be
4400 provided with adequate turn-around facilities at the dead- ends as determined by the Planning
4401 Commission.

4402 F. *Servitudes.*

- 4403 1. *Width.* Except where alleys are provided, servitudes across lots or centered on rear or side lot
4404 lines shall be provided for utilities where necessary and total width shall be at least 15 feet
4405 wide.
- 4406 2. *Intersections.* Where servitudes intersect or sharp changes in alignment are necessary, corners
4407 shall be cut off sufficiently to permit equipment access.
- 4408 3. *Buildings.* No buildings will be permitted within utility servitudes.
- 4409 4. *Overhangs.* Any overhanging limbs, shrubbery, or vegetation of any kind may be removed
4410 from within or above the limits of servitudes at the sole discretion of the utility maintenance
4411 personnel.
- 4412 5. *Lack of access to public street.* Under no circumstances shall a servitude be used to provide
4413 the only access to a lot created using the subdivision process. Existing lots reliant on
4414 servitudes for road access must be resubdivided in a manner that provides direct access to the
4415 lot from a public street, which may result in a flag lot as shown below.

4416 Figure

- 4417 G. *Street names.* Continuation of existing streets shall assume the same name as the existing street.
4418 Proposed street names shall not be used that will duplicate or be confused with the names of
4419 existing streets. Street names shall be subject to the approval of the Planning Commission and the
4420 Board of Alderman.

4421 H. *Drainage.*

- 4422 1. *Drainage courses.* Whenever any stream or improved surface drainage course is in a
4423 proposed subdivision, the Subdivider shall dedicate an adequate servitude along each side of
4424 the stream for the purpose of maintenance, stormwater management or natural riparian
4425 protection. The width of said servitude will fully encompass the drainage channel including
4426 natural variations in the channel due to high flows, but in no way shall the servitude be less
4427 than 25 feet in either direction of the drainage centerline.
- 4428 2. *Lots along drainage courses.* Drainage courses that fall within proposed lot lines shall not
4429 count for more than 10 percent of the total minimum lot area as defined by these regulations.

4430 I. *Public use.*

- 4431 1. *General.* Developers are required to set aside suitable sites for green spaces, parks,
4432 playgrounds and schools in furtherance of the goals and objectives of the Town's Master
4433 Plan. These areas shall be indicated on the plat. The size and/or quantity of these sites is to be
4434 determined by the Planning Commission and be relative to the size, scale, and density of the
4435 proposed subdivision. Such determination by the Planning Commission shall be applied on a
4436 uniform basis to be established by the Planning Commission.

- 4437 2. *Public uses.* Where a park, neighborhood recreational open space, green space, a school site,
 4438 or other areas for public use shown on a plan which previously has been officially adopted by
 4439 the Planning Commission is located in whole or in part in the proposed subdivision, the
 4440 Planning Commission shall seek to secure the reservation of the additional necessary land for
 4441 such use. Special consideration shall be given to schools and parks in subdivisions larger than
 4442 40 acres or more, or 100 lots or more.
- 4443 3. *Green space requirement.* There shall be required a 5 foot green space around the perimeter
 4444 of each subdivision in which is comprised of land in excess of 5 acres.
- 4445 4. The ownership of sites set aside for parks, neighborhood recreation open space, green space,
 4446 school sites, or other area of public use shown on a plat which has been officially adopted by
 4447 the Planning Commission will be agreed upon between the subdivider and the Planning
 4448 Commission at the time of preliminary approval. Ownership will be by the lot owners of the
 4449 subdivision as common ground for the subdivision, or by another group, agency, or
 4450 jurisdiction as agreed upon by the Planning Commission, the Town of Abita Springs, and the
 4451 subdivider.
- 4452 J. *Deed restriction or covenant.* Deed restrictions or covenants may be placed upon the property to
 4453 ensure that the development is of the character and caliber of the Town of Abita Springs as
 4454 desired by the subdivider. These restrictions shall not be less than requirements of this Code and
 4455 they shall not contain reversionary clauses wherein any lot shall return to the subdivider because of
 4456 a violation thereon of the term of the restriction or covenants. Accompanying the final plat for
 4457 approval shall be a copy of the deed restriction or covenants.
- 4458 K. *Deviations and variances.*
- 4459 1. Limited deviations may be authorized by the Planning Commission upon formal request of
 4460 the Subdivider, and review by the Town Engineer and Senior Planner, only when the
 4461 proposed deviation advances the intent of this Code in accordance with best practices and
 4462 through established alternative means or methods. It shall be the responsibility of the
 4463 Subdivider to demonstrate:
- 4464 a. Compliance with the intent of these regulations;
 4465 b. that the proposed alternative is established in accordance with best practices;
 4466 c. will not have adverse effects to the Town and neighboring community; and
 4467 d. is in compliance with the Town's Code of Ordinances.
- 4468 2. Where a subdivider can show that because of topographical or other conditions peculiar to the
 4469 site, unnecessary hardship would result due to strict adherence to the Code, the Subdivider
 4470 may request a variance from the Planning Commission.

4471 **Sec. 9-602. – Improvement standards.**

- 4472 A. *General requirements.*
- 4473 1. *Generally.* In consideration of the acceptance by the Board of Alderman and the assumption
 4474 of the responsibility for maintaining the dedicated streets and public utilities constructed
 4475 herein, the owner or owners of the subdivision shall cause to be constructed at no expense to
 4476 the Town, the following improvements according to the specifications set forth in this
 4477 Section.
- 4478 2. All plans and specifications for subdivision construction proposed herein shall be prepared by
 4479 a Louisiana licensed and registered professional engineer. All survey work necessary to
 4480 establish subdivision corners, street corners, lot corners and elevations shall be performed by

- 4481 a Louisiana licensed and registered land surveyor. All plans, specifications, and construction
4482 activities will be reviewed by the Town of Abita Springs through its Town Engineer at the
4483 expense of the subdivider.
- 4484 3. *Zoning compliance.* All proposed subdivisions shall be reviewed for compliance with Part 9 –
4485 Planning, Zoning, and Development by the Planning Director.
- 4486 B. *Required improvements.* Every subdivider shall be required to make such improvements on the land
4487 as outlined within this Section prior to the approval of a final plat and any transfer and ownership of
4488 any part of a proposed subdivision. These improvements shall include, but not be limited to, roads,
4489 streets, alleys, curbs and gutters, water and sewer utility systems, drainage channels and conduits,
4490 stormwater management facilities, natural gas systems, and sidewalks and repairs to Town property
4491 damaged during construction of the project, removal of debris, treatment of soil, erosion control,
4492 seeding and landscaping or any improvements deemed necessary by the Planning Commission. The
4493 required infrastructure will be specifically detailed in the subdivision construction documents
4494 submitted to the Town of Abita Springs and approved, in writing, by the Town Engineer.
- 4495 C. *Guarantee in lieu of completed improvements.* No final subdivision plat shall be approved by the
4496 Planning Commission or accepted for record by the Clerk of Court of St. Tammany Parish until
4497 either:
- 4498 1. All required improvements, including repair to Town property damaged during construction,
4499 removal of debris, treatment of soil, erosion control, seeding and landscaping have been
4500 constructed in a satisfactory manner and approved in writing by the Town’s Engineer; or
- 4501 2. The subdivision has been granted a substantial completion notice, not to be granted unless the
4502 improvements required by the Planning Commission and the Town Engineer are not less than
4503 95 percent complete, by the Town Engineer. Additionally, the estimate of completion cost
4504 must be provided by the developer and approved by the Town, including the Town’s
4505 Engineer. This approval must be based on the inspection of the project and validation of the
4506 unit costs for work of this nature. The developer shall then place, on deposit with the Town,
4507 the approved completion cost amount in cash times 3. The deposit will be refunded in full
4508 upon completion of the deficiencies or will be forfeited after 90 days if the deficiencies are
4509 not completed. Upon forfeiture of the deposit, the Town will assume the responsibilities of
4510 project completion. No building permits will be issued for the development until the project is
4511 100 percent completed or as approved by the Town Engineer. The Planning Commission may
4512 accept a performance bond or letter of credit, approved by the Town Attorney, in lieu of a
4513 cash deposit.
- 4514 3. Additionally, all of the following conditions shall be met:
- 4515 a. A maintenance bond in an amount sufficient to cover any costs which might be incurred
4516 by the Town for the maintenance or repair of the required improvements for a period of
4517 2 years after completion, must be provided by the developer and accepted by the
4518 Planning Commission, subject to approval by the Town Engineer. The bond or letter of
4519 credit shall be called by the Town if the required improvements are not completed after
4520 90 days of issuance of said bond or letter of credit. Upon receipt of the proceeds of said
4521 bond or letter of credit the Town will assume the responsibility of project completion.
- 4522 b. Sale or improvement of lots shall be prohibited until the project is 100 percent complete,
4523 or unless approved by the Town Engineer.
- 4524 D. *Streets.*
- 4525 1. *General.* All streets shall be paved with hard surface of asphaltic concrete mix or concrete
4526 pavement as prescribed herein. Street grades shall be established in such a manner that

- 4527 building slabs will be a minimum of 12 inches above center line of street and provide for a
4528 minimum of 100 year flood, except for properties subject to the provisions of the
4529 requirements of Federal Emergency Management Administration (FEMA) Flood Insurance
4530 Rate Map (FIRM).
- 4531 2. *Repair of damage to public improvements prior to final subdivision plat.* No subdivision plat
4532 shall be approved or filed for record or recorded by the Clerk of Court of the Parish of St.
4533 Tammany until such time such as the plat is certified by the Town Engineer that any and all
4534 damage caused by the construction of the subdivision project public improvements of the
4535 Town of Abita Springs including but not limited to streets, sidewalks, drains, culverts and
4536 ditches, have been repaired to the satisfaction of the Town Engineer. The provisions of this
4537 Section may be satisfied by posting a cash bond or letter of credit.
- 4538 3. *Ditches.* If curbs and gutters are not provided, swale ditches shall be provided having at least
4539 3:1 side slopes or side slopes having at least 3 feet horizontal distance for each one foot of
4540 vertical drop.
- 4541 4. *Wearing surfaces and paved streets.* All testing of the subgrade, the roadbed and the wearing
4542 subface shall be performed by a reputable testing laboratory, which shall be demonstrated as
4543 part of the testing submittal, and at the expense of the Subdivider. All other required testing
4544 shall be at the expense of the Subdivider.
- 4545 5. *Grading.* The full right-of-way shall be graded except where large specimen trees exist in the
4546 right-of-way and the grading operation cannot be executed without damage or death to the
4547 tree. Significant specimen trees, primarily live oaks (*Quercus virginiana*) shall be protected
4548 within a right-of-way.
- 4549 6. Profiles of all proposed new or redeveloped streets showing natural and finished grades
4550 drawn to a scale of not less than one inch equals 100 feet horizontal and one inch equals 20
4551 feet vertical shall be furnished as part of the subdivision improvement construction
4552 documents.
- 4553 E. *Sidewalks.*
- 4554 1. Sidewalks shall be required for every subdivision of land in the Town of Abita Springs,
4555 including administrative, minor, and major subdivisions; this requirement may be waived if
4556 the Town Planner determines sidewalks are not part of future planned growth in the area and
4557 would be inconsistent with the surrounding development pattern.
- 4558 2. Sidewalks shall be located one foot from the property line to prevent interference or
4559 encroachment by fencing, walls, hedges or other plantings or structures placed on the
4560 property line at a later date. Concrete sidewalks shall be 5 feet wide and 4 inches thick; unless
4561 provided for elsewhere in the Code of Ordinances.
- 4562 F. *Sewerage.*
- 4563 1. The subdivider shall provide a wastewater collection system for each lot in the proposed
4564 subdivision, and all means and methods employed to determine system capacity by the
4565 Subdivider must be in alignment with those prescriptive methods required by the Town
4566 Engineer. If public sewer system is not within 300 feet of the track being subdivided, the
4567 subdivider shall either 1) connect to the nearest public sewer system, regardless of distance;
4568 2) provide a central treatment plant for the entire subdivision, in which all collection system
4569 requirements apply; or 3)—upon a finding by the Planning Commission that the connection
4570 into the nearest public sewer system or providing of a central treatment plant is not feasible—
4571 then the subdivider shall provide an individual treatment plant for each building which shall
4572 not exceed 12 individual sewer plants per subdivision.

- 4573 2. All sanitary sewer systems shall conform to the following requirements:
- 4574 a. All sewer mains installed within such subdivisions shall be at least 8 inches in diameter
- 4575 and must be of one of the following materials:
- 4576 i. Truss pipe conforming to ASTM D 2680
- 4577 ii. Plastic pipe conforming to ASTM D 3034
- 4578 b. Manholes shall be constructed of one of the following materials:
- 4579 i. Pre-cast concrete conforming to ASTM C 478
- 4580 ii. Brick conforming to ASTM C 32, Grade MA or ASTM C 139
- 4581 iii. Fiberglass manholes may be approved by Town's Engineer on an individual
- 4582 project basis.
- 4583 iv. Manhole castings shall be for roadway traffic, shall have a twenty -two (22) inch
- 4584 opening and shall match the manhole.
- 4585 c. Force main(s) shall be sized for a minimum velocity of 2 feet per second. Force main
- 4586 may be cast iron or plastic, designed for 150 psi. Force main shall be tested at a
- 4587 pressure of 100 psi for two hours. Leakage shall not exceed 10 gpd/in./dia./mile. Plastic
- 4588 pipe shall meet Class 160 NSF.
- 4589 d. Service pipe shall be 6 inches in diameter and shall be PVC pipe and shall be provided
- 4590 and installed by the developer to each lot property line.
- 4591 e. Pumping stations shall be designed to provide for the maximum flows under which
- 4592 they are expected to operate. Individual grinder pumps/wet well units shall not be
- 4593 permitted. The type of station may be designated by the Town's Engineer.
- 4594 3. Manholes shall be constructed at all intersections of sewer mains, at all changes in direction,
- 4595 and shall not be more than 300 feet apart.
- 4596 4. Exfiltration tests shall be made on all sections of sewer main laid. Leakage shall not exceed
- 4597 250 gpd/in./dia./mile. Water level in upper manhole shall be a minimum of one foot above top
- 4598 of pipe. Other tests acceptable to the Town's Engineers may be used if approved as part of a
- 4599 requested, written deviation.
- 4600 5. Subdivider shall connect the subdivision sewer system into the Town's sanitary sewer system
- 4601 at a point designated by the Town's Engineer. Should the Town Engineer advise the Planning
- 4602 Commission that there is no appropriate connection to the sewer system due to system
- 4603 capacity constraints, the Planning Commission shall deny the subject subdivision application
- 4604 due to lack of adequate capacity for sewer connections.
- 4605 G. *Water supply.*
- 4606 1. The subdivider shall coordinate with the Town Engineer to determine a connection to the
- 4607 Town water system, if appropriate, and shall provide water service to each lot. All means and
- 4608 methods employed to determine system capacity by the Subdivider must be in alignment with
- 4609 those prescriptive methods required by the Town Engineer. Water main shall be a minimum
- 4610 of 8 inch pipe, as determined by the Town Engineer. The water main shall be looped unless
- 4611 otherwise approved by the Town Engineer as part of a requested, written deviation.
- 4612 2. Water pipe shall be provided in accordance with the following:

- 4613 a. Cast iron, AWWA approved for 150 psi working pressure test shall be conducted to
 4614 determine the necessity of using polyethylene wrap. Where test so indicates,
 4615 polyethylene shall be used.
- 4616 b. Polyvinyl Chloride, AWWA approved 150-psi working pressure for 8 inch, and class
 4617 160 NSF (National Sanitation Foundation) approved for 4 inch and smaller.
- 4618 c. Service pipe shall be polybutylene and shall meet the stress rating of TB-2110 and shall
 4619 have a pressure rating of 160 psi. Pipe shall be furnished in copper tubing sizes.
- 4620 d. Fire hydrants shall be three way, shall be AWWA approved and shall match existing
 4621 hydrant hose threads, as indicated by the Fire District having jurisdiction. Hydrants
 4622 shall be located not further than 300 feet from the furthestmost fronting corner of any
 4623 lot, not more than 600 feet apart, and at all street intersections. However, hydrants will
 4624 not be required to be located within 200 feet of another hydrant.
- 4625 e. Fitting for 8 inch main shall be AWWA approved. Smaller fittings shall be NSF
 4626 approved.
- 4627 f. Valves shall be AWWA approved.
- 4628 g. Service connection fittings shall be as approved by Town Engineer.
- 4629 3. Water pipe shall be sterilized and shall receive approval from the Louisiana State Board of
 4630 Health before connection to the Town water system.
- 4631 4. Water main shall be tested for 150 psi for not less than 4 hours. Leakage shall not exceed then
 4632 10 gallons/day/inch dia./mile
- 4633 H. *Storm drainage.*
- 4634 1. An adequate drainage system including necessary open ditches, pipes, culverts, intersectional
 4635 drains, drop inlets, detention ponds, or any other facilities shall be provided by the Subdivider
 4636 for the proper management of all surface water.
- 4637 The engineering design of the facilities necessary to perform this task shall be based upon a
 4638 drainage study performed by a Louisiana licensed and registered professional engineer. The
 4639 drainage study will be executed utilizing a hydraulic methodology to determine the facilities
 4640 necessary to meet the goals of these regulations. The drainage study will, at a minimum,
 4641 identify the existing runoff characteristics (predevelopment condition) and the post
 4642 development condition with consideration to the increase in the impervious area and the
 4643 change in the velocity of storm water runoff. For subdivisions involving less than 10 lots, this
 4644 requirement may be waived by the Planning Commission upon a determination that such a
 4645 plan is not necessary. Such a determination shall be made in conjunction with preliminary
 4646 approval.
- 4647 a. The minimum design of the interior drainage system to the subdivision or site or tract
 4648 proposed for development shall be based on a 10 year use storm frequency of not
 4649 greater than one hour duration and the minimum design considerations for the
 4650 watershed area will be based on a 25 year use storm frequency of not greater than one
 4651 hour duration. The selection of runoff coefficient shall be based on the anticipated
 4652 nature of future development in the area and shall be subject to the approval of the
 4653 Town Engineer.
- 4654 b. Street drainage and grating shall be addressed on the submitted plans and shall extend
 4655 the full width of the right-of-way.

- 4656 c. Preservation of drainage patterns and the drainage basin in which the subdivision is
4657 proposed shall be required by the Planning Commission, except when such
4658 preservation is not in keeping with best practices.
- 4659 d. No alteration of natural drainage channels shall be undertaken by a
4660 developer/subdivider except upon the review and approval of the Planning Commission
4661 after review and advisement from the Town Engineer.
- 4662 e. The drainage facilities proposed for the development will cause, in the post
4663 development condition, a 10 percent reduction in the predevelopment condition with
4664 regard to peak storm water runoff. Facilities to accomplish this reduction shall include
4665 onsite detention ponds or regional detention measures that exist within the same
4666 drainage base. The option of regional detention measures must be approved by the
4667 Town Engineer prior to the execution of the drainage study, design of the drainage
4668 improvements, or both. Any constructed detention ponds must provide for the proper
4669 aeration as approved by the Town Engineer.
- 4670 f. Alternatively, the developer/subdivider may propose to undertake such work or
4671 improvements, at no cost to the Town, to make the downstream drainage system
4672 adequate to handle the anticipated flow resulting from the development of the property
4673 in conformance with these regulations. The Planning Commission may deny any such
4674 proposal to improve downstream drainage if the Planning Commission determines that
4675 the nature or extent of the proposed work or improvements would detrimentally alter
4676 the character or condition of any downstream drainage ways. The Planning
4677 Commission shall not approve any proposal to improve manmade drainage ways until
4678 the proposal is first reviewed by the Town Engineer and has been advised in writing
4679 that he/she has no objection to the proposal.
- 4680 g. All spoil generated by construction on the subdivision project must be treated in a
4681 manner approved by the Town Engineer or removed from the site. This requirement
4682 shall be considered as part of the improvement necessary for final plat approval of the
4683 subdivision.
- 4684 2. Pipe used for subsurface storm drain shall be concrete conforming to ASTM specifications
4685 for the type of pipe used. Reinforced concrete pipe shall be used under roadways. Joints shall
4686 be rubber gaskets, wrapped in filter cloth and grouted. Joints shall be rubber gaskets for
4687 concrete and bands for corrugated metal. Only reinforced concrete pipe is to be used in the
4688 public right-of-way where drainage conduits extend beneath public streets.
- 4689 3. *Surface drains.*
- 4690 a. The grade for open ditch drainage shall be sufficiently designed to prevent ponding or
4691 stagnated water.
- 4692 b. All surface drainage ditches placed alongside streets shall be graded as to prevent
4693 undermining of streets by drainage water.
- 4694 c. All surface drainage courses shall have a minimum of 2:1 side slope or side slopes
4695 having at least 2 foot of horizontal distance for each one foot of vertical drop.
- 4696 d. Drains in ditches under driveways shall extend 3 feet beyond the top edge of the drive
4697 shoulder for each foot elevation of the drive above the ditch bottom.
- 4698 4. *Control of erosion and sedimentation.* Where there is an intention to change the contour of
4699 any land proposed to be subdivided or developed by grading, excavating, removing or
4700 destroying the natural topsoil, trees or other vegetation covering thereon, the same shall only
4701 be accomplished after the Planning Commission has approved a plan for erosion and

4702 sedimentation control submitted by the owner or his agent. Submittal of any plans for erosion
4703 and sedimentation control shall accompany and be considered a part of the documents
4704 required for preliminary approval in the subdivision application process.

4705 a. *Requirements for submission.*

4706 i. Three sets of plans for control of erosion and sedimentation shall be submitted to
4707 the Planning Commission.

4708 ii. The estimated cost of accomplishing such erosion and sedimentation measures
4709 shall be stated in the application and be covered in any required performance
4710 bond and/or letter of credit, including the maintenance thereof.

4711 b. *Guidelines for erosion and sedimentation control.*

4712 i. Shall be developed to maximize the amount of natural drainage that is percolated
4713 into the soil and to minimize the direct runoff into adjoining streets and
4714 waterways.

4715 ii. Sediment basins (debris basins, desilting basins, or silt trap) should be installed to
4716 remove sediment from runoff waters from land undergoing development.

4717 iii. The development plan should be fitted to the topography and soil to create the
4718 least erosion potential.

4719 iv. Wherever feasible, and in areas required by this Code, natural vegetation should
4720 be retained and protected.

4721 v. Provisions should be made to effectively accommodate the increased runoff
4722 caused by the changed soil and surface conditions during and after development.

4723 vi. Where necessary, temporary vegetation and/or mulching should be used to
4724 protect areas exposed during development.

4725 vii. The permanent final vegetation and structure should be installed within 6 months
4726 of final plat acceptance.

4727 viii. When land is exposed during development, only the smallest practical area
4728 should be exposed at one time and the exposure time should be kept the shortest
4729 practical period of time.

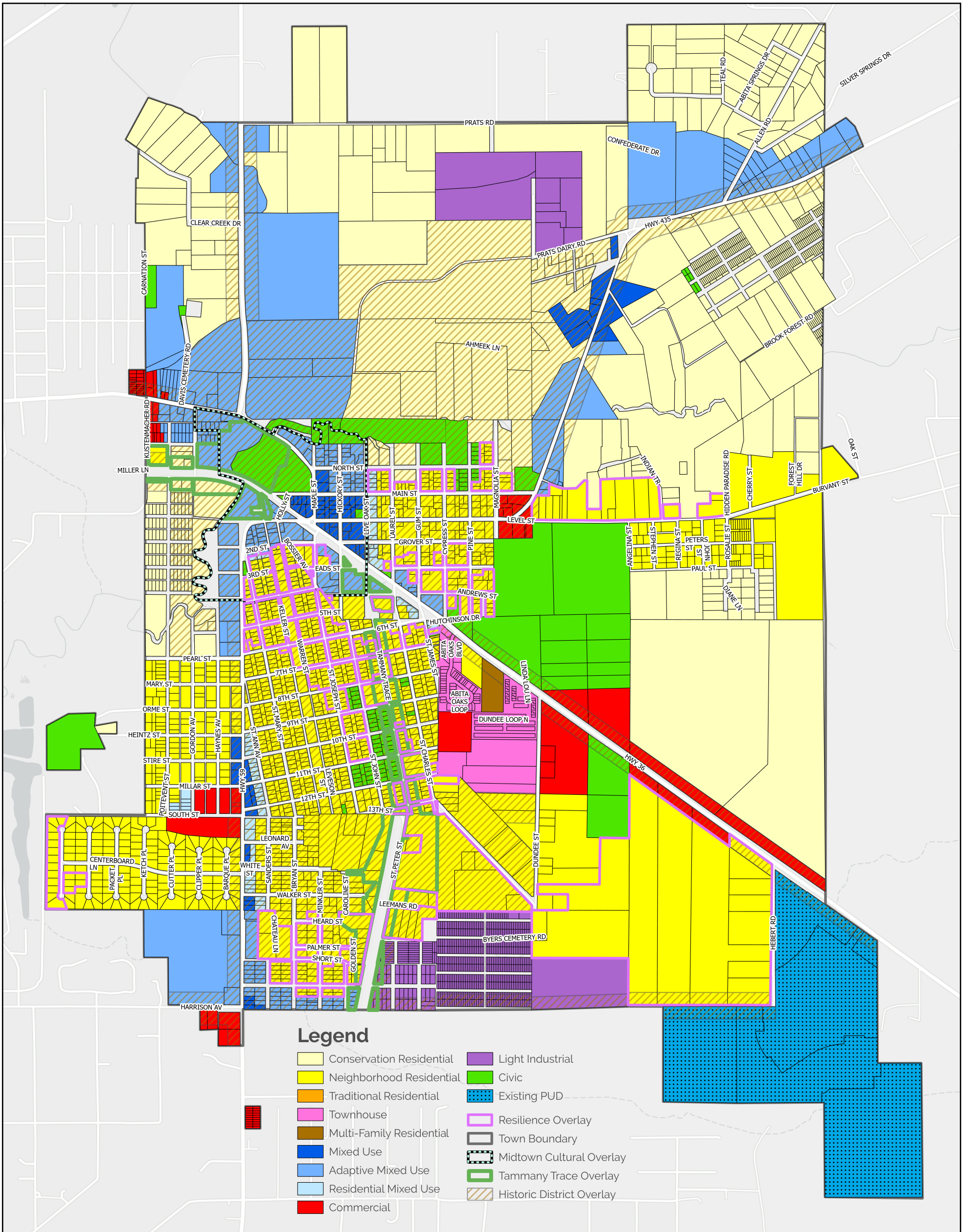
4730 ix. At the building permit application stage, a review will be conducted by the
4731 Building Inspector to ensure conformance with the plan as approved.

4732 5. *Soil preservation, grading, and seeding of lots.*

4733 a. *Preservation and final grading.* No certificate of occupancy shall be issued until final
4734 grading has been completed in accordance with the approved final subdivision plat and
4735 the lot precovered with soil with an average depth of at least 6 inches which shall
4736 contain no particles over 2 inches in diameter over the entire area of the lot except that
4737 portion covered by buildings or included in streets or where the grade has not been
4738 changed or natural vegetation seriously damaged. Topsoil shall be redistributed first to
4739 provide at least 6 inches of cover on lots and at least 4 inches of cover between the
4740 sidewalks and curbs and shall be stabilized by seeding or planting.

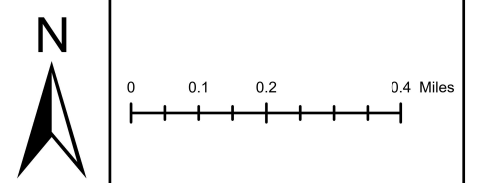
4741 b. *Lot drainage.* Lots shall be laid out so as to provide positive drainage away from all
4742 buildings, and individual lot drainage shall be coordinated with the general storm
4743 drainage pattern for the area. Drainage shall be designed to avoid concentration of
4744 storm drainage water to flow from any lot to any adjacent lots.

- 4745 c. *Lawn, grass, seed and sod (lawn).* Grass seed shall be sown at not less than 4 pounds to
 4746 each 1,000 square feet of open land areas. The width of the right of way (excluding
 4747 roadways) shall be seeded. Sod may be used to comply with any requirements of
 4748 seeding set forth herein, if approved in advance by the Town Engineer.
- 4749 d. *Debris and waste.* No cut trees, timber, junk, rubbish or other waste materials of any
 4750 kind shall be buried in any land, or left deposited on any lot or street adjacent to a lot
 4751 for which there is sought to be the issuances of a certificate of occupancy in the
 4752 subdivision nor shall any be left or deposited in any area of the subdivision at the time
 4753 of expiration of the performance bond and/or letter of credit, or dedication of public
 4754 improvements, whichever is sooner.
- 4755 e. The requirements of this Section shall be considered part of the required improvements
 4756 necessary for final approval of a subdivision plat.
- 4757 I. *Natural gas.* If available, natural gas will be installed by the owner at the subdividers expense,
 4758 including all engineering and construction costs.
- 4759 J. *Construction inspection.* For all improvements required for final plat approval, as depicted on the
 4760 construction documents approved by the Town Engineer, including but not limited to roadways,
 4761 drainage facilities, water and sewer utilities, gas utilities, stormwater management infrastructure,
 4762 sidewalks, repair to Town property damaged during the construction of the project, removal of
 4763 debris, treatment of soil, erosion control, seeding and landscaping, the work will be inspected by the
 4764 Town Engineer at the expense of the developer and prior to site development.
- 4765 K. *Permanent markers.*
- 4766 1. Permanent monuments consisting of a metal pipe 3/4 inch in diameter and 3 feet long shall be
 4767 set at all street corners, at all points where the street lines intersect the exterior boundaries of
 4768 the subdivision, and at angle points and points of curve in each street. The top of the
 4769 monuments shall be set flush with the finished grade. All survey work shall be done by a
 4770 Louisiana licensed Registered Professional Land Surveyor. All development corners shall be
 4771 marked with a 4" by 4" by 3" concrete markers.
- 4772 2. For all subdivisions of 25 lots or more, a permanent benchmark shall be accessibly placed.
 4773 The elevation of which shall be based on Mean Sea Level Datum as determined by the U.S.
 4774 Geological Survey and accurately noted on the subdivision plat. Such permanent benchmarks
 4775 shall be concrete with a minimum dimension of 4 inches square, 3 feet long, with a flat top.
 4776 The top of the monument shall have an indented cross to identify properly the location and
 4777 shall be set flush with the finished grade.
- 4778 3. All other lot corners shall be marked with an iron pipe, not less than three fourths (3/4) inch
 4779 in diameter and (2) feet long driven so as to be flush with the finished grade.
- 4780 L. *Street name signs.* Street name signs shall be located at all street intersections and shall be of a
 4781 design approved by the Town Board of Aldermen.
- 4782 M. *Street lights.* All subdivisions shall have streetlights. Street lighting plans shall be submitted to the
 4783 Planning Commission for approval. Such plans shall provide for the subdivider or property owners
 4784 to pay for the installation, use and maintenance of the street lighting system.
- 4785 N. *Power poles.* The Planning Commission may require the subdivision to provide servitudes for
 4786 power poles in the rear of lots. When located on street right-of-way, power poles shall be located
 4787 adjacent to the property line. All major subdivisions shall have underground utility lines. Minor
 4788 subdivisions may have utility lines above ground on power poles, unless previously installed
 4789 underground, in which case underground utilities should be maintained and improved without
 4790 exception.



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EXHIBIT C: Town of Abita Springs, Louisiana, Official Zoning Map



Data Source(s): ESRI, Geographic Computer Technologies LLC,
 St. Tammany Parish Assessor's Office

Map Date:
 01/28/2026



Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere