

Town of Abita Springs



**MAYOR
DANIEL J. CURTIS**

**NOTICE OF PUBLIC HEARING - TOWN COUNCIL MEETING
TUESDAY, JULY 20, 2021 6:00PM
TOWN OF ABITA SPRINGS TOWN HALL
22161 Level St., Abita Springs, LA 70420**

Posted: July 14, 2021 4:00pm

CALL TO ORDER: Mayor Curtis
INVOCATION: Alderman Saussy
PLEDGE OF ALLEGIANCE: Alderman Randolph

PUBLIC HEARING

- 1.) DISCUSSION OF INSTRUMENT 2021-004 AN ORDINANCE TO AMEND THE ABITA SPRINGS CODE OF ORDINANCES TO AMEND AND REORDAIN SECTIONS 9-306 AND 9-802 RELATIVE TO HISTORIC DISTRICT JURISDICTION AND STANDARDS FOR PLANNED UNIT DEVELOPMENTS, AND TO PROVIDE FOR RELATED MATTERS
- 2.) DISCUSSION OF INSTRUMENT 2021-005 AN ORDINANCE OF THE BOARD OF ALDERMEN TO AMEND THE CODE OF ORDINANCES OF THE TOWN OF ABITA SPRINGS; TO AMEND AND REORDAIN SECTION 9-205 BY ADDING THERETO THE DEFINITION OF AGRICULTURAL (SMALL-SCALE) AND BED AND BREAKFASTS; SECTION 9-210(B)(2) RELATIVE TO INDIVIDUAL ON-SITE SEWAGE DISPOSAL SYSTEMS; SECTION 9-212 TO ESTABLISH THE LOW DENSITY RESIDENTIAL DISTRICT; SECTION 9-223 (A) TO ADD LOW DENSITY RESIDENTIAL DISTRICT; SECTION 9-231 (1) TO ADD SUBSECTION D. TO INCLUDE THE LOW DENSITY RESIDENTIAL DISTRICT; SECTION 3-504 TO AMEND SUBSECTION A. RELATIVE TO ON-SITE SEWAGE DISPOSAL AND TO ADD SUBSECTION B. RELATIVE TO THE REGULATION OF THE USE OF ON-SITE SEWAGE DISPOSAL SYSTEMS AND FURTHER TO ESTABLISH AND ORDAIN SECTION 9-215.1 RELATIVE TO THE ESTABLISHMENT OF THE LOW DENSITY RESIDENTIAL DISTRICT AND SECTION 9-232 RELATIVE TO BED AND BREAKFASTS AND TO PROVIDE FOR RELATED MATTERS.

MAYOR'S ANNOUNCEMENTS:

ROLL CALL:

CALL FOR AGENDA MODIFICATIONS
Accept June 15, 2021 Town Council Meeting Minutes
Accept May 2021 Financial Report

OLD BUSINESS:

- 1.) CONSIDER ADOPTION OF INSTRUMENT 2021-004 AN ORDINANCE TO AMEND THE ABITA SPRINGS CODE OF ORDINANCES TO AMEND AND REORDAIN SECTIONS 9-306 AND 9-802 RELATIVE TO HISTORIC DISTRICT JURISDICTION AND STANDARDS FOR PLANNED UNIT DEVELOPMENTS, AND TO PROVIDE FOR RELATED MATTERS
- 2.) CONSIDER AMENDMENT AND ADOPTION OF INSTRUMENT 2021-005 AN ORDINANCE OF THE BOARD OF ALDERMEN TO AMEND THE CODE OF ORDINANCES OF THE TOWN OF ABITA SPRINGS; TO AMEND AND REORDAIN SECTION 9-205 BY ADDING THERETO THE DEFINITION OF AGRICULTURAL (SMALL-SCALE) AND BED AND BREAKFASTS; SECTION 9-210(B)(2) RELATIVE TO INDIVIDUAL ON-SITE SEWAGE DISPOSAL SYSTEMS; SECTION 9-212 TO ESTABLISH THE LOW DENSITY RESIDENTIAL DISTRICT; SECTION 9-223 (A) TO ADD LOW DENSITY RESIDENTIAL DISTRICT; SECTION 9-231 (1) TO ADD SUBSECTION D. TO INCLUDE THE LOW DENSITY RESIDENTIAL DISTRICT; SECTION 3-504 TO AMEND SUBSECTION A. RELATIVE TO ON-SITE SEWAGE DISPOSAL AND TO ADD SUBSECTION B. RELATIVE TO THE REGULATION OF THE USE OF ON-SITE SEWAGE DISPOSAL SYSTEMS AND FURTHER TO ESTABLISH AND ORDAIN SECTION 9-215.1 RELATIVE TO THE ESTABLISHMENT OF THE LOW DENSITY RESIDENTIAL DISTRICT AND SECTION 9-232 RELATIVE TO BED AND BREAKFASTS AND TO PROVIDE FOR RELATED MATTERS.

NEW BUSINESS:

- 1.) DISCUSSION/RECOMMENDATION RESOLUTION AUTHORIZING THE MAYOR TO NEGOTIATE AND EXECUTE A CONTRACT BETWEEN THE LOUISIANA DEPARTMENT OF TRANSPORTATION ENHANCEMENT PROGRAM AND THE TOWN OF ABITA SPRINGS

OPEN/GENERAL ANNOUNCEMENTS:

ADJOURNMENT

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE, PLEASE CONTACT US AT (985) 892-0711.
PLEASE CONTACT TOWN HALL AT THE SAME NUMBER FOR ADDITIONAL INFORMATION REGARDING THIS AGENDA.



INSTRUMENT 2021-004

AN ORDINANCE TO AMEND THE ABITA SPRINGS CODE OF ORDINANCES TO REORDAIN SECTIONS 9-306 AND 9-802 RELATIVE TO HISTORIC DISTRICT JURISDICTION AND STANDARDS FOR PLANNED UNIT DEVELOPMENTS, AND TO PROVIDE FOR RELATED MATTERS.

IT IS HEREBY ORDAINED that Section 9-306 of the Town of Abita Springs Code of Ordinances be amended and reordained to read as follows:

Sec. 9-306. - Jurisdiction.

The historic district commission’s jurisdiction shall be limited to the historic district and to those corridors which enter the Town of Abita Springs; such corridors are Louisiana Highway 59, Louisiana Highway 36, Louisiana Highway 435, Harrison Avenue and any future extension of Harrison Avenue, and the Tammany Trace any within the corporate limits of the Town of Abita Springs and which are zoned C Commercial, C-2 Commercial, Residential, Planned Unit Development, and those properties which are in the Residential Commercial Overlay District. The corridor shall be defined as any squares and/or tracts of land along and/or bordering LA Hwy 36, LA Hwy 59, LA Hwy 435 the Tammany Trace, Harrison Avenue and Harrison extension to LA Hwy 36 and any future extension of Harrison Avenue. The historic district commission shall be concerned with those elements of development, redevelopment, rehabilitation on the preservation that affect visual quality of the historic district. It shall not consider detailed design, interior arrangement, or the building features not subject to public view nor shall it make any requirement except for the purpose of preventing development or demolition obviously incongruous to the historic district surrounding.

BE IT FURTHER ORDAINED that Section 9-802 of the Town of Abita Springs Code of Ordinances be amended and reordained to read as follows:

Sec. 9-802. - Standards for planned unit developments.

The planned unit development must meet the following standards:

(13) The regulations of the historic district shall be applicable to properties situated along those corridors as set out in section 9-306 of this code.

BE IT FURTHER ORDAINED that in all other respects Section 9-306 and 9-802 shall remain unchanged and in full force and effect.

An Ordinance introduced by Alderman _____ and seconded by Alderman _____ on this _____ day of _____ 2021.

This Ordinance was adopted on a motion of Alderman _____ seconded by Alderman _____ on this _____ day of _____ 2021.

The vote was:

- YEAS:
- NAYS:
- ABSENT:
- ABSTAIN:

HONORABLE DANIEL J. CURTIS, MAYOR

JANET DUFRENE, TOWN CLERK

Town of Abita Springs



**MAYOR
DANIEL J. CURTIS**

Instrument 2021-005

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4 AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE TOWN OF ABITA SPRINGS; TO AMEND AND REORDAIN
5 THE ABITA SPRINGS CODE OF ORDINANCES, SECTION 9-205 BY ADDING THERETO THE DEFINITION OF
6 AGRICULTURAL (SMALL-SCALE) AND BED AND BREAKFASTS; SECTION 9-210(b)(2) RELATIVE TO
7 INDIVIDUAL ON-SITE SEWAGE DISPOSAL SYSTEMS; SECTION 9-212 TO ESTABLISH THE LOW DENSITY
8 RESIDENTIAL DISTRICT; SECTION 9-223 (a) TO ADD LOW DENSITY RESIDENTIAL DISTRICT; SECTION 9-231
9 (1) TO ADD SUBSECTION d. TO INCLUDE THE LOW DENSITY RESIDENTIAL DISTRICT; SECTION 3-504 TO
10 AMEND SUBSECTION A. AND TO ADD SUBSECTION B. AND FURTHER TO ESTABLISH AND ORDAIN SECTION 9-
11 215.1 RELATIVE TO THE ESTABLISHMENT OF THE LOW DENSITY RESIDENTIAL DISTRICT AND SECTION 9-232
12 RELATIVE TO BED AND BREAKFAST AND TO PROVIDE FOR RELATED MATTERS.

13
14 **WHEREAS**, the Board of Aldermen of the Town of Abita Springs deems these amendments appropriate
15 to protect the health, safety, and welfare of the citizens of Abita Springs.

16
17 **NOW, THEREFORE, BE IT ORDAINED** by the Board of Aldermen of the Town of Abita Springs, at its
18 regular session convened, that Section 9-205 of the Code of Ordinances of the Town of Abita Springs
19 shall be amended as follows, to wit:

20
21 **Amend SECTION 9-205- DEFINITIONS, to add a new definition for Agriculture (small-scale) and**
22 **Bed and Breakfast as outlined below.** These shall be included in the section alphabetically . The
23 remainder of all other definitions, as set forth in Section 9-205 shall remain in full force and effect
24 following the amendment below.

Sec. 9-205.

25
26
27
28 *Agriculture (small-scale)* is agricultural activity of a scale too small to employ workers or provide a
29 significant volume of products for markets or processors, but which provides an opportunity for
30 direct marketing or part-time/second income agriculture.

31
32 *Bed and Breakfast* is a single-family, owner occupied dwelling unit that provides guest rooms for
33 rent where the owner resides at the residence and is on the premises during the rental. Bed are
34 breakfasts are subject to the following requirements:

35

36 **BE IT FURTHER ORDAINED** by the Board of Aldermen of the Town of Abita Springs, at its regular
37 session convened, that Section 9-210(b) (2) be amended as follows. The remainder of Section 9-210
38 shall remain in full force and effect following the amendment below.

39
40 **Sec. 9-210. - Nonconforming uses.**

41 (b) *Nonconforming lots.*

42 (2) Where a lot has less area than the minimum required, was a lot-of-record in separate ownership
43 from adjacent property at the time of passage of this section and is currently a lot-of-record under
44 separate ownership from any adjacent property, such lot may be used as a building site for a use
45 permitted in the district within which the lot is located; provided, however, that the proposed
46 development of the building site conforms with the yard setback requirements of the district in which
47 it is located and the provisions of sections 9-209 and 9-223. If an individual on-site sewage disposal
48 system is required, the proposed development shall meet the criteria of Sec. 3-504 B.

49
50 **BE IT FURTHER ORDAINED** by the Board of Aldermen of the Town of Abita Springs, that Section 9-
51 212 (b) be amended as follows. The remainder of Section 9-212 shall remain in full force and effect
52 following the amendment below.

53
54 **Sec. 9-212**

55 (b) The districts are designated on the Town of Abita Springs, Louisiana, Comprehensive Zoning Plan
56 as follows:

57
58 R—Residential;

59
60 LDR - Low Density Residential

61
62 T—Mobile homes;

63
64 M—Multifamily;

65
66 TH—Townhouse;

67
68 CM—Condominium;

69
70 C—Commercial;

71
72 I—Light industrial;

73
74 P—Parks;

75
76 C—Schools;

77
78 HD—Historic district.

79 **BE IT FURTHER ORDAINED** by the Board of Aldermen of the Town of Abita Springs, at its regular
80 session convened, that Section 9-215.1 be established as follows, to wit:

81
82 **Sec. 9-215.1 - Low Density Residential District.**

83 (a) The Low Density Residential district is primarily used for low density residential uses. It is a rural
84 residential area of the town that provides forestry resources, open space, and wildlife habitat. The
85 typical land use pattern in the district is large lots.

86 The purpose of the Low Density Residential District is to maintain Abita Springs rural character,
87 conserve natural areas, and environmental quality. The district regulations are designed to protect
88 the rural, residential character of the areas by limiting commercial activities. To preserve the rural
89 openness of the areas, certain minimum yard and lot size standards must be met.

90 (b) In the Low Density Residential District, no building or premises shall be used, and no building
91 shall be hereafter erected or structurally altered, unless otherwise provided in this chapter, except
92 for one or more of the following uses:

- 93 (1) One-family dwelling;
- 94 (2) Churches (not larger than 2,500 square feet in size);
- 95 (3) Accessory buildings, subject to the requirements of Sec. 9-223(c);
- 96 (4) Ancillary dwelling, subject to the requirements of Sec. 9-215.1 (f);
- 97 (5) Beauty parlors, when located in private residences;
- 98 (6) Home occupations;
- 99 (7) Gardens and small-scale agriculture;
- 100 (8) Telephone and power distribution poles and lines and necessary appurtenant equipment and
101 structures such as transformers, unit substations and equipment houses (not including
102 telecommunications towers);
- 103 (9) Short-term rentals subject to the requirements of Sec. 9-231;
- 104 (10) Bed and breakfasts subject to the requirements of Sec. 9-232;
- 105 (11) Day care centers conducted within a residence or accessory building receiving eight or fewer
106 children for care during all or part of the day;
- 107 (12) Timber harvesting on parcels 6 acres or larger in size subject to the requirements of Sec. 9-
108 709;
- 109 (13) The following uses are permitted subject to determination by the Planning Commission that
110 water, sewer, roads, and public safety can be adequately accommodated. Additionally, the
111 following uses must comply with all regulations and requirements in the commercial district
112 for such use.
 - 113 a. Public or private schools, (elementary or high and kindergartens, nursery schools, and
114 day care centers conducted within a residence or accessory building receiving nine or
115 more children for care during all or part of the day);
 - 116 b. Museums, libraries, parks, playgrounds, community centers owned and operated by a
117 public agency;
 - 118 c. Golf courses, tennis courts;
 - 119 d. Churches (larger than 2,500 square feet in size).

120 (d) Density requirements. The minimum buildable lot size in this zoning district shall be two acres
121 with a minimum lot frontage of 125 feet, subject to the requirements of Sec. 3-504, community
122 sewerage system required.

123 (e) Yard requirements. Yard setbacks shall be in accordance with the provisions of Sec. 9-223, yards
124 and accessory buildings in residential districts.

125 (f) Any structure constructed or used as an ancillary dwelling as allowed herein shall meet the
126 following requirements:

127 (1) Comply with all setbacks requirements for accessory buildings;

128 (2) Shall comprise at least 300 square feet of living space excluding porches;

129 (3) Must be accompanied with one off-street parking space for up to 300 square feet of living
130 space (excluding porches) and one for up to each 300 feet of such thereafter;

131 (4) Only one ancillary dwelling is allowed per main residential building;

132 (5) The ancillary dwelling shall be no larger than one-half the size of the main residential
133 structure;

134 (6) All proper documents required by any governmental agency shall be required prior to the
135 tie-in to an individual sewer treatment facility.

136 (7) Upon meeting all requirements set out herein an ancillary dwelling may be allowed a
137 separate utility service.

138 (g) Appurtenant structures as allowed herein shall comply with the following restrictions:

139 (1) The total gross square footage of all appurtenant structures situated on lots of less than
140 two acres must not exceed the total gross square footage of the residence. The maximum
141 height of appurtenant structures cannot not exceed the greater of 20 feet or the height of the
142 main residence.

143 (2) On lots of two acres or more, the total square footage of appurtenant structures must not
144 exceed seven percent of the total square footage of the lot. The maximum height of
145 appurtenant structures shall not exceed 35 feet.

146 (3) No lots may be re-subdivided in a manner which violates the provisions of this subsection.
147

148 (h) District standards.

149 All uses of land and structures in the Low Density Residential District shall be subject to the following
150 standards:

151 (1) Flood zones. Construction of any structures or alteration of land which occurs in the 100-
152 year flood zone as established by the Federal Emergency Management Agency shall comply
153 with the requirements of Chapter 4 – Floodplain Management, specifically the requirements
154 of Sec. 9-464. Provisions for Flood Hazard Reduction prior to issuance of a building permit.

155 (2) Land clearing and tree preservation shall be subject to the provisions of Chapter 7 – Tree
156 Removal and Timber Harvesting.

157 (3) Utilities.

158 a. Sewer. On lots without central sewerage facilities, an individual sewer system must
159 meet department of health and human resources standards and be approved by the St.
160 Tammany Parish health department.

161 b. Water. On lots without central water facilities, any well must be 50 feet from any
162 sewer disposal unit.

163 **BE IT FURTHER ORDAINED** by the Board of Aldermen of the Town of Abita Springs, that Section 9-
164 223(a)(c) and (c)(2)b. be amended as follows. The remainder of Section 9-223(a)(c)2.b shall remain in
165 full force and effect following the amendment below.

166
167 Sec. 9-223. - Yards and accessory buildings in residential districts.

168
169 (a) In the low density residential, residential, commercial, multifamily, mobile home, historic, historic
170 residential districts and townhouse district where single family residential use is sought the minimum
171 dimensions of yards shall be as follows:

172
173 (c) In areas zoned residential and low density residential, accessory buildings may be constructed
174 provided that use and construction be limited to the following:

175 (2) Limitations:

176 b. Size and height restrictions of accessory buildings shall be in accordance with section 9-
177 215 Residential district (f)(1) and (2) and section 9-215.1 Low Density Residential District
178 (g.)

179
180 **BE IT FURTHER ORDAINED** by the Board of Aldermen of the Town of Abita Springs, at its regular
181 session convened, that Section 9-231 be amended to add section (1) d as follows. In all other respects
182 section 9-231 shall remain in full force and effect.

183
184 (d) Low Density Residential as defined in section 9-215.1.

185
186 **BE IT FURTHER ORDAINED** by the Board of Aldermen of the Town of Abita Springs, at its regular
187 session convened, that Section 9-232 be established as follows, to wit:

188
189 Sec. 9-232 – Bed and breakfasts.

190 A bed and breakfast residence means a single-family, owner occupied dwelling unit that provides
191 guest rooms for rent where the owner resides at the residence and is on the premises during the
192 rental. Bed and breakfasts are subject to the following requirements:

193 a. One meal per day must be provided to guests.

194 b. There is a limited stay of two weeks. A longer stay may be approved by the planning director due
195 to a hardship.

196 c. The bed and breakfast must follow all code requirements.

197 d. There shall be one off-street parking spot provided per rentable bedroom.

198 e. All signs in connection with the bed and breakfast must follow historic district guidelines and be
199 approved by the historic commission.

200

201 **BE IT FURTHER ORDAINED** by the Board of Aldermen of the Town of Abita Springs, at its regular
202 session convened, that Section 3-504 A. be amended and to add subsection B. as follows. The remainder
203 of Section 3-504 shall remain in full force and effect following the amendment below.

204

205 Sec. 3-504. - Community sewerage system required.

206

207 A. Municipal sewerage shall be provided in subdivisions comprised of 15 lots or more. This requirement shall
208 apply to all new subdivision developments.

209 The use of individual on-site sewage disposal systems in lieu of a municipal sewerage service
210 may be authorized and will be considered under the following circumstances:

211 In subdivisions comprised of less than 15 lots with a minimum lot size of two acres or greater and a
212 minimum frontage of 125 feet, when the developer submits a comprehensive drainage plan, as well as a
213 proposal for restrictive covenants which detail requirements for perpetual maintenance of drainage.
214 Whenever the average lot size of a proposed subdivision is greater than five acres, the Town of Abita
215 Springs may waive the requirement for a community sewerage system upon demonstration by the
216 developer that the implementation of such provisions would prove to be a manifestly unreasonable
217 financial hardship.

218

219

220 B. For individual lots where the Town of Abita Springs has waived the requirement to connect to a
221 community sewerage system as provided by Sec. 3-506(B)(3), use of individual on-site sewage
222 disposal systems may be approved when the lots or sites in question meet any of the following
223 criteria:

224 1. minimum area of 22,500 square feet, and a minimum frontage of 80 feet.

225 2. minimum area of 16,000 square feet and a minimum frontage of 80 feet where an approved
226 individual mechanical plant is to be utilized;

227 3. minimum area of 12,000 square feet and a minimum frontage of 60 feet where an approved
228 individual mechanical plant is utilized and is followed by 50 feet of modified absorption field.

229 4. Where lots of "record" (i.e., lots created by formal subdivision prior to July 28, 1967) are
230 combined (in accord with the definition of a subdivision) to create a new, larger, single lot, and
231 no re-subdivision of the property is involved. On July 20, 2002 and thereafter, in no case shall the
232 newly created lots have less than 50 feet of frontage or be less than 5,000 square feet in area.

233 5. For individual lots remaining in substantially developed, previously established subdivisions,
234 no minimum area is required provided the state health officer determines that a hazard to public
235 health will not result.

236

237

238 **BE IT FURTHER ORDAINED** that if any provision of this Section shall be held to be invalid, such
239 invalidity shall not affect other provisions herein which can be given effect without the invalid
240 provision and to this end the provisions of this ordinance are hereby declared to be severable.

241

242 **BE IT FURTHER ORDAINED**, that the Clerk of this Board be, and she is hereby authorized and
243 empowered to take any and all actions which she, in the exercise of her discretion, deems necessary to
244 promulgate the provisions of this ordinance.

245

246 Introduced on a motion of _____, seconded by _____ on the ____ day of _____ 2021.
247 Adopted on a motion of _____ and seconded by _____ on the _____ day of
248 _____ 2021. The vote was:

249

250 AYES:

251 NAYS:

252 ABSTENTIONS:

253 ABSENT:

254

255

256 _____

257 ATTEST

258 Janet Dufrene, Town Clerk

259

Honorable Daniel J. Curtis, Mayor



AMENDMENT TO INSTRUMENT 2021-005

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2
3 AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE TOWN OF ABITA SPRINGS; TO AMEND AND REORDAIN THE
4 ABITA SPRINGS CODE OF ORDINANCES, SECTION 9-205 BY ADDING THERETO THE DEFINITION OF AGRICULTURAL
5 (SMALL-SCALE) AND BED AND BREAKFASTS; SECTION 9-210(b)(2) RELATIVE TO INDIVIDUAL ON-SITE SEWAGE
6 DISPOSAL SYSTEMS; SECTION 9-212 TO ESTABLISH THE LOW DENSITY RESIDENTIAL DISTRICT; SECTION 9-223
7 (a) TO ADD LOW DENSITY RESIDENTIAL DISTRICT; SECTION 9-231 (1) TO ADD SUBSECTION d. TO INCLUDE THE
8 LOW DENSITY RESIDENTIAL DISTRICT; SECTION 3-504 TO AMEND SUBSECTION A. AND TO ADD SUBSECTION B.
9 AND FURTHER TO ESTABLISH AND ORDAIN SECTION 9-215.1 RELATIVE TO THE ESTABLISHMENT OF THE LOW
10 DENSITY RESIDENTIAL DISTRICT AND SECTION 9-232 RELATIVE TO BED AND BREAKFAST AND TO PROVIDE FOR
11 RELATED MATTERS.

12
13 **AMENDMENT #1**

14 On page 1, line 4 following the word "ALDERMEN" add the following words "TO AMEND
15 THE CODE OF ORDINANCES".

16
17 **AMENDMENT #2**

18 On page 1, line 5 delete the following words "THE ABITA SPRINGS CODE OF ORDINANCES."
19

20 **AMENDMENT #3**

21 On page 1, line 6 delete the word "AGRICULTURAL" and in lieu thereof insert the word
22 "AGRICULTURE."
23

24 **AMENDMENT #3**

25 On page 1, line 10 following the letter A. insert the following words "RELATIVE TO ON-SITE
26 SEWAGE DISPOSAL" and following the letter B. insert the following words "RELATIVE TO THE
27 REGULATION OF THE USE OF INDIVIDUAL ON-SITE SEWAGE DISPOSAL SYSTEMS."
28

29 **AMENDMENT #4**

30 On page 1, lines 33 and 34 delete the following words, "Bed and breakfasts are subject
31 to the following requirements."
32

33 **AMENDMENT #5**

34 On page 2, line 43 delete the words "at the time of passage of this section" and in lieu
35 thereof insert the following words "as of June 18, 1996,".
36

37 **AMENDMENT #6**

38 On page 2, delete lines 58 through 77; an in lieu thereof, replace with the following text:
39

40 Commercial District,
41 C1 Commercial District,
42 C2 Highway Commercial District,
43 Historic District,
44 Light Industrial District,
45 Light Industrial District II,
46 Low-Density Residential District,
47 Midtown Cultural District,
48 Mobile Home District,
49 Multi-Family District,
50 Parks District,
51 Planned Unit Development District,
52 Residential District,
53 Residential Commercial Overlay District,
54 Schools District.
55

56 **AMENDMENT #7**

57 On page 7, line 246 add the following statement "This ordinance shall become effective
58 upon the signature of the mayor."
59
60



61 THE AMENDMENT WAS MOVED FOR ADOPTION BY ALDERMAN MEMBER _____ AND SECONDED FOR
62 ADOPTION BY ALDERMAN MEMBER _____

63

64 The vote was:

65 YEAS:

66 NAYS:

67 ABSENT:

68 ABSTAIN:

69

70 And the amendment was declared adopted this ____ day of _____ 2021.

71

72

73

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75 _____
HONORABLE DANIEL J CURTIS, MAYOR

76

77

78 **ATTEST**

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80

81 _____
JANET DUFRENE, CLERK

Town of Abita Springs



**MAYOR
DANIEL J. CURTIS**

Instrument 2021-005

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AN ORDINANCE OF THE BOARD OF ALDERMEN TO AMEND THE CODE OF ORDINANCES OF THE TOWN OF ABITA SPRINGS; TO AMEND AND REORDAIN ~~THE ABITA SPRINGS CODE OF ORDINANCES~~, SECTION 9-205 BY ADDING THERETO THE DEFINITION OF AGRICULTURE (SMALL-SCALE) AND BED AND BREAKFASTS; SECTION 9-210(b)(2) RELATIVE TO INDIVIDUAL ON-SITE SEWAGE DISPOSAL SYSTEMS; SECTION 9-212 TO ESTABLISH THE LOW DENSITY RESIDENTIAL DISTRICT; SECTION 9-223 (a) TO ADD LOW DENSITY RESIDENTIAL DISTRICT; SECTION 9-231 (1) TO ADD SUBSECTION d. TO INCLUDE THE LOW DENSITY RESIDENTIAL DISTRICT; SECTION 3-504 TO AMEND SUBSECTION A. RELATIVE TO ON-SITE SEWAGE DISPOSAL AND TO ADD SUBSECTION B. RELATIVE TO THE REGULATION OF THE USE OF ON-SITE SEWAGE DISPOSAL SYSTEMS AND FURTHER TO ESTABLISH AND ORDAIN SECTION 9-215.1 RELATIVE TO THE ESTABLISHMENT OF THE LOW DENSITY RESIDENTIAL DISTRICT AND SECTION 9-232 RELATIVE TO BED AND BREAKFAST AND TO PROVIDE FOR RELATED MATTERS.

WHEREAS, the Board of Aldermen of the Town of Abita Springs deems these amendments appropriate to protect the health, safety, and welfare of the citizens of Abita Springs.

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Abita Springs, at its regular session convened, that Section 9-205 of the Code of Ordinances of the Town of Abita Springs shall be amended as follows, to wit:

Amend SECTION 9-205- DEFINITIONS, to add a new definition for Agriculture (small-scale) and Bed and Breakfast as outlined below. These shall be included in the section alphabetically . The remainder of all other definitions, as set forth in Section 9-205 shall remain in full force and effect following the amendment below.

Sec. 9-205.

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

34 *Bed and Breakfast* is a single-family, owner occupied dwelling unit that provides guest rooms for
35 rent where the owner resides at the residence and is on the premises during the rental. ~~Bed are~~
36 ~~breakfasts are subject to the following requirements:~~
37

38 **BE IT FURTHER ORDAINED** by the Board of Aldermen of the Town of Abita Springs, at its regular
39 session convened, that Section 9-210(b) (2) be amended as follows. The remainder of Section 9-210
40 shall remain in full force and effect following the amendment below.
41

42 **Sec. 9-210. - Nonconforming uses.**

43 (b) *Nonconforming lots.*

44 (2) Where a lot has less area than the minimum required, was a lot-of-record in separate ownership
45 from adjacent property ~~at the time of passage of this section as of June 18, 1996~~ and is currently a lot-
46 of-record under separate ownership from any adjacent property, such lot may be used as a building
47 site for a use permitted in the district within which the lot is located; provided, however, that the
48 proposed development of the building site conforms with the yard setback requirements of the district
49 in which it is located and the provisions of sections 9-209 and 9-223. If an individual on-site sewage
50 disposal system is required, the proposed development shall meet the criteria of Sec. 3-504 B.
51

52 **BE IT FURTHER ORDAINED** by the Board of Aldermen of the Town of Abita Springs, that Section 9-
53 212 (b) be amended as follows. The remainder of Section 9-212 shall remain in full force and effect
54 following the amendment below.
55

56 **Sec. 9-212**

57 (b) The districts are designated on the Town of Abita Springs, Louisiana, Comprehensive Zoning Plan
58 as follows:
59

60 ~~Commercial District,~~

61 ~~C1 Commercial District,~~

62 ~~C2 Highway Commercial District,~~

63 ~~Historic District,~~

64 ~~Light Industrial District,~~

65 ~~Light Industrial District II,~~

66 ~~Low-Density Residential District,~~

67 ~~Midtown Cultural District,~~

68 ~~Mobile Home District,~~

69 ~~Multi-Family District,~~

70 ~~Parks District,~~

71 ~~Planned Unit Development District,~~

72 ~~Residential District,~~

73 ~~Residential Commercial Overlay District~~

74 ~~Schools District.~~

75 **BE IT FURTHER ORDAINED** by the Board of Aldermen of the Town of Abita Springs, at its regular
76 session convened, that Section 9-215.1 be established as follows, to wit:

77
78 **Sec. 9-215.1 – Low Density Residential District.**

79 (a) The Low Density Residential district is primarily used for low density residential uses. It is a rural
80 residential area of the town that provides forestry resources, open space, and wildlife habitat. The
81 typical land use pattern in the district is large lots.

82 The purpose of the Low Density Residential District is to maintain Abita Springs rural character,
83 conserve natural areas, and environmental quality. The district regulations are designed to protect
84 the rural, residential character of the areas by limiting commercial activities. To preserve the rural
85 openness of the areas, certain minimum yard and lot size standards must be met.

86 (b) In the Low Density Residential District, no building or premises shall be used, and no building
87 shall be hereafter erected or structurally altered, unless otherwise provided in this chapter, except
88 for one or more of the following uses:

- 89 (1) One-family dwelling;
- 90 (2) Churches (not larger than 2,500 square feet in size);
- 91 (3) Accessory buildings, subject to the requirements of Sec. 9-223(c);
- 92 (4) Ancillary dwelling, subject to the requirements of Sec. 9-215.1 (f);
- 93 (5) Beauty parlors, when located in private residences;
- 94 (6) Home occupations;
- 95 (7) Gardens and small-scale agriculture;
- 96 (8) Telephone and power distribution poles and lines and necessary appurtenant equipment and
97 structures such as transformers, unit substations and equipment houses (not including
98 telecommunications towers);
- 99 (9) Short-term rentals subject to the requirements of Sec. 9-231;
- 100 (10) Bed and breakfasts subject to the requirements of Sec. 9-232;
- 101 (11) Day care centers conducted within a residence or accessory building receiving eight or fewer
102 children for care during all or part of the day;
- 103 (12) Timber harvesting on parcels 6 acres or larger in size subject to the requirements of Sec. 9-
104 709;
- 105 (13) The following uses are permitted subject to determination by the Planning Commission that
106 water, sewer, roads, and public safety can be adequately accommodated. Additionally, the
107 following uses must comply with all regulations and requirements in the commercial district
108 for such use.
 - 109 a. Public or private schools, (elementary or high and kindergartens, nursery schools, and
110 day care centers conducted within a residence or accessory building receiving nine or
111 more children for care during all or part of the day);
 - 112 b. Museums, libraries, parks, playgrounds, community centers owned and operated by a
113 public agency;
 - 114 c. Golf courses, tennis courts;

115 d. Churches (larger than 2,500 square feet in size).

116 (d) Density requirements. The minimum buildable lot size in this zoning district shall be two acres
117 with a minimum lot frontage of 125 feet, subject to the requirements of Sec. 3-504, community
118 sewerage system required.

119 (e) Yard requirements. Yard setbacks shall be in accordance with the provisions of Sec. 9-223, yards
120 and accessory buildings in residential districts.

121 (f) Any structure constructed or used as an ancillary dwelling as allowed herein shall meet the
122 following requirements:

123 (1) Comply with all setbacks requirements for accessory buildings;

124 (2) Shall comprise at least 300 square feet of living space excluding porches;

125 (3) Must be accompanied with one off-street parking space for up to 300 square feet of living
126 space (excluding porches) and one for up to each 300 feet of such thereafter;

127 (4) Only one ancillary dwelling is allowed per main residential building;

128 (5) The ancillary dwelling shall be no larger than one-half the size of the main residential
129 structure;

130 (6) All proper documents required by any governmental agency shall be required prior to the
131 tie-in to an individual sewer treatment facility.

132 (7) Upon meeting all requirements set out herein an ancillary dwelling may be allowed a
133 separate utility service.

134 (g) Appurtenant structures as allowed herein shall comply with the following restrictions:

135 (1) The total gross square footage of all appurtenant structures situated on lots of less than
136 two acres must not exceed the total gross square footage of the residence. The maximum
137 height of appurtenant structures cannot not exceed the greater of 20 feet or the height of the
138 main residence.

139 (2) On lots of two acres or more, the total square footage of appurtenant structures must not
140 exceed seven percent of the total square footage of the lot. The maximum height of
141 appurtenant structures shall not exceed 35 feet.

142 (3) No lots may be re-subdivided in a manner which violates the provisions of this subsection.
143

144 (h) District standards.

145 All uses of land and structures in the Low Density Residential District shall be subject to the following
146 standards:

147 (1) Flood zones. Construction of any structures or alteration of land which occurs in the 100-
148 year flood zone as established by the Federal Emergency Management Agency shall comply
149 with the requirements of Chapter 4 – Floodplain Management, specifically the requirements
150 of Sec. 9-464. Provisions for Flood Hazard Reduction prior to issuance of a building permit.

151 (2) Land clearing and tree preservation shall be subject to the provisions of Chapter 7 – Tree
152 Removal and Timber Harvesting.

153 (3) Utilities.

154 a. Sewer. On lots without central sewerage facilities, an individual sewer system must
155 meet department of health and human resources standards and be approved by the St.
156 Tammany Parish health department.

157 b. Water. On lots without central water facilities, any well must be 50 feet from any
158 sewer disposal unit.

159 **BE IT FURTHER ORDAINED** by the Board of Aldermen of the Town of Abita Springs, that Section 9-
160 223(a)(c) and (c)(2)b. be amended as follows. The remainder of Section 9-223(a)(c)2.b shall remain in
161 full force and effect following the amendment below.

162
163 Sec. 9-223. - Yards and accessory buildings in residential districts.

164
165 (a) In the low density residential, residential, commercial, multifamily, mobile home, historic, historic
166 residential districts and townhouse district where single family residential use is sought the minimum
167 dimensions of yards shall be as follows:

168
169 (c) In areas zoned residential and low density residential, accessory buildings may be constructed
170 provided that use and construction be limited to the following:

171 (2) Limitations:

172 b. Size and height restrictions of accessory buildings shall be in accordance with section 9-
173 215 Residential district (f)(1) and (2) and section 9-215.1 Low Density Residential District
174 (g.)

175
176 **BE IT FURTHER ORDAINED** by the Board of Aldermen of the Town of Abita Springs, at its regular
177 session convened, that Section 9-231 be amended to add section (1) d as follows. In all other respects
178 section 9-231 shall remain in full force and effect.

179
180 (d) Low Density Residential as defined in section 9-215.1.

181
182 **BE IT FURTHER ORDAINED** by the Board of Aldermen of the Town of Abita Springs, at its regular
183 session convened, that Section 9-232 be established as follows, to wit:

184
185 Sec. 9-232 – Bed and breakfasts.

186 A bed and breakfast residence means a single-family, owner occupied dwelling unit that provides
187 guest rooms for rent where the owner resides at the residence and is on the premises during the
188 rental. Bed and breakfasts are subject to the following requirements:

189 a. One meal per day must be provided to guests.

190 b. There is a limited stay of two weeks. A longer stay may be approved by the planning director due
191 to a hardship.

192 c. The bed and breakfast must follow all code requirements.

193 d. There shall be one off-street parking spot provided per rentable bedroom.

194 e. All signs in connection with the bed and breakfast must follow historic district guidelines and be
195 approved by the historic commission.

196

197 **BE IT FURTHER ORDAINED** by the Board of Aldermen of the Town of Abita Springs, at its regular
198 session convened, that Section 3-504 A. be amended and to add subsection B. as follows. The remainder
199 of Section 3-504 shall remain in full force and effect following the amendment below.

200

201 Sec. 3-504. - Community sewerage system required.

202

203 A. Municipal sewerage shall be provided in subdivisions comprised of 15 lots or more. This requirement shall
204 apply to all new subdivision developments.

205 The use of individual on-site sewage disposal systems in lieu of a municipal sewerage service
206 may be authorized and will be considered under the following circumstances:

207 In subdivisions comprised of less than 15 lots with a minimum lot size of two acres or greater and a
208 minimum frontage of 125 feet, when the developer submits a comprehensive drainage plan, as well as a
209 proposal for restrictive covenants which detail requirements for perpetual maintenance of drainage.
210 Whenever the average lot size of a proposed subdivision is greater than five acres, the Town of Abita
211 Springs may waive the requirement for a community sewerage system upon demonstration by the
212 developer that the implementation of such provisions would prove to be a manifestly unreasonable
213 financial hardship.

214

215

216 B. For individual lots where the Town of Abita Springs has waived the requirement to connect to a
217 community sewerage system as provided by Sec. 3-506(B)(3), use of individual on-site sewage
218 disposal systems may be approved when the lots or sites in question meet any of the following
219 criteria:

220 1. minimum area of 22,500 square feet, and a minimum frontage of 80 feet.

221 2. minimum area of 16,000 square feet and a minimum frontage of 80 feet where an approved
222 individual mechanical plant is to be utilized;

223 3. minimum area of 12,000 square feet and a minimum frontage of 60 feet where an approved
224 individual mechanical plant is utilized and is followed by 50 feet of modified absorption field.

225 4. Where lots of "record" (i.e., lots created by formal subdivision prior to July 28, 1967) are
226 combined (in accord with the definition of a subdivision) to create a new, larger, single lot, and
227 no re-subdivision of the property is involved. On July 20, 2002 and thereafter, in no case shall the
228 newly created lots have less than 50 feet of frontage or be less than 5,000 square feet in area.

229 5. For individual lots remaining in substantially developed, previously established subdivisions,
230 no minimum area is required provided the state health officer determines that a hazard to public
231 health will not result.

232

233

234 **BE IT FURTHER ORDAINED** that if any provision of this Section shall be held to be invalid, such
235 invalidity shall not affect other provisions herein which can be given effect without the invalid
236 provision and to this end the provisions of this ordinance are hereby declared to be severable.

237

238 **BE IT FURTHER ORDAINED**, that the Clerk of this Board be, and she is hereby authorized and
239 empowered to take any and all actions which she, in the exercise of her discretion, deems necessary to
240 promulgate the provisions of this ordinance.

241

242 **This ordinance shall become effective upon the signature of the mayor.**

243
244 Introduced on a motion of _____, seconded by _____ on the ____ day of _____ 2021.
245 Adopted on a motion of _____ and seconded by _____ on the _____ day of
246 _____ 2021. The vote was:
247
248 AYES:
249 NAYS:
250 ABSTENTIONS:
251 ABSENT:
252
253
254 _____
255 ATTEST
256 Janet Dufrene, Town Clerk
257

Honorable Daniel J. Curtis, Mayor



RESOLUTION

A RESOLUTION AUTHORIZING THE MAYOR TO NEGOTIATE AND EXECUTE A CONTRACT BETWEEN THE LOUISIANA DEPARTMENT OF TRANSPORTATION ENHANCEMENT PROGRAM AND THE TOWN OF ABITA SPRINGS

On the 20th day of July 2021, at a meeting of the Town Council of Abita Springs, held in the Town of Abita Springs, State of Louisiana with a quorum of the Council present, the following resolution was submitted.

WHEREAS, the Town of Abita Springs applied for funding through the Louisiana Department of Development and Transportation (DOTD)Transportation Alternatives Program.

WHEREAS, the Town of Abita Springs Town Center Sidewalk Lighting Project , State Project No. H.009934 has been selected to be included in the Transportation Alternatives Program.

BE IT RESOLVED, that the Board of Aldermen of the Town of Abita Springs hereby authorizes the Honorable Daniel J. Curtis, Mayor, to execute the agreement between the Town of Abita Springs and the Louisiana Department of Transportation and Development for State Project No H.009934.

It was duly moved by _____, seconded by _____ that the resolution was adopted on the ____ day of _____, 2021.

The vote was:

YEAS:

NAYS:

ABSENT:

ABSTAIN:

TOWN CLERK, JANET DUFRENE

HONORABLE DANIEL J. CURTIS, MAYOR