

EXHIBIT B - TOWN OF ABITA SPRINGS

Land Use & Zoning Code Amendments

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CODE OF ORDINANCES OF THE TOWN OF ABITA SPRINGS

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PART 9 – PLANNING, ZONING AND DEVELOPMENT

CHAPTER 1. – PLANNING COMMISSIONS AND BOARDS

Sec. 9-101. – MUNICIPAL PLANNING COMMISSION

Sec. 9-101.1. – Planning Commission created.

By virtue of the authority conferred by R.S. 33:101 et seq., 1950, and other constitutional and legislative authority supplemental thereto, a municipal Planning Commission is hereby created for the Town.

State Law reference— Power to establish commissions and land use regulations, La. Const. Art. VI, Sec. 17; creation of planning commission, members, duties, R.S. 33:101 et seq.; planning commission as zoning commission, R.S. 33:4726.

Sec. 9-101.2. – Membership; appointment.

The municipal Planning Commission shall consist of 5 members, all to be appointed by the Mayor. The Mayor may remove any member of the Commission after public hearing for inefficiency, neglect of duty, or malfeasance in office. All members of the Commission so appointed shall serve without compensation and shall hold no other public office except that a Commission member may also serve as member of any duly constituted regional commission of which the Town forms a part. Of the members of the Commission first appointed, one shall hold office for a term of one year, one for a term of 2 years, one for a term of 3 years, one for a term of 4 years, and one for a term of 5 years. Upon the expiration of these initial terms, the term of office for a Planning Commission member shall be 5 years. If a vacancy occurs other than by an expiration of the term, it shall be filled by appointment by the Mayor for the unexpired term.

Sec. 9-101.3. – Selection of Chairman; meetings.

The Planning Commission shall elect a chairman from its membership and create and fill such other of its offices as it may determine. The term of Chairman shall be one year, with eligibility for re-election. The Commission shall hold regular meetings. It shall adopt rules for transaction of business and shall keep a public record of its resolutions, transactions, findings, and determinations.

Sec. 9-101.4. – Powers of Planning Commission.

The Commission shall have all the powers and authority as set forth in Subpart A of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes as amended.

Sec. 9-101.5. – Planning Commission as Zoning Commission.

As authorized by R.S. 33:4726, the Planning Commission created in this Chapter shall be and is the Zoning Commission of the Town.

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

The Zoning Commission shall elect a Chairman from its membership and create and fill such other offices as it may determine. The term of the Chairman shall be one year, with eligibility for re-election. The Zoning Commission shall meet on a periodic basis as determined by the members of the

Commission. It shall adopt rules for transaction of business and shall keep a public record of its resolutions, transactions, findings, and determinations.

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

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

Sec. 9-102—9-119. – Reserved.

Sec. 9-120. – HISTORIC DISTRICT COMMISSION

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

As authorized by constitutional and statutory authority supplemental thereto, there is hereby created a Historic District Commission consisting of 5 members. The members shall be registered voters living and residing within the corporate limits of the Town.

Sec. 9-120.2. – Membership and appointment.

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

Sec. 9-120.3. – Selection of officers.

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

Sec. 9-120.4. – Powers and duties.

The Historic District Commission is hereby authorized, empowered and directed to establish reasonable rules of procedure; and regulations regarding the guidelines, criterion and requirements for issuance of a Certificate of Appropriateness. Such rules and regulations shall be in accordance with Part 9 of this Code and the provisions of R.S. 25:731 to 25:745, 1950, as may be amended from time to time. The Historic District Commission shall have all power and authority conferred upon it by law or ordinance.

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

Sec. 9-120.5. – Staff; donations.

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

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

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

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

* * *

CHAPTER 2. – PROCEDURES

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

Sec. 9-200.1. – Applicability and measurements.

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

B. *Measurement.*

1. *Minimum required building setbacks.* Minimum required building setback shall be measured from the property line (either front, side, or rear) to the nearest wall of the building. Setbacks shall not be measured to steps, roof overhangs, horizontal railings or hand rails.
2. The measurement for required building setbacks listed in (1.) above is applicable to all required building setbacks, not only the front yard setback requirement.

Sec. 9-200.2. - Terms defined.

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

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

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

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

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

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

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

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

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

278 *Small Animals (backyard/hobby scale)* means small-scale animals typically kept outdoors for
279 personal use (e.g., eggs or hobby purposes) and not for commercial purposes, that create minimal noise,
280 odor, and land impacts when properly maintained. This definition includes hens, ducks, rabbits, quail, and
281 similar animals of comparable size and impact, including limited or miniature livestock not exceeding a
282 50-lb mature weight. This definition excludes roosters, peafowl, turkeys, geese, livestock as defined
283 herein, and any animal exceeding the weight limit.

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

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

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

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

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

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

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

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

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

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

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

315 ***Certificate of Appropriateness (COA)* refers to approval granted by the Historic Commission**
316 **for the construction, reconstruction, alteration, restoration, relocation, demolition, or other exterior**
317 **work affecting a property within the Historic Overlay (HTO) District upon a determination that**
318 **the proposed work is consistent with this Code and the adopted Historic Design Guidelines.**

319 ***Certificate of Appropriateness (COA), Major* refers to a Certificate of Appropriateness**
320 **application involving demolition of a structure, relocation of a structure, construction of a**
321 **new principal building, substantial additions, or significant exterior alterations that may**
322 **materially affect the historic character of a property or the Historic Overlay District.**

323 ***Certificate of Appropriateness (COA), Minor* refers to a Certificate of Appropriateness**
324 **application involving ordinary replacement or repair of doors and windows, fences, signs,**
325 **accessory structures less than four hundred (400) square feet, and other minor improvements**
326 **that do not materially affect the historic character of a property or the Historic Overlay**
327 **District. Ordinary maintenance, repair, and painting are not involved with a Minor COA.**

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

330 *Commercial or industrial kitchen for food production* means a stand-alone kitchen facility designed
331 to be used to produce commercial food products for sale off-site, does not include secondary kitchens in
332 restaurants or event centers that support primary land use activities.

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

334 *Comprehensive Plan or Master Plan* is a plan made by the Planning Commission in the Town that
335 guides the physical development of the Town and includes goals, objectives, and policies regarding the
336 location, character, and design of land use, transportation, and community facilities and infrastructure.
337 This plan may be duly adopted by the Board of Aldermen and may be drafted with the support of
338 professional planners. For the purpose of this Code, the "Comprehensive Plan" and "Master Plan" are the
339 same.

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

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

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

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

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

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

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

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

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

368 *Dwelling unit* is one or more rooms providing complete living facilities for one family, including
369 equipment for cooking or provisions for the same, and including a room or rooms for living, sleeping,
370 eating, and a bathroom.

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

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

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

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

- 384 A. *Level 1 Charging* – Provides low-rate charging using standard 120-volt alternating current
385 (AC) service, typically delivering up to 1 kilowatt (kW).
- 386 B. *Level 2 Charging* – Provides medium-rate charging using 208- to 240-volt alternating current
387 (AC) service, typically delivering between 7 and 19 kilowatts (kW).
- 388 C. *Level 3 Charging (DC Fast Charging)* – Provides high-rate charging utilizing direct current
389 (DC) fast charging equipment, including high-power or rapid charging stations (sometimes

referred to as “ED” charging stations), typically capable of delivering 50 kilowatts (kW) to 350 kilowatts (kW) or greater. Such systems:

- Generally require high-voltage electrical service (approximately 400 to 1,000 volts or greater input) and convert alternating current (AC) to direct current (DC) for delivery to the vehicle; and
- Typically service multifamily or mixed-use zones where residents don’t have private garages and/or are neighborhood-serving sites (e.g., small commercial nodes, corner lots, or near collectors/arterials); and
- Require additional consideration to ensure compatibility with residential character, related to noise (i.e. cooling fans and transformers that can be noticeable at night); traffic and queuing if made available to the public; and scale/visual impact (larger equipment, sometimes canopies).

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

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

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

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

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

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

Garage, public or storage, is a building or part thereof other than a private garage for the storage of motor vehicles.

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

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

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

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

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

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

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

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

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

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

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

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

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

453 *Lot line, Rear* is the line opposite and generally parallel to the front lot line.

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

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

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

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

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

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

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

471 *Manufactured home* means a factory-built, residential dwelling unit constructed to standards and
472 codes as promulgated by the United States Department of Housing and Urban Development (HUD),
473 under the National Manufactured Housing Construction and Safety Standards Act of 1974. Further, the
474 terms "mobile home," "manufactured home," and "manufactured housing" can be used interchangeably

and apply to structures bearing the permanently affixed seal of the United States Department of Housing and Urban Development or to factory-built, residential dwellings that are mounted on a chassis. Manufactured homes can be characterized by being affixed to a permanent foundation (fill, piers, pilings, or a slab) and once placed on a site and are no longer “road-ready,” meaning that all wheels are removed, and the structure does not contain any portion of a self-propelled vehicle. Manufactured homes are also characterized by a red “HUD tag” and a “data plate” showing the wind zone for the structure and manufacturing information.

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

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

Mobile home See *Manufactured home*.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

552 ***Resilience Overlay (RO)* refers to an overlay zoning district applied to properties subject to**
553 **flood risk. The Resilience Overlay establishes supplemental building and site development**
554 **standards intended to ensure that structures are designed and constructed to withstand flooding**
555 **conditions, reduce risks to life and property, and protect life and property. The Resilience Overlay**
556 **does not alter the underlying zoning district or permitted land uses, but applies additional**
557 **requirements to development within the overlay area.**

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

561 *Right-of-way* is a strip or strips of land, title to which shall rest in the public for the purpose stated
562 in the dedication.

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

566 ***Sales, Incidental* refers to the limited sale of goods, products, materials, or merchandise that is**
567 **customarily associated with, clearly subordinate to, and conducted in conjunction with a permitted**
568 **principal use on the same premises. Incidental sales shall not constitute an independent retail**
569 **business and shall remain secondary to the principal use in scale, visibility, and purpose.”**

570 ***Sales, Retail* means the sale, display, offering for sale, distribution, or delivery of goods,**
571 **merchandise, or products directly to customers, including sales involving customer visits, customer**
572 **pickup of merchandise, product display areas, showrooms, or similar activities.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

676 *Vacant*, for the purposes of this Part the word "vacant" means that the building or land has not been
677 occupied or used in whole or in part, or by any nonconforming use, for a period of 12 calendar months.
678 Neither the intention of the owner nor that of anybody else to use a building or lot or part of either for any
679 prohibited business, nor the fact that the building or lot or part of either may have been used by a
680 makeshift or pretended business, shall be taken into consideration when interpreting and construing the
681 word "vacancy" in this Part; provided that any building or part of any building known as a place of
682 business, which had been constructed at the date of the adoption of any prohibitory ordinance affecting
683 the building or part thereof shall not be deemed vacant for a period of 12 months from that date, and any
684 building or part thereof which had not been constructed at that date, if completed within 12 months from
685 that date, shall not be deemed vacant for a period of 12 months from the date of its completion; provided
686 further that if the lessee of any building or place used or occupied for commercial purposes under a lease
687 duly recorded in the conveyance office shall at any time before the expiration of the lease cease to occupy
688 or use the building for commercial purposes, the building or place shall nevertheless be considered as
689 used or occupied for those purposes and shall not be considered vacant until the owner of the building or
690 place shall again obtain legal control of its occupancy and use.

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

695 ***Visual Pollution* refers to a condition created by the excessive, cluttered, unscreened,**
696 **deteriorated, abandoned, or poorly maintained display of signs, structures, vehicles, equipment,**

697 **outdoor storage, lighting, or other visible features that substantially detracts from community**
698 **character, scenic views, neighborhood appearance, or the visual quality of the public realm.**

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

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

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

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

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

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

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

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

717 A. *Purpose.* The purpose of this Chapter is to consolidate the procedures relevant to filing, reviewing,
718 processing, and administering applications for land use, zoning, subdivision development,
719 building construction, floodplain management, historic district development, and related
720 development actions within the Town.

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

723 C. *Administration and Authority.*

724 1. The Mayor shall designate, consistent with the Town's personnel and administrative
725 authority, a Building Official and Floodplain Administrator to carry out the duties
726 assigned by this Code, the Louisiana State Uniform Construction Code, the National
727 Flood Insurance Program, and other applicable laws and regulations. The designated
728 Building Official and Floodplain Administrator may be Town employees, contracted
729 service providers, or other qualified individuals authorized by the Town.

730 2. The Department of Planning and Zoning administers the Land Development Code,
731 including the receipt, processing, and coordination of permit applications and
732 development reviews, in coordination with authorized review agencies and decision-
733 making bodies.

734 3. The Building Official is responsible for building code review, inspections, and
735 enforcement of the Louisiana State Uniform Construction Code.

736 4. The Floodplain Administrator is responsible for administration and enforcement of the
737 Town's flood damage prevention regulations.

738 5. Building permits may be issued by the Director of Planning and Zoning or their
739 designee upon certification of compliance by the Town's designated Building Official or
740 Town-designated building code review provider.

741 6. Other applicable local, regional, state, and federal agencies, boards, commissions, and
742 authorized review bodies may review permit applications as necessary to determine
743 compliance with applicable laws, ordinances, regulations, and adopted standards.

744 **D. Permit required**~~ment and administration.~~

745 1. Except as otherwise provided **by law**, ~~the Building Inspector, Planning and Zoning Director,~~
746 ~~and the Town Clerk shall administer this Land Development Code including the receiving of~~
747 ~~applications. The Building Inspector shall approve building permits and premises and enforce~~
748 ~~this Land Development Code. No building permit shall be issued by the Town Clerk, except~~
749 ~~in cases in which the provisions of this Land Development Code have been complied with~~
750 ~~and only after approval of the Building Inspector.~~

751 ~~2.~~ no vacant lands shall be occupied or used and no building or structure shall be erected, added
752 to, repaired, or structurally altered until a permit has been issued by the **Town Building**
753 ~~Inspector~~. All applications for permits shall be in accordance with the requirements of this
754 Land Development Code.

755 **2. No permit shall be issued until:**

756 a. The application and all required supporting materials have been submitted;

757 b. The proposed work has been reviewed for compliance with applicable zoning
758 regulations, subdivision regulations, floodplain regulations, historic district
759 requirements, drainage requirements, utility requirements, building codes, and
760 other applicable Town ordinances and adopted standards;

761 c. The designated Certified Building Official has completed plan review and approved
762 the proposed construction for compliance with applicable building codes;

763 d. The designated Floodplain Administrator has completed floodplain and drainage
764 review as applicable;

765 e. Any required Historic Commission approvals, including Certificates of
766 Appropriateness, have been obtained as applicable; and

767 f. All required permit fees have been paid in full.

768 3. Permit issuance shall not be construed as authorization to violate or cancel the
769 provisions of any federal, state, or local law, ordinance, covenant, servitude, easement,
770 deed restriction, or private agreement.

771 **E. Building permit applications.**

772 1. Applications for building permits shall be submitted to the Department of Planning and
773 Zoning on forms approved by the Town.

774 2. Applications shall contain sufficient information to determine compliance with all
775 applicable laws, ordinances, codes, and regulations and shall include, as applicable:

776 a. Property owner name, mailing address, telephone number, and email address;

777 b. Applicant, contractor, or authorized representative contact information, if different
778 from the property owner;

- 779 c. Municipal address and legal description of the property, including subdivision, lot,
780 square, parcel number, or tax assessment number;
- 781 d. Description and scope of the proposed work;
- 782 e. Proposed use and occupancy classification;
- 783 f. Estimated construction value;
- 784 g. Contractor registration information and state contractor license information;
- 785 h. Flood zone designation, Base Flood Elevation information, and other floodplain
786 information;
- 787 i. Proposed building area, impervious surface area, lot coverage, building height,
788 setbacks, parking, drainage features, and other dimensional information necessary
789 for review;
- 790 j. Site plans, surveys, plats, drainage plans, construction drawings, engineering
791 documents, and specifications drawn to scale sufficient to demonstrate compliance
792 with applicable standards;
- 793 k. Elevation certificates, cut and fill plans, no-net-fill calculations, stormwater
794 information, engineering reports, manufacturer specifications, energy compliance
795 documentation, or other technical information where required due to the scope,
796 location, or nature of the project;
- 797 l. Copies of permits, approvals, or correspondence from outside agencies, including
798 but not limited to the Louisiana State Fire Marshal, Louisiana Department of
799 Health, Louisiana Department of Environmental Quality, Louisiana Department of
800 Transportation and Development, utility providers, or other reviewing authorities;
- 801 m. Historic Commission approvals, including Certificates of Appropriateness;
- 802 n. Any additional information necessary for review and enforcement of this Code.
- 803 **F. Required plans and supporting documents.**
- 804 1. All applications for building permits, including applications for new construction,
805 additions, alterations, renovations, accessory structures, demolition, site work, or other
806 improvements, shall include plans and supporting documentation sufficient to
807 demonstrate compliance with this Code and all other applicable laws and regulations.
- 808 2. Required submittals may include, where applicable:
- 809 a. Site layout plans or plats showing property dimensions, existing and proposed
810 structures, setbacks, easements, servitudes, rights-of-way, drainage features,
811 driveways, parking areas, and utilities;
- 812 b. Construction plans and specifications;
- 813 c. Surveys and engineering documents;
- 814 d. Drainage and stormwater management information;
- 815 e. Elevation certificates and floodplain documentation;
- 816 f. Cut and fill plans, grading plans, drainage certifications, engineering certifications,
817 and no-net-fill calculations;

g. As-built elevation certificates, as-built grading plans, as-built surveys, drainage certifications, and other post-construction documentation required as a condition of occupancy; and

h. Other information reasonably necessary for review and enforcement of this Code.

3. All permit application supplemental materials, plans, and supporting documents shall be submitted electronically in a format approved by the Town, including by email, flash drive, or other approved digital method.

G. Survey and layout requirements.

1. For new construction, exterior wall alterations bordering a public street, commercial or mixed used buildings, or accessory structures constructed on a street line in residential district, the applicant shall submit a digital file of a survey, site layout, or sketch prepared by a licensed civil engineer or licensed land surveyor showing:

a. Measured property lines;

b. Existing and proposed structures;

c. Building setbacks; and

d. The relationship of the structure to adjacent public streets and property lines.

2. Prior to commencement of construction, the civil engineer or surveyor shall stake the property line along the public street where required by the Town.

H. Permit review, approval, and denial.

1. Applications for single-family residential building permits shall be acted upon within seven (7) working days following submission of a complete application unless additional review time is reasonably necessary due to incomplete submittals or revisions requested during review.

2. Applications for multifamily, mixed-use, or non-residential building permits shall be acted upon within fifteen (15) working days following submission of a complete application unless additional review time is reasonably necessary due to incomplete submittals, outside agency review, project complexity, or revisions requested during review.

3. The Town may deny, suspend, withhold, or revoke a permit when:

a. An application contains false, misleading, inaccurate, or incomplete information;

b. Required permits or approvals from other agencies have not been obtained;

c. The proposed work violates applicable laws, ordinances, or adopted codes;

d. Work has commenced without required permits or approvals; or

e. The applicant or contractor has outstanding code violations, stop work orders, unpaid fees, or unresolved enforcement actions related to the property or project.

4. Where a project is subject to floodplain, drainage, or stormwater management requirements, the Town may require additional engineering information, inspections, certifications, drainage studies, plan revisions, or other documentation necessary to ensure compliance with approved plans, adopted regulations, and permit requirements.

I. Permit fees. Permit fees shall be established by the Mayor and published on the Town's website and maintained at the Office of the Town Clerk.

J. Permit duration and expiration.

1. A building permit is valid for one (1) year from the date of issuance unless otherwise provided by law.
2. A permit renewal or extension is required for permits remaining active beyond one (1) year from the date of issuance.
3. Renewal fees for permits with an original permit cost exceeding One Thousand Dollars
4. Renewal or extension of a permit shall not waive compliance with any laws, codes, or regulations in effect at the time of renewal unless otherwise authorized by law.

K. School capacity information for major residential development.

1. For residential subdivisions, multifamily developments, or other major residential or mixed use developments as determined by the Town, the applicant shall provide an official statement from the St. Tammany Parish School Board identifying:
 - a. Current capacities and enrollment of existing school facilities serving the Town;
 - b. Any planned, additional educational capacity to serve future residents; and
 - c. The anticipated completion dates of planned development.
2. Such information may be considered by the Town as part of its evaluation of public infrastructure and service impacts associated with the proposed development.

~~Applications for Building Permits shall be made to the Building Inspector upon a form furnished by the Town and approved by the Building Inspector which shall state clearly, accurately, and legibly, among other things, the following:~~

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

~~Attached to the form shall be furnished plans and drawings as determined to be necessary by the Building Official Inspector to show the essential features of the building or structure and the proposed construction, alteration, repair, or removal of the same. Also attached to the form shall be an official statement from the St. Tammany Parish School Board indicating the current capacities and enrollment of those present school facilities and the capacities and expected completion dates of those planned, funded school facilities (if any) which will provide educational services for students who reside in the Town of Abita Springs. This information shall be considered as a factor in the decision making process for such building permit before such permit shall be issued.~~

- ~~4. There shall be submitted with all applications for building permits, including those for new additions and new building construction, 2 copies of the layout or plat drawn to scale, showing the actual dimensions of the lot to be built upon, the exact size and location on the lot of the building and appurtenant structure to be erected, a set of specifications, a building plan, and other information as may be necessary to determine and provide for the enforcement of this Chapter. Final approval shall not be made until the Building Official Inspector has made a final inspection with approval.~~
- ~~5. On outside wall alterations bordering a public street or a new construction facing a public street, or on commercial buildings in a commercial zone, or on accessory buildings in~~

residential zones built on a street line, the applicant shall attach to the application 2 copies of a plan or sketch made by a licensed civil engineer or a licensed surveyor showing the measured property line of the lot on which the building is or will be located and an outside outline of the building or buildings facing the public street with measurements with relation to the property line. Before work is begun, the civil engineer or surveyor shall stake the property line along the public street.

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

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

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

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

Key:

R = Review

RR = Review and Recommend

D = Final Decision

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.
Minor Certificate of Appropriateness	No	R		D	A		Sec. 9-209.
Major 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.

D. Filing Applications.

- Applications for the processes listed in **Table 9-201.1.** must be submitted to the Planning and Zoning Department using official forms provided by the Planning and Zoning Department.
- Applicants for the processes listed in **Table 9-201.1.** have an opportunity to request a pre-application conference with the Planning and Zoning Director or their designee prior to filing

- 929 an application to discuss procedures, standards, and regulations applicable to the request. This
930 pre-application conference is not required, but is beneficial to the applicant.
- 931 3. The Planning and Zoning Department shall provide official forms, advise of deadlines, and
932 outline fees for the applications listed in **Table 9-201.1**, and may update this information and
933 requirements as necessary to cover administrative needs and costs.
- 934 E. *Completeness Review.*
- 935 1. The Planning and Zoning Director or their designee shall review all applications to verify that
936 the application is complete and includes all required information as directed by the
937 application instructions and all necessary information to determine if the request is in
938 conformance with this Code.
- 939 2. If an application submitted is incomplete, the Planning and Zoning Director or their designee
940 shall inform the applicant of deficiencies and shall not process the application until such
941 deficiencies are remedied.
- 942 3. The applicant's failure to resolve an application deficiency is grounds for the Town to reject
943 the application and not schedule the case for a public hearing or action as shown in **Table 9-
944 201.1**.
- 945 4. Complete applications will be reviewed for compliance or scheduled for public hearing or
946 appropriate action per **Table 9-201.1**.
- 947 F. *Withdrawal of Applications.*
- 948 1. Any application withdrawn from the processes in **Table 9-201.1**, must be withdrawn via
949 written communication to the Planning and Zoning Director or their designee. In such cases,
950 the Town shall not be obligated to return application fees to the applicant.
- 951 2. Applications that do not require a public hearing may be withdrawn at any time in the review
952 process.
- 953 3. Applications or appeals requiring public hearings may be withdrawn prior to the public
954 hearing where a decision is rendered. Once a decision is rendered, the application or appeal
955 may not be withdrawn.
- 956 G. *Resubmission of Denied Applications.*
- 957 1. Applications that have been denied by the relevant entities (with "D" shown in **Table 9-
958 201.1**.) may not be resubmitted within one year of the date of denial unless changes to
959 applicable regulations have been demonstrated by the applicant.
- 960 2. The Planning and Zoning Director shall make the determination on whether changes to
961 regulations applicable to the application are demonstrated.
- 962 3. Nothing in this Section shall prevent the appeals processes indicated in **Table 9-201.1**.

963 **Sec. 9-202. – NOTICE FOR PLANNING COMMISSION AND HISTORIC**
964 **COMMISSION HEARINGS.**

- 965 A. *Methods of Notice.* Notice of public hearing by the Planning Commission or Historic Commission
966 will be by means of the following 3 procedures:
- 967 1. The date, the location, and the subject of the hearing will be posted in the official journal of
968 the Town once a week in 3 different weeks commencing at least 15 days prior to the hearing
969 date.

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

3. The date, the location, and the subject of the hearing will be posted on the Town's website.

B. *Validity of Defective Notice.* No action on any application submitted for public hearing by the Planning and Zoning Commission or Historic Commission shall be declared invalid by reason of any defect in notice, provided the Planning and Zoning Department has made an effort to publish notice in the official journal and has notified the applicant of the time and date of the hearing.

~~C. *Special Notice Procedure: Notification to adjacent property owners for revocation, exchange, or sale of right of way.*~~

~~1. All property owners which are adjacent to that portion of a public street right of way which has been recommended for disposal by the Planning Commission to the Board of Aldermen of the Town shall be notified by registered mail.~~

~~2. Such registered mail shall be sent at least 15 days prior to the meeting of the Board of Aldermen when action will be taken on the street revocation. This notification shall be sent to the record owner of the property which is adjacent to that portion of the street right of way sought to be disposed of. Certification by the Clerk of the Board of Aldermen for the Town of Abita Springs of such mailing shall be sufficient for the proof thereof.~~

Sec. 9-203. – PUBLIC HEARING

A. *Purpose and Applicability.* Where indicated by **Table 9-201.1.**, a public hearing is required for certain land development requests to the Town. The purpose of this hearing is to enable the public's awareness of the subject request and to allow the applicant and any other interested parties to voice public comment on the matter.

B. *Applicable laws beyond this Code.* Public hearings held in fulfillment of the public hearing requirements of this Chapter must be conducted in conformance with applicable state and local conduct and open meetings laws.

C. *Continuances or Deferred Items.* If a board or commission required to hold a public hearing in fulfillment of this Chapter votes to defer an item to a future meeting, additional notice for the deferred item is not required.

D. *Conduct and Public Comment.* The chairperson of each board or commission, or vice chairperson in the chairperson's absence, shall conduct the meeting according to state law and Robert's Rules of Order, including allowing public comment on any items on the meeting agenda.

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

A. *Process.* Amendments to the Comprehensive Plan or Adoption of a new Comprehensive Plan must proceed through the following steps (see excerpt from **Table 9-201.1.**):

1. *Initiation.* The Planning and Zoning Director (or their designee) or the Planning Commission can initiate either amendments to the Comprehensive Plan or adoption of a new Comprehensive Plan. A motion or majority vote by the Planning Commission is not required to initiate these processes.

2. *Review and decision.* The Planning and Zoning Department must review proposed amendments to the Comprehensive Plan or adoption of a new Comprehensive Plan and provide a recommendation to the Planning Commission on this matter. This recommendation shall be accompanied by a staff report.

3. *Hearing and decision.* The Planning Commission must hold a public hearing for proposed amendments to the Comprehensive Plan or the adoption of a new Comprehensive Plan. The Planning Commission may hold multiple hearings prior to final decision. The Planning Commission may approve, deny, or defer a motion for proposed amendments or new Comprehensive Plan. If the motion is approved by majority vote, the Comprehensive Plan shall be updated per the motion. If the motion is denied by majority vote, the Planning and Zoning Department and Planning Commission may coordinate to amend the proposed content and bring back a new proposal to the Planning Commission. If there is a tie vote or if the Planning Commission votes to defer action on the item, the item shall be heard at a following meeting, with time and date determined by the Planning Commission.

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	

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

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

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

- A. *Process.* Amendments to the Code of Ordinances, Part 9 – Planning, Zoning, and Development must proceed through the following steps (see excerpt from **Table 9-201.1.** below):
1. *Initiation.* The Planning and Zoning Director (or their designee), Planning Commission, or the Town Board of Aldermen can initiate amendments to the Code of Ordinances, Part 9. A motion or majority vote by the Planning Commission is not required to initiate these processes.
 2. *Review and decision.* The Planning and Zoning Department must review the proposed amendments to Code of Ordinances, Part 9 and provide a zoning recommendation to the Planning Commission and Board of Aldermen on this matter. This recommendation may be accompanied by an administrative report.
 3. *Planning Commission Hearing.* The Planning Commission must hold a public hearing for the proposed amendments, identify the matter as a zoning item on the Planning Commission's agenda, and provide a recommendation to the Board of Aldermen. The Planning Commission may hold multiple hearings prior to final decision on this matter. The Planning Commission may recommend approval, denial, approval with modifications, or deferral on the subject

amendments. If there is a tied vote or if the Planning Commission votes to defer action on the item, the item shall be heard at a following meeting, with time and date determined by the Planning Commission. Any recommendation from the Planning Commission shall be forwarded to the Board of Aldermen for their final action. If the Planning Commission recommends denial of the amendment to the Code of Ordinances, Part 9, the Board of Aldermen is not required to hear or act on the subject amendment, in which case it shall be automatically denied.

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

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

Sec. 9-206. – ZONING MAP AMENDMENTS

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

1. *Initiation.* A Zoning Map amendment may be initiated by property owners, the Planning and Zoning Director or their designee, the Planning Commission, or the Town Board of Aldermen.
 - a. *Initiation by property owner.* A property owner (or group of property owners holding 50% or more) of a property may request a change to the zoning map for the property that they own.
 - b. *Initiation by Town.* The Planning and Zoning Director (or their designee), Planning Commission, or the Town Board of Aldermen can initiate amendments to the Zoning Map. A motion or majority vote by the Planning Commission is not required to initiate these processes.
2. *Review and decision.* The Planning and Zoning Department must review the proposed Zoning Map amendments, identify the matter as a zoning item on the Planning Commission's agenda, and provide a recommendation to the Planning Commission and Board of Aldermen on this matter. This recommendation shall be accompanied by a staff report.
3. *Planning Commission hearing.*
 - a. The Planning Commission must hold a public hearing for the proposed amendments and provide a recommendation to the Board of Aldermen. The Planning Commission may hold multiple hearings prior to final decision on this matter.
 - b. The Planning Commission must consider the following in making its recommendation on the subject request:

- i. Lessening the congestion in public streets;
- ii. Securing safety from fire;
- iii. Promoting health and general welfare;
- iv. Providing adequate light and air;
- v. Avoiding undue concentration of population;
- vi. Facilitating adequate transportation, water supply, sewerage, schools, parks and law enforcement;
- vii. Reasonable consideration of the character of the district, prevention of visual pollution, and its particular suitability for particular uses;
- viii. Consistency with the Town's Comprehensive Plan; and
- ix. Reasonable consideration with a view to conserving the value of the buildings and encouraging the most appropriate use of land throughout the Town.

- c. The Planning Commission may recommend approval, denial, approval with modifications, or deferral on the subject amendments. If there is a tie vote or if the Planning Commission votes to defer action on the item, the item shall be heard at a following meeting, with time and date determined by the Planning Commission. Any recommendation from the Planning Commission shall be forwarded to the Board of Alderman for their final action. If the Planning Commission recommends denial of the Zoning Map amendment, the Board of Aldermen is not required to hear or act on the subject amendment, in which case it shall be automatically denied.

4. *Board of Aldermen decision.*

- a. The Board of Aldermen shall vote to approve, deny, or defer the requested Zoning Map amendment, unless the amendment does not require Board action per Sec. 9-206. A.3.c.
- b. In the event of a protest against a change, duly signed by the owners of 20 percent or more of the area in the immediate vicinity of the proposed zoning change, the amendment shall not become effective except by the favorable vote of three-fifths of the members of the Board of Aldermen. For the purpose of administering this provision, "in the immediate vicinity" means those properties within 500 feet of the subject site of the rezoning application, measured radially from the property lines of the subject property.
- c. See the Code of Ordinances Part 2 for more information on powers and procedures of the Board of Aldermen as regarding Zoning Map Amendments.

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

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

Sec. 9-207. – CONDITIONAL USE PERMIT

- A. In order to accomplish the general purpose of these regulations, there are certain uses which must be recognized in addition to the regular permitted uses of a district because of unusual characteristics or the service they provide the public. Because the principal objective of this ordinance is to promote an orderly arrangement of compatible buildings and land uses, these conditional use permits require special regulations to achieve compatibility with existing or planned development.
- B. *Process.* The issuance of a Conditional Use Permit must proceed via following steps (see excerpt from **Table 9-201.1.** below):
1. *Initiation.* A property owner (or group of property owners holding 50 percent or more of a property) may request a Conditional Use Permit for the property that they own.
 2. *Review and recommendation.* The Planning and Zoning Department shall accept the Conditional Use Permit application, review the proposal, and provide a recommendation to the Planning Commission on the request. This recommendation shall be accompanied by a staff report.
 3. *Considerations.* Conditional use permits may be granted after consideration of the following:
 - a. The location and size of the use, the nature and intensity of the operation involved in (or conducted in connection with) the use, the size of the site in relation to the use, and the location of the site with respect to streets giving access to the site shall be such that the use will be in harmony with the land uses in the zoning district in which it is located.
 - b. Time limit requirements for length of permit use.
 - c. Hours of operation for use, buffering and/or landscaping above the minimum Town requirements.
 - d. The location, nature and height of structures, walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the development and use of adjacent land and structures.
 - e. Parking areas shall be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the ingress and egress drives shall be laid out so as to achieve maximum safety.
 - f. Preservation of historic architecture.
 3. *Planning Commission hearing and decision.* The Planning Commission must hold a public hearing for the requested Conditional Use Permit and identify the matter as a zoning item on the Planning Commission's agenda. The Planning Commission may hold multiple hearings prior to final decision on this matter. The Planning Commission may recommend approval, denial, approval with modifications, or deferral on the requested Conditional Use Permit. If there is a tie vote or if the Planning Commission votes to defer action on the item, the item shall be heard at a following meeting, with time and date determined by the Planning Commission.

- 1164 a. The Planning Commission may attach such conditions to the conditional use permit as
1165 necessary to assure continuous conformance to all applicable standards and
1166 requirements.
- 1167 b. Failure to observe the conditions of the Commission, imposed pursuant to the issuance
1168 of the Conditional Use Permit, shall be deemed to be a violation of these regulations
1169 and may be grounds for revocation of the Conditional Use Permit.
- 1170 c. The Planning Commission may approve uses subject to the regulations, and may add
1171 any additional requirements imposed in the public interest to cover circumstances
1172 unique to the selected site including a drainage analysis of the site by an independent
1173 engineering firm.
- 1174
- 1175

1176 **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	

1177

1178 C. *Status and Appeal.*

- 1179 1. If a Conditional Use Permit is approved, the property owner or their representative may
1180 pursue permits and licenses to improve the site as approved by the Commission.
- 1181 2. If the Conditional Use Permit is denied, the property owner may not submit the same request
1182 within one calendar year.
- 1183 3. Appeals of the Planning Commission action on Conditional Use Permits shall be processed
1184 by the Board of Aldermen.
- 1185 4. Conditional use permits are transferable, however once the use has ceased activity a new
1186 **building** permit must be acquired to occupy the site or reactivate the previous area.
- 1187 5. *Existing uses.* Any existing use or existing business where the subject use is indicated as “C”
1188 Conditional in the zoning district that it is located in, shall automatically receive permanent
1189 conditional use approval upon adoption of this ordinance on [**ADOPTION DATE**]. Such uses
1190 shall be considered legally conforming uses. Uses subject to this provision can expand and
1191 such expansion shall not require a conditional use permit.

- 1192 D. *Use Standards.* All requests for development that require a Conditional Use Permit must still adhere
1193 to all applicable Use Standards stated in Chapter 3 of this Code.

1194 **Sec. 9-208. – DEVELOPMENT REVIEW**

- 1195 A. *Permit Request.* A permit is required for any scope of work or development indicated as requiring a
1196 permit in Chapter 4 – Floodplain Management, Chapter 5 – Building and Construction Regulations,
1197 or in this Chapter.
- 1198 B. *Development Review.* The Town’s administrative departments shall coordinate to review permits
1199 impacting their authorities (see excerpt from **Table 9-201.1.** below). The Planning and Zoning
1200 Department shall review the following types of permit requests:
- 1201 1. Zoning compliance reviews for occupational licenses or building permits.
- 1202 2. All permit requests in the Commercial District (C), Mixed Use Districts (MU1 and MU2),
1203 Historic Overlay (HO), Midtown Cultural Overlay (MCO), or Tammany Trace Overlay
1204 (TTO).
- 1205 3. All permit requests associated with a requested or approved Conditional Use Permit.
- 1206 C. *Use determination within development review permit requests.* The Town Planning and Zoning
1207 Director shall review permit requests and determine whether the proposed use is permitted in the
1208 subject zoning district. Such determination shall be based on the use definitions and standards in
1209 Chapter 3 – Zoning Regulations and, where a use is not expressly listed, on its substantial similarity
1210 in function, intensity, and impact to listed uses.

1211 The Director's determination shall be documented in writing and shall be subject to appeal in accordance
1212 with Sec. 9-211.

1213 D. *Certificate of Occupancy.* No land or building or part thereof hereafter erected or altered in its use
1214 or structure shall be used until the Planning and Zoning Director has issued a Certificate of
1215 Occupancy stating that such land, building or part thereof, and the proposed use thereof are found
1216 to be in conformity with the provisions of this Chapter and that there are no violations of this
1217 Chapter in the construction of the improvements subject to the Certificate of Occupancy. A
1218 Temporary Certificate of Occupancy may be issued for a period not exceeding 6 months during the
1219 completion or alterations or during partial occupancy of a building pending completion. Within 3
1220 days after notification that a building or premises or part thereof is ready for occupancy or use, it
1221 shall be the duty of the Building Inspector to make a final inspection thereof and to authorize
1222 issuance of a Certificate of Occupancy if the land, building or part thereof, and the proposed use are
1223 found to conform with the provisions of this Chapter; or if such Certificate is refused, to state
1224 refusal in writing with the cause. No permanent utilities may be installed until a Certificate of
1225 Occupancy is issued. See Chapter 5. – Building and Construction Regulations for more detail.

1226 **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				

1227

1228 **Sec. 9-209. – CERTIFICATE OF APPROPRIATENESS**

1229 A. *Process.* The issuance of a Certificate of Appropriateness in the Historic Overlay (HTO) District
1230 must proceed via the following steps (see excerpt from Table 9-201.1. below):

1231 1. *Initiation.* A property owner ~~for~~ or group of property owners holding 50 percent or more of a
1232 property, may **submit request an application for a** Certificate of Appropriateness ~~for the~~
1233 ~~property that they own.~~

1234 2. *Review and technical analysis.* The Planning and Zoning Department shall **receive and**
1235 **review** ~~accept the Certificate of Appropriateness application and review the request. The~~
1236 ~~Planning and Zoning Department must prepare~~ **provide** a technical analysis for
1237 **consideration by** the Historic Commission's ~~review.~~

1238 3. *Historic Commission public hearing and decision.* The Historic Commission must hold a
1239 public hearing **for:**

1240 a. **Any Major** Certificate of Appropriateness **(COA) as defined in this Code in**
1241 **accordance with** ~~following the~~ requirements ~~detailed~~ in Sec. 9-302.3.1. – Historic
1242 Overlay (HTO) ~~of this Code.~~ **The Historic Commission may classify a Minor COA**
1243 **as a Major COA when the proposed work, regardless of category, is determined to**
1244 **have the potential to materially affect the historic character of the property or**
1245 **district.**

1246 b. **Amendments to the Historic Design Guidelines.**

1247 c. **Other actions specifically required by this Code.**

1248

1249 **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
Minor Certificate of Appropriateness	No	R		D	A	
Major Certificate of Appropriateness	Yes	R		D	A	

1250

- 1251 B. *Status and Appeal.* If a Certificate of Appropriateness is approved, the property owner or their
 1252 representative may pursue permits and licenses to improve the site as approved by the Commission.
 1253 If the Certificate of Appropriateness is denied, the property owner may not submit the same request
 1254 within one calendar year. Appeals of decisions by the Historic Commission regarding a requested
 1255 Certificate of Appropriateness shall be heard and acted on by the Board of Aldermen.

1256 **Sec. 9-210. – VARIANCES**

- 1257 A. *Process.* Requests for variances to this Code must proceed via the following steps (see excerpt from
 1258 **Table 9-201.1.** below):
- 1259 1. *Initiation.* A variance request may be initiated by a property owner (or group of property
 1260 owners holding 50 percent or more of a property) for the property that they own.
 - 1261 2. *Review and technical analysis.* The Planning and Zoning Department shall accept the
 1262 variance request application and review the request. The Planning and Zoning Department
 1263 must provide a technical analysis for the Planning Commission's review.
 - 1264 3. *Planning Commission hearing and decision.* The Planning Commission must hold a public
 1265 hearing for the requested variance and must decide on the request. The Planning Commission
 1266 may hold multiple hearings prior to final decision on the matter. The Planning Commission
 1267 may grant approval, denial, approval with modifications, or deferral on the variance request.
 1268 If there is a tie vote or if the Planning Commission votes to defer action on the item, the item
 1269 shall be heard at a following meeting, with time and date determined by the Planning
 1270 Commission.

1271 **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	

1272

- 1273 B. *Purview.* The Planning Commission shall only have the ability to grant the following variances:
- 1274 1. To permit a variance in the yard requirements or the requirements of such in the development
 1275 of land, height restrictions, or lot areas per family requirements of any district, but only where
 1276 there are unusual and practical difficulties or a hardship.
 - 1277 a. Limitation for townhouse district: No variance shall be granted to these requirements
 1278 for any irregular shaped lot located in the townhouse district which does not meet

- 1279 minimum residential lot size, and dimension requirements when such lots may not be
1280 combined to create a regular shaped lot.
- 1281 b. Clarification regarding setbacks in the Historic Overlay District. The Planning
1282 Commission may grant a variance to the setback requirements of the Historic Overlay
1283 District, the Historic District Commission shall not administer the building setback
1284 requirements of the Historic District or the Base Zoning District.
- 1285 2. Waive or reduce the parking and loading requirements in any district.
- 1286 3. In granting a variance, the Planning Commission may attach thereto such conditions as it may
1287 deem advisable in furtherance of the purpose of this Code.
- 1288 C. *Considerations.* In consideration of all requested variances, the Planning Commission shall first
1289 determine that the approval of such variances will not impair an adequate supply of air or light to
1290 adjacent property, or unreasonably increase the congestion in public streets, increase visual
1291 pollution, or endanger the public safety, or unreasonably diminish or impair established property
1292 values within the surrounding area, or in any other respect impair the public health, safety, morals,
1293 comfort, or welfare of the inhabitants of the Town.
- 1294 D. *Status and Appeal.* The Planning Commission's decision shall be final. Any appeals of the
1295 Commission's decision must be directed to the Town Board of Aldermen and be filed within 30
1296 days of the Commission's decision.

1297 **Sec. 9-211. – APPEALS OF ADMINISTRATIVE DECISIONS**

- 1298 A. *Purview.* The Planning Commission shall hear and decide appeals alleging error in any order,
1299 requirement, decision, or determination made by the Planning and Zoning Director, Building
1300 Official, Building Inspector, or Town Clerk in the enforcement or administration of this Chapter.
- 1301 B. *Process.* Appeals of decisions or interpretations made by administrative officials of this Code must
1302 proceed via the following steps (see excerpt from **Table 9-201.1.** below):
- 1303 1. *Initiation.* An appeal of an administrative decision may be initiated by a property owner (or
1304 group of property owners holding 50 percent or more of a property) directly impacted by an
1305 administrative decision by the Town within 30 calendar days of the administrative decision.
- 1306 2. *Review, written findings requirement, and technical analysis.* The Planning and Zoning
1307 Department shall accept and review appeals of administrative decisions, and forward such
1308 appeals to the Planning Commission. The decision of the Planning Commission shall be
1309 supported by written findings of fact based on the record of the appeal.
- 1310 3. *Planning Commission hearing.* The Planning Commission must hold a public hearing for the
1311 appeal and decide on the request. The Planning Commission may hold multiple hearings prior
1312 to final decision on this matter.
- 1313 4. *Standard of review and decision-making.* In considering an appeal, the Planning Commission
1314 shall evaluate the administrative decision based on the standards set forth in this Section and
1315 the applicable provisions of this Cod, and shall determine whether the decision or
1316 interpretation of the administrative official was made:
- 1317 a. In error in the application or interpretation of this Code;
- 1318 b. Not supported by substantial evidence in the record; or
- 1319 c. Inconsistent with the provisions or intent of this Code.
- 1320 The Planning Commission may reverse or affirm, wholly or partly, or may modify the order,
1321 requirements, decision, or determination appealed from, and may make such order,

1322 requirement, decision, or determination as ought to be made only upon making one or more
1323 of the above findings. A vote of 4 or more Planning Commission members is required to
1324 override any decision of the Planning and Zoning Director or the Building Official.

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1328 **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	

1329

- 1330 C. *Considerations.* In consideration of all requested variances, the Planning Commission shall first
 1331 determine that their action on such appeal will not exceed their authority nor impair an adequate
 1332 supply of air or light to adjacent property, or unreasonably increase the congestion in public streets,
 1333 or endanger the public safety, or unreasonably diminish or impair established property values
 1334 within the surrounding area, or in any other respect impair the public health, safety, morals, comfort
 1335 or welfare of the inhabitants of the Town.
- 1336 D. *Status and Appeal.* The Planning Commissions' decision shall be final. Any person or persons, or
 1337 any officer, department, board, bureau, or any other agency of the Town, jointly or severally
 1338 aggrieved by any decision of the Planning Commission, may present their appeal to the Town
 1339 Board of Aldermen within 30 days after filing of the decision of the Planning Commission.

1340 **Sec. 9-212. – ENFORCEMENT**

- 1341 A. In the event any building or structure is erected, structurally altered, or maintained, or any building,
 1342 structure or land is used in violation of this Chapter; or any damage sustained by streets or other
 1343 Town property or structures because of construction remains unrepaired, the Building Official may
 1344 institute any appropriate action or proceedings. The Building Official may also institute action or
 1345 proceedings to prevent the unlawful erection, structural alteration, maintenance and use, to restrain,
 1346 correct, or abate the violation or damage, to prevent the occupancy of the building, structure, or
 1347 land, or to prevent any illegal act, conduct, business, or use in or about the premises.
- 1348 B. The regulations shall be enforced by the Mayor who is hereby empowered to order in writing the
 1349 remedying of any condition found to exist therein or threat in violation of any provision of the
 1350 regulations of this Chapter. The owner or general agent of a building or premises where a violation
 1351 of any provision of the regulations has been committed or shall exist, or the lessee or tenant of an
 1352 entire building or entire premises where the violation has been committed or shall exist, or the
 1353 owner, general agent, lessee or tenant of any part of the building or premises in which the violation
 1354 has committed or shall exist, or the general agent, architect, contractor, or any other person who
 1355 commits, takes part in, or who assists in any violation or who maintains any building or premises in
 1356 which violation shall exists, shall be guilty of a misdemeanor punishable by a fine of not less than
 1357 \$10.00 and not more than \$500.00 or more than 30 days jail sentence for each and every day the
 1358 violation continues, or both.
- 1359 C. In the event that a property in the Town is in violation of the Code of Ordinances or this Chapter,
 1360 the Mayor and Town administrative departments may pursue resolution of the violation and/or the
 1361 misdemeanor charge or fines listed herein be applied to the property owner or authorized
 1362 representative based on mailed notice of violation to the address listed on the tax assessment for the
 1363 property. The property owner or authorized representative may be found guilty of the violation and
 1364 related penalties or misdemeanor even if they are not present in the Town.

Sec. 9-213. – NONCONFORMITIES**A. Existing Conditions.**

1. *Regulations are not retroactive.* The regulations prescribed by this Code shall not be construed to require the removal, lowering, or other changes or alterations of any structure not conforming to the regulations as of the effective date of the ordinance from which this Chapter is derived, or otherwise interfere with the continuance of a nonconforming use.
2. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to January 1, 2026.
3. *Disaster or Force Majeure.* In the event of force majeure, such as a hurricane, fire, or storm, or acts of public enemy, any nonconforming use, including mobile homes existing prior to the disaster or force majeure may be replaced, re-occupied, or repaired within **twenty-four (24) 12** months following the disaster or force majeure. This **2412**-month time limit may be extended by the Planning Commission for a Federally declared disaster.
4. *Existing uses marked as “C” in their zoning district.* Any existing use or existing business where the subject use is indicated as “C” Conditional in the zoning district that it is located in, shall automatically receive permanent conditional use approval upon adoption of this ordinance on [ADOPTION DATE]. Such uses shall be considered legally conforming uses. Uses subject to this provision can expand and such expansion shall not require a conditional use permit.

B. Nonconforming uses. The lawful use of any building, structure, or land existing at the time of the enactment of this Chapter may be continued, even though the use does not conform with the provisions of this Chapter, provided all the following conditions are met:

1. *Unsafe structures.* Nothing in this Chapter shall prevent the strengthening or restoring to a safe condition of any portion of a building structure declared unsafe by proper authority.
2. *Alterations.* A nonconforming building or structure may be altered, improved, or reconstructed provided the work is not to an extent exceeding in aggregate cost 10 percent of the value of the building or structure, unless the building or structure is changed to a conforming use.
3. *Extension.* A nonconforming use shall not be extended, but the extension of a lawful use to any portion of a nonconforming building or structure which existed prior to the enactment of this Chapter shall not be deemed an extension of the nonconforming use.
4. *Changes.* No nonconforming buildings, structure, or use shall be changed to another nonconforming use.
5. *Construction approved prior to this chapter.* Nothing herein contained shall require any change in plans, construction or designated use of a building or structure for which a building permit has been issued and the construction of which shall have been diligently prosecuted within 3 months of the date of the permit, and the ground story framework of which, including the second tier of beams, shall have been completed within 6 months of the date of the permit, and which entire building shall be completed according to the plans as filed within 12 months from date of this Chapter.
6. *Wear and tear.* Nothing in this Chapter shall prevent the reconstruction, repairing or rebuilding of a nonconforming building, structure or part thereof existing at the effective date of this Chapter, rendered necessary by wear and tear, deterioration or depreciation provided the cost of the work shall not exceed 10 percent of the value of the building or structure at the

- 1410 time the work is done, nor prevent compliance with the provisions of the building relative to
1411 the maintenance of buildings or structures.
- 1412 7. *Abandonment.* A nonconforming use of the building or premises which has been abandoned
1413 shall not thereafter be returned to the nonconforming use. A nonconforming use shall be
1414 considered abandoned:
- 1415 a. When the intent of the owner to discontinue the use is apparent; or
- 1416 b. When the characteristic equipment and the furnishings of the nonconforming use have
1417 been removed from the premises and have not been replaced by similar equipment
1418 within one year, unless other facts show intention to resume the nonconforming use; or
- 1419 c. When the building remains vacant for 12 consecutive calendar months; or
- 1420 d. When it has been replaced by a conforming use; or
- 1421 e. When it has been changed to another use under permit from the board.
- 1422 8. *Displacement.* No nonconforming use shall be extended to displace a conforming use.
- 1423 9. *Unlawful use not authorized.* Nothing in this Chapter shall be interpreted as authorization for
1424 or approval of the continuance of the use of a structure or premises in violation of zoning
1425 regulations in effect at the time of the effective date of this Chapter.
- 1426 10. *District changes.* Whenever the boundaries of a district shall be changed so as to transfer an
1427 area from one district to another district of a different classification, the foregoing provisions
1428 shall also apply to any nonconforming uses existing therein.
- 1429 C. *Nonconforming lots.*
- 1430 1. If 2 or more lots-of-record or parts thereof or combinations of lots and portions of contiguous
1431 lots are in single ownership and if all or part of the lots do not meet the minimum buildable
1432 lot size requirement of the zoning district in which the land is located, the land involved shall
1433 be considered to be an undivided parcel for the purposes of the zoning and subdivision
1434 regulations and no portion of said parcel shall be used or sold which does not meet the
1435 minimum buildable lot size nor shall any division of the parcel be made which leaves
1436 remaining any lot with width, depth or area that does not meet the minimum buildable lot size
1437 of the district in which it is located.
- 1438 2. Where a lot has less area than the minimum required, was a lot-of-record in separate
1439 ownership from adjacent property as of June 18, 1996 and is currently a lot-of-record under
1440 separate ownership from any adjacent property, such lot may be used as a building site for a
1441 use permitted in the district within which the lot is located; provided, however, that the
1442 proposed development of the building site conforms with the yard setback requirements of
1443 the district in which it is located.
- 1444 3. When a substandard lot is used together with one or more contiguous lots for a single use or
1445 unified development, all of the lots so used, including any lots used for off-street parking,
1446 shall be considered a single lot for the purposes of these zoning regulations.
- 1447 4. It shall be a violation of this section to sell or convey ownership to another for any portion
1448 less than the entire parcel of land that is considered to be an undivided parcel by this Section.
- 1449 5. Any entity or individual applying for a building permit to develop a nonconforming lot or lots
1450 or portions of lots that do not meet the minimum buildable lot size requirements of the district
1451 in which it is located must provide certification from an attorney and/or adequate conveyance
1452 records or abstracts that establishes to the satisfaction of the Town:

- 1453 a. That the owner of the nonconforming lot or lots or portions of lots does not own any
1454 land adjacent to the nonconforming lot, lots or portions of lots proposed to be
1455 developed, and
- 1456 b. That the acquisition of the nonconforming lot, lots or portions of lots from another
1457 included all the contiguous land owned by the other at the time of acquisition, or the
1458 acquisition occurred prior to the enactment of the nonconforming lot provisions of this
1459 Section.
- 1460 6. Notwithstanding any other provisions in this Code, to the contrary, the owner of any 2
1461 contiguous lots of record, acquired prior to September 18, 1996, upon which there was and
1462 remains legally situated on either such lot a dwelling, the vacant lot may be sold without the
1463 necessity of re-subdivision approval by the Planning Commission. In such case neither lot
1464 shall measure less than 50 feet fronting a dedicated street by a depth of 120 feet.
- 1465 7. Notwithstanding any other provision in this Code, to the contrary, the owner of 3 contiguous
1466 lots of record all facing the same street, acquired prior to September 18, 1996, upon which
1467 there was and remains a building legally situated on the center lot, the remaining 2 lots on
1468 either side of such building may be sold without obtaining re-subdivision approval from the
1469 Planning Commission. In such an event, no lot shall have a street frontage of less than
1470 original lot size.
- 1471 8. Nothing contained in this Subsection shall in any manner affect the setback requirements of
1472 such lots.
- 1473 9. Proof of such required acquisition of lots shall be made to the satisfaction of the Planning and
1474 Zoning Director.

1475 **Sec. 9-214. – SUBDIVISION PROCEDURES**

1476 **Sec. 9-214.1. – General provisions.**

- 1477 A. *Jurisdiction and amendment.* Subdivision regulations provided for in this Section under the authority
1478 granted by the provisions of Act 139 of 1956, Louisiana Revised Statutes 33:101 – 120, as amended,
1479 govern all subdivisions of land within the corporate limits and police jurisdiction of the Town of
1480 Abita Springs. These subdivision regulations may be amended from time to time, subject to the
1481 Planning Commission holding a public hearing before adoption by the Town Council, including notice
1482 of the purpose, time, and place of the hearing by one publication in a newspaper of general circulation in
1483 the Town at least 10 days prior to the date of the hearing.
- 1484 B. *Authority.* Any owner of tracts, parcels, lots, or lots of record within the limits of the Town of Abita
1485 Springs wishing to improve or sell lots shall submit to the Planning Commission a plat of the
1486 subdivision which shall conform to the minimum standards set forth in these regulations. Failure of
1487 the Planning Commission to approve or disapprove a plat within 60 days shall be deemed approval
1488 by said Commission, unless the time for approval is extended by mutual consent of the applicant and
1489 the Planning Commission.
- 1490 C. *Signed and Recorded Final Plat Required.* No plat of a subdivision located within the Town of
1491 Abita Springs, shall be filed and recorded in the office of the Clerk and Recorder of St. Tammany
1492 Parish, Louisiana, and no subdivider may proceed with improvements or sale of lots in a subdivision
1493 unless the subject subdivision's final plat is approved by the Planning Commission and such
1494 approval entered in writing on the plat by the Chairman of the Planning Commission.

Sec. 9-214.2. – Supplemental conditions of subdivision approval.

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

Sec. 9-214.3. – Types of subdivision approval.

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

Sec. 9-214.4. – Administrative approval of subdivision plats.

- A. *Criteria for administrative subdivision approval.* The Planning Director may administratively approve subdivision requests for the realignment or shifting of lot boundary lines, including removal, addition, alignment, or shifting of interior lot boundary lines, or the redesignation of lot numbers provided the application meets the following:
1. Does not involve the creation of any new street or other public improvement;
 2. Does not involve more than 2 acres of land or 10 lots of record;
 3. Does not reduce a lot size below the minimum area or frontage requirements required by this Part; and
 4. Otherwise meets all the requirements of this Part.
- B. Administrative approval of subdivision plats may also apply to parcels of land where a portion has been expropriated or has been dedicated, sold or otherwise transferred to the Parish or Town, where leaving a severed portion of the original property requires a redesignation of a lot number and establishment of new lot boundary lines.
- C. *Application for administrative subdivision.* A request for an administrative subdivision shall be in writing, submitted by the owner(s) of the property. This application shall clearly set out the facts that show that the application meets the criteria required in this section. The application shall be signed by the owner(s) or his/her designee.

1. The application shall include 6 original copies of a plat showing the subdivision applied for herein. Such plat shall be certified as true and correct by a registered Louisiana Land Surveyor.
2. Such application shall be accompanied with a processing fee for such approval. This fee will be established by the Mayor.

D. *Approval.*

1. Upon determination by the Chairman of the Planning Commission for the Town of Abita Springs, ~~the Town Engineer,~~ **Planning Director**, and the Mayor of the Town of Abita Springs that the application and plat submitted under this section comply with its provisions, each shall sign the plat submitted.
2. All plats approved as certified by an administrative procedure provided for herein, shall designate such fact on the plat and the plat shall be recorded in the conveyance records of the Parish of St. Tammany. The legal effect of such a plat shall not occur until such recordation. Any plat so approved shall have the same force and effect and legal status of a subdivision application approved by the Planning Commission.

Sec. 9-214.5. – Engineering and legal fees.

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

Sec. 9-214.6. – Procedure for plat approval, Minor and Major.

A. *Pre-application consideration.*

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

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

1. After the pre-application conference, the subdivider shall cause to be prepared a preliminary plat, together with improvements, plans and other supplementary material specified herein.
2. The procedure for review and approval of a subdivision plat consists of 5 separate steps:
 - a. The preparation and submission to the Abita Springs Planning Commission of a preliminary plat of the proposed subdivision.
 - b. The preparation of plans and specifications showing all required improvements.
 - c. Construction of all proposed improvements in conformity with approved plans and specifications and inspection and approval of said improvements, to the point being at least 95 percent complete and meeting all applicable standards of this Code.
 - d. The posting of a maintenance bond in an amount sufficient to cover any costs which might be incurred by the Town for the maintenance and/or repair of the required improvements for a period of 2 years after completion.
 - e. The preparation and submission of the final plat together with required certificates to the Abita Springs Planning Commission. This final plat becomes the instrument to be recorded in the office of the Clerk of Court, St. Tammany Parish, when duly signed by the Chairman of the Abita Springs Planning Commission.

C. *Preliminary plat requirements.*

1. At least 31 calendar days prior to the meeting at which it is to be considered, the subdivider shall submit for review to the Town Planner and the Abita Springs Planning Commission 3 copies of the Preliminary Plat of the Proposed subdivision drawn to a scale of not less than 1 inch equals 100 feet.
2. The preliminary plat and plans for construction of public improvements shall include the following information.
 - a. The subdivision name, the names and addresses of the Owners and the designer of the plat, and the names and addresses of persons to whom the notice hereinafter provided for shall be sent.
 - b. Date, approximate north arrow, and a graphic scale.
 - c. The location of existing and platted property lines, streets, buildings, water courses, railroads, sewer, bridges, culverts, drainpipes, water mains and any public utility servitudes, both on the land subdivided, and, on the adjoining land, the names of adjacent subdivisions and the names and addresses of record owners of adjoining parcels of land as they appear on the current tax records.
 - d. The names, locations, widths, and other dimensions of proposed streets, alleys, servitude, parks and other green spaces, reservations, lot lines, and building lines.
 - e. Preliminary sketch plans or proposed utility layouts (sewer, water, gas (when available and electricity) showing feasible connections, where possible, to existing and proposed utility systems.
 - f. Contour intervals to sea level datum of not more than 1 foot. Show spot elevation of all breaks in grades along drainage channels or swales and at selected points not more than 100 feet apart in all directions.
 - g. If any portion of the land being subdivided is below flood elevation as indicated on the map adopted by the Federal Emergency Management Agency in their flood insurance program, the limits of such flood shall be shown.
 - h. Typical cross-sections of the proposed grading and roadways sidewalks and topographic conditions drawn to a scale of not less than 1 inch equals 100 feet horizontal and 1 inch equals 20 feet vertical.
 - i. The acreage of the land to be subdivided.
 - j. Vicinity map showing location of subdivision site.
 - k. The width and location of any existing street or other public ways and places within 300 feet of the proposed subdivision.
 - l. A wetlands determination which shows that area is designated as wetlands or non-wetlands under the regulatory jurisdiction of the U.S. Corp of Engineers.
 - m. Those areas that would be inundated as a result of a 10-year storm and also a 25-year storm as defined in **Chapter 6 -Subdivision, Lot, and Block Standards** of this Part.
 - n. A plat plan that shows compliance with the Town's tree and landscape standards in **Sec. 9-304 – Development Standards** in this Part.
 - o. A drainage study.
 - p. An erosion control and sedimentation plan.

- 1620 q. School board statement. In addition to all other requirements set forth in this chapter
1621 for obtaining approval for the construction of any new subdivisions within the Town of
1622 Abita Springs any person, firm, or corporation seeking approval and/or permitting of
1623 any new subdivision development within the jurisdiction of the Town of Abita Springs
1624 shall first obtain from the offices of the St. Tammany Parish School Board an official
1625 statement of the current capacities and enrollment of those present facilities and the
1626 capacities and expected completion dates of those planned, funded school facilities (if
1627 any) which will provide educational services for the students who reside in the Town of
1628 Abita Springs which statement shall be submitted to the town with all other required
1629 documents. This statement shall be considered as a factor in the decision-making
1630 process for such approval/permitting process before any such approval/permit shall be
1631 granted.
- 1632 r. A review of the Abita Springs Law Enforcement Department shall be conducted and
1633 shall issue a statement to the Mayor to address additional officers and equipment,
1634 including vehicles needed, for patrol, protection, and safety of the future subdivision
1635 residents and the safety impact, including traffic impact in the Town of Abita Springs.
- 1636 3. A Public Hearing will thereafter be conducted, after which the Planning Commission will
1637 review and indicate approval, disapproval, or tentative approval with conditions. In making
1638 its decision to approve, deny, defer, or modify a plat, the Planning Commission shall consider
1639 recommendations from the Planning Director and Town Engineer as to whether the proposed
1640 plat is in conformance with the Master Plan, as well as input from the public made available
1641 via the public hearing. If a plat is disapproved, reasons for such disapproval shall be stated in
1642 writing. If approved subject to conditions, the nature of the required conditions shall be
1643 indicated in writing. Any plats submitted to the Planning Commission shall contain names
1644 and addresses of the persons to whom notice of the hearing shall be sent; and no plat shall be
1645 acted on by the Planning Commission without affording a hearing thereon. Notice shall be
1646 sent to said addresses by registered mail with the time, date and place of such hearing not less
1647 than 5 days before the date fixed, therefore. Similar notice shall be mailed to owners of land
1648 immediately adjoining the platted land as their names appear upon the parish assessment
1649 rolls.
- 1650 4. *Minor subdivisions.* Minor Subdivisions may obtain final approval after the initial hearing
1651 provided for in this Section. In such cases, all requirements of these regulations and the
1652 Town's Code of Ordinances must be met, except where deviations or variances are
1653 authorized, and the preliminary and final plat approval shall be considered together. Should
1654 the Planning Commission approve the proposed minor subdivision in one hearing, the
1655 resultant plat shall be considered the final plat and recorded in accordance with the
1656 requirements for final plat.
- 1657 5. One copy of the preliminary plat will be retained in the Planning Commission files; one copy
1658 shall be returned to the subdivider with any notations at the time of approval or disapproval
1659 and the specific changes if any required; and one copy shall be transmitted to the Town's
1660 Engineer.
- 1661 6. The approval of the preliminary plat by the Planning Commission shall be revocable and
1662 shall not be entered on the preliminary plat.
- 1663 7. Approval of the preliminary plat shall lapse unless a final plat based thereon is submitted
1664 within 12 months from the date of such approval, unless an extension of time is applied for
1665 and granted by the Planning Commission.
- 1666 D. *Plans and specifications of proposed improvements.*

1. At least 31 days prior to the meeting at which it is to be considered, the subdivider shall submit for review to the Town Planner, Town Engineer, and Planning Commission, 6 sets of complete construction plans and specifications for all proposed improvements to be constructed.
2. Plans and specifications for all proposed improvements shall require the approval of the Town's Engineer, the Planning Commission, and the Louisiana Department of Health before commencing construction.

E. *Construction of project.*

1. All materials for construction of the project shall be submitted to the Town's Engineer for approval.
2. Subdivider shall submit in writing monthly progress reports to the Town Engineer regarding the construction of improvements.
3. All required tests shall be made in the presence of the Town's Engineer at the expense of the developer. Only testing laboratories certified in the required testing, demonstrated as part of the testing submittal, and at the expense of the Subdivider shall be considered.
4. Three (3) sets of as-built drawings for all utilities and showing exact location of mains, services, and all other proposed infrastructure improvements, shall be furnished to and reviewed by the Town's Engineer before the Planning Commission considers final acceptance of the subdivision.

F. *Final requirements.*

1. The final plat shall conform to the preliminary plat as approved; and may constitute only a portion of the approved preliminary plat if project phasing was addressed as part of preliminary approval, provided, however, that such portion conforms to all requirements of these regulations.
2. At least 21 calendar days prior to the meeting at which it is to be considered, the subdivider shall submit 6 sets of the final plat. The final plat shall be drawn on sheets 24 inches by 36 inches and shall be at a scale of 100 feet to 1 inch or larger. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision.
3. A public hearing will thereafter be held, after which the Planning Commission will review and indicate approval, disapproval or tentative approval with conditions. No final approval will be granted until the Town Engineer has approved construction as 100 percent or substantially complete with deposit, and all review and inspection service fees have been paid in full.
4. When the final plat has been approved by the Planning Commission, copies shall be distributed as follows:
 - a. One (1) approved copy to the subdivider for his records.
 - b. One (1) copy retained by the Planning Commission.
 - c. One (1) copy to St. Tammany Parish Tax Assessor's Office.
 - d. One (1) copy to the St. Tammany Parish Health Unit.
 - e. One (1) copy with the certification thereon for filing with the St. Tammany Parish Clerk of Court's Office as the official plat which must be filed within 90 calendar days, otherwise, such approval shall be voided.
 - f. One (1) copy to the Town's Engineer.

- 1710 5. The Planning Commission shall approve or disapprove this final plat within 60 calendar days
1711 after its submission. In making its decision to approve, deny, defer, or modify a plat, the
1712 Planning Commission shall consider recommendations from the Planning Director and Town
1713 Engineer as to whether the proposed plat is in conformance with the Master Plan, as well as
1714 input from the public made available via the public hearing. Failure by the Planning
1715 Commission to act on this final plat within these 60 days shall be deemed approval of it. The
1716 parties may agree to an extension of such 60 day period. If the plat is disapproved, the
1717 grounds for disapproval shall be stated upon the record of the Planning Commission in
1718 writing.
- 1719 6. The final plat shall show:
- 1720 a. Primary control points, or descriptions and “Ties” to such control points, to which all
1721 dimensions, angles, bearings, and similar data on the plat shall be referred.
- 1722 b. Tract boundary lines, right-of-way lines of streets, servitudes and other rights-of-way
1723 and property lines of residential lots and other sites with accurate dimensions, bearings
1724 or deflection angles, and radii, arcs, and central angles of all curves.
- 1725 c. Name and right-of-way width of each street or other right-of-way.
- 1726 d. Location, dimensions and purpose of any servitude.
- 1727 e. Number to identify each lot or site.
- 1728 f. Minimum building set back line on all lots and other sites.
- 1729 g. If any portion of the land being subdivided is below the elevation of flood as indicated
1730 on the map adopted by the Federal Emergency Management Administration in their
1731 flood insurance program, the limits of such flood shall be shown.
- 1732 h. Location and description of monuments. Permanent reference monuments shall be
1733 shown thus: ☐ All corner lot markers shall be permanently located and show thus: “0”
1734 and located in the ground to the existing grade. Permanent reference markers are to
1735 reference the Louisiana State Plane Coordinate System.
- 1736 i. Names of record owners of adjoining unplatted lands.
- 1737 j. Names and addresses of persons to whom notice of public hearing shall be sent.
- 1738 k. Reference to recorded subdivision plats of adjoining platted land by record name, date
1739 and number.
- 1740 l. Title, scale, north arrow and date.
- 1741 m. Any zoning districts shown on any official zoning map of the Town of Abita Springs.
- 1742 n. All items required under preliminary approval.
- 1743 7. The following certificates shall be recorded on the final plat:
- 1744 a. Certificate showing the applicant is the landowner and dedicates streets, rights- of-
1745 ways, and any sites for public use.
- 1746 b. Certificate by a Louisiana licensed and registered surveyor or engineer certifying to
1747 accuracy of survey and plat.
- 1748 c. Certification by the parish health officer of sewerage and water systems.
- 1749 d. Certification by Town’s Engineer and Town Clerk prior to the approval of the plat that
1750 the subdivider has complied with one of the following alternatives:

- 1751 i. Installation of all improvements in accordance with requirements of these
1752 regulations, or
- 1753 ii. Posting of cash deposit in an amount 3 times the Town Engineer's estimate for
1754 project completion to assure completion of all required improvements. For any
1755 cash deposit rendered in lieu of a 100 percent complete project, there shall be
1756 submitted with the plat a certificate by the Town's Engineer as to the sufficiency
1757 of the amount deposited.
- 1758 iii. Posting of a performance bond or a letter of credit approved by the Town
1759 Attorney, in an amount which is 3 times the cost of completion of the necessary
1760 improvements as certified in writing by the Town Engineer, whereby the required
1761 improvements may be made and utilities installed without any costs to the Town.
1762 The engineering and attorney fees required in this subsection shall be paid by the
1763 developer prior to final approval.
- 1764 iv. The deposit will be refunded in full upon completion of the deficiencies in the
1765 required improvement or shall be forfeited if said improvements are not
1766 completed. If a bond or letter of credit has been posted in lieu of a cash deposit,
1767 such shall be called by the Town. The Town may assume the responsibility of
1768 project completion.
- 1769 v. That there exists no liability on the part of the developer for damage done to
1770 public property during construction.
- 1771 e. Certification of the Town Engineer that all necessary plans have been submitted and
1772 construction done in compliance with Chapter 6 - Subdivision, Lot, and Block
1773 Standards of this Part.
- 1774 f. Certification by Town's Engineer and Town Clerk of Abita Springs prior to approval of
1775 the plat that a maintenance bond in an amount sufficient to cover any costs which
1776 might be incurred by the Town for the maintenance and/or repair of the required
1777 improvements for a period of 2 years after completion has been furnished by the
1778 developers and accepted by the Planning Commission.
- 1779 g. Certification of approval to be signed by the Chairman of the Planning Commission.
- 1780 8. No building permit for any improvements on lots to be sold shall be issued for the
1781 development until the project is 100 percent completed, upon acknowledgement by the Town
1782 Engineer.

1783 **Sec. 9-214.7. – Penalties.**

- 1784 A. *Penalties.* Whoever, being the owner or agent of the owner of any land located within a subdivision
1785 transfers or sells or agrees to sell any land by reference to or exhibition or by other use of a plat of
1786 subdivision before such plat has been approved by the Planning Commission and recorded or filed
1787 in the office of the Clerk of Court of the Parish, shall forfeit and pay a penalty of five hundred (500)
1788 dollars for each lot or parcel so transferred or sold or agreed to be sold; and the description of such
1789 lot or parcel by metes and bounds in the instrument of transfer or other document used in the
1790 process of selling or transferring shall not exempt the transaction from such penalties herein
1791 provided.

1792 Should any property be sold in violation of these regulations, each day that the land remains in the
1793 name of any unauthorized buyer in the records of the Clerk of Court for the Parish of St. Tammany
1794 shall constitute a separate offense.

1795 Further, the municipality may enjoin such transfer, sale or agreement by suit for injury brought in
1796 any court of competent jurisdiction or may recover the penalty by a civil action in any court of
1797 competent jurisdiction.

1798 B. *Improvements and unapproved streets.* The Town shall not accept, layout, open, improve, grade,
1799 pave, curb, or light any street or authorize any water mains, sewers, or utility connections in any
1800 street within any portion of territory for which the Abita Springs Planning Commission has adopted
1801 a Major Street Plan except as provided for under Louisiana Act. No. 139, of 1956, R.S. 33, Section
1802 115, as amended.

1803 **Sec. 9-214.8. – Validity, short title, effective date and repeal of conflicting ordinances.**

1804 A. *Validity.*

1805 1. Should any section or provision of these subdivision regulations be declared as invalid by a
1806 court of competent jurisdiction, that decision shall not affect the validity of the subdivision
1807 regulations as a whole or any part thereof, other than the part so declared to be invalid.

1808 2. Should a zoning regulation or other standard adopted and made a part of the Town of Abita
1809 Springs Code of Ordinances conflict with a standard, procedure, or similar minimum
1810 requirement prescribed in these subdivision regulations, the more restrictive shall apply.

1811 B. *Short title.* These regulations, duly adopted via resolution of the Planning Commission, may be
1812 cited and otherwise referred to as the “Abita Springs Subdivision Regulations.”

1813 C. *Intentions.* It is not the intent of the Planning Commission through its adoption of these standards
1814 and proceedings to repeal, abrogate, annul or in any way impair or interfere with existing provisions
1815 of other laws or ordinances, or with private restrictions placed upon the property by covenant, deed
1816 or other private agreement, or with restrictive covenants running with the land to which the Town is
1817 a party.

1818 **Sec. 9-215. – REVOCATION, ABANDONMENT, SALE, EXCHANGE, OR OTHER**
1819 **DISPOSITION OF PUBLIC STREETS AND RIGHTS-OF-WAY.**

1820 A. *Purpose.* The purpose of this section is to establish a uniform procedure for the revocation,
1821 abandonment, sale, exchange, or other disposition of public streets, alleys, and public rights-
1822 of-way that are no longer needed for present or reasonably foreseeable public purposes. The
1823 Town reserves the authority to retain any servitudes, easements, or rights necessary to protect
1824 existing or future public infrastructure, drainage facilities, utilities, access, or other municipal
1825 services.

1826 B. *Application.* An application for the revocation, abandonment, sale, exchange, or other
1827 disposition of a public street, alley, or right-of-way may be submitted by any adjacent
1828 property owner or any person or entity that demonstrates a direct ownership interest in
1829 property abutting or directly benefiting from the subject right-of-way.

1830 The application packet shall be submitted to the Planning and Zoning Department and shall
1831 include, at a minimum:

1832 1. A completed application on forms provided by the Town; and

1833 2. A survey and legal description sufficient to identify the property proposed for
1834 revocation or disposition; and

1835 3. Payment of all applicable application fees; and

1836 4. Any additional information reasonably required by the Planning and Zoning
1837 Department, Town Engineer, or Town Attorney to evaluate the request.

1838 C. *Staff Review.* The Planning and Zoning Department shall coordinate review of the application
1839 by the Town Engineer, Public Works Department, affected utility providers, and any other
1840 public agencies or departments, as necessary. The Planning and Zoning Department, in
1841 consultation with the Town Engineer and affected utility providers, shall determine whether:

1842 1. The application is complete.

1843 2. The proposed revocation, abandonment, sale, exchange, or other disposition can
1844 reasonably be considered without materially impairing municipal infrastructure, public
1845 utilities, drainage facilities, public access, or municipal operations.

1846 3. The right-of-way is needed for current or reasonably foreseeable public purposes.

1847 4. Any public servitudes or easements should be retained to protect existing or future
1848 public infrastructure.

1849 5. The application should be approved, approved with conditions, or denied.

1850 Following its review, the Planning and Zoning Department shall prepare a written
1851 recommendation for consideration by the Board of Aldermen. The Board of Aldermen shall
1852 retain final authority to approve, conditionally approve, or deny the application by ordinance
1853 in accordance with this section and applicable Louisiana law.

1854 D. *Public Hearing.* Prior to adoption of an ordinance revoking, abandoning, selling, exchanging,
1855 or otherwise disposing of a public street or right-of-way, the Board of Aldermen shall conduct
1856 a public hearing at a regularly scheduled meeting. Notice of the public hearing shall be
1857 provided in accordance with applicable Louisiana law.

1858 The Board of Aldermen may refer any application to the Planning Commission for review
1859 and recommendation when deemed appropriate.

1860 E. *Standards for Approval.* The Board of Aldermen may approve an application upon finding
1861 that:

1862 1. The public street, alley, or right-of-way is no longer needed for present or reasonably
1863 foreseeable public purposes.

1864 2. The proposed action will not adversely affect public access, emergency services, traffic
1865 circulation, drainage, utilities, municipal operations, or adjacent property owners.

1866 3. Any necessary public servitudes, easements, or rights have been adequately reserved to
1867 protect the public interest.

1868 F. *Action by Ordinance.* Following the public hearing and consideration of the staff
1869 recommendation, the Board of Aldermen may, by ordinance:

1870 1. Approve the application as submitted.

1871 2. Approve the application with conditions.

1872 3. Approve a partial revocation or disposition.

1873 4. Approve the request while reserving one or more public servitudes or easements.

1874 5. Deny the application.

1875 G. *Reservation of Servitudes.* The Town may reserve any servitude, easement, or right reasonably
1876 necessary for:

- 1877 1. Existing or future public utilities.
- 1878 2. Drainage facilities or stormwater infrastructure.
- 1879 3. Public access.
- 1880 4. Existing or future municipal infrastructure.
- 1881 5. Any other public purpose authorized by Louisiana law.
- 1882 Any reserved servitude shall be specifically described in the approving ordinance.
- 1883 H. *Disposition of Property.* Following revocation, abandonment, or other disposition, the
- 1884 property may be sold, exchanged, transferred to adjoining property owners, dedicated to
- 1885 another public purpose, or otherwise disposed of in accordance with Louisiana law.
- 1886 The Board of Aldermen may require the revoked property to be merged into or assimilated
- 1887 with adjoining property in accordance with applicable law.
- 1888 I. *Costs.* The applicant shall be responsible for all reasonable costs incurred by the Town in
- 1889 processing the application, including but not limited to surveys, appraisals, when required,
- 1890 legal descriptions, publication costs, recording fees, engineering review, attorney's fees, when
- 1891 applicable, any other administrative or professional expenses reasonably incurred in
- 1892 evaluating or processing the request.
- 1893 J. *Effect of Revocation.* Unless otherwise provided in the approving ordinance or required by
- 1894 Louisiana law, title to any revoked public street, alley, or right-of-way shall vest in the
- 1895 adjoining property owners in accordance with applicable Louisiana law and shall thereafter
- 1896 be subject to the zoning, subdivision, and land development regulations of the Town of Abita
- 1897 Springs.
- 1898 **~~Sec. 9-215. — PUBLIC INFRASTRUCTURE DEDICATION OR REVOCATION OF STREETS~~**
- 1899 **~~A. — Process.~~** The dedication of public infrastructure or revocation of streets in the Town must proceed
- 1900 via the following steps (see excerpt from **~~Table 9-201.1.~~** below):
- 1901 1. — ~~Initiation.~~ Public infrastructure dedication or revocation (including sale or exchange to a
- 1902 private party) of a street may be initiated by a property owner (or group of property owners
- 1903 holding 50 percent or more of a property), reviewed by the Planning Commission, and
- 1904 dedicated by the Board of Aldermen.
- 1905 2. — ~~Review, technical analysis and recommendation by Town departments.~~ The Planning and
- 1906 Zoning Department and Town Engineer shall review applications for public infrastructure
- 1907 dedication or revocation of streets and shall provide a technical analysis and recommendation
- 1908 to the Planning Commission.
- 1909 3. — ~~Planning Commission review and recommendation.~~
- 1910 a. — The Planning Commission must hold a public hearing to review and make a
- 1911 recommendation on the request. The Planning Commission may hold multiple hearings
- 1912 prior to final decision on this matter.
- 1913 b. — ~~Action by the Planning Commission.~~ After a public hearing held on the matter the
- 1914 Planning Commission within 60 days of application for revocation, public sale, private
- 1915 sale or exchange shall recommend to the Board of Aldermen the following:
- 1916 i. — Accept the application as presented.
- 1917 ii. — Accept the application with the recommendation for either a revocation, public
- 1918 sale, private sale, or exchange of the street right-of-way.

iii. A recommendation of partial disposition of the street right of way by any method provided for herein.

iv. Recommend the disposition of the street right of way, in whole or in part, by any method provided for with the retention of servitudes, which servitudes shall be defined.

v. Recommend denial of the application by the Board of Aldermen.

4. Board of Aldermen action:

a. Within 10 days of action taken by the Planning Commission, the Planning Commission shall forward to the Town Clerk of the Board of Aldermen the recommendation of the Planning Commission on the application for the revocation, public sale, or exchange of public street right of way.

b. At the next regularly scheduled monthly meeting of the Board of Aldermen, an ordinance shall be introduced by the Board of Aldermen that shall conform to the recommendation of the Planning Commission. Should the Planning Commission recommend denial, the Town Board of Aldermen are not required to introduce an ordinance, in which case the request shall be denied by default. Alternatively, the Board of Aldermen may introduce an ordinance to approve the dedication or revocation and may either vote to approve or deny the request.

c. Such ordinance introduced shall be considered at the subsequently regularly scheduled meeting of the Board of Aldermen.

d. Upon consideration of the ordinance introduced, based on the recommendation of the Planning Commission the Board of Aldermen may:

i. Adopt as proposed;

ii. Amended in any fashion, such amendment may provide for a smaller disposition of right of way and/or the reservation of certain delineated servitudes or a change in the method of the disposition recommended by the Planning Commission; or

iii. Deny the application.

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

B. Criteria. The Town departments and Planning Commission shall consider the following criteria for the determination of revocations, exchange public sale or private sale of public street right of way:

1. In order to approve the revocation, exchange, public sale or private sale of public street rights of way the Planning Commission must determine that the right of way is no longer necessary for public use and will not be necessary for the public use in the future.

2. Additionally, it must be determined that the denial by the Town Planning Commission for the revocation, public sale, private sale or exchange of the street right of way will cause the adjacent property owner unusual and practical difficulties of particular hardship, but only

1956 when the Planning Commission is satisfied that the granting of such action will not merely
1957 serve as a convenience to the adjacent property owner, but will alleviate some demonstrable
1958 and unusual hardship or difficulty so great as to warrant the disposal of public property and at
1959 the same time the surrounding property will be protected.

1960 3. ~~Additionally, the action taken in the revocation, public sale, private sale or exchange of~~
1961 ~~property must resolve and settle all claims which the adjacent property owner may have~~
1962 ~~against the Town of Abita Springs.~~

1963 ~~C. *Adjacent property owners' rights to purchase.* In the instance of a private sale of a street right of~~
1964 ~~way, all adjacent property owners shall have the right to buy to the middle of the right of way that~~
1965 ~~is adjacent to their property, where the adjacent property owner across the street may purchase the~~
1966 ~~remaining portion of the street right of way.~~

1967 ~~D. *Terms of disposition.* The disposition of public right of way shall be under the following terms:~~

1968 1. ~~All cash to be paid by the buyer at the act of sale.~~

1969 2. ~~The sale shall be from the Town of Abita Springs without warranty.~~

1970 3. ~~The purchaser of the right of way shall pay all expenses incurred by the Town of Abita~~
1971 ~~Springs in the disposition of the property.~~

1972 4. ~~Notwithstanding any ordinances to the contrary, the property bought shall become a part of~~
1973 ~~the adjacent lot and will be governed by the land use and subdivision laws of the Town of~~
1974 ~~Abita Springs.~~

1975 **CHAPTER 3 – ZONING REGULATIONS**

1976 **Sec. 9-301. – INTRODUCTORY PROVISIONS**

1977 **Sec. 9-301.1. – Zoning regulations adopted, purpose.**

1978 A. By virtue of the authority conferred by R.S. 33:4721 et seq., 1950, and other constitutional and
1979 statutory authority supplemental thereto, the zoning rules and regulations in this Chapter are
1980 enacted. This Chapter shall be known and may be cited as the "Zoning Ordinance of the Town of
1981 Abita Springs, Louisiana" or the "Town zoning regulations."

1982 B. Pursuant to this, the Town is hereby divided into zoning districts. The boundaries of these districts
1983 are hereby established as shown on a map entitled "Town of Abita Springs, Louisiana, Official
1984 Zoning Map" as last amended and on file in the Town Hall and is hereby incorporated by reference
1985 and made a part of this Chapter.

1986 C. The provisions of this Chapter are the minimum requirements to develop any land in the Town and
1987 are adopted to protect the public's health, safety and welfare in the Town of Abita Springs.

1988 **Sec. 9-301.2. – Interpretation and effect of regulations.**

1989 A. This Chapter does not-repeal, abrogate, annul or in any way impair or interfere with existing
1990 provisions of other laws or ordinances, except those specifically repealed by this Chapter, or with
1991 private restrictions placed upon property by covenant, deed or other private agreement, or with
1992 restrictive covenants running with the land to which the Town is a party. Where this Chapter
1993 imposes a greater restriction upon land, buildings or structures than is imposed or required by
1994 existing provisions of law, ordinance, contract or deed, the provisions of this Chapter shall control.

1995 B. This Chapter is applicable to the following:

- 1996 1. *Conformity of building, and land.* No building, structure, or premises shall be used or
1997 occupied, and no building or part thereof or other structure shall be erected, raised, moved,
1998 placed, reconstructed, extended, or enlarged, or altered except in conformity with the
1999 regulations herein specified for the zoning district, as shown on the official zoning map, in
2000 which it is located;
- 2001 2. *Conformity of buildings.* No building, structure, or premises shall be erected, altered, or used
2002 so as to produce smaller yards or less unoccupied area, and no building shall be occupied by
2003 more families than prescribed for the building, structure, or premises for the district in which
2004 it is located;
- 2005 3. *Conformity of open spaces.* No yard, court, or open space, or part thereof, shall be included as
2006 part of the yard, court or open space similarly required for any other building, structure, or
2007 dwelling under this Chapter.
- 2008 C. Where uncertainty exists with respect to the boundaries of any zoning district shown on the official
2009 zoning map, the following rules shall apply:
- 2010 1. *Where boundaries approximately follow streets, alleys or highways.* Where district
2011 boundaries are indicated as approximately following the centerline of streets, alleys, or
2012 highways, the lines shall be construed to be the district boundaries.
- 2013 2. *Where boundaries parallel street lines, alley lines or highway right-of-way lines.* Where
2014 district boundaries are so indicated that they are approximately parallel to the centerlines of
2015 streets, of alleys, or the right-of-way lines of highways, the district boundaries shall be
2016 construed as being parallel thereto and at the distance therefrom as indicated on the official
2017 zoning map. If no distance is given, the dimension shall be determined by the use of the scale
2018 shown on the official zoning map.
- 2019 3. *Where boundaries approximately follow lot lines.* Where district boundaries are indicated as
2020 approximately following lot lines, the lot lines shall be construed to be the boundaries.
- 2021 4. *Where the boundary follows a railroad line.* Where the boundary of a district follows a
2022 railroad line, the boundary shall be located midway between the main tracks of the railroad
2023 line.
- 2024 5. *Where the boundary follows a body of water.* Where the boundary of a district follows a
2025 stream, or other body of water, the boundary line shall be construed to be at the limit of the
2026 jurisdiction of the municipality unless otherwise indicated.
- 2027 6. *Submerged areas not included in the district.* All areas within the Town corporate limits that
2028 are under water and not shown as included within any district shall be subject to all of the
2029 regulations of the district which immediately adjoins the water area. If the water area adjoins
2030 2 or more districts the boundaries of each district shall be construed to extend into the water
2031 area in a straight line until they meet the other district.
- 2032 7. *District regulations apply to schools, parks, etc.* Any areas shown on the official zoning map
2033 as park, playground, school, cemetery, water, street, or right-of-way shall be subject to the
2034 zoning regulations of the district in which they are located. In case of doubt, the zoning
2035 regulations of the most restrictive adjoining district shall govern.
- 2036 8. *Property annexed.* In every case where property has become a part of the Town by
2037 annexation, the property shall automatically be classed as being zoned Conservation
2038 Residential (CR) District until the classification is changed by an amendment to this Chapter
2039 as provided by law.

2040 9. *Vacation of public ways.* Whenever any street alley, or other public way is vacated in the
2041 manner authorized by law, the zoning district adjoining each side of the street, alley, or public
2042 way shall automatically extend to the center of the area be subject to all regulations of the
2043 extended district.

2044 10. *Split zone properties.* Where a lot of record is bisected by 2 or more zoning districts, the
2045 district that occupies the most area shall apply. Where a lot of record is evenly split between
2046 2 or more zoning districts, the more restrictive district shall apply. Any land area or building
2047 within the Historic Overlay district is subject to the HTO requirements, regardless of if the
2048 overlay is on a minority percentage of the lot.

2049 **Sec. 9-302. – ZONING DISTRICTS**

2050 **Sec. 9-302.1 – Residential zoning districts.**

2051 The Residential Districts in the Town include:

2052 Conservation Residential District (CR)

2053 Neighborhood Residential District (NR)

2054 Traditional Residential District (TR)

2055 Townhouse Residential District (THR)

2056 Multifamily Residential District (MR)

2057 **Sec. 9-302.1.1 – District land use summary and applicable use standards.**

2058 A. **Table 9-302.1.1.1.** shows permitted, conditional, or prohibited uses across all residential districts
2059 mapped in the Town, where:

2060 1. "P" indicates a permitted use.

2061 2. "C" indicates a conditional use. Conditional uses must be approved by the Zoning
2062 Commission in accordance with the standards and procedures set forth in this Code.

2063 3. "—" indicates a prohibited use.

2064 B. When a land use is not specifically listed, the Planning Director may, in accordance with best
2065 planning practice, permit a similar use and utilize the rules and standards associated with that listed
2066 land use, provided the land uses are demonstrably similar in their land use activity and impacts.

2067 C. **Sec. 9-303. – Use Standards** apply to all uses, unless specifically noted otherwise in this Section.
2068

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		—	—	—	—
Mobile homes or manufactured homes	—	—	—	—	—
Modular homes			—	—	—
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	C	C	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
Rehabilitative care center	C	—	—	—	—
Residential nursing homes, assisted living facilities, or similar facilities	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
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	—	—	—	—

*Chickens, roosters, peacocks, and other birds are not included in the definition of livestock and are permitted on all sites.

Sec. 9-302.1.2 - Dimensional lot standards summary.

Lots in the residential districts shall follow the dimensional table below; however, where individual on-site sewerage is authorized in lieu of municipal sewer service, lots must maintain a minimum lot size of 2 acres and a minimum frontage (or lot width) of 125 feet regardless of the underlying zoning district designation, as per Part 3 – Health and Sanitation, Chapter 5. – Sewerage Treatment Required, Sec. 3-504. – Community sewerage system required, of the Code of Ordinances of the Town of Abita Springs.

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 area¹	2 acres	10,800 sqft	7,200sqft	3,000 sqft/unit	10,800sqft
Max. lot coverage (with buildings and impermeable pavement)²	60%	50%	50%	60%	60%
Min. interior living space per unit	—	—	—	900 sqft	—
Min. lot width (feet)¹	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

1. Where individual on-site sewerage is authorized in lieu of municipal sewer service, lots must maintain a minimum lot size of 2 acres and a minimum frontage (or lot width) of 125 feet regardless of the underlying zoning district designation, as per Part 3 – Health and Sanitation, Chapter 5. – Sewerage Treatment

Required, Sec. 3-504. – Community sewerage system required, of the Code of Ordinances of the Town of Abita Springs.

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

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

- A. *Purpose.* The purpose of the Conservation Residential (CR) district is to maintain the Town's rural character, conserve natural areas, limit development in floodplains, and enhance and protect environmental quality. District regulations limit commercial activities, require lower density residential development patterns, and permit land uses including fishing, forestry, wildlife preserves, and single family detached homes.
- B. Permitted uses, conditional uses, and prohibited uses in the CR district shall follow the table in **Sec. 9-302.1. – District land use summary and applicable use standards.**
- C. Minimum lot area, dimensions, and yards in the CR district shall follow the table in **Sec. 9-302.2. – Dimensional Lot Standards Summary.**
- D. All uses of land and structures in the CR district shall be subject to the following standards:
1. *Flood zones.* Construction of any structures or alteration of land which occurs in the 100-year flood zone as established by the Federal Emergency Management Agency shall comply with floodplain management requirements of this Code prior to issuance of a building permit.
 2. Land clearing and tree preservation shall be subject to the Tree Removal and Timber Harvesting requirements of this Code.
 3. *Utilities.*
 - a. *Sewer.* On lots without central sewerage facilities, an individual sewer system must meet Department of Health and Human Resources standards and be approved by the St. Tammany Parish Health Department.
 - b. *Water.* On lots without central water facilities, any well must be 50 feet from any sewer disposal unit.
 4. *Use standards.* All uses allowed in this district, including conditional uses, are subject to the use requirements in **Sec. 9-303. – Use Standards** of this Code.
 5. *Development standards.* All structures and sites are subject to **Sec. 9-304 – Development standards** of this Code.

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

- A. *Purpose.* The Neighborhood Residential (NR) district aims to promote a low to moderate density residential land development pattern characterized by single family homes on moderately large lots, limited opportunities for accessory dwelling units when minimum standards are met, as well as compatible neighborhood-oriented uses including, but not limited to recreational, civic, and educational uses.
- B. Permitted uses, conditional uses, and prohibited uses in the NR district shall follow the table in **Sec. 9-302.1. – District land use summary and applicable use standards.**
- C. Minimum lot area, dimensions, and yards in the NR district shall follow the table in **Sec. 9-302.2. – Dimensional lot standards summary.**
- D. All uses of land and structures in the NR district shall be subject to the following standards:

1. *Flood zones.* Construction of any structures or alteration of land which occurs in the 100-year flood zone as established by the Federal Emergency Management Agency shall comply with floodplain management requirements of this Code prior to issuance of a building permit.
2. *Use standards.* All uses allowed in this district, including conditional uses, are subject to the use requirements in **Sec. 9-303. – Use Standards** of this Code.
3. *Development standards.* All structures and sites are subject to **Sec. 9-304. – Development Standards** of this Code.

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

- A. *Purpose.* The purpose of the Traditional Residential (TR) district is to promote a traditional neighborhood layout and support opportunities for more attainable housing stock in Town. It allows limited development of single family detached homes on lots having a minimum lot width of 60' when a part of a previously approved plat that has not been developed.
- B. Permitted uses, conditional uses, and prohibited uses in the TR district shall follow the table in **Sec. 9-302.1. – District land use summary and applicable use standards.**
- C. Minimum lot area, dimensions, and yards in the TR district shall follow the table in **Sec. 9-302.2. – Dimensional lot standards summary.**
- D. All uses of land and structures in the TR district shall be subject to the following standards:
 1. *Flood zones.* Construction of any structures or alteration of land which occurs in the 100-year flood zone as established by the Federal Emergency Management Agency shall comply with floodplain management requirements of this Code prior to issuance of a building permit.
 2. *Use standards.* All uses allowed in this district, including conditional uses, are subject to the use requirements in **Sec. 9-303. – Use Standards** of this Code.
 3. *Development standards.* All structures and sites are subject to **Sec. 9-304. – Development Standards** of this Code.

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

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

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

- A. *Purpose.* The purpose of the Multifamily Residential (MR) district is to accommodate multiple dwelling units within a single building or complex, providing individual living spaces for various residents within one location, such as apartments, condominiums, or townhomes.
- B. Permitted uses, conditional uses, and prohibited uses in the MR district shall follow the table in **Sec. 9-302.1. – District land use summary and applicable use standards.**
- C. Minimum lot area, dimensions, and yards in the MR district shall follow the table in **Sec. 9-302.2. – Dimensional lot standards summary.**
- D. All uses of land and structures in the MR district shall be subject to the following standards:
1. *Flood zones.* Construction of any structures or alteration of land which occurs in the 100-year flood zone as established by the Federal Emergency Management Agency shall comply with floodplain management requirements of this Code prior to issuance of a building permit.
 2. *Use standards.* All uses allowed in this district, including conditional uses, are subject to the use requirements in **Sec. 9-303. – Use Standards** of this Code.
 3. *Development standards.* All structures and sites are subject to **Sec. 9-205. – Development standards** of this Code.

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

The Commercial and Special Purpose Districts in the Town include:

Commercial District (C)

Mixed Use District 1 (MU1)

Mixed Use District 2 (MU2)

Light Industrial District (LI)

Civic District (CV)

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

- A. **Table 9-302.2.1.1.** shows permitted, conditional, or prohibited uses across all commercial and special purpose districts mapped in the Town, where:
1. "P" indicates a permitted use.
 2. "C" indicates a conditional use. Conditional uses must be approved by the Zoning Commission in accordance with the standards and procedures set forth in this Code.
 3. "—" indicates a prohibited use.
- B. When a land use is not specifically listed, the Planning Director may, in accordance with best planning practice, permit a similar use and utilize the rules and standards associated with that listed land use, provided the land uses are demonstrably similar in their land use activity and impacts.
- C. For commercial or industrial enterprises not specifically listed and not similar in impacts and activities to land use that is listed, the applicant may apply for a public hearing before the Planning Commission where the applicant must describe the proposed enterprise's activities and estimated and use impacts, submit information required by the Planning Commission, and address questions from the Commission and the public related to the proposed land use. The Planning Commission shall determine within 90 days of the public hearing:

- 2205 a. If the proposed land use’s activities and impacts are in alignment with the purpose and
2206 intent of the applicable zoning district; and
- 2207 b. If the use is permitted in the zoning district in which is it located; and
- 2208 c. If land use conditions are applicable to the land use.
- 2209 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

LAND USES	ZONING DISTRICTS				
	C Commercial	MU2 Mixed Use 2	MU1 Mixed Use 1	LI Light Industrial	CV Civic
RESIDENTIAL USES					
Single-family dwelling	P	P	P	—	P
Group home	P	C	C	—	P
Duplex	P	P	—	—	P
Townhouse	P	—	—	—	P
Multi-family dwelling	—	—	—	—	P
Modular homes	C	C	—	—	—
Mobile homes or manufactured homes	—	—	—	—	—
“Container homes” or structures using a shipping container as a dwelling unit limited to workforce housing	—	—	—		—
OTHER USES					
Accessory structure	P	P	P	P	P
Accessory dwelling unit	P	P	—	—	P
Church or house of worship	P	P	P	P	P
Fishing, forestry, wildlife preserve	P	P	P	P	P
Garden or agriculture	P	P	P	P	P
Home occupation	P	P	P	—	—
Long-term open-air retail sales	P	C	—	P	P
Livestock*	P	P	P	P	P
Recreational vehicles used for long term housing as a residential unit	—	—	—	—	—
Temporary seasonal uses	P	C	—	P	P
Temporary retail sales, “pop-up markets,” food sales, and outdoor events.	P	C	—	P	P
Timber harvesting	P	—	—	P	P
CIVIC USES					
Airports and related facilities	C	—	—	C	—
Bus or railway stations	P	C	—	P	P
Childcare center	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
Museums, libraries, parks, playgrounds, community centers, dog parks	P	P	P	P	P
Outdoor recreational facilities including golf courses, tennis courts, or a community pool	P	C	—	—	P
Pocket parks under 10,000 sq ft	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 9-302.2.1.1. – Use Table for Commercial and Special Purpose Districts

LAND USES	ZONING DISTRICTS				
	C Commercial	MU2 Mixed Use 2	MU1 Mixed Use 1	LI Light Industrial	CV Civic
School	P	P	P	P	P
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	—	P	P
Bars	P	C	—	P	—
Bed and breakfast	P	P	P	—	P
Motor vehicle repairs and services	P	—	—	P	—
Bicycle repair, sales, and rental services	P	P	—	P	—
Business Park or research campus	P	—	—	P	—
Car washes	P	—	—	P	—
Commercial kitchens or industrial kitchens for food production	P	C	—	P	—
Construction materials sales	P	C	—	P	—
Cemeteries or mausoleums, excluding crematoria	P	—	—	P	P
Drive-through businesses	P	P	—	C	—
EV charging stations - level 1 & level 2	P	P	P	P	P
EV charging stations - level 3 with more than two charging stations	P	P	C	P	P
EV charging stations - level 3 with two or fewer charging stations.	P	P	P	P	P
Event venues or banquet halls <i>Clarification: An event venue or banquet hall may include a commercial kitchen or bar provided the use is secondary.</i>	P	P	—	P	—
Farmer's markets	P	P	—	P	P
Fireworks sale and storage – Permanent storefront	—	—	—	—	—
Fireworks sale and storage – Temporary stand	—	—	—	—	—
Food trucks and food truck compounds	P	C	—	P	—
Funeral homes, excluding crematory services	P	—	—	P	—
Gas stations or convenience stores	P-C	—	—	P	—
Indoor amusement parks or playgrounds	P	P	—	—	C
In-patient clinics, nursing homes, assisted living facilities, long-term care facilities, rehabilitation care centers, or similar uses	P	C	—	P	—
Instructional studios, including dance, martial arts, personal fitness, or skills	P	P	P	P	—
Lawn, garden, or farm supply sales	P	C	—	P	—
Medical offices or outpatient clinics without overnight services under 20,000 square feet in building area	P	C	C	P	—
Medical offices or outpatient clinics without overnight services under 4,000 square feet in building area	P	P	P	P	—

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

LAND USES	ZONING DISTRICTS				
	C Commercial	MU2 Mixed Use 2	MU1 Mixed Use 1	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	—	—
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	—	—	—	—
Boutique hotel (10 rooms or less)	P	P	—	—	—
Motel / hotel (11- 16 rooms)	P	C	—	—	—
Motel / hotel (>16 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	P	—	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
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
Restaurants Clarification: Restaurants may include a bar when such use is clearly incidental and secondary to the restaurant use.	P	P	P	P	—
Retail stores – 6,000 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, offices, mixed-use buildings between 4,000 and 6,000 square feet of building area	P	P	—	P	—
Retail stores under 4,000 square feet of building area	P	P	P	P	—
Boutique clothing, aromatherapy, garden, or gift shop stores under 2,500 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
Small box discount stores	C	—	—	P	—

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

LAND USES	ZONING DISTRICTS				
	C Commercial	MU2 Mixed Use 2	MU1 Mixed Use 1	LI Light Industrial	CV Civic
Standalone parking lots or garage structures	C	—	—	C	C
Telecommunication towers	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 with indoor, short-term kennels or boarding facilities	P	P	—	P	—
Veterinarian offices or animal grooming, training, or boarding facilities with outdoor kennels or long-term pet boarding facilities.	P	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	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	—	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	—

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

LAND USES	ZONING DISTRICTS				
	C Commercial	MU2 Mixed Use 2	MU1 Mixed Use 1	LI Light Industrial	CV Civic
Rubber products manufacturing	—	—	—	—	—
Towing establishments, vehiele storage lots, or junkyards	—	—	—	—	—
Vehicle storage lots	—	—	—	P	—
Warehousing	P	C	—	P	P

2212

2213 *Chickens, roosters, peacocks, and other birds are not included in the definition of livestock and are
 2214 permitted on all sites.

2215 **Sec. 9-302.2.2 - Dimensional lot standards summary.**

2216 A. Lots in the commercial or special purpose districts shall follow the dimensional table below.

2217 **Table 9-302.2.2.1. – Dimensional Table for Commercial and Special Purpose Districts.**

Dimensional Requirement	Zoning Districts				
	C Commercial	MU2 Mixed Use 2	MU1 Mixed Use 1	LI Light Industrial	CV Civic
Min. lot area¹	10,800 sq. ft.	10,800 sq. ft.	10,800 sq. ft.	50,000 sq. ft.	—
Min. lot width (feet)¹	90	90	90	—	—
Min. lot depth (feet)	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	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	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	20 ft.	10 ft.
Max. building height	35 ft. measured from grade to the highest point, including vertical projections	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	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	50 ft.	20 ft. or overlay district requirement, whichever is greater

1. Where individual on-site sewerage is authorized in lieu of municipal sewer service, lots must maintain a minimum lot size of 2 acres and a minimum frontage (or lot width) of 125 feet regardless of the underlying zoning district designation, as per Part 3 – Health and Sanitation, Chapter 5. – Sewerage Treatment Required, Sec. 3-504. – Community sewerage system required, of the Code of Ordinances of the Town of Abita Springs.

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

2227 **Sec. 9-302.2.3. – Commercial District (C).**

2228 A. *Purpose.* The Commercial (C) district aims to provide a range of higher intensity, auto-oriented
2229 commercial uses adjacent to major thoroughfares or other important nodes in Town.

2230 B. *Permitted uses.* Permitted land uses in the C district include those listed in **Sec. 9-302.2.1**, as well as
2231 similar uses having the same or less intense land use impact, as determined by the Director of
2232 Planning.

2233 C. *Dimensional standards.* See **Sec. 9-302.2.2** for dimensional standards for lots and buildings.

2234 D. *Use and development standards.* See **Sec. 9-303 and 9-304** for use and development standards
2235 associated with permitted or conditional uses in this district.

2236 **Sec. 9-302.2.4. – Reserved.**

2237 **Sec. 9-302.2.5. – Mixed Use District 2 (MU2).**

2238 A. *Purpose.* The Mixed Use District 2 (MU2) aims to provide the Town with a mix of medium-scale
2239 neighborhood-oriented uses to enable the development of residential housing, retail shops, offices,
2240 restaurants, and entertainment options to create vibrant, pedestrian-friendly development similar to
2241 those found in small 19th and 20th Century towns. This district is in furtherance of the original
2242 intent of the Midtown Cultural Overlay district to encourage a thriving unique community character
2243 and artisan industry in the Town that offers amenities suited to the needs of Abita Springs residents
2244 and enthusiasts of the Town.

2245 B. *Permitted uses.* See **Sec. 9-302.2.1** for permitted uses.

2246 C. *Dimensional standards.* See **Sec. 9-302.2.2** for dimensional standards for lots and buildings.

2247 D. *Use and development standards.* See **Sec. 9-303 and 9-304** for use and development standards
2248 associated with permitted or conditional uses in this district.

2249 **Sec. 9-302.2.6. – Mixed Use District 1 (MU1).**

2250 A. *Purpose.* The Mixed Use 1 (MU1) district aims to provide the Town with a mix of small-scale
2251 neighborhood-oriented uses to enable the development of residential housing, offices, and
2252 restaurants to create vibrant, pedestrian-friendly development similar to those found in small 19th
2253 and 20th Century towns. This district has fewer permitted uses than the Mixed Use District 2,
2254 because it is designed to be located abutting, within, or in close proximity to residential
2255 neighborhoods.

2256 B. *Permitted uses.* Permitted land uses in the MU1 district include those listed in Sec. 9-302.2.1, as
2257 well as similar uses having the same or less intense land use impact, as determined by the Director
2258 of Planning.

2259 C. *Dimensional standards.* See Sec. 9-302.2.2 for dimensional standards for lots and buildings.

2260 D. *Use and development standards.* See Sec. 9-303 and 9-304 for use and development standards
2261 associated with permitted or conditional uses in this district.

2262 **Sec. 9-302.2.7. – Light Industrial District (LI).**

2263 A. *Purpose.* The Light Industrial District (LI) provides limited space for low-intensity industrial uses
2264 away from residential and mixed use districts. District standards, such as adequate screening,
2265 buffering, and setbacks, aim to reduce potential nuisances to nearby properties.

2266 B. *Permitted uses.* See **Sec. 9-302.2.1** for permitted uses.

2267 C. *Dimensional standards.*

- 2268 1. See Sec. **9-302.2.2** for dimensional standards for lots and buildings.
- 2269 2. In addition to the dimensional standards for lots and buildings, the following buffer and
2270 setback standards apply to: industrial machinery, outdoor storage of equipment or materials,
2271 or buildings with metal facades
- 2272 a. These items must be shielded from view of roads or abutting properties by a solid brick
2273 or masonry fence and/or an opaque vegetative screen (composed of trees and shrubs or
2274 latticed vegetation); and
- 2275 b. These items must have a minimum setback from all property lines of 100 feet.

2276 D. *Use and development standards.* See **Sec. 9-303 and 9-304** for use and development standards
2277 associated with permitted or conditional uses in this district.

2278 E. *Nuisance and environmental standards.*

- 2279 1. All sites and buildings established in the LI district must remain in full compliance with all
2280 required state or federal environmental minimum standards, fire codes, and hazard prevention
2281 practices. If a site is found to be in noncompliance with the terms of any LDEQ, LDH, or
2282 EPA permits, the Town may require the site to immediately cease operations.
- 2283 2. All sites must limit noise from any operations on-site such that no noise perceptible at the
2284 property line is emitted during the hours of 7 pm through 7 am every day. If the Town
2285 receives a noise complaint about a site in the LI District, the property owner of the site
2286 receiving the complaint must provide verified evidence from a third party expert to the Town
2287 indicating that the site is operating in conformance with this requirement. If insufficient
2288 evidence is provided and the property owner fails to make operations compliant with this
2289 Section within 15 days of notice, the site shall be subject to a noise violation, including a
2290 daily penalty or fine of \$250 per day until the noise violation is corrected, with a maximum
2291 penalty of \$3,500 or 14 days of fines.

2292 **Sec. 9-302.2.8. - Civic District (CV).**

2293 A. *Purpose.* The Civic District (CV) provides opportunities for parks, open space, schools, and public,
2294 governmental, or community-oriented land uses. This district provides some flexibility to include
2295 commercial uses or unique sites that serve a public or community purpose.

2296 B. *Permitted uses.* See **Sec. 9-302.2.1** for permitted uses.

2297 C. *Dimensional standards.* See **Sec. 9-302.2.2** for dimensional standards for lots and buildings.

2298 D. *Use and development standards.* See **Sec. 9-303 and 9-304** for use and development standards
2299 associated with permitted or conditional uses in this district.

2300 E. *Nuisance and environmental standards.*

- 2301 1. All sites and buildings established in the Civic District (CV) must remain in full compliance
2302 with all required state or federal environmental minimum requirements, fire codes, and
2303 hazard prevention practices. If a site is found to be in noncompliance with the terms of any
2304 LDEQ, LDH, or EPA permits, the Town may require the site to immediately cease
2305 operations.
- 2306 2. All sites must limit noise from any operations on-site such that no noise perceptible at the
2307 property line is emitted during the hours of 7 pm through 7 am every day. If the Town
2308 receives a noise complaint about a site in the civic district, the property owner of the site
2309 receiving the complaint must provide verified evidence from a third-party expert to the Town

indicating that the site is operating in conformance with this requirement. If insufficient evidence is provided and the property owner fails to make operations compliant with this Section within 15 days of notice, the site shall be subject to a noise violation, including a daily penalty or fine of \$250 per day until the noise violation is corrected, with a maximum penalty of \$3,500 or 14 days of fines. Town sponsored events are exempt from this standard.

Sec. 9-302.3. – OVERLAY DISTRICTS

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

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

B. *Applicability.*

1. *Limited to public street view.* Historic Overlay (HTO) district regulations shall only apply to structures fronting on the public right of way or within 200 feet of the right-of-way.
2. *Base zoning standards apply.* In the HTO district, all uses and buildings shall be developed in accordance with base zoning district requirements. Use of a building in the HTO district shall be governed and administered by the Zoning Commission of the Town.
3. *Certificate of appropriateness (COA) required.* No private building, structure, or edifice, including fences, boundary walls, signs, light fixtures, steps and paving or other appurtenant fixtures *visible from the public right of way*, shall be erected, altered, restored, moved or demolished, nor shall earthworks of historical or archeological importance be excavated or any earth, rock or subsoil removed therefrom if located within the HTO district until after an application for a Certificate of Appropriateness has been submitted to and approved by the Historic District Commission established in **Sec. 9-120** et seq. of this Code, except as otherwise provided in this Chapter or as provided by rules, regulations, policies, procedures and standards adopted by the Historic District Commission.
4. *Compliance required for repair of substantial damage or substantial improvements.* Any structure undergoing repair of substantial damage or substantial improvements, as defined by Chapter 4 – Floodplain Management, of this Code, must comply with the Historic Overlay District regulations in the following ways:
 - a. If the property is in the special flood hazard area, the property must comply with all requirements of Chapter 4 – Floodplain Management of this Code, including elevation to the applicable base flood elevation and using the required foundation design applicable to the site.
 - b. If the property is not in the special flood hazard area, all portions of the building within the proposed scope of improvement or repair must increase compliance with the Historic District Guidelines. For example, if the foundation of the property is intact, but the walls and roof of the structure are being replaced, the new walls and roof design must be compliant with the Historic District Guidelines, but the existing foundation may remain.
5. *Building setbacks are the purview of the Planning Commission.*
 - a. New construction of primary dwellings shall maintain the existing historic pattern of building setbacks, meaning that new construction in the Historic District must have a

front, side, and rear yard setback that matches the prevailing average setback of structures within the adjacent two blocks, even if this average setback is higher than the required setback of the underlying zoning district.

- b. *Clarification regarding setbacks in the Historic Overlay District.* The Planning Commission may grant a variance to the setback requirements of the Historic Overlay District, the Historic District Commission shall not administer the building setback requirements of the Historic District or the Base Zoning District.

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

1. The Historic District Commission shall adhere to and seek compatibility of structures in the HTO district in terms of size, texture, scale and sight plans in accordance with guidelines established herein, and rules and regulations promulgated from time to time by the Historic District Commission.
2. As used in this Section, the term "exterior architectural features" shall be applicable **to all building forms (stick built, modular, and mobile) and** include but need not be limited to the color, architectural style, general design and general arrangement of the exterior of a structure, including the kind and texture of the building material, the type and style of all roofs, windows, doors, light fixtures, signs and other appurtenant fixtures.
3. The style, scale, material, size and location of all signs, including temporary signs and bill posters, within the HTO District shall be subject to the control and supervision of the Historic District Commission.

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

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

- A. *Purpose.* The purpose of the Midtown Cultural District (MCO) is to encourage economic revitalization within the center of Town by taking advantage of the Louisiana Cultural Districts Program, which provides tax credits for the rehabilitation of properties within the district.
- B. *Boundaries.* The Midtown Cultural District of Abita Springs is a certain area of the Town of Abita Springs situated in Section 31 and 36, Township 6 South, Range 12 East, Parish of St. Tammany, State of Louisiana and more particularly described as follows to-wit:

Begin at Northeast corner of Square 1 of the Northwest Division of the Town of Abita Springs which point is on the South right-of-way line of Andrews Street and the Westerly right-of-way line of Live Oak Street. Thence travel northerly along the West right-of-way line of Live Oak Street and its projector to the Abita River, follow the river westerly to Hwy 36, thence in a Westerly direction along the Southern right-of-way Hwy. 36 to its intersection with Gordon Avenue up to a point that is the Northwestern corner of Square 7 of the Northwest Division of the Town of Abita Springs; thence run un an easterly direction along the eastern corner of Square 7 to the southeast corner of Square 7 then continue on a line parallel to Gordon Avenue to a point on the Northern right-of-way line of the Tammany Trace; thence follow said right-of-way line in an easterly direction to the west bank of the Abita River in its meandering in a Southerly direction to its intersection with its Northern right-of-way line of Seventh Street in the Northwest Division of the Town of Abita

2399 Springs; from that point run in a line along the northern line of Seventh Street to its intersection
2400 with Hwy 59; thence crossing Hwy 59 on a line parallel to the Southern right-of-way line of said
2401 Seventh Street thence go a Southerly direction along the Easterly right-of-way line of Fourth Street
2402 in an Easterly direction to its intersection with the Westerly right-of-way line of former Bossier
2403 Avenue (now revoked) thence run in a line crossing Maple Street in a Easterly direction to a point
2404 which is the Southwest corner of Lot 10 Square D Northwest Division in a Southerly direction.
2405 Thence go along the eastern right-of-way line of the former Bossier Avenue (now revoked) to its
2406 intersection north right-of-way line of Andrew Street thence in an easterly direction along the
2407 Northern right-of-way line of Andrew Street to the Western right-of-way line of Live Oak Street
2408 and the point of beginning.

2409 **Sec. 9-302.3.3. – Tammany Trace Overlay (TTO).**

- 2410 A. *Purpose.* The purpose of the Tammany Trace Overlay (TTO) district is to ensure that properties
2411 that abut the Tammany Trace have appropriate setbacks, fencing, and buffers to provide a
2412 consistent, natural viewshed along the bike corridor.
- 2413 B. *Applicability.*
- 2414 1. *Properties abutting the Tammany Trace.* Tammany Trace Overlay (TTO) district regulations
2415 shall only apply to sites directly abutting the Tammany Trace trail or the Trailhead museum.
- 2416 2. *Base zoning standards apply.* In the TTO district, all uses and buildings shall be developed in
2417 accordance with base zoning district requirements.
- 2418 C. *Non-residential sites: Site design and buffer requirements.*
- 2419 1. *Setbacks required.* All new buildings or structures constructed on sites in the TTO district
2420 must have a minimum “untouched” 15-foot setback with natural vegetation between the
2421 closest edge of the trace and the nearest structure or parking area.
- 2422 2. *Landscaping and greenery.* Within the 15-foot setback, landscape buffering shall be provided
2423 to create a consistent, natural area alongside the Trace. Landscaping can include, but is not
2424 limited to trees, shrubs, and other natural greenery. The area shall be maintained and kept
2425 free of trash and debris and landscaping elements shall not be so placed as to impede clear
2426 vision for cyclists or drainage systems in the surrounding area.
- 2427 3. *Consistent fencing.* The following requirements apply to any new fences constructed on the
2428 boundaries of properties in the TTO abutting the Trace:
- 2429 a. The fencing materials used must reflect the traditional historical character of their
2430 surroundings, acceptable materials include wooden slats, wrought iron, metal garden
2431 (scallop or square grid), or metal picket fence or a similar material to those listed here,
2432 subject to Historic Commission approval. Living fences (such as hedges or other
2433 landscaping) are also acceptable materials.
- 2434 b. Fences may be a maximum height of 7 feet, with the exception that wooden fences may
2435 be 6 feet in height with a 2-foot framed lattice top.
- 2436 c. Wood supports measuring 4” by 4” or metal pipe are recommended. Property owners
2437 must maintain the fence with regular painting, repair, or replanting if the fence includes
2438 plant material.
- 2439 d. All nondecorative posts, horizontal posts, cross-members, and similar structural or
2440 unfinished components of the fence must be located on the side of the fence that is not
2441 visible from the Trace.
- 2442 e. All fences in the TTO must be reviewed and approved by the Historic Commission.

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

1. *Setbacks required.* All new buildings or structures constructed on sites in the TTO district must have a minimum 10-foot setback between the closest edge of the trace and the nearest structure.
2. *Consistent fencing.* The following requirements apply to any new fences constructed on the boundaries of properties in the TTO abutting the Trace:
 - a. The fencing materials used must reflect the traditional historical character of their surroundings, acceptable materials include wooden slats, wrought iron, metal garden (scallop or square grid), or metal picket fence or a similar material to those listed here, subject to Historic Commission approval. Living fences (such as hedges or other landscaping) are also acceptable materials.
 - b. Fences may be a maximum height of 7 feet, with the exception that wooden fences may be 6 feet in height with a 2-foot framed lattice top.
 - c. Wood supports measuring 4" by 4" or metal pipe are recommended. Property owners must maintain the fence with regular painting, repair, or replanting if the fence includes plant material.
 - d. All nondecorative posts, horizontal posts, cross-members, and similar structural or unfinished components of the fence must be located on the side of the fence that is not visible from the Trace.
 - e. All fences in the TTO must be reviewed and approved by the Historic Commission.

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

- A. *Purpose.* ~~The purpose of the Resilience Overlay is to ensure that properties subject to flood risk can be used, but are built to withstand flooding conditions without causing threat to life or property. This overlay district applies building standards, but does not change permitted uses in the area.~~ **The purpose of the Resilience Overlay is to ensure that properties subject to flood risk may be developed in a manner that reduces flood damage, protects public safety, maintains natural drainage functions, and promotes flood-resistant and resilient construction practices. The Resilience Overlay establishes additional development and construction standards but does not alter the permitted uses of the underlying zoning district.**

B. *Dimensional standards.*

- 1.** For commercially zoned sites to be subdivided after January 1, 2025, the minimum size for a newly created lot where the base zoning district is Commercial, Mixed Use-**2**, Light Industrial, or Civic is 2 acres. Any existing lots in the Commercial, Mixed Use-**2**, Light Industrial, or Civic base district with the Resilience Overlay that are smaller than 2 acres may remain as platted, but may not be reduced in size through the subdivision process after January 1, 2025. **The two (2) acre minimum lot does not apply to properties zoned residential or Mixed Use 1.**
- 2.** **Requirement for on-site sewer treatment.** Where individual on-site sewerage is authorized in lieu of municipal sewer service, all lots must maintain a minimum lot size of 2 acres and a minimum frontage (or lot width) of 125 feet regardless of the underlying zoning district designation, as per Part 3 – Health and Sanitation, Chapter 5. – Sewerage Treatment Required, Sec. 3-504. – Community sewerage system required, of the Code of Ordinances of the Town of Abita Springs.

C. *Site and building design requirements.*

- 2487 1. *Freeboard required.*
- 2488 a. *Residential units.* All new buildings containing residential units must have the lowest
2489 floor (including basement), elevated to or above the base flood elevation plus two feet
2490 (BFE + 2). This requirement applies to attached garages for residential homes, but does
2491 not apply to open carports, storage sheds without living area, or detached garages
2492 without living area.
- 2493 b. *Nonresidential buildings and accessory structures.* All new commercial, industrial or
2494 other nonresidential structures shall either have the lowest floor (including basement)
2495 elevated to or above the base flood elevation plus two feet (BFE+2) or together with
2496 attendant utility and sanitary facilities, be designed so that below the base flood level
2497 plus two feet, the structure is watertight with walls substantially impermeable to the
2498 passage of water and with structural components having the capability of resisting
2499 hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional
2500 engineer or architect shall develop and/or review structural design, specifications, and
2501 plans for the construction, and shall certify that the design and methods of construction
2502 are in accordance with accepted standards of practice as outlined in this subsection. A
2503 record of such certification which includes the specific elevation (in relation to mean
2504 sea level) to which such structures are floodproofed shall be maintained by the
2505 floodplain administrator.
- 2506 2. Fill limitation and open foundation requirement.
- 2507 a. Lot Grading. Fill may be provided for landscaping and surface drainage as detailed on
2508 a drainage plan to be approved by the Town Engineer. If the Town Engineer determines
2509 that a development site cannot be drained by surface or subsurface drainage, the Town
2510 Engineer may authorize the use of the minimum amount of non-structural fill necessary
2511 to ensure positive drainage in accordance with State law.
- 2512 b. Fill added to sites. In addition to the lot grading provisions above, up to 6 inches of fill
2513 may be placed under the perimeter of the soffit or roof line of structures to achieve
2514 positive drainage from under the structure.
- 2515 c. Grading changes shall not have an adverse impact on adjacent properties in accordance
2516 with State law.
- 2517 d. If a site would need more than 6 inches of fill to construct a building to meet the
2518 elevation requirements (BFE+2), the building must be constructed on an open pier or
2519 piling foundation, which may include enclosures, but cannot include encapsulated fill
2520 or a monolithic slab over 6 inches above grade.
- 2521 e. Detached garages, accessory structures, and driveways. Slabs may be established under
2522 detached garages, accessory structures without habitable area, and driveways or
2523 parking areas, provided that the top of the slab is not greater than 6 inches above
2524 natural grade at any point.
- 2525 f. Fill for all structures (foundations, slabs, parking, drives, accessory structures) shall
2526 taper from the edge of the structure at a slope of 3 horizontal feet for every one vertical
2527 foot (3:1). In any case, this fill shall not extend out from any improvement or
2528 foundation more than 6 feet.
- 2529 e. No fill shall be placed within 5 feet of the property line.
- 2530 2. Fill limitation and open foundation requirement.

- 2531 a. Lot Grading. Fill may be provided for landscaping and surface drainage as detailed on
2532 a drainage plan to be approved by the Town Engineer.
- 2533 i. If the Town Engineer determines that a development site cannot be drained by
2534 surface or subsurface drainage, the Town Engineer may authorize the use of the
2535 minimum amount of non-structural fill necessary to ensure positive drainage in
2536 accordance with State law.
- 2537 b. Fill added to sites. In addition to the lot grading provisions above, up to 6 inches of fill
2538 may be placed under the perimeter of the soffit or roof line of structures to achieve
2539 positive drainage from under the structure.
- 2540 c. Grading changes shall not have an adverse impact on adjacent properties in accordance
2541 with State law.
- 2542 d. If a site would need more than 6 inches of fill to construct a building to meet the
2543 elevation requirements (BFE+2), the building must be constructed on an open pier or
2544 piling foundation, which may include enclosures, but cannot include encapsulated fill
2545 or a monolithic slab over 6 inches above grade.
- 2546 e. Detached garages, accessory structures, and driveways. Slabs may be established under
2547 detached garages, accessory structures without habitable area, and driveways or
2548 parking areas, provided that the top of the slab is not greater than 6 inches above
2549 natural grade at any point.
- 2550 f. Fill for all structures (foundations, slabs, parking, drives, accessory structures) shall
2551 taper from the edge of the structure at a slope of 3 horizontal feet for every one vertical
2552 foot (3:1). In any case, this fill shall not extend out from any improvement or
2553 foundation more than 6 feet.
- 2554 g. The developer may add fill to the subject site, including structural fill in excess of 6
2555 inches of fill under the structures only when a licensed engineer can demonstrate on a
2556 drainage plan that the post-construction site will reduce flood depth from the 1%
2557 chance AEP flood (the 100-year flood) in the area including the subject property and
2558 including each abutting block on all sides of the property.
- 2559 h. No fill shall be placed within 5 feet of the property line.
- 2560 3. Exceptions for freeboard, fill limitation, and open foundation requirements.
- 2561 a. The requirements for freeboard, fill limitation, and open foundation requirements may
2562 be waived for sites that are not at risk of flooding based on:
- 2563 i. Engineering data provided by the property owner indicating an error or higher
2564 quality data than the effective or preliminary FIRM showing the subject area; and
- 2565 ii. an analysis of the St. Tammany and Abita Springs unified development flood
2566 plan.
- 2567 b. In applying this waiver, the Town Floodplain Manager may waive either the freeboard
2568 requirement, fill limitation, or open foundation requirement individually based on the
2569 analysis showing the sites are not at risk of flooding.
- 2570 c. In analysis of sites requesting an exception, the Town Floodplain Manager may request
2571 the assistance of the St. Tammany Parish floodplain manager and/or Engineering staff
2572 from St. Tammany Parish Government.

Sec. 9-303. – USE STANDARDS**Sec. 9-303.1. – Accessory structures on a residential site.**

A. All accessory structures shall meet the following minimum requirements provided for in this Section:

1. On lots of less than 2 acres, the total gross square footage of all accessory structures must not exceed the total gross square footage of the main structure and shall not exceed a height of 20 feet or the height of the main structure, whichever is greater.
2. On lots of 2 acres or more, the total square footage of accessory structures must not exceed 7 percent of the total square footage of the lot, and shall not exceed a height of 35 feet.
3. An accessory structure shall be not less than 5 feet from the main building.
4. No accessory structure shall be closer than 5 feet to the nearest property line on the lot it occupies. No accessory structure can be located in the front yard or the side yard of a corner lot facing the street.
5. Any addition to an accessory structure or accessory dwelling unit shall be considered part of that structure and be subject to square footage and height restrictions outlined in this Section.
6. Any addition to the primary residential dwelling on a lot shall be considered part of that structure and not an accessory structure.
7. An accessory structure can be connected to the main structure by a breezeway that shall not be less than 5 feet in distance from wall to wall and the roof no more 6 feet wide. The sides must remain open.

B. Accessory dwelling units shall meet the following requirements:

1. All requirements of **Sec. 9-303.1.A.**;
2. For each primary residential dwelling, only one accessory dwelling unit may be permitted on the same site in accordance with this Section. **A second accessory dwelling unit may be allowed with a Conditional Use approval provided the site is at least one (1) acre in total area and the proposed unit meets all of the requirements for accessory dwelling units.**
3. The accessory dwelling unit must include at least 300 square feet of living space and be no larger than one-half the size of the primary residential dwelling. Measurement of the primary dwelling shall be calculated based upon the footprint of the structure excluding any porches, decks, or similar exterior or outdoor structural features.
4. All proper documents required by any governmental agency shall be required prior to the tie-in to an individual sewer treatment facility. Upon meeting all requirements set out herein an accessory dwelling unit may be allowed a separate utility service.

Sec. 9-303.2. – Animal-related uses.

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

- A. A structure may be erected for a private stable, pen, barn, shed, or silo for raising, treating and/or storing products raised on the premises. This structure may not include a dwelling unit.
- B. Standing under roofed stables must be made of a material that provides for proper drainage so as not to create offensive odors, fly breeding, or other nuisances.

- 2613 C. Fences for pens or similar enclosures must be built with sufficient height and strength to retain the
 2614 animals. No pen, fence, or similar enclosure may be closer than 20 feet to an adjacent property line.
 2615 The widths of alleys, street rights-of-way, or other public rights-of-way may be used to calculate
 2616 the 10-foot requirement.
- 2617 D. The regulations for this land use do not apply to government agencies, governmentally supported
 2618 organizations, or educational agencies that keep and maintain animals' health, research, or similar
 2619 purposes, nor do these regulations apply to special events such as circuses and livestock exhibitions
 2620 which are otherwise regulated.
- 2621 E. In addition to the Town noise ordinance, Sec. 7-404. - Disturbing the peace, no animal-related use
 2622 may house animals that present a repeated or constant noise nuisance. Any complaints about a
 2623 specific site housing animals making excessive noise may be presented to the Town Planning and
 2624 Zoning Office and the subject site must present proof that the source of the excessive noise has
 2625 been mitigated. If the site receives repeated complaints, the issue may be referred to the Mayor's
 2626 Court.
- 2627 F. Livestock. Livestock must be provided with an enclosure preventing their escape, and shall not be
 2628 over-crowded such as to endanger public health and safety. If the Town administration suspects a
 2629 site of over-crowded livestock conditions, the Town administration shall refer the complaint to the
 2630 St. Tammany Parish Department of Animal Services (DAS) and/or to the State of Louisiana for
 2631 further investigation.
- 2632 G. Allowed animals and minimum lot size thresholds. In addition to those standards listed above in
 2633 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*	Additional standards applicable
Pets (companion animals)	All zoning districts	N/A	N/A	N/A
Chickens, roosters, peacocks, and all birds	All zoning districts	N/A	25 ft. from all property lines	1. Chickens are only permitted for non-commercial use. 2. Bird 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 permitted use tables	1 acre	N/A	N/A

* Note: Animal pens, coops, stables, kennels, and any manure storage must adhere to these setbacks.

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

- A. The following activities shall not be performed in conjunction with any auto repair service station, inclusive of both “automotive body and paint repair” and “automotive repair and maintenance” uses defined in this Code:
1. Outdoor repairs, including changing of oil and lubrication of automobiles.
 2. Painting and body work on automobiles, which must only be conducted within a closed building that is designed for painting safety.
 3. Outdoor storage of automotive parts.
 4. The outdoor storage of wrecked or abandoned vehicles.
 - a. If an operable or wrecked motor vehicle remains outside on the premises for more than 24 hours, the premises shall be considered an outside salvage or reclamation use.
 - b. However, a premises is not an outside salvage or reclamation use if the premises stores inoperable or wrecked motor vehicles each of which having a valid state registration, current safety inspection certificate, and documentary record of pending repairs or other disposition.
 - c. All vehicles shall be screened from public view by a 100 percent, 6 foot non-living or 70 percent living screen. Objects shall be stored at a minimum of 5 feet from this screen.
 5. Sale of 2 or more automobiles, trailers, trucks, tractors, boats, or any other similar commodity.

Sec. 9-303.4. – Bed and breakfasts.

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

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

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

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

Sec. 9-303.6 – Gas stations and convenience stores.

- A. Purpose.** The purpose of these standards is to allow neighborhood-serving fuel sales and convenience retail while minimizing impacts related to traffic, lighting, noise, drainage, and adjacent residential uses.
- B. Minimum standards.** Gas stations and convenience stores must comply with all of the following:
- a.** The use shall be located on an arterial or collector roadway.
 - b.** The minimum lot size shall be one (1) acre.
 - c.** Fuel pump islands, canopy structures, parking areas, and drive aisles shall be located a minimum of fifty (50) feet from any residentially zoned property line.
 - d.** A landscaped buffer at least twenty (20) feet in width shall be provided adjacent to any residentially zoned property and shall include:
 - i.** An opaque fence or wall a minimum of eight (8) feet in height; and
 - ii.** Vegetative screening.
 - e.** Outdoor speakers, intercoms, or amplified sound systems shall not be oriented toward residential properties.
 - f.** All exterior lighting shall be fully shielded, directed downward, and designed to prevent glare onto adjacent properties and public rights-of-way.
 - g.** Truck stops, truck fueling centers, and overnight parking of commercial vehicles is prohibited.
 - h.** Loading areas, service areas, mechanical equipment, and refuse collection areas shall be screened from public streets and adjacent residential properties.
 - i.** Fuel storage tanks, dispensing equipment, and associated facilities shall comply with all applicable federal, state, and local regulations.
 - j.** Shared driveways, cross-access easements, frontage roads, reduced curb cuts, or other access management measures may be required to reduce traffic conflicts and improve roadway safety.
 - k.** The use shall comply with all applicable drainage, floodplain, stormwater management, and utility requirements.
 - l.** When adjacent to a residential zoning district, customer access and business operations shall be limited to the hours of 7:00 a.m. through 9:00 p.m.
 - m.** No new gas station or convenience store with fuel sales shall be established within one (1) mile, measured as five thousand two hundred eighty (5,280) feet, of the property line of another gas station or convenience store with fuel sales.
 - n.** Existing legally established gas stations and convenience stores that do not comply with one or more provisions of this Section shall be deemed legal nonconforming uses and may continue operation in accordance with Sec. 9-105.
 - o.** Existing legally established gas stations and convenience stores may be renovated, repaired, reconstructed, or redeveloped on the same site, provided such activity does not increase the degree of nonconformity. New construction and site improvements shall comply with applicable building, drainage, landscaping, buffering, lighting, and access

2714 management requirements to the greatest extent practicable, as determined by the
2715 Planning Director.

2716 **Sec. 9-303.76. – Group homes and rehabilitative care centers.**

2717 A. Requirements for group homes:

- 2718 1. New group homes must be located a minimum of 2,000 feet from any existing group home or
2719 rehabilitative care center. This distance shall be measured radially from all lot lines of the
2720 subject sites.
- 2721 2. Lot area requirements, setbacks, and any other dimensional or design requirements of the
2722 base zoning district or overlay district shall apply to group homes.
- 2723 3. A minimum of 350 square feet of habitable floor area must be provided for each resident.

2724 B. Requirements for rehabilitative care centers:

- 2725 1. New rehabilitative care centers must be located a minimum of 4,000 feet from any existing
2726 group home or rehabilitative care center. This distance shall be measured radially from all lot
2727 lines of the subject sites.
- 2728 2. Lot area requirements, setbacks, and any other dimensional or design requirements of the
2729 base zoning district or overlay district shall apply to rehabilitative care centers.

2730 **Sec. 9-303.78. – Home occupations on a residential site.**

2731 A. Home occupations shall be permitted on a residential site, provided the home occupation
2732 demonstrates compliance with all of the following minimum standards:

2733 1. **Permit required.** The following home occupations and residential business activities must
2734 obtain an approved Home Occupation Permit prior to operation:

- 2735 a. **Childcare, daycare, or homeschooling services;**
- 2736 b. **Music lessons, tutoring, dance instruction, fitness instruction, or similar**
2737 **instructional activities involving visitors to the site;**
- 2738 c. **Beauty salons, barber shops, nail salons, massage therapy, esthetician services, or**
2739 **similar personal service businesses;**
- 2740 d. **Animal grooming, boarding, training, breeding, or veterinary-related services;**
- 2741 e. **Catering businesses, cottage food operations involving customer pickup, or other**
2742 **food preparation businesses involving customer visits or recurring deliveries;**
- 2743 f. **Contractor businesses involving the storage of commercial vehicles, trailers,**
2744 **construction equipment, materials, or supplies on the site;**
- 2745 g. **Landscaping, lawn care, pressure washing, pest control, or similar businesses**
2746 **involving commercial equipment or vehicles stored on the property;**
- 2747 h. **Photography studios or art studios involving customer visits to the property;**
- 2748 i. **Any home occupation employing individuals who do not reside on the premises;**
- 2749 j. **Any home occupation involving regular customer traffic, recurring deliveries, or**
2750 **more than four (4) customer visits per day.**

2751 2. **Licensing, minimum qualifications and standards.** As applicable, home occupations
2752 requiring local, state, or federal licensing shall maintain all required licenses and

approvals. Issuance of a Home Occupation Permit or occupational license by the Town does not constitute certification, endorsement, or verification of compliance with state or federal regulations.

3. Generally. All of the following general standards apply to all home occupations unless otherwise specified in this section:

- a. All on-site business activities must be conducted **entirely within** ~~inside~~ the dwelling and such business activities must be incidental and secondary to the use of the dwelling.
- b. **Retail sales are prohibited as a home occupation. This prohibition includes storefront sales, customer pickup of merchandise, product showrooms, inventory display areas, and similar retail activities conducted from a residential property.**
- c. **Sales conducted exclusively through the internet or other remote means may be permitted as a home occupation, provided that no customer visits occur, no merchandise is displayed for customers, no customer pickup is provided, and the activity complies with all applicable home occupation standards of this Code.**
- d. The dwelling used for the home occupation must be the principal residence of the resident conducting the home occupation.
- e. A home occupation shall not generate noise, solid waste, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in a residential dwelling.
- f. No outside storage or display of **commercial** materials, merchandise, inventory, **vehicles**, or heavy equipment is permitted.
- g. No bulk storage, assembly, **fabrication**, or manufacturing of products is allowed on the site.
- h. A maximum of **twenty-five (25)** percent of the building's floor area shall be used for the home occupation.
- i. If a home occupation includes lessons or a service provided to ~~a~~-visitors, ~~(ex: including, but not limited to~~ music lessons, **tutoring, personal services, or instructional activities**, ~~retail sales), only four customers may be present at any time and~~ such activities must take place between ~~7~~**9**:00 a.m. and 7:00 p.m.
- j. **The residence shall maintain the appearance and character of a single-family dwelling and no exterior alterations shall be permitted that substantially change the residential appearance of the structure.**
- k. **No commercial buses or passenger vans designed to carry more than fifteen (15) persons shall be stored on the property.**
- l. **A minimum of one (1) extra parking space shall be provided for all home occupations that involve parking, loading, pick-up, drop off, or client or student appointments. Should there be a reasonable expectation that additional parking or loading requirements may be necessary, the Planning Director may require a traffic management or pickup and drop-off plan for uses generating recurring congestion complaints or documented neighborhood impacts. Upon review, the Planning Director may require additional parking spaces or modifications to limit negative impacts to the surrounding area.**
- m. **Vehicles parked or queuing associated home occupation activities must not obstruct traffic circulation, streets, sidewalks, drainage ditches, neighboring driveways, or mail delivery.**

2797 **4. *Childcare services.*** Childcare services may be provided in a single-family residence for no
2798 more than 6 children at any one time excluding those children residing in the dwelling,
2799 **provided all of the following minimum standards are met:**

2800 **a. No outdoor amplified music, loudspeakers, or public address systems are proposed**
2801 **or allowed on site.**

2802 **b. Indoor childcare services may be provided between the hours of 6:30 a.m. and 7:00**
2803 **p.m.**

2804 **c. Outdoor activities associated with childcare services shall be limited to the hours of**
2805 **8:00 a.m. to 7:00 p.m.**

2806
2807 **Sec. 9-303.89. – Long-term open-air retail sales.**

2808 This Section sets forth general performance standards for retail sales from vehicles or tents in parking lots
2809 or open air sites that last over 3 months.

2810 A. *Permit required.* The retailer proposing open-air sales must apply for a permit with the Planning
2811 and Zoning Department. The permit application must include the following:

2812 1. Contact information for the vendor and the property owner where the open-air retail sales is
2813 proposed to take place. The applicant for the long-term open-air retail sales use must have a
2814 contract or lease with the property owner allowing them to operate on the site.

2815 2. A site plan showing:

2816 a. All existing parking areas, including any parking areas that will be used by vendor
2817 stands or activities;

2818 b. Proposed location of all tents or structures to be placed on the site;

2819 c. Location and description of any cooking facilities, open flames, grills, propane tanks,
2820 or other flammable substances proposed;

2821 3. Occupational license for the vendor;

2822 4. Food safety certificate for each food vendor, if applicable;

2823 5. A trash and cleanup plan for the site;

2824 6. Traffic and circulation plan for the subject site; and

2825 7. Permit fees as determined by the Planning and Zoning Department.

2826 B. *Renewal.* A long-term open-air retail sales use must initially apply for a one-month permit and must
2827 renew their permit every 6 months thereafter. If the Town receives complaints about an open-air
2828 retail sales use, the Town may require the use to cease operations or may decline to renew the
2829 permit.

2830 C. *Noise.* Speakers or amplifiers may not be used on the site.

2831 D. *Alcoholic beverages.* No alcoholic beverages shall be permitted.

2832 E. *Signage.* Any signs proposed for a long-term open-air retail sales site must be submitted through a
2833 separate sign permit request and if they are in the Historic District, such signs must be issued a
2834 COA prior to their installation.

Sec. 9-303.10. – Microbreweries.

- A. *Wastewater treatment requirements.* Microbreweries shall comply with all applicable local, state, and federal wastewater regulations. Where required by the Town or its wastewater utility provider, microbreweries shall install and maintain on-site pretreatment systems to ensure that discharged wastewater does not adversely impact the public sewer system. The Town may require submission of wastewater discharge information, including anticipated flow and pollutant characteristics, as part of the development review process, and may condition approval on the implementation of appropriate pretreatment measures.

Sec. 9-303.911. – Manufactured housing or mobile homes.

- A. No manufactured home or mobile home shall be placed within the Town, except those legally existing prior to January 1, 2026, such existing mobile homes may be replaced only in the instance of a disaster or force majeure, per Section 9-214 Nonconformities of this code and must be replaced within a 12 month period following the disaster or force majeure. This prohibition shall not apply to unoccupied camper trailers or recreational vehicles located adjacent to, or in close proximity to a fixed residential structure that structure is owned by or is in the possession of the owner of said recreational vehicle. The standards herein provide requirements for manufactured homes or mobile homes even though such uses are not allowed, and these regulations will apply in the instance that any Town Board or Body permits the placement of a manufactured or mobile home.
- B. Manufactured homes placed in the Town after June 2025 must comply with the following:
1. The prefabricated, including type, home must be permitted in the base zoning district where it is located.
 2. The manufactured or mobile home must comply with all applicable codes set forth in the United States Department of Housing and Urban Development's "Manufactured Home Construction and Safety Standards" (24 CFR Part 3280), and must have a current HUD Label. The manufactured or mobile home must meet the wind zone requirements for its proposed location.
 3. The manufactured or mobile home must be no older than 20 years old, measured from the date of manufacture to the date of placement.
 4. The manufactured or mobile home may not have a metal roof or visible metal siding.
 5. Manufactured or mobile homes must be placed on a permanent foundation (on footings or piers) and must conform with all applicable floodplain requirements. The foundation must be skirted or concealed from view using lattice or building façade materials. The skirting may not be metal or chain link fencing.
 6. The wheels and tongue of the manufactured or mobile home must be removed prior to building permit inspections.

Sec. 9-303.12. – Modular housing.

- A. Modular homes are subject to the following conditions, **where no permit shall be issued unless and until all of the following minimum standards are met:**
1. Modular homes must be constructed in compliance with all applicable state and local building standards (IBC / IRC). All required inspections for a typical permanent foundation ("stick-built" home) shall also apply to the construction of a modular home. Any structure that is regulated by the HUD code or National Manufactured Housing Construction and Safety Standards Act of 1974 is NOT considered a modular home and is considered a manufactured or mobile home.

- 2879 2. ~~Modular homes~~ The dwelling shall be installed on a permanent foundation and
2880 connected to approved utility services in accordance with all applicable codes and
2881 regulations.
- 2882 3. The principal entrance of the modular home must include a covered ~~front~~ porch with a
2883 minimum depth of 7 feet.
- 2884 4. Modular homes must follow all dimensional, architectural, façade, and design standards
2885 of the zoning district in which they are located and any modular homes proposed in the
2886 Historic Overlay (HTO) district must apply for and receive a Certificate of Appropriateness
2887 prior to construction on the site.
- 2888 5. Modular homes located outside of the Historic District Overlay (HTO) must not employ
2889 the ~~utilize~~ ~~use of visible~~ corrugated metal siding, exposed ribbed metal panels, or similar
2890 industrial or metal wall panels ~~siding~~ as a façade material visible from the street. and must
2891 have a minimum of 2 windows on each façade.
- 2892 6. Modular housing located outside of the Historic Overlay (HTO) District shall have a
2893 roof pitch of not less than 4:12.
- 2894 7. Each street-facing façade shall contain a minimum of two (2) windows.

2895 **Sec. 9-303.13. – Motor vehicle and boat sales and rental.**

- 2896 A. A site plan of the use must be approved by the Director of Planning. At a minimum, this plan shall
2897 include the following information:
- 2898 1. Location of all structures on the site.
- 2899 2. Proposed traffic movements and point of ingress and egress, including parking and sight
2900 triangles.
- 2901 3. Location and coverage of lighting, signage, and fencing; including materials, textures, and
2902 colors to be used on all surfaces.
- 2903 4. Pedestrian access to adjacent sites.
- 2904 5. Approved landscape plan.
- 2905 6. Approved layout of parking area for vehicles for sale and/or lease.
- 2906 7. Any additional information as determined by the Director of Planning.
- 2907 B. A minimum lot area of 20,000 square feet shall be required.
- 2908 C. Areas used for storage of vehicles or water-craft to be serviced shall be screened with opaque
2909 fencing and/or landscaping.

2910 **Sec. 9-303.14. – Outdoor display of pre-assembled accessory buildings, pools, or**
2911 **playground equipment.**

- 2912 A. Display or storage of building, pool, or playground equipment is prohibited within the required
2913 parking area and within required landscape areas.
- 2914 B. Display of portable storage containers is not allowed on site.

2915 **Sec. 9-303.15. – Outdoor salvage yards.**

- 2916 A. Must be screened from public view along the front, sides and rear by a 100 percent opaque 8-foot-
2917 tall screen consisting of wood, solid masonry, concrete, or other material as approved by the
2918 Planning and Zoning Director.
- 2919 B. The owner of an outside salvage or reclamation use shall not stack objects higher than 8 feet high
2920 within 40 feet of the visual screen.
- 2921 C. If an inoperable or wrecked motor vehicle remains outside on the premises for more than 24 hours,
2922 the premises shall be considered an outside salvage or reclamation use and subject to violation.
2923 However, a premises is not an outside salvage or reclamation use if the premises stores inoperable
2924 or wrecked vehicles each having a valid state registration, current safety inspection certificate, and
2925 documentary records of pending repairs or other disposition.
- 2926 D. A minimum distance of 200 feet is required between an outside salvage or reclamation use and a
2927 residential district.

2928 **Sec. 9-303.16. – Parking garages.**

- 2929 A. The perception of the bulk (or mass) of a parking garage as seen from the street must be minimized
2930 by orienting the garage so that its short dimension is along the edge of the street frontage of the lot.
- 2931 B. The parking garage must include retail or other appropriate uses at the ground level and/or along no
2932 less than 60 percent of the linear frontage abutting a street, parking area, or open space.
2933 Alternatively, the parking garage shall be located behind another principal building.
- 2934 C. Any remaining portions of the façade not devoted to retail or other appropriate uses shall
2935 incorporate one or more of the following devices to screen the view of parked cars:
- 2936 1. Ornamental grillwork (plain vertical or horizontal bars are not acceptable);
- 2937 2. Decorative artwork, such as metal panels, murals, and mosaics; and/or
- 2938 3. Display windows for use by nearby merchants.
- 2939 D. Vehicular entrances shall be designed to incorporate architectural elements that frame the opening,
2940 such as an arch, lintels, pilasters, masonry trim, planters, or ornamental lighting.
- 2941 E. Where the dimensions of the parcel proposed for development do not accommodate building
2942 frontage as set out above, parking structures and vehicle entrances shall be designed to minimize
2943 views into the garage from surrounding and adjacent properties, streets, and sidewalks. Methods to
2944 help minimize such views may include, but are not limited to, landscaping, planters, masonry walls
2945 up to 42 inches in height, and decorative grilles and screens. The frontage along the garage shall
2946 include street furniture at intervals of not more than 40 feet.
- 2947 F. Parking structures shall be architecturally consistent with exterior architectural elements of the
2948 principal structure or adjacent traditional buildings, including rooflines, façade design, articulation,
2949 modulation and finish materials.
- 2950 G. Parking structure façades shall have brick cladding or a combination of brick and other masonry
2951 and have regularly spaced square, rectangular, or arched openings.
- 2952 H. Security grilles for parking structures shall be architecturally consistent with and integrated with the
2953 overall design. Chain link fencing is not permitted for parking structure fencing.

Sec. 9-303.17. – Schools, churches, houses of worship, assembly buildings, and other institutional uses.

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

Sec. 9-303.18. – Short term rentals.

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

- 2997 5. Short-term rentals shall not be operated outdoors or in a recreational vehicle.
- 2998 6. Short-term rentals use shall be limited to residential dwelling units existing and constructed
- 2999 as of the date of application for the short-term rental permit.
- 3000 7. Short-term rental dwellings shall meet all applicable building, health, fire, and related safety
- 3001 codes at all times and shall be inspected by the fire department before any short-term rental
- 3002 activity can occur. Each bedroom shall contain a smoke detector and a carbon monoxide
- 3003 detector.
- 3004 8. A minimum of one on-site parking space shall be provided for use per bedroom used by the
- 3005 short-term rental occupants. Vehicles shall be parked in the designated area onsite and shall
- 3006 not be parked on the street.
- 3007 9. The short-term rental shall appear outwardly to be a residential dwelling. No exterior signage
- 3008 or other exterior evidence that the property is used for short-term rental shall be permitted
- 3009 except for a sign not more than 4 square feet showing the name of the house.
- 3010 10. Use of the short-term rentals for commercial functions, ceremonies, and/or other special
- 3011 events shall be prohibited.
- 3012 11. The owner shall ensure that the occupants and/or guests of the short-term rental use do not
- 3013 create unreasonable noise or disturbances, engage in disorderly conduct or violate provisions
- 3014 of this Code or any state law pertaining to noise, disorderly conduct, the consumption of
- 3015 alcohol, or the use of illegal drugs or be subject to fines and penalties levied by the Town up
- 3016 to and including revocation of the short-term rental permit.
- 3017 12. The owner, upon notification that occupants and/or guests of his or her short-term rental use
- 3018 have created unreasonable noise or disturbances, engaged in disorderly conduct or committed
- 3019 violations of this Code or state law pertaining to noise, disorderly conduct, the excessive
- 3020 consumption of alcohol or the use of illegal drugs, shall prevent a recurrence of such conduct
- 3021 by those occupants or guests or be subject to fines and penalties levied by the Town up to and
- 3022 including revocation of the short-term rental permit.
- 3023 13. The owner shall maintain an occupational license and pay all occupancy taxes required by
- 3024 law, including but not limited to state sales tax and hotel/motel occupancy tax.
- 3025 14. No food service shall be provided by the owner or anyone on his behalf.
- 3026 C. *Permits.* Prospective owner-applicants of a short-term rental shall apply for an annual permit with
- 3027 the Planning Director in accordance with the provisions of this Section and on a form provided by
- 3028 the Town. The application must be approved by the Zoning Commission. A short-term rental
- 3029 permit is a privilege, not a right, and may be revoked or not renewed based on non-compliance with
- 3030 the requirements provided herein.
- 3031 1. The application shall be accompanied by the short-term rental permit fee as set forth herein to
- 3032 cover the administrative costs of issuing a short-term rental permit and, but not limited to,
- 3033 inspecting the following information:
- 3034 a. The name, address, and phone number of the applicant, and verification that the
- 3035 applicant is the owner of the property, including proof of homestead exemption for all
- 3036 properties located in eligible residential districts;
- 3037 b. The assessor's parcel number of the lot on which the short-term rental use is proposed;
- 3038 c. A site and floor plan identifying the location of parking on the site and the location of
- 3039 any bedrooms to be used for short-term rental use;

- 3040 d. Evidence that the property has current, valid liability insurance of \$500,000.00 or more
3041 with proof that such coverage includes use as a short-term rental property; and
- 3042 e. Acknowledgment of compliance with all regulations pertaining to the operation of a
3043 short-term rental.
- 3044 2. The permit term for all short-term rental permits shall run from January 15 to January 14 of
3045 each year, regardless of when issued. All permits must be renewed annually.
- 3046 3. There shall be no more than 15 short-term rental permits issued by the Town annually.
- 3047 4. The annual permit fee for a short-term rental permit shall be \$~~250.00~~500.
- 3048 5. Any fraud, material misrepresentations, or false statements contained in the attestations,
3049 required documentation, or correlating application materials shall be grounds for immediate
3050 revocation of a short-term rental permit. Furthermore, all requirements herein shall be
3051 continuously maintained throughout the duration of the permit.
- 3052 D. *Violations.* Any violation of this Section and the correlating provisions in this Chapter may subject
3053 a violator to any remedy, legal or equitable, available to the Town. Violations include but are not
3054 limited to: advertisement or rental of a short-term rental without proper permitting, operation
3055 outside the scope of any of the applicable short-term rental regulations provided by law and
3056 advertising a short-term rental outside the permitted scope of a short-term rental permit. The
3057 Planning Director may suspend, revoke or not renew any permit issued pursuant to this section if
3058 the he or she determines that the permit holder has violated any provision of this Section, two or
3059 more times. Remedies include but are not limited to: revocation of a short-term rental permit, daily
3060 fines, and property liens, as more fully provided in **Sec. 9-212. - Enforcement** of this Chapter.
3061 Each day of violation shall be considered a separate offense. Nothing contained herein shall be
3062 construed to limit the legal remedies available to any other person for the correction of violations of
3063 this Section.

3064 **Sec. 9-303.19. – Small box discount stores.**

- 3065 A. *Context.* According to the U.S. Department of Agriculture, dollar store openings have a negative
3066 impact on independent grocery stores, causing grocery stores to be 2.3% more likely to close, while
3067 reducing employment by 3.7%, and reducing sales by 5.7%, which is amplified in rural locations.
3068 As a result, local governments across the country have imposed additional regulations and distance
3069 requirements to mitigate such impacts.
- 3070 B. *Authority.* The Council has the authority and responsibility to provide for the orderly and safe
3071 development of property in the Town of Abita Springs.
- 3072 C. No small box discount store shall be located within 10,000 feet of any other small box discount
3073 store measured radially from the property line.

3074 **Sec. 9-303.20. – Snowball stands.**

- 3075 A. Snowball stands not exceeding 250 square feet in area shall be permitted in commercial or mixed
3076 use districts, provided they conform with all of the following regulations:
- 3077 1. The structure shall not encroach upon any required planting areas.
- 3078 2. All such structures shall be setback at least 10 feet from any lot line that abuts a public street
3079 right-of-way.
- 3080 3. Permanent off-street parking shall not be required.

- 3081 4. Any snowball stand that is permitted by this Section may not be used to sell any item other
3082 than snowballs and related ice cream items.

3083 **Sec. 9-303.21. – Telecommunication towers.**

- 3084 A. Wireless facilities are limited to the installation of antennas on existing structures or upon newly-
3085 constructed buildings that are not telecommunication towers, and the construction of monopole
3086 towers and related antennas and wireless transmission and relay equipment. Self support lattice and
3087 guyed towers shall be strictly prohibited in the Town of Abita Springs. In the case of the
3088 construction of any new monopole towers, the following requirements shall apply:

- 3089 1. Monopole towers shall:
- 3090 a. Not exceed 200 feet in tower height.
- 3091 b. Ensure a minimum of 750 feet of separation between towers.
- 3092 c. Ensure a minimum of 500 feet distance from any public street or road of record.
- 3093 d. Ensure a minimum distance from any adjacent residential zoning district to be no less
3094 than the height of the tower.
- 3095 2. Tower height shall be measured as the distance from the ground elevation from the base of
3096 the telecommunication tower to the top of the telecommunication tower or any attached
3097 wireless transmission and relay equipment.
- 3098 3. All towers shall have the capacity to permit multiple users. At a minimum, monopole towers
3099 shall be able to accommodate 2 carriers.
- 3100 4. Request for building permits to construct new monopole towers will require the applicant to
3101 request a public hearing before the Planning Commission and a final vote of approval by the
3102 Town Board of Alderman, and require the applicant to provide the following with its
3103 application:
- 3104 a. One copy of the typical specifications for the proposed structure and antenna, including
3105 description of design characteristics and materials.
- 3106 b. A site plan drawn to scale showing property boundaries, tower location, tower height,
3107 existing structures, photographs or elevation drawings depicting the typical design of
3108 proposed structures, parking, fences and landscape plan.
- 3109 c. A survey from a licensed land surveyor or civil engineer indicating the distance from
3110 any existing residential land uses and districts, adjacent property, streets and roads to
3111 the wireless facility.
- 3112 d. A certificate from a licensed engineer of capacity by type and number of the
3113 communication tower, and a certification that the tower is designed to withstand winds
3114 in accordance with ANSI/EIA/TIA 222-F, latest revision, standards.
- 3115 e. Written authorization from the site owner allowing the applicant to submit the
3116 application.
- 3117 f. Certification by the applicant that the proposed activity is in compliance with Federal
3118 Aviation Administration (FAA) requirements.
- 3119 5. The Town Board of Alderman may only approve a new monopole after reviewing a
3120 determination of need and acceptance of the following information and justification provided
3121 by the applicant:

- 3122 a. Propagation study demonstrating the need for the additional monopole tower and
3123 inability to use the following existing sites.
- 3124 i. Existing water towers within the Town limits.
- 3125 ii. Existing telecommunications towers within Town limits; and
- 3126 iii. Other existing structures of sufficient height within the Town limits.
- 3127 b. Existing structures may not be used only if a minimum of 3 of the following criteria are
3128 met.
- 3129 i. Structural capacity of the existing structure;
- 3130 ii. Geographical service area requirements;
- 3131 iii. Radio frequency interference;
- 3132 iv. Mechanical or electrical incompatibility;
- 3133 v. Restrictions or limitations of the Federal Communications Commission that
3134 would preclude the shared use of the structure;
- 3135 vi. Unwilling or unreasonable terms imposed by the owner of the structure; and
- 3136 vii. Any other information that would demonstrate the need for a new monopole
3137 tower.
- 3138 6. The Town may, at its sole discretion and at the expense of the applicant, retain the services of
3139 an independent expert in the field to review the information submitted by the applicant. The
3140 independent expert may request additional information that shall be deemed to be a
3141 requirement of the application and formulate a recommendation to the Town. No hearing or
3142 permit may be issued until such time as the recommendation of the independent expert is
3143 reviewed and accepted by the town.
- 3144 In the event the Town deems it necessary to obtain an independent expert, the Town shall
3145 obtain a proposal from the expert and obtain payment for the cost of the expert prior to
3146 processing the application. The application shall be processed once payment is received.
3147 Once the application is complete, the Town shall obtain a closing statement from the
3148 independent expert outlining the cost; any increase in cost from the initial proposal shall be
3149 paid by the applicant to the Town prior to issuance of the building permit, in addition to the
3150 assessed impact fee.
- 3151 7. *Impact fees.* It is the intent of the Town that new development of cellular and PCS facilities
3152 shall bear a cost based upon the visual and aesthetic impacts caused by those facilities when
3153 constructed. The impact fees in this Section are based upon the determination by the Town of
3154 a fair and equitable assessment for such facilities so that the Town may make other
3155 improvements as the Mayor and Board of Alderman deem fit to balance the effects of the
3156 cellular or PCS facility. Any new development consisting of a cellular or PCS monopole
3157 transmission tower, or any colocation of antennas on same, shall be required to pay impact
3158 fees in the amounts set forth below:
- 3159 a. New tower construction: \$6,000.00.
- 3160 b. Colocation on existing tower: \$3,000.00.
- 3161 No building permit for any such development requiring payment of an impact fee pursuant to
3162 this Section shall be issued until the impact fee has been paid. The person applying for
3163 issuance of a building permit subject to the above impact fees shall pay the impact fees to the

3164 Abita Springs Permitting Department after a determination has been made by the permitting
3165 department that an impact fee is due, and prior to the issuance of the building permit.

- 3166 8. *Filing fee.* In order to equitably allocate the cost for the aforesaid filing fee pursuant to this
3167 subsection the Town of Abita Springs levies an annual filing fee upon the following persons
3168 and their property:

- 3169 a. The owner of the tower \$500.00 per year; and
3170 b. Individual owners of attachments placed upon leased space on the tower; \$500.00 per
3171 year.

3172 The annual filing fee shall be due on each anniversary date of the issuance of any building
3173 permit for the construction of a monopole tower or installation of any equipment within the
3174 Town.

- 3175 9. *Filing fee responsibility.* Timely payment of annual filing fees shall be the responsibility of
3176 the owner of the tower and/or individual owners of attachments. A late fee of \$50 shall be
3177 assessed at the time of payment for each filing fee submitted more than 30 days past its due
3178 date.

- 3179 10. Notice of the public hearing shall be in the manner provided for resubdivisions and variances.
3180 The Planning Commission shall conduct a public hearing in order to formulate its
3181 recommendations to the Town Board of Alderman on the new monopole tower permit
3182 application. Following the public hearing, the Commission shall recommend approval,
3183 approval subject to modification, or recommend denial of the proposal to the Board. The
3184 Board shall be the final decision-maker on applications for permits to construct monopole
3185 towers in Light Industrial (LI) district. Following a public hearing and in consideration of the
3186 Planning Commission's recommendations, the Town Board of Alderman shall approve,
3187 modify or deny the proposal for the new monopole tower permit.

- 3188 11. When considering an application for construction of a new monopole tower, the Planning
3189 Commission, in making its recommendation and the Town Board of Alderman, in rendering
3190 its decision on the application, shall, on the basis of the site plan and other information
3191 submitted, evaluate the impact of the request upon, and the compatibility of the proposed use
3192 with, surrounding properties and neighborhoods to ensure the appropriateness of the use at a
3193 particular location. The Planning Commission and the Town Alderman shall consider the
3194 extent to which:

- 3195 a. The proposed use is consistent with the general purpose and intent of the underlying
3196 zoning district regulations, and is not materially detrimental to the public health, safety,
3197 convenience and welfare, or results in material damage or prejudice to other property in
3198 the vicinity.
- 3199 b. The proposed use is compatible with and preserves the character and integrity of
3200 adjacent development and neighborhoods and, as required by particular circumstances,
3201 includes improvements or modifications either on site or within public rights-of-way to
3202 mitigate development-related adverse impacts, including, but not limited to:
- 3203 i. Adequate ingress and egress to property and proposed structures thereon with
3204 particular references to vehicular and pedestrian safety and convenience, and
3205 access in case of fire;
- 3206 ii. Off-street parking and loading areas;
- 3207 iii. Refuse and services areas;
- 3208 iv. Utilities with reference to location, availability, and compatibility;

- 3209 v. Screening and buffering, features to minimize visual impacts and/or setbacks
3210 from adjacent uses;
- 3211 vi. Control of signs, if any, and proposed exterior lighting with reference to glare,
3212 traffic safety, economic impact, and compatibility and harmony;
- 3213 vii. Required yards and open space; and
- 3214 viii. Height and bulk of structures.
- 3215 12. In recommending approval of the application, the Planning Commission may recommend and
3216 the Town Board of Alderman may impose such conditions as are reasonably necessary to
3217 assure compliance with these standards and the purpose and intent of these requirements. Any
3218 conditions imposed shall be set forth in the ordinance by the Town Board of Alderman
3219 approving the permit for the new monopole tower, and shall be incorporated into or noted on
3220 the site plan for final approval. The Director of Planning and Zoning or agents shall verify
3221 that the plan incorporates all conditions as set forth in the ordinance authorizing the permit,
3222 and shall sign the plan to indicated final approval. The Planning and Zoning Department shall
3223 maintain a record of such approved permits and the site plans and conditions attached thereto.
- 3224 13. In conformity with the authority to the Town Board of Alderman to authorize these permits
3225 for new monopole towers the Town Alderman may waive or modify specific standards
3226 otherwise made applicable to the use by this ordinance to secure the general objectives of this
3227 section.

3228 **Sec. 9-303.22. – Temporary seasonal uses.**

3229 This Section sets forth general performance standards for temporary uses including: Christmas tree sales,
3230 seasonal produce or seafood stands.

- 3231 A. All signs must be approved by the Planning and Zoning Director. If the use is in the Historic Overly
3232 (HTO) district, a COA will be required.
- 3233 B. Restroom facilities must be made available to employees. When an RV is located on the site, the
3234 petitioner must provide documentation that restroom facilities shall be provided by either of the
3235 following ways:
- 3236 1. Port-o-lets located on the site; RV facilities shall not be used.
- 3237 2. Contract between petitioner and a waste disposal company.
- 3238 3. Letter from adjacent property owners permitting use of restroom facilities and RV.
- 3239 C. No alcoholic beverages shall be permitted.
- 3240 D. The applicant for the temporary seasonal use must have a contract or lease with the property owner
3241 allowing them to operate on the site.
- 3242 E. All structures used in connection with the permit shall be removed 10 days after expiration of the
3243 permit.
- 3244 F. The longest duration a temporary seasonal use shall remain on a site is 3 months. If the Town
3245 receives complaints about a temporary seasonal use the Town may require the use to cease
3246 operations immediately.
- 3247 G. Fireworks sales shall not be permitted as a temporary seasonal use.
- 3248 H. Signage. Any signs proposed for a long-term open-air retail sales site must be submitted through a
3249 separate sign permit request and if they are in the Historic District, such signs must be issued a
3250 COA prior to their installation.

Sec. 9-303.23. – Temporary retail sales, “pop-up markets,” food sales, and outdoor events.

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

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

1. Contact information for the responsible party for the event and the property owner where the event will take place.
2. A site plan showing:
 - a. All existing parking areas, including any parking areas that will be used by vendor stands or activities;
 - b. Proposed location of all tents or structures and signs to be placed on the site for the event;
 - c. Location and description of any cooking facilities, open flames, grills, propane tanks, or other flammable substances proposed for the event;
 - d. Evacuation path for attendees, including for those attendees with mobility challenges or disabilities;
3. Occupational license for each vendor;
4. Food safety certificate for each food vendor;
5. A trash and cleanup plan for the event;
6. A security plan for the event, including staffing levels;
7. Time, date, staffing plan, and confirmation of sales tax collection for the subject event;
8. Traffic and circulation plan for the subject site; and
9. Temporary permit fees as determined by the Planning and Zoning Department.

B. *Lease or contract for use of site.* The applicant for the temporary retail sales must have a contract or lease with the property owner allowing them to operate on the site.

C. The longest duration a temporary retail sales use shall remain on a site is 3 days. If the Town receives complaints about a temporary retail sales use, the Town may require the use to cease operations immediately.

D. *Noise.* Speakers or amplifiers may not be used during the hours of 9:00 pm and 7:00 am. No noise shall be audible at a distance of 100 feet from the event. Event organizers must reduce noise if complaints from any adjacent residents are received by the Town.

E. *Signs.* All signs must be approved by the Planning and Zoning Director. If the use is in the Historic Overlay (HTO) district, a COA will be required.

F. *Town exempt.* Events organized by the Town of Abita Springs or civic events approved by the Town are exempt from the regulations in this Section for temporary retail sales.

Sec. 9-303.24. – Townhouses.

A. *Dimensional requirements.*

- 3289 1. *Distance between structures.* No portion of a townhouse building or accessory structure in or
3290 related to one townhouse building shall be closer than 25 feet to any portion of another
3291 townhouse building or accessory structure related to another townhouse building or to any
3292 building outside the townhouse site except for between detached single-family homes, which
3293 must be a minimum of 5 feet from each interior property line resulting in 10 feet between
3294 structures.
- 3295 2. There shall be a 20-foot green space setback around the perimeter of the development.
- 3296 3. At least 45 percent of the total area in a townhouse development shall remain unpaved or
3297 covered in natural landscaping after construction is finished. This green space must be
3298 maintained by a homeowner's association, created through a restrictive covenant or another
3299 method approved by the Planning Commission.
- 3300 B. The density of the project shall not be more than 12 units per acre.
- 3301 C. A townhouse building shall not contain more than 4 townhouse units built in a row.
- 3302 D. The facade of each unit shall be different from its adjacent facade with not more than 2 similar
3303 facades appearing in any one townhouse building.
- 3304 E. No more than 2 units in a series of 4 shall have the same front building setback line.
- 3305 F. Townhouse fire walls shall be required:
- 3306 1. *Fire walls between units.* Fire walls between each townhouse unit shall be not less than 2-
3307 hour rating and shall be constructed in conformance to the building codes of the state fire
3308 marshal for structures built on property lines, whichever is more restrictive.
- 3309 2. *Fire walls between groups of units.* Each townhouse development shall be divided into
3310 groups of not more than 4 units each with each group separated by a fire wall of not less than
3311 2-hour rating, constructed in conformance with the building codes of the Town, extending 3
3312 feet above the roof and 18 inches beyond the outside face of the building or 5 feet along the
3313 face of the building each side of the fire wall, except that roof and wall penetration by the fire
3314 wall may be omitted when units are offset by not less than 5 feet in each direction and facing
3315 materials are noncombustible.
- 3316 G. Utility services shall be made available to each townhouse and shall be installed underground.
3317 Water, electrical, sewerage, storm drainage and telephone shall be considered utility services. In
3318 addition, cable TV and gas may also be provided and shall be required to be installed underground.
- 3319 H. No townhouse developments existing at the time of the passage of these regulations shall not
3320 qualify for conversion to townhouse conversion and subdivision of townhouse sublots unless
3321 constructed to meet the requirements of these regulations as they apply to required fire walls.
- 3322 I. All dumpsters and any permanently placed refuse receptacles shall be located a minimum of 50 feet
3323 from any adjacent property zoned or used as residential, townhouse, condominium or multifamily
3324 or used for a purpose permitted in such a district. The location of and access to dumpsters or any
3325 other refuse receptacles shall be reviewed and approved by the Zoning Commission.

Sec. 9-304. – DEVELOPMENT STANDARDS

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

- A. *Purpose.* It is the express intent of this Section to advance the development of structures that promote a human-scale, pedestrian-oriented design appropriate to the Town’s character in commercial, mixed-use, and special purpose districts.
1. *Scale and massing.* In commercial, mixed-use, and special purpose districts, the massing of building(s) and appropriate scale must be accomplished in at least one of the following ways:
- a. Avoid continuous and unbroken wall planes, or
 - b. Introduce architectural elements or features that create a variety of scale relationship, or
 - c. Use of materials consistent throughout the project, or
 - d. Use of architectural elements or details that emphasize a human scale or mimic structural features on adjoining properties, or
 - f. Other design techniques or elements of design that reasonably comply with the purpose stated herein.
- B. Development density shall not exceed 1 residential unit per 3,000 square feet or no more than 12 units per acre.
- C. *Screening.* Yards, fences, vegetative screening or berms shall be provided to screen adjacent, more restrictive residential districts from views of off-street parking areas, mechanical equipment, storage areas and areas for refuse collection. If fences are utilized for screening, fence height must be at least 8 feet.
- D. All dumpsters and any permanently placed refuse receptacles shall be located a minimum of 50 feet from any adjacent property zoned or used as residential, townhouse, condominium or multifamily or used for a purpose permitted in such a district. The location of and access to dumpsters or any other refuse receptacles shall be reviewed and approved by the Zoning Commission.
- E. No intensive recreational use (e.g., swimming pool, tennis court, ball court, or playground) shall be permitted within 50 feet of any adjoining residential, townhouse, condominium or multifamily district.
- F. Multiple principal buildings are permitted on a lot provided each building complies with the maximum building size, required setbacks, parking, landscaping, and pedestrian connectivity standards. Buildings shall not be artificially separated for the purpose of circumventing the maximum building area requirements. Buildings connected by enclosed corridors or functioning as a single tenant space shall be considered one building for purposes of calculating maximum building area.**
- G. Pedestrian Connectivity.** Where more than one principal building is located on a lot, an accessible pedestrian walkway shall connect all principal building entrances to one another, to all required parking areas, and to any public sidewalk or shared-use path adjacent to the site. Walkways shall be a minimum of five (5) feet in width and shall be physically separated from vehicle travel lanes by landscaping, curbing, or other protective features where feasible.
- H. Building orientation and primary entrances.**
1. Primary façades of every primary building shall be oriented to a front lot line or public space.

- 3367 2. The primary entrance of every principal building must directly face a street or a public space.
3368 Public space may include a central garden or courtyard when that public space opens directly
3369 onto the primary street.
- 3370 3. Public entry and exit doors that swing outward shall be recessed into the façade at a minimum
3371 of 3 feet where the sidewalk abuts the building.
- 3372 4. Buildings on corner lots shall have the building and primary entrance oriented to the corner.

3373 **I.** *Façade material and design.*

- 3374 1. For buildings of 2 stories or more, the ground floor should be architecturally differentiated
3375 from above floors to reinforce the pedestrian space. This may be accomplished through the
3376 application of different façade materials, aesthetic treatments, pedestrian overhangs, larger
3377 storefront windows, planters, or similar treatments.
- 3378 2. Columns and posts shall not be spaced further apart than the height of any individual column
3379 or post.
- 3380 3. At least one of the following architectural treatments must be applied the building.
- 3381 a. *Balconies.* To be considered an architectural treatment that meets this requirement, an
3382 application must demonstrate compliance with all of the following conditions:
- 3383 i. Balconies must be provided along all street-facing facades on each story
3384 provided.
- 3385 ii. Minimum underside clearance is 10 feet.
- 3386 iii. Balconies may extend past the build-to line, may encroach within the right-of-
3387 way with special easement permission, and must be located at least 2 feet from
3388 the curb line.
- 3389 iv. Balconies shall be permitted to have roofs, but are required to be open,
3390 unconditioned parts of buildings.
- 3391 v. Balconies must be visually supported from below by brackets or another
3392 structurally implicit mechanism, from above by suspension cables or chains, or
3393 adjacent side walls (if the balcony is set completely within the main body of the
3394 building).
- 3395 vi. On corners, balconies shall be permitted to wrap around the side of the building
3396 facing the adjacent street.
- 3397 b. *Awnings or canopies.* To be considered an architectural treatment that meets this
3398 requirement, an application must demonstrate compliance with all of the following
3399 conditions:
- 3400 i. Awnings or canopies must be provided for at least 25 percent of the street-facing
3401 façade on each story provided.
- 3402 ii. The minimum awning depth for a first-floor awning is 5 feet measured
3403 perpendicular to the wall face.
- 3404 iii. The minimum underside clearance of a first-floor awning is 8 feet above grade or
3405 the walkway surface below.
- 3406 iv. Awnings may extend past the build-to line, may encroach within the right-of-way
3407 with special easement permission, and must be located at least 2 feet from the
3408 curb line.

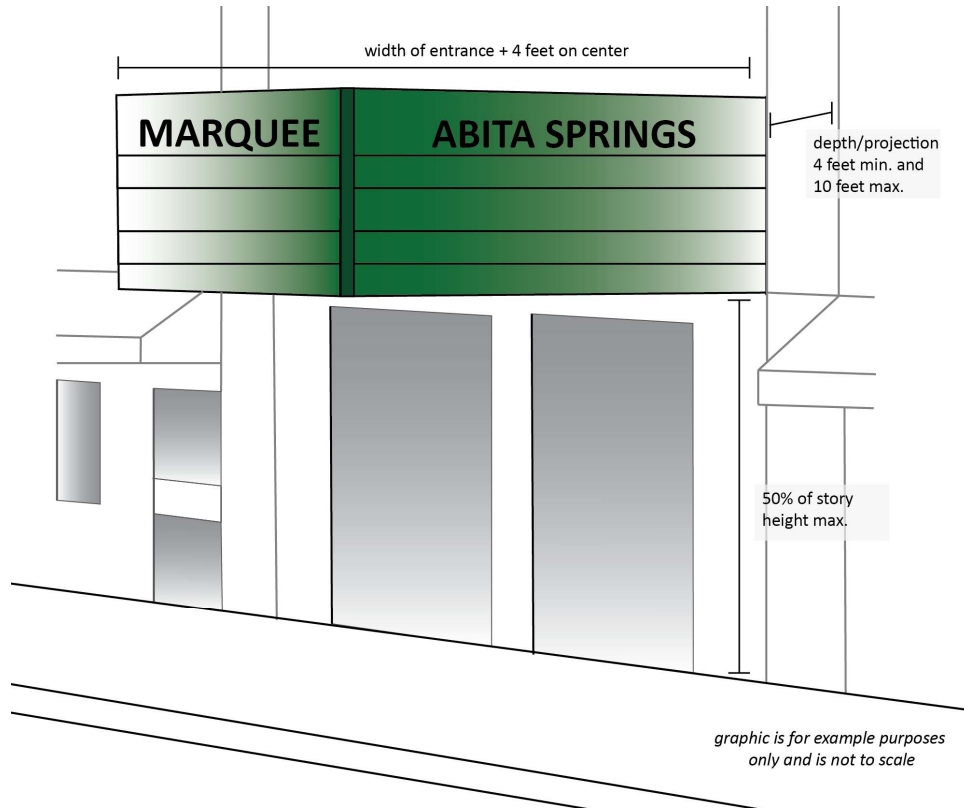
v. Awnings must be made of durable fabric and may be either fixed or retractable. High-gloss or plasticized fabrics are prohibited. Backlit awnings are also prohibited.

c. *Marquees.* To be considered an architectural treatment that meets this requirement, an application must demonstrate compliance with all of the following conditions:

i. For uses such as theaters or hotels where people regularly congregate on the sidewalk, marquees may be applied as an architectural treatment in fulfillment of this requirement.

ii. Marquees may extend past the build-to line, may encroach within the right-of-way with special easement permission, and must be located at least 2 feet from the curb line.

iii. Marquees must meet the following requirements: 1 per business, width is that of the entrance plus 4 feet on center, height is 50 percent of the story height maximum, depth/projection is 4 feet minimum and 10 feet maximum.



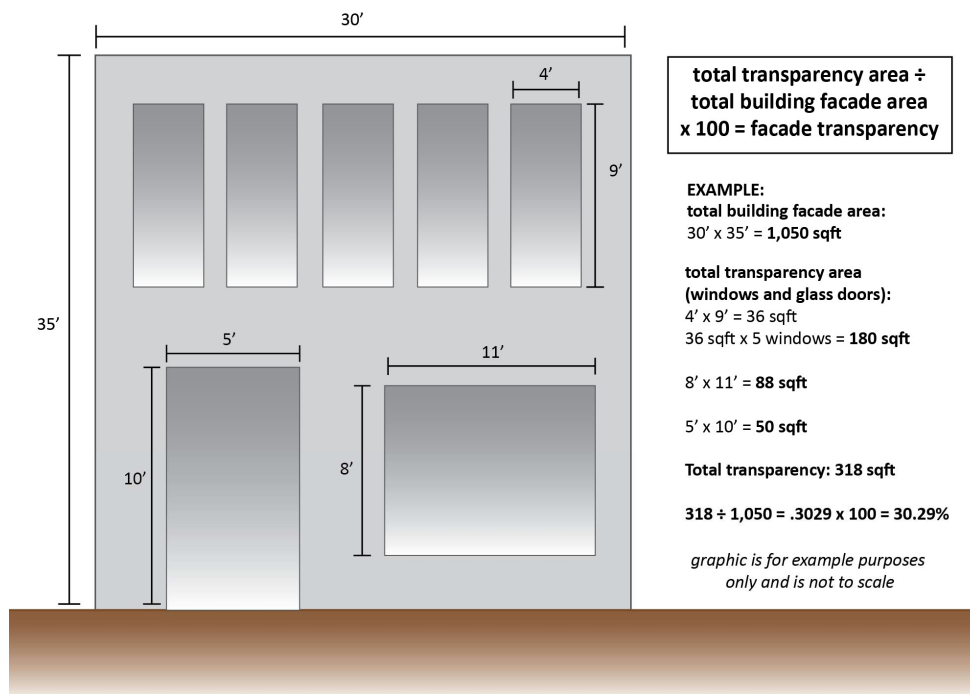
4. *Brick and masonry detailing.*

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

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

- 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.
- Caps shall be made of stone, cast stone, brick, concrete, or slate.
 - The edges of caps may be rectangular or may be more ornate.
 - Caps shall project past the edge of the masonry structure below by a minimum of one-half inch.
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.
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.

Calculating Façade Transparency



7. *Lighting.*
- Lighting must be energy efficient (LED) and have a color temperature of 2,700 Kelvins maximum.
 - Private parking lots must have cutoff, downward lighting.
 - Light fixtures located within the interior area of a parking lot shall not exceed 30 feet in height.
 - 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.

- 3452 e. *Pedestrian-scale lighting.* Light fixtures located along pedestrian walkways shall not
3453 exceed 10 feet in height.
- 3454 8. *Service areas and loading docks.* Trash and recycling dumpsters or similar collection areas
3455 shall be located in the rear or to the side of buildings and screened from view from adjacent
3456 public rights-of-way, properties, and pedestrian walkways (not including alleys) using a fence
3457 or vegetative screening material.
- 3458 9. *Drive-in or drive-through facility.*
- 3459 a. A ground-floor shopfront shall face the primary street.
- 3460 b. Drive-through windows shall be located on the side or rear of the building.
- 3461 10. *Utilities.* Utilities are to be placed underground and at the rear of buildings, when practicable.

3462 **Sec. 9-304.2. – Parking for all uses.**

3463 A. *General requirements for off-street parking.*

- 3464 1. *Location serving the use.*
- 3465 a. Off-street parking spaces for residential uses (excluding mixed-use developments) must
3466 be located on the same lot as the building to be served.
- 3467 b. Off-street parking spaces for non-residential uses or mixed-use developments may be
3468 located on the same lot as the building to be served or may be located on another lot
3469 within 200 feet of the building to be served. If any parking spaces are shared among 2
3470 developments, the property owners must submit a contract or agreement to the Town
3471 stating how parking will be administered among the sites. Where required off-street
3472 parking is located on a lot other than the lot occupied by the use requiring it, site plan
3473 approval for both lots shall be required.
- 3474 2. *Fence required for parking lots and driveways abutting residential district.* Whenever a
3475 parking lot or a driveway to a parking lot is hereafter established in a commercial district so
3476 as to abut the side or rear line of a lot in a residential district a solid masonry wall, or a fence
3477 with a minimum height of 5 feet and a maximum height of 8 feet, shall be constructed and
3478 maintained along the side or rear lot line abutting the residential district. Acceptable fence
3479 materials include masonry, wood, or decorative iron. Chain link fences are not allowed.
- 3480 3. *Planning review.* All off-street parking facilities including circulation and loading areas must
3481 be reviewed by the Planning and Zoning Director and the Planning and Zoning Director may
3482 request the input of relevant subject experts including the Town Engineer, DOTD, or a third-
3483 party expert, as necessary as determined by the Planning and Zoning Director.
- 3484 4. *Size of parking spaces.*
- 3485 a. Parking spaces must have minimum dimensions of 9 feet by 20 feet, unless indicated
3486 otherwise in **Table 9-304.2.-1**. Each space shall have a vertical clearance of not less
3487 than 7.5 feet. Each space shall be independently accessible.
- 3488 b. Each parking space designated for use by the handicapped shall consist of a rectangular
3489 area not less than 12.5 feet wide by 18.5 feet long, with a vertical clearance of 7.5 feet,
3490 shall be located in an area not exceeding a 2 percent slope, and shall be located near
3491 and convenient to a level or ramped entrance accessible to handicapped persons.
3492 Parking spaces for the handicapped shall be signed and restricted for use by the
3493 handicapped only.

5. Off-street parking spaces shall have access from driveways on the development site and not directly from the public streets. Each parking space shall have adequate drives, aisles, and turning and maneuvering areas for access and usability, and shall at all times have adequate access to a public street. Such access to a public street shall not be less than 20 feet nor exceed 35 feet in width for two-way access or be less than 12 feet nor exceed 15 feet in width for a one-way access.

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

B. Number of required parking spaces for each use.

- 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.
- 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.

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

3. *Administration of the parking requirements.*

- a. Sites in the Town may not reduce the number of parking spaces below the minimum required.
- b. If the use of a building changes, then the required parking must be recalculated.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- i. **Mixed Use Buildings. Parking requirements for mixed-use buildings shall be calculated separately for each individual use within the building using the applicable standards. The total required off-street parking required for the development shall be the sum of the parking required for each use. Change of use applications require a parking plan. Off-street parking is mandatory.**

3542 **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 Minimum of 1 extra space 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.

Use	Number of Parking Spaces Required
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 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.

- 3544 a. No parking facilities accessory to residential structures shall be used for the storage of
3545 commercial vehicles or for the parking of automobiles belonging to employees,
3546 owners, tenants, or customers of nearby nonresidential uses.
- 3547 b. Vehicle parking space shall be used for parking only. Any other use of such space,
3548 including for open storage of goods, the storage of vehicles for sale or rent, storage of
3549 inoperable vehicles, repair work or servicing of any kind other than in an emergency, or
3550 the requirement of any payment for the use of such space, shall be deemed to constitute
3551 a separate commercial use in violation of provisions of this Chapter.
- 3552 c. No building of any kind shall be erected in any off-street parking area, except a parking
3553 garage containing parking spaces conforming to the requirements set forth in this
3554 Chapter, or a shelter house for a parking attendant, providing the number of spaces
3555 required is not reduced.
- 3556 d. The required parking area on any lot, as set forth and designated in this Chapter, shall
3557 not be reduced or encroached upon in any manner. No parking shall be allowed in
3558 designated front yard setback areas.
- 3559 e. *Truck parking in residential areas.* No motor vehicle over two-ton capacity or bearing
3560 a commercial license, and no commercially licensed trailer or commercial type truck
3561 trailer shall be parked or stored in a townhouse or condominium district except when
3562 loading, unloading, or rendering a service. This provision shall not apply to vehicles
3563 operated, parked or stored on the site of a legally nonconforming use, to recreational
3564 vehicles and pickups, or to temporary use of rental vehicles for noncommercial
3565 purposes.
- 3566 5. *Design of parking areas.*
- 3567 a. There shall be no off-street parking spaces within 15 feet of any street right-of-way
3568 except as specifically as provided by this Code.
- 3569 b. Access drives shall be no closer than 5 feet to interior property lines and 15 feet to side
3570 street property lines on local streets and shall minimally meet the requirements of the
3571 state department of transportation and development for collector and arterial streets.
- 3572 c. It shall be the joint and solitary responsibility of the operator and owner of the principal
3573 use, uses, and/or buildings to maintain, in a neat and serviceable manner, the parking
3574 spaces, accessways, landscaping, fences and buffering materials serving such use or
3575 building.
- 3576 d. New buildings must have their surface parking lots located on the side or rear of
3577 buildings.
- 3578 e. A maximum of 20 percent of the lot may be devoted to surface parking lots, with no
3579 individual parking lot larger than 2 acres.
- 3580 f. *Parking surfaces and drainage.*
- 3581 i. Parking surfaces can be impervious or pervious material, however loose
3582 aggregate or gravel may not be used for the driveways. Driveways must be
3583 surfaced with asphalt, concrete, or other permanent material. Loose aggregate
3584 surfacing shall be contained by curbing. Curbing shall not sever roots 2 inches in
3585 diameter or greater or penetrate natural grade greater than 3 inches in depth
3586 within the dripline of a tree.
- 3587 ii. No base preparation will be allowed within the dripline of a tree.

- 3588 iii. Parking areas should be designed to drain or retain water in a manner that does
3589 not displace water onto adjacent properties. All parking and loading facilities
3590 shall be graded and provided with permanent storm drainage facilities, according
3591 to construction specifications approved by the Town Engineer pursuant to this
3592 Code. Surfacing, curbing, and drainage improvements shall be sufficient to
3593 preclude free flow of water onto adjacent properties or public streets or alleys,
3594 and to provide adequate drainage.

3595 g. *Safety features.* Parking facilities shall meet the following standards:

- 3596 i. Safety barriers, protective bumpers or curbing, and directional markers shall be
3597 provided as needed to assure safety, prevent encroachment onto adjoining public
3598 or private property.
- 3599 ii. Visibility of and between pedestrians, bicyclists and motorists shall be assured
3600 when entering individual parking spaces, when circulating within a parking
3601 facility and when entering and exiting a parking facility.
- 3602 A). *Sight triangle at street and accessway intersection.* Where an accessway
3603 intersects a street a clear vision area shall be maintained between the
3604 height of 3 feet and 7 feet above the centerline grade of the street within a
3605 sight triangle measuring 25 feet on the side adjacent to the street and 15
3606 feet on the side adjacent to the accessway.
- 3607 B). *Sight triangle at accessway intersection.* Where an accessway intersects
3608 another accessway, there shall remain a clear vision area between the
3609 height of 3 feet and 7 feet from the grade of the accessways within a sight
3610 triangle measuring 15 feet along both of its sides adjacent to the
3611 intersecting accessways.
- 3612 C). The Town Engineer is authorized to prepare a diagram in conformity with
3613 this subsection, which shall be part of this ordinance.
- 3614 iii. Internal circulation patterns, and the location and traffic direction of all access
3615 drives, shall be designed and maintained in accordance with accepted principles
3616 of traffic engineering and traffic safety.

3617 h. *Parking lot lighting.* Parking lot lighting shall meet the following standards:

- 3618 i. In all use districts, the lighting, including any permitted illuminated sign, on any
3619 parking lot or driveway shall be arranged so that there will be no glare directed or
3620 reflected toward residential buildings or districts. If the Town receives a
3621 complaint about lighting coming from a specific site, the property owner of the
3622 site in question shall be required to submit an analysis or lighting study by a
3623 professional with expertise in commercial lighting to verify whether or not the
3624 site is in compliance with this Code.
- 3625 ii. Parking lot lighting design shall provide for the reasonable safety, comfort, and
3626 convenience of the parking of patrons and use of pedestrians.
- 3627 iii. Parking lot lighting illumination design levels and visibility glare shall in general
3628 comply with the latest issue of IES Lighting Handbook section on parking
3629 facilities lighting.
- 3630 iv. Parking lot lighting shall be designed to minimize light spillover into adjoining
3631 streets and nearby residential areas and shall be directed downward and away
3632 from adjoining property and abutting streets by shielding the light source from

visibility from adjoining properties or streets in such a way as not to create a nuisance. All exterior lighting shall be hooded or shielded so that the light source is not visible from adjacent more restrictive residential districts adjacent streets or highways.

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

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

A. *Planting requirements for all uses.*

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

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

1. See **Section 9-304.4. – Tree preservation** for specifically protected tree species, protection, removal, and permitting. Additionally, the following tree preservation requirements apply:
 - a. Trees over 36 inches in diameter must be maintained unless a hardship would be caused by that tree. The Town Arborist may make an exception to allow the removal of pines in the building footprint of a proposed structure or pines that potentially threaten an existing structure.
 - b. Replacement trees must be planted no closer than 10 feet and shall be at least 8 feet tall with a diameter of at least 2 inches when measured 10 inches above the soil line.
 - c. Allowable trees are maintained in a list at the Planning Department
 - d. Trees shall be guaranteed for one year by the owner of the property. If a required tree dies within one year of planting, the owner shall be required to replace the tree with a similar specimen immediately.
2. *Tree plantings required in buffers or green belt areas.*
 - a. All areas between the street / property line and parking lot, and side yard setbacks, otherwise known as “buffers or green belt areas” must be planted with a minimum of one class "A" tree and one class “B” tree every 25 feet, as well as groundcover such as turf or other vegetative cover.
 - b. Type "A" trees include all hard woods indigenous to the area such as oak, maple, cedar, cypress, birch, pine, pecan, etc.
 - c. Type "B" trees include ornamental species such as crepe myrtle, dogwood, redbud, laurel, magnolia, sweet olive, gardenia, lasianthus, native fringe, etc.

- 3674 d. For every 500 square feet of building, 10 shrubs of a minimum of 3-gallon size shall be
3675 planted. Each shrub shall be guaranteed for a one-year period.
- 3676 e. A buffer zone of 6 feet will be required on the rear of the property abutting residential
3677 property. This area must be planted in accordance with (a) through (d) of this Section.
- 3678 f. All new construction sites must include sodded landscape areas.
- 3679 3. *Provisions for planting in parking areas.*
- 3680 a. Interior plantings in parking areas that contain more than 8 spaces are required to be
3681 planted with a minimum of the following per 2,000 square feet of parking or paved area
3682 (approximately 5 spaces):
- 3683 i. One tree;
- 3684 ii. 40 shrubs (3-gallon sized minimum); and
- 3685 iii. Vegetative ground cover.
- 3686 b. For 10 or more spaces in a row, an island at least 5 feet in width is required.
- 3687 c. All parking lots of 10 or more spaces require a landscape and layout plan, approved by
3688 the Director of Planning and Zoning, as a condition of obtaining a building permit.
- 3689 d. For existing parking lots that do not comply with the required parking lot landscape
3690 standards, such landscaping shall be provided when any of the following occur:
- 3691 i. A new principal building is constructed.
- 3692 ii. An addition is constructed that expands the building footprint by 30 percent or
3693 more.
- 3694 iii. Over 50 percent of the total area of an existing parking lot is reconstructed.
- 3695 4. *Interior planting.* Interior planting parking areas containing more than 8 spaces are required
3696 to be planted with a minimum of one tree and 40 shrubs (3-gallon sized minimum) per 2,000
3697 square feet of parking area or paved area in the parking lot (approx. 5 spaces) along with
3698 vegetative ground cover.
- 3699 C. *Streetscapes.* Each property with a street frontage shall install at least one bench, bicycle rack,
3700 planter, or piece of public art per 500 feet of street frontage or part thereof.

3701 **Sec. 9-304.4. – Tree preservation.**

- 3702 A. *Protection of trees.*
- 3703 1. Trees, because of the beneficial services they provide and the character they add to the
3704 community, shall be retained and preserved to the maximum extent feasible on all property
3705 within the Town limits.
- 3706 2. Nothing herein shall prohibit the use of land for any primary or accessory improvements
3707 allowed by this Code.
- 3708 3. In the design of building sites and the development of subdivisions the location of
3709 infrastructure, structures and parking areas shall take into consideration, to the maximum
3710 extent feasible, the preservation of existing trees.
- 3711 4. The following methods shall be utilized to preserve existing trees:
- 3712 a. Fill shall be avoided in the critical root zones of existing trees being preserved;

- 3713 b. Changes in drainage patterns, which might negatively affect existing trees to be
3714 preserved, shall be avoided;
- 3715 c. A protective tree barrier shall be erected beyond the critical root zone of trees to be
3716 preserved during building, development, tree clearing or tree removal activities.
- 3717 d. Trenching shall be avoided within the critical root zone of trees to be preserved.
- 3718 e. Clearing of underbrush, within the critical root zone of a tree to be preserved, by use of
3719 any motorized vehicle, shall be avoided.
- 3720 f. The failure to utilize any of the above methods shall be considered a violation.
- 3721 B. *Permits required to remove, clear or harvest trees.* Prior to any tree removal, residential clearing,
3722 development clearing, or timber harvesting, as defined herein, within the Town of Abita Springs, a
3723 tree removal, residential clearing, development clearing or timber harvesting permit shall be
3724 obtained for these respective activities.
- 3725 1. *Tree removal permit.*
- 3726 a. A tree removal permit for each tree shall be required to remove any specifically
3727 protected tree, unless approved in conjunction with a residential clearing or
3728 development clearing permit, in which case all the provisions regulating the removal of
3729 specifically protected trees shall apply and the location of the critical root zones of all
3730 such trees shall be shown on the development site plan.
- 3731 b. A tree removal permit shall be required to remove in excess of 5 trees from a
3732 previously developed site when the removal of such trees is not being done in
3733 conjunction with a building or development permit.
- 3734 c. The removal of less than 5 trees on a previously developed site shall not require the
3735 issuance of a tree removal permit but shall require the submission to the Town of
3736 written documentation of the trees being removed. A file of all such submissions shall
3737 be maintained in Town Hall.
- 3738 2. *Residential clearing or development clearing permit.* A residential clearing or development
3739 clearing permit shall be required when removing in excess of 5 trees in conjunction with the
3740 issuance of a single-family residential building permit or a development permit for
3741 multifamily or nonresidential development. The removal of less than 5 trees shall not require
3742 a separate clearing permit, however, the species, size and location of the trees to be removed
3743 shall be depicted on the site plan for the residential building or development permit.
- 3744 3. *Timber harvesting permit.* A timber harvesting permit shall be required for the harvesting of
3745 pine trees (other than specifically protected longleaf pines) only. The harvesting of all other
3746 species shall be prohibited except when permitted in conjunction with a residential clearing,
3747 development clearing or tree removal permit or when no permit is required for the removal of
3748 5 trees or less.
- 3749 4. *Underbrushing permit.* An underbrushing permit is required to clean up a property from
3750 vegetative debris or vegetation that is smaller than 5 inches DBH.
- 3751 a. A permit must be requested from the Planning and Zoning Department.
- 3752 b. Prior to issuance of the underbrushing permit, protective fencing must surround all
3753 Live Oaks, Longleaf Pines, Magnolias, and Cypress trees.
- 3754 c. The required protective fencing must remain in place and functional until underbrush
3755 clearing and building construction is complete.

- 3756 d. Trees that measure 5 inches DBH or smaller may be removed during underbrush
3757 clearing, however trees larger than 5 inches DBH may not be removed unless the
3758 property owner is granted a separate tree removal permit.
- 3759 C. *Appointment, qualifications and responsibilities of Tree Inspector.*
- 3760 1. *Appointment of the Tree Inspector.* The Tree Inspector, shall be duly appointed by the Board
3761 of Aldermen upon recommendation by the Mayor. If there is no appointed Tree Inspector, or
3762 if the Tree Inspector is unable to fulfill the obligations with respect to the review of tree
3763 related permit applications and required inspections, the duty shall be assumed by the
3764 Building Inspector. The Tree Inspector position shall report to the Director of Planning and
3765 Zoning.
- 3766 2. *Qualifications of Tree Inspector.* The Tree Inspector must be an arborist licensed in the State
3767 of Louisiana.
- 3768 D. *Requirements for removal of specifically protected trees.* In all areas within the Town limits,
3769 whether previously developed or not, specifically protected trees shall be protected and shall not be
3770 removed, except in accordance with the following requirements:
- 3771 1. A tree removal permit shall be obtained from the Inspector prior to cutting or removing a
3772 specifically protected tree.
- 3773 2. The applicant must state in writing on the application that such activity will enhance the
3774 health, safety and welfare of the public, or otherwise benefit the public interest, and the
3775 applicant must offer evidence to that effect. An example of an activity for the public interest
3776 would be the removal of a hazardous tree that may fall on a sidewalk or roadway, or a tree
3777 that blocks vision at an intersection.
- 3778 3. The following facts shall be grounds supporting approval of an application for a tree removal
3779 permit for removal of a specifically protected tree:
- 3780 a. The tree is a hazard to traffic, public utilities, buildings or structures;
- 3781 b. The tree is injured, diseased or insect-infested such that it is a hazard to people,
3782 structures or other trees;
- 3783 c. The tree prevents access to a lot or parcel and no alternative location for access is
3784 feasible; or
- 3785 d. The tree prevents the placement of a lawfully permitted structure and there is no other
3786 suitable alternative location for the structure on the site.
- 3787 4. It shall be unlawful for any person to place soil in the critical root zone of a specifically
3788 protected tree such that the roots of the tree(s) may be damaged or the soil may, in any way,
3789 cause the tree to become diseased or die.
- 3790 5. It shall be unlawful to trim or prune the limbs in an excessive manner or to harm in any
3791 fashion a specifically protected tree in an excessive manner so as to cause it permanent
3792 damage or disfiguration.
- 3793 6. The Tree Inspector shall require the submission of the opinion of a licensed arborist to
3794 document evidence of the above listed facts.
- 3795 7. The Tree Inspector is empowered to issue or deny the permit based on the application and the
3796 evidence submitted.
- 3797 8. On parcels of land where a residential clearing or development clearing permit is being issued
3798 in lieu of an individual permit for specifically protected trees, all the evidence, procedures,

3799 and inspections required for a tree removal permit to remove a specifically protected tree
3800 shall apply and the location, size, species and critical root zones of specifically protected trees
3801 shall be clearly shown on the building or development permit plans.

3802 E. *Requirements for tree removal on previously developed sites.*

- 3803 1. A tree removal permit shall not be required when removing 5 trees or less on a previously
3804 developed site. However, written documentation of less than 5 trees being removed shall be
3805 submitted to the Town in the form of a list of the species and size of trees being removed,
3806 along with a diagram describing the parcel (lot(s) and square numbers or parcel number and
3807 boundary dimensions) indicating the approximate location on the parcel of the trees being
3808 removed.
- 3809 2. A tree removal permit shall be required to remove in excess of 5 trees from a previously
3810 developed site when the removal of such trees is not being done in conjunction with a
3811 building or development permit.
- 3812 3. The facts supporting approval of an application for a tree removal permit for the removal of
3813 trees on a previously developed site shall include all requirements for removal of specifically
3814 protected trees, as well as the following:
- 3815 a. The tree being removed will be properly transplanted to another appropriate location on
3816 the same site.
- 3817 b. The tree will be replaced in equal circumference within 30 days with an equivalent tree
3818 or trees planted in a location suitable for healthy growth on the same parcel.

3819 F. *Requirements for issuance of residential clearing or development clearing permits.* The following
3820 shall be the requirements for the issuance of a residential clearing or development clearing permit:

3821 1. *Residential clearing permit requirements.*

- 3822 a. A single-family residential building permit shall be required to be issued in conjunction
3823 with the issuance of a residential clearing permit for the same site, prior to
3824 commencement of any tree clearing or removal.
- 3825 b. All healthy and nonhazardous trees 6 inches DBH or larger on the single-family
3826 residential building site are required to be preserved except for trees in the footprints of
3827 proposed building(s) and driveway and any additional trees that may be considered a
3828 hazard as a result of the development of the site. If specific limbs, but not the whole
3829 tree, are a hazard, the pruning of potentially hazardous limbs shall be considered first as
3830 an alternative to the removal of the tree. Specifically protected trees located within
3831 proposed building or driveway footprints may be preserved by modifying the layout of
3832 the site development or construction plans to protect the critical root zones of such trees
3833 at the discretion of the Tree Inspector.

3834 2. *Development clearing permit requirements.*

- 3835 a. A development permit or preliminary subdivision approval by the Planning
3836 Commission and notice to proceed shall be required to be issued in conjunction with
3837 the issuance of a development clearing permit for the same site, prior to the
3838 commencement of any tree clearing or removal.
- 3839 b. There shall be no development clearing in conjunction with the development of new
3840 subdivisions or roadways, except as necessary for the installation of new roadways or
3841 other infrastructure improvements approved by the Planning Commission, subsequent
3842 to the recommendation of the landscape commission as provided by the urban forestry
3843 Ordinance No. 184, Section 7.C.3.

- 3844 c. A landscape plan shall be required to be submitted and approved by the Planning
3845 Commission for all multifamily and nonresidential developments, prior to the issuance
3846 of a development clearing permit.
- 3847 d. *Buffer requirements in conjunction with the issuance of a development clearing permit.*
3848 The following requirements are mandatory. All buffers required shall be exclusive of
3849 all easements, servitudes and/or rights-of-way within the property.
- 3850 i. *Roadway buffer.* A managed buffer of at least 25 feet in width along improved
3851 roadways and dedicated street rights-of-way shall be preserved in accordance
3852 with an approved landscape plan. Access through the buffer shall be limited to
3853 one two-way or two one-way drives per 200 feet of street frontage, in accordance
3854 with section 8.A. of urban forestry Ordinance No. 184.
- 3855 ii. *Waterway buffer.* A minimum uncut vegetation buffer of at least 50 feet in depth
3856 from the centerline of the stream channel along both banks of all established
3857 natural stream beds, riverbanks and improved drainage canals shall be preserved
3858 uncut.
- 3859 iii. *Adjacent-use buffer.* A managed buffer shall be required when a development site
3860 is adjacent to a more restrictive zoning district. A minimum managed buffer of
3861 25 feet or 10 percent of the site width or depth, measured from the adjacent more
3862 restrictive zoning district, whichever is greatest, shall be required to be preserved.
3863 A minimum of one tree per 10 linear feet and understory screening vegetation or
3864 hedges (70 percent opaque and 6 feet in height) shall be required to be planted in
3865 adjacent-use buffers not already meeting this minimum standard for vegetation.
- 3866 iv. *Large site adjacent-use buffer.* An untouched buffer with a depth of 40 feet shall
3867 be required when a development site is adjacent to a more restrictive zoning
3868 district. A minimum of one tree per 10 linear feet and understory screening
3869 vegetation or hedges (70 percent opaque and 6 feet in height) shall be required to
3870 be planted in adjacent-use buffers not already meeting this minimum standard for
3871 vegetation.
- 3872 G. *Procedure for tree removal, residential clearing and development clearing permits.* Prior to the
3873 issuance of a tree removal, residential clearing or development clearing permit, an application shall
3874 be required to be submitted for review by the Tree Inspector. A complete application for a tree
3875 removal, residential clearing or development clearing permit shall include the following items:
- 3876 1. *General information required for tree removal, residential clearing and development*
3877 *clearing permits.*
- 3878 a. A completed application form including the following:
- 3879 i. Name, address, and phone number of contact person;
- 3880 ii. Authorization by the property owner to clear the site, if applicant is other than
3881 owner of the property;
- 3882 iii. Estimated starting date;
- 3883 iv. Estimated completion date;
- 3884 v. Name, address and phone number of applicant;
- 3885 b. Copy of deed to property.
- 3886 c. All required processing and inspection fees.

- 3887 2. *Tree removal permit application requirements.* In addition to all the items listed above, a plan
3888 depicting the location, size (DBH), and species of all trees proposed to be removed shall be
3889 submitted and all trees proposed to be removed shall be marked prior to the request for the
3890 first inspection.
- 3891 3. *Residential clearing permit application requirements.* In addition to all the items listed above,
3892 a plot plan, drawn to scale, which clearly identifies the following shall be required for
3893 consideration of an application for a residential clearing permit:
- 3894 a. The specific location, size and species of specifically protected trees;
- 3895 b. The location of trees or stands of trees proposed for preservation on the site and the
3896 intended method for marking trees to be preserved.
- 3897 c. Location of critical root zones of specifically protected trees and all other trees required
3898 or proposed to be preserved.
- 3899 d. Location of tree barriers to protect trees required or proposed to be protected during
3900 construction.
- 3901 e. Erosion and sediment control plan to control the runoff of sediment when soil will be
3902 disturbed, except when the disturbed area comprises less than 50 percent of the lot or
3903 parcel and is located at least 10 feet from all property lines.
- 3904 f. Dimensions and locations of all proposed improvements, such as buildings or
3905 structures, driveways, and paved walkways.
- 3906 4. *Development clearing permit application requirements.* In addition to all the items listed
3907 above, a plot plan, drawn to scale, which clearly identifies the following shall be required for
3908 consideration of an application for a development clearing permit:
- 3909 a. Existing stands of trees on the parcel;
- 3910 b. The specific location, size and species of specifically protected trees;
- 3911 c. The location of trees or stands of trees proposed for preservation on the site and the
3912 intended method for marking preserved trees prior to land clearing should be identified
3913 on the application.
- 3914 d. Location of critical root zones of specifically protected trees and all other trees required
3915 or proposed to be preserved.
- 3916 e. Location of tree barriers to protect trees required or proposed to be protected during
3917 construction.
- 3918 f. Erosion and Sediment Control Plan to control the runoff of sediment when soil will be
3919 disturbed.
- 3920 g. Dimensions and locations of all existing and proposed improvements, such as buildings
3921 or structures, driveways, and paved walkways.
- 3922 h. Location and dimensions of all required buffers.
- 3923 5. *Decision regarding permit applications.* Within 5 working days after acceptance by the Tree
3924 Inspector of a complete application for a development clearing permit, the Tree Inspector
3925 shall either cause the permit to be issued or provide the applicant in writing with his reasons
3926 for rejecting the application as presented. In making a decision on the permit application, the
3927 Tree Inspector shall take into consideration:
- 3928 a. Applicable land use;

- 3929 b. Health, safety, and welfare of the public and the applicant;
- 3930 c. Aesthetic value and landscaping;
- 3931 d. Possible replacement of removed trees;
- 3932 e. The intent of this Chapter and the goals of the community tree plan; and
- 3933 f. The facts supporting the approval of tree removal
- 3934 6. *Inspections required for tree removal, residential clearing and development clearing.*
- 3935 a. *Tree removal permit inspections.*
- 3936 i. *First inspection.* The applicant shall request an inspection by the Tree Inspector
- 3937 after marking the trees to be removed and the Tree Inspector shall inspect the
- 3938 site, within 24 hours of such request, to determine conformance with the permit
- 3939 application and the provisions of this Chapter prior to issuing a tree removal
- 3940 permit.
- 3941 ii. *Final inspection.* Upon completion of the tree removal work, the applicant shall
- 3942 request an inspection, and the Tree Inspector shall inspect the site to determine
- 3943 that the work was performed in conformance with the permit and the provisions
- 3944 of this Chapter.
- 3945 b. *Residential clearing permit inspections.*
- 3946 i. *First inspection.* After marking all trees to be preserved and erecting tree
- 3947 protection barriers around trees to be preserved and any erosion control methods
- 3948 proposed, the applicant shall request an inspection, and the Tree Inspector shall
- 3949 inspect the site to determine that the proposed work is in accordance with the
- 3950 provisions of this Chapter, prior to the issuance of the single-family residential
- 3951 building permit or the residential clearing permit.
- 3952 ii. *Final inspection.* Upon completion of all work and clean up of the site, the
- 3953 applicant shall request a final inspection of the site by the Tree Inspector. The
- 3954 Tree Inspector shall perform the final inspection and determine that the
- 3955 conditions of the residential clearing permit have been adhered to prior to issuing
- 3956 a certificate of occupancy or authorizing permanent utility hookups for the site.
- 3957 c. *Development clearing permit inspections for multifamily residential, nonresidential,*
- 3958 *infrastructure improvements or other development applications.*
- 3959 i. *First inspection.* After marking all trees to be removed and preserved and
- 3960 erecting tree protection barriers around trees to be preserved and the erosion
- 3961 control methods proposed, the applicant shall request an inspection and the Tree
- 3962 Inspector shall inspect the site to determine that the proposed work is in
- 3963 accordance with the development clearing permit application and the provisions
- 3964 of this chapter, prior to the issuance of the development clearing permit.
- 3965 ii. *Second inspection.* After pavement forms are in place but prior to the pouring of
- 3966 concrete for roadways, driveways, sidewalks, parking or loading areas, the
- 3967 applicant shall request a second inspection, and an inspection shall be made by
- 3968 the Tree Inspector to determine that forms have been placed in accordance with
- 3969 the development clearing permit plans.
- 3970 iii. *Final inspection.* Upon completion of all work and clean up of the site, the
- 3971 applicant shall request a final inspection of the site by the Tree Inspector. The
- 3972 Tree Inspector shall perform the final inspection and determine that the

3973 conditions of the development clearing permit have been adhered to prior to
3974 issuing a certificate of occupancy or authorizing permanent utility hookups for
3975 the site.

3976 H. *Timber harvesting requirements.* The Tree Inspector may issue a timber harvesting permit for the
3977 purpose of commercially harvesting pine trees only (except for longleaf pines which are a
3978 specifically protected tree) on land that has not been subdivided into lots of record and which has a
3979 minimum size of 6 acres. Any other trees meeting the size requirements as defined under "tree
3980 removal" which are damaged or destroyed shall be considered a violation. All timber harvesting
3981 shall be accomplished in accordance with the standards included in "Recommended Forest Best
3982 Management Practices for Louisiana" published in 2000.

3983 1. *Application.* An application for a timber harvesting permit shall include all the items required
3984 for a request for a tree removal, residential clearing, or development clearing permit, and
3985 shall include a plot plan, drawn to scale, depicting the location and dimensions of the
3986 following:

3987 a. *Roadway buffer.* All existing vegetation shall be required to be preserved in an uncut
3988 vegetation buffer at least 25 feet in width along all improved roadways and dedicated
3989 street rights-of-way, except for one 40 foot-wide accessway through the buffer to reach
3990 the interior of the site.

3991 b. *Waterway buffer.* All existing vegetation shall be required to be preserved in an uncut
3992 vegetation buffer of a width in accordance with the "Recommended Forestry Best
3993 Management Practices for Louisiana" Streamside Management Zones (SMZ) as
3994 follows:

3995 i. SMZ widths are measured from the top of each bank and established on each side
3996 of the stream, waterway or drainageway.

3997 ii. The minimum SMZ for ephemeral and intermittent streams and improved
3998 drainage canals shall be 35 feet on each side of the waterway.

3999 iii. The minimum SMZ for perennial streams less than 20 feet wide shall be 50 feet
4000 on each side.

4001 iv. The minimum SMZ for perennial streams more than 20 feet wide shall be 100
4002 feet on each side.

4003 c. *Adjacent-use buffer.* All vegetation shall be required to be preserved in a minimum
4004 uncut vegetation buffer of 50 feet in depth on all sides of the site adjacent to an existing
4005 residential zoning district.

4006 d. *Loading area.* The size and location of the designated loading area, to be located on the
4007 interior of the site beyond any required buffer areas.

4008 e. *Protected trees.* Specifically protected trees and stands of trees required to be
4009 preserved.

4010 2. *Diagram of the routes.* A diagram of the routes on public streets to be used by vehicles
4011 associated with the timber harvesting operation shall also be submitted prior to the issuance
4012 of a timber harvesting permit.

4013 3. *Preservation and restoration of trees.*

4014 a. All timber harvesting operations including skidding, yarding, trimming, loading and
4015 equipment operation or storage shall be on site and shall not intrude into any of the
4016 required buffers. No operation other than hauling shall take place on the Town streets.

- 4017 b. All parties conducting timber harvesting activities shall exercise due and reasonable
4018 caution when traversing public rights-of-way, public lands and water bodies in order to
4019 minimize disturbance to same. All public rights-of-way, public properties, existing and
4020 recognized natural drainage, and engineered drainageways shall be restored to
4021 preexisting condition with the cessation of the timber harvesting activity.
- 4022 c. All felled trees and uprooted stumps from the harvesting of trees shall be removed from
4023 the site. Scrapping or bulldozing of the site shall be allowed only for the purpose of
4024 replanting.
- 4025 d. All buffer zones, stands of protected trees and specifically protected trees shall be
4026 clearly marked prior to the inspection for the issuance of the timber harvesting permit.
- 4027 4. *Warranty provisions.*
- 4028 a. Any person who obtains a timber harvesting permit shall post security with the Town in
4029 an amount sufficient, as predetermined by the Tree Inspector, for the repair or
4030 restoration of any streets or bridges, rights-of-way, public lands or water bodies and/or
4031 drainage easements within the Town damaged as a result of timber harvesting
4032 activities.
- 4033 b. The security required by this Section shall be either a funded letter of credit or a bond
4034 approved by the Town with the town listed as obligee as follows:
- 4035 i. An annual blanket security of \$10,000.00 due on October 1, 1993, and each
4036 October 1 thereafter.
- 4037 ii. In the event that the above security has to be called for any reason, a new
4038 security will be established as follows:
- 4039 A) The security will increase in \$10,000.00 increments for each occurrence of
4040 damage.
- 4041 B) All existing permits shall be forfeited and no new permits will be issued
4042 until new security is posted and prior damage has been resolved.
- 4043 c. Applicants shall be responsible only for damage caused directly by their activities on or
4044 use of public streets, roads, bridges or lands.
- 4045 d. The security required by this Section may be posted by any interested party, including,
4046 but not limited to the land owner, logging contractor or timber purchaser on behalf of
4047 the applicant.
- 4048 e. The security posted by the applicant shall remain in effect until the issuance of the
4049 certificate of completion. The security posted shall be applied to each permit issued.
4050 Upon notification by the applicant that work is complete, the Tree Inspector shall
4051 inspect the site and, if acceptable, a certificate of completion shall be issued and
4052 recorded accordingly on the security.
- 4053 5. *Enforcement and inspections.*
- 4054 a. *First inspection.* The applicant shall mark all pine trees to be harvested and protected,
4055 erect all tree protection barriers and have sediment control mechanisms in place prior to
4056 requesting the first inspection. The Tree Inspector shall inspect and document the
4057 location and condition of all roadways proposed to be used for timber harvesting
4058 operations, all required buffers, specifically protected trees and stands of protected
4059 trees, as shown on the plot plan, and shall verify that all protected trees are clearly
4060 marked for protection, prior to the issuance of a timber harvesting permit.

- 4061 b. *Monitoring.* The Tree Inspector shall perform regular inspections of the site during the
4062 performance of the timber harvesting work to determine compliance with the timber
4063 harvesting application and the provisions of this Chapter and shall issue written notice
4064 to stop work should the harvesting operations be found to be in violation of the permit
4065 or laws of the Town of Abita Springs.
- 4066 c. *Final inspection and issuance of certificate of completion.* It shall be the responsibility
4067 of the applicant to request an inspection and the Tree Inspector to inspect the site after
4068 completion. Upon completion of all harvesting, cleanup and repairs or restoration
4069 required the applicant shall notify the tree inspector to request a final inspection of the
4070 site and all roadways utilized for timber harvesting activities. In the event that damage
4071 is caused to the right-of-way or Town streets through activity of the applicant or its
4072 agents, the Town shall notify the applicant in writing by certified letter. The cost of
4073 repairing the damage shall be the sole responsibility of the applicant. Approval shall be
4074 required from the Town of all specifications, as well as of the contractor who will
4075 perform the corrective action. A reasonable time frame shall be agreed upon by the
4076 Town and the applicant for corrective work to be completed but in any event no more
4077 than 90 days from notification. The certificate of completion required to release the
4078 security bond shall not be issued by the Town until all repair, restoration or tree
4079 replacement activities required of the applicant have been fulfilled.
- 4080 6. *Procedure for enforcement of security.* In the event an applicant or its agents causes damage
4081 to Town property and fails to correct such damage resulting in the town having to take
4082 corrective action, at the completion of all such corrective work the Town will present the
4083 invoice for said corrective work to the responsible applicant, and the applicant shall have 30
4084 days from its receipt to pay said invoice. In the event that the applicant fails to pay said
4085 invoice within 30 days, the Town may, at its option, take any appropriate action to execute on
4086 the security required herein.
- 4087 7. *Replanting plan.* In order to develop and be issued permits on a parcel of land that has been
4088 commercially harvested and does not have a 50-percent tree cover, the developer must submit
4089 a replanting plan to the Planning Commission. A replanting plan must be reviewed and
4090 approved by the Planning Commission on any development and/or lots within a subdivision.
4091 A certificate of occupancy on any structure within the development will not be issued until
4092 the replanting plan has been enacted and approved by the Tree Inspector. The Planning
4093 Commission may request that the landscape committee review any landscape and replanting
4094 plan and make their recommendation to the Planning Commission.
- 4095 I. *Expiration of permits.* All permits issued under this Chapter shall be valid for a period of one year
4096 after which time the permit automatically expires. After this period of time, all permitted activities
4097 must be complete and a compliance inspection made by the Inspector. In the event all clearing
4098 activities have not been completed during the existence of the permit, a new tree removal,
4099 residential clearing, development clearing, or timber harvesting permit must be obtained.
- 4100 J. *Tree replacement requirements.*
- 4101 1. *General requirements.* When any tree required to be preserved or planted by the provisions of
4102 this Chapter or any other laws of the Town of Abita Springs, dies or is removed, it shall be
4103 replaced with 2 trees of the same species or a species with similar characteristics measuring a
4104 minimum of 2 inches DBH each at the time of planting. If the available planting space on the
4105 site where the tree died or was removed is not adequate for the number of replacement trees
4106 required, the replacement trees unable to be placed on the site shall be donated to the Town
4107 for planting in a location to be determined by the landscape commission.

2. *Expiration.* Should a building or development permit or subdivision authorization, which made possible the issuance of the development clearing permit, expire without the intended development activity being realized or trees be removed in violation of this Chapter, all trees removed shall be considered a violation and a replacement plan and schedule for replacement shall be required to be submitted by the applicant for approval of the Planning Commission. The landowner shall be required to implement the tree replacement plan within the schedule approved by the Planning Commission. Said tree replacement plan and schedule must be filed with the Town Clerk within 30 days of expiration of the building permit or subdivision authorization time period or, in the case of timber harvesting or other tree removal or clearing violations, upon notification of a violation by the Tree Inspector. This tree replacement schedule shall include a time frame for the completion of implementation, not exceeding one year from the date of the expiration of the permit or notification by the Tree Inspector, and shall be site specific for the location of both hardwood and softwood species including a variation in mature heights so as to achieve a revegetation of the cleared area in a reasonable amount of time.

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

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

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

N. *Violations and penalties.*

1. Any person violating the provisions of this Chapter shall be guilty of a misdemeanor, and upon first conviction shall be punished by a fine, not to exceed a maximum of \$500.00 for each specifically protected tree removed or destroyed and \$250.00 for each other tree removed or destroyed in violation of this Chapter. Each tree removed or destroyed in violation of this Chapter shall be considered a separate violation.
2. Nothing herein contained shall prevent the Town from taking such other lawful actions as necessary to prevent or remedy the violation up to and including suspension or revocation of the violator's building permit and/or tree removal, development clearing, timber harvesting permit and requiring trees removed to be replaced by the violator.
3. *Replacement of trees.* Replacement trees may be accepted by the tree inspector in lieu of a fine, when approved by the Planning Commission.
4. The verdict or order which levies any fines for violating the provisions of this Chapter may be prepared by the Town Clerk and signed by the Mayor's court judge and recorded in the

4154 office of the Clerk of Court for the Parish of St Tammany. Such recording shall serve as an
4155 incumbrance against the parcel of land upon which the violation occurred.

4156 O. *Appeals.* Appeals of the decisions of the tree inspector pursuant to this Chapter shall be perfected in
4157 accordance with the procedures outlined in **Chapter 2 – Procedures** of this Part.

4158 **Sec. 9-304.5. – Sign requirements - Reserved.**

4159 **CHAPTER 4 – FLOODPLAIN MANAGEMENT**

4160 **ARTICLE A. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND** 4161 **METHODS**

4162 **Sec. 9-401. Statutory authorization**

4163 The Legislature of the State of Louisiana has in statute L.R.S. 38:84 delegated the responsibility of
4164 local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Board of
4165 Aldermen of the Town of Abita Springs, Louisiana does ordain as follows:

4166 **Sec. 9-402. Findings of fact**

4167 A. The flood hazard areas of Abita Springs are subject to periodic inundation which results in loss of
4168 life and property, health and safety hazards, disruption of commerce and governmental services,
4169 and extraordinary public expenditures for flood protection and relief, all of which adversely affect
4170 the public health, safety and general welfare.

4171 B. These flood losses are created by the cumulative effect of obstructions in floodplains which cause
4172 an increase in flood heights and velocities, and by the occupancy of flood hazards areas by uses
4173 vulnerable to floods and hazardous to other lands because they are inadequately elevated,
4174 floodproofed or otherwise protected from flood damage.

4175 **Sec. 9-403. Statement of purpose**

4176 It is the purpose of this ordinance to promote the public health, safety and general welfare and to
4177 minimize public and private losses due to flood conditions in specific areas by provisions designed to:

4178 A. Protect human life and health;

4179 B. Minimize expenditure of public money for costly flood control projects;

4180 C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken
4181 at the expense of the general public;

4182 D. Minimize prolonged business interruptions;

4183 E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone
4184 and sewer lines, streets and bridges located in floodplains;

4185 F. Help maintain a stable tax base by providing for the sound use and development of flood-prone
4186 areas in such a manner as to minimize future flood blight areas; and

4187 G. Ensure that potential buyers are notified that property is in a flood area.

4188 **Sec. 9-404. Methods of reducing flood losses**

4189 In order to accomplish its purposes, this ordinance uses the following methods:

- 4190 A. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause
4191 excessive increases in flood heights or velocities;
- 4192 B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected
4193 against flood damage at the time of initial construction;
- 4194 C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which
4195 are involved in the accommodation of flood water;
- 4196 D. Control filling, grading, dredging and other development which may increase flood damage;
- 4197 E. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or
4198 which may increase flood hazards to other lands.

4199 **ARTICLE B. DEFINITIONS**

4200 **Sec. 9-405. Definitions.**

4201 Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to
4202 give them the meaning they have in common usage and to give this ordinance its most reasonable
4203 application.

4204 ALLUVIAL FAN FLOODING - means flooding occurring on the surface of an alluvial fan or
4205 similar landform which originates at the apex and is characterized by high-velocity flows; active processes
4206 of erosion, sediment transport, and deposition; and unpredictable flow paths.

4207 APEX - means a point on an alluvial fan or similar landform below which the flow path of the major
4208 stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

4209 APPURTENANT STRUCTURE – means a structure which is on the same parcel of property as the
4210 principal structure to be insured and the use of which is incidental to the use of the principal structure

4211 AREA OF FUTURE CONDITIONS FLOOD HAZARD – means the land area that would be
4212 inundated by the 1-percent-annual chance (100 year) flood based on future conditions hydrology.

4213 AREA OF SHALLOW FLOODING - means a designated AO, AH, AR/AO, AR/AH, or VO zone
4214 on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding
4215 to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding
4216 is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or
4217 sheet flow.

4218 AREA OF SPECIAL FLOOD HAZARD - is the land in the floodplain within a community subject
4219 to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on
4220 the Flood Hazard Boundary Map (FHBM). After detailed rate-making has been completed in preparation
4221 for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR,
4222 AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

4223 BASE FLOOD - means the flood having a 1 percent chance of being equaled or exceeded in any
4224 given year.

4225 BASE FLOOD ELEVATION – The elevation shown on the Flood Insurance Rate Map (FIRM) and
4226 found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or
4227 VE that indicates the water surface elevation resulting from the flood that has a 1% chance of equaling or
4228 exceeding that level in any given year – also called the Base Flood.

4229 BASEMENT - means any area of the building having its floor subgrade (below ground level) on all
4230 sides.

4231 BREAKAWAY WALL – means a wall that is not part of the structural support of the building and
4232 is intended through its design and construction to collapse under specific lateral loading forces, without
4233 causing damage to the elevated portion of the building or supporting foundation system.

4234 CRITICAL FEATURE - means an integral and readily identifiable part of a flood protection system,
4235 without which the flood protection provided by the entire system would be compromised.

4236 DEVELOPMENT - means any man-made change to improved and unimproved real estate,
4237 including but not limited to buildings or other structures, mining, dredging, filling, grading, paving,
4238 excavation or drilling operations or storage of equipment or materials.

4239 ELEVATED BUILDING – means, for insurance purposes, a non-basement building, which has its
4240 lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or
4241 columns.

4242 EXISTING CONSTRUCTION - means for the purposes of determining rates, structures for which
4243 the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975,
4244 for FIRMs effective before that date. "Existing construction" may also be referred to as "existing
4245 structures."

4246 EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home
4247 park or subdivision for which the construction of facilities for servicing the lots on which the manufactured
4248 homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets,
4249 and either final site grading or the pouring of concrete pads) is completed before the effective date of the
4250 floodplain management regulations adopted by a community.

4251 EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means
4252 the preparation of additional sites by the construction of facilities for servicing the lots on which the
4253 manufactured homes are to be affixed (including the installation of utilities, the construction of streets,
4254 and either final site grading or the pouring of concrete pads).

4255 FLOOD OR FLOODING - means a general and temporary condition of partial or complete
4256 inundation of normally dry land areas from:

4257 A. the overflow of inland or tidal waters.

4258 B. the unusual and rapid accumulation or runoff of surface waters from any source.

4259 FLOOD ELEVATION STUDY – means an examination, evaluation and determination of flood
4260 hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and
4261 determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

4262 FLOOD INSURANCE RATE MAP (FIRM) - means an official map of a community, on which the
4263 Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk
4264 premium zones applicable to the community.

4265 FLOOD INSURANCE STUDY (FIS) – see Flood Elevation Study

4266 FLOODPLAIN OR FLOOD-PRONE AREA - means any land area susceptible to being inundated
4267 by water from any source (see definition of flooding).

4268 FLOODPLAIN MANAGEMENT - means the operation of an overall program of corrective and
4269 preventive measures for reducing flood damage, including but not limited to emergency preparedness
4270 plans, flood control works and floodplain management regulations.

4271 FLOODPLAIN MANAGEMENT REGULATIONS - means zoning ordinances, subdivision
4272 regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance,
4273 grading ordinance and erosion control ordinance) and other applications of police power. The term
4274 describes such state or local regulations, in any combination thereof, which provide standards for the
4275 purpose of flood damage prevention and reduction.

4276 FLOOD PROTECTION SYSTEM - means those physical structural works for which funds have
4277 been authorized, appropriated, and expended and which have been constructed specifically to modify
4278 flooding in order to reduce the extent of the area within a community subject to a "special flood hazard"
4279 and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal
4280 barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed
4281 in conformance with sound engineering standards.

4282 FLOOD PROOFING - means any combination of structural and non-structural additions, changes,
4283 or adjustments to structures which reduce or eliminate flood damage to real estate or improved real
4284 property, water and sanitary facilities, structures and their contents.

4285 FLOODWAY – see Regulatory Floodway

4286 FUNCTIONALLY DEPENDENT USE - means a use, which cannot perform its intended purpose
4287 unless it is located or carried out in close proximity to water. The term includes only docking facilities,
4288 port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building
4289 and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

4290 HIGHEST ADJACENT GRADE - means the highest natural elevation of the ground surface prior
4291 to construction next to the proposed walls of a structure.

4292 HISTORIC STRUCTURE - means any structure that is:

4293 A. Listed individually in the National Register of Historic Places (a listing maintained by the
4294 Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the
4295 requirements for individual listing on the National Register;

4296 B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical
4297 significance of a registered historic district or a district preliminarily determined by the Secretary to
4298 qualify as a registered historic district;

4299 C. Individually listed on a state inventory of historic places in states with historic preservation
4300 programs which have been approved by the Secretary of Interior; or

4301 D. Individually listed on a local inventory of historic places in communities with historic preservation
4302 programs that have been certified either:

4303 1. By an approved state program as determined by the Secretary of the Interior or;

4304 2. Directly by the Secretary of the Interior in states without approved programs.

4305 LEVEE - means a man-made structure, usually an earthen embankment, designed and constructed
4306 in accordance with sound engineering practices to contain, control, or divert the flow of water so as to
4307 provide protection from temporary flooding.

4308 LEVEE SYSTEM - means a flood protection system which consists of a levee, or levees, and
4309 associated structures, such as closure and drainage devices, which are constructed and operated in
4310 accordance with sound engineering practices.

4311 LOWEST FLOOR - means the lowest floor of the lowest enclosed area (including basement). An
4312 unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in
4313 an area other than a basement area is not considered a building's lowest floor; provided that such enclosure
4314 is not built so as to render the structure in violation of the applicable non-elevation design requirement of
4315 Section 60.3 of the National Flood Insurance Program regulations.

4316 MANUFACTURED HOME - means a structure transportable in one or more sections, which is
4317 built on a permanent chassis and is designed for use with or without a permanent foundation when
4318 connected to the required utilities. The term "manufactured home" does not include a "recreational
4319 vehicle".

4320 MANUFACTURED HOME PARK OR SUBDIVISION - means a parcel (or contiguous parcels)
4321 of land divided into two or more manufactured home lots for rent or sale.

4322 MEAN SEA LEVEL - means, for purposes of the National Flood Insurance Program, the North
4323 American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a
4324 community's Flood Insurance Rate Map are referenced.

4325 NEW CONSTRUCTION - means, for the purpose of determining insurance rates, structures for
4326 which the "start of construction" commenced on or after the effective date of an initial FIRM or after
4327 December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.
4328 For floodplain management purposes, "new construction" means structures for which the "start of
4329 construction" commenced on or after the effective date of a floodplain management regulation adopted
4330 by a community and includes any subsequent improvements to such structures.

4331 NEW MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park
4332 or subdivision for which the construction of facilities for servicing the lots on which the manufactured
4333 homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets,
4334 and either final site grading or the pouring of concrete pads) is completed on or after the effective date of
4335 floodplain management regulations adopted by a community.

4336 RECREATIONAL VEHICLE - means a vehicle which is

- 4337 A. built on a single chassis;
4338 B. 400 square feet or less when measured at the largest horizontal projections;
4339 C. designed to be self-propelled or permanently towable by a light duty truck; and
4340 D. designed primarily not for use as a permanent dwelling but as temporary living quarters for
4341 recreational, camping, travel, or seasonal use.

4342 REGULATORY FLOODWAY - means the channel of a river or other watercourse and the adjacent
4343 land areas that must be reserved in order to discharge the base flood without cumulatively increasing the
4344 water surface elevation more than a designated height.

4345 RIVERINE – means relating to, formed by, or resembling a river (including tributaries), stream,
4346 brook, etc.

4347 SPECIAL FLOOD HAZARD AREA – see Area of Special Flood Hazard

4348 START OF CONSTRUCTION - (for other than new construction or substantial improvements
4349 under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means
4350 the date the building permit was issued, provided the actual start of construction, repair, reconstruction,
4351 rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The
4352 actual start means either the first placement of permanent construction of a structure on a site, such as the
4353 pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the
4354 stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction
4355 does not include land preparation, such as clearing, grading and filling; nor does it include the installation
4356 of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or
4357 the erection of temporary forms; nor does it include the installation on the property of accessory buildings,
4358 such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial
4359 improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other
4360 structural part of a building, whether or not that alteration affects the external dimensions of the building.

4361 STRUCTURE – means, for floodplain management purposes, a walled and roofed building,
4362 including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

4363 SUBSTANTIAL DAMAGE - means damage of any origin sustained by a structure whereby the
4364 cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the
4365 market value of the structure before the damage occurred.

4366 SUBSTANTIAL IMPROVEMENT - means any reconstruction, rehabilitation, addition, or other
4367 improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the
4368 structure before "start of construction" of the improvement. This term includes structures which have
4369 incurred "substantial damage", regardless of the actual repair work performed. The term does not,
4370 however, include either:

4371 A. Any project for improvement of a structure to correct existing violations of state or local health,
4372 sanitary, or safety code specifications which have been identified by the local code enforcement
4373 official and which are the minimum necessary to assure safe living conditions or

4374 B. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's
4375 continued designation as a "historic structure."

4376 VARIANCE – means a grant of relief by a community from the terms of a floodplain management
4377 regulation. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

4378 VIOLATION - means the failure of a structure or other development to be fully compliant with the
4379 community's floodplain management regulations. A structure or other development without the elevation
4380 certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4),
4381 (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation
4382 is provided.

4383 WATER SURFACE ELEVATION - means the height, in relation to the North American Vertical
4384 Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and
4385 frequencies in the floodplains of coastal or riverine areas.

4386 ARTICLE C. GENERAL PROVISIONS

4387 **Sec. 9-406. Lands to which this article applies.**

4388 This ordinance shall apply to all areas of special flood hazard with the jurisdiction of the Town of
4389 Abita Springs, Louisiana.

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

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

Sec. 9-408. Establishment of development permit.

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

Sec. 9-409. Compliance.

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

Sec. 9-410. Abrogation and greater restrictions.

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

Sec. 9-411. Interpretation.

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

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

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

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

ARTICLE D. ADMINISTRATION

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

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

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

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

- A. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.
- B. Review permit application to determine whether to ensure that the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding.
- C. Review, approve or deny all applications for development permits required by adoption of this ordinance.
- D. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
- E. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the floodplain administrator shall make the necessary interpretation.
- F. Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the Department of Transportation and Development, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- G. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- H. When base flood elevation data has not been provided in accordance with section 9-407. Basis for establishing the areas of special flood hazard, the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Article E of this Chapter.
- I. When a regulatory floodway has not been designated the floodplain administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1—30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- J. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in zones A1—30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first completes all of the provisions required by Section 65.12.

Sec. 9-415. Permit procedures.

- A. Application for a development permit shall be presented to the floodplain administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the

4465 foregoing in relation to areas of special flood hazard. Additionally, the following information is
4466 required:

- 4467 1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new
4468 and substantially improved structures;
- 4469 2. Elevation in relation to mean sea level to which any nonresidential structure shall be
4470 floodproofed;
- 4471 3. A certificate from a registered professional engineer or architect that the nonresidential
4472 floodproofed structure shall meet the floodproofing criteria of Article E, Section 9-418.
4473 Specific Standards for Nonresidential Construction;
- 4474 4. Description of the extent to which any watercourse or natural drainage will be altered or
4475 relocated as a result of proposed development;
- 4476 5. Maintain a record of all such information in accordance with subsection Sec. 9-414. Duties
4477 and responsibilities of the floodplain administrator, subsection A.

4478 B. Approval or denial of a development permit by the floodplain administrator shall be based on all of
4479 the provisions of this ordinance and the following relevant factors:

- 4480 1. The danger to life and property due to flooding or erosion damage;
- 4481 2. The susceptibility of the proposed facility and its contents to flood damage and the effect of
4482 such damage on the individual owner;
- 4483 3. The danger that materials may be swept onto other lands to the injury of others;
- 4484 4. The compatibility of the proposed use with existing and anticipated development;
- 4485 5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- 4486 6. The costs of providing governmental services during and after flood conditions including
4487 maintenance and repair of streets and bridges, and public utilities and facilities such as sewer,
4488 gas, electrical and water systems;
- 4489 7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters
4490 and the effects of wave action, if applicable, expected at the site;
- 4491 8. The necessity to the facility of a waterfront location, where applicable;
- 4492 9. The availability of alternative locations, not subject to flooding or erosion damage, for the
4493 proposed use;

4494 **Sec. 9-416. Variance procedures.**

- 4495 A. The appeal board as established by the community shall hear and render judgment on requests for
4496 variances from the requirements of this ordinance.
- 4497 B. The appeal board shall hear and render judgment on an appeal only when it is alleged there is an
4498 error in any requirement, decision, or determination made by the floodplain administrator in the
4499 enforcement or administration of this ordinance.
- 4500 C. Any person or persons aggrieved by the decision of the appeal board may appeal such decision in
4501 the courts of competent jurisdiction.

- 4502 D. The floodplain administrator shall maintain a record of all actions involving an appeal and shall
4503 report variances to the Federal Emergency Management Agency upon request.
- 4504 E. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on
4505 the National Register of Historic Places or the state Inventory of Historic Places, without regard to
4506 the procedures set forth in the remainder of this ordinance.
- 4507 F. Variances may be issued for new construction and substantial improvements to be erected on a lot
4508 of one-half acre or less in size contiguous to and surrounded by lots with existing structures
4509 constructed below the base flood level, providing the relevant factors in subsection 9-415(B) of this
4510 article have been fully considered. As the lot size increases beyond the one-half acre, the technical
4511 justification required for issuing the variance increases.
- 4512 G. Upon consideration of the factors noted above and the intent of this article, the appeal board may
4513 attach such conditions to the granting of variances as it deems necessary to further the purpose and
4514 objectives of this ordinance (subsection 9-403. Statement of purpose).
- 4515 H. Variances shall not be issued within any designated floodway if any increase in flood levels during
4516 the base flood discharge would result.
- 4517 I. Variances may be issued for the repair or rehabilitation of historic structures upon a determination
4518 that the proposed repair or rehabilitation will not preclude the structure's continued designation as a
4519 historic structure and the variance is the minimum necessary to preserve the historic character and
4520 design of the structure.
- 4521 J. Prerequisites for granting variances:
- 4522 1. Variances shall only be issued upon a determination that the variance is the minimum
4523 necessary, considering the flood hazard, to afford relief.
- 4524 2. Variances shall only be issued upon:
- 4525 a. Showing a good and sufficient cause;
- 4526 b. A determination that failure to grant the variance would result in exceptional hardship
4527 to the applicant; and
- 4528 c. A determination that the granting of a variance will not result in increased flood heights,
4529 additional threats to public safety, extraordinary public expense, create nuisances, cause
4530 fraud on or victimization of the public, or conflict with existing local laws or
4531 ordinances.
- 4532 3. Any application to whom a variance is granted shall be given written notice that the structure
4533 will be permitted to be built with the lowest floor elevation below the base flood elevation,
4534 and that the cost of flood insurance will be commensurate with the increased risk resulting
4535 from the reduced lowest floor elevation.
- 4536 K. Variances may be issued by a community for new construction and substantial improvements and
4537 for other development necessary for the conduct of a functionally dependent use provided that:
- 4538 1. The criteria outlined in subsection 9-416 (A) through (I) are met; and
- 4539 2. The structure or other development is protected by methods that minimize flood damages
4540 during the base flood and create no additional threats to public safety.

ARTICLE E. PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 9-417. General standards.

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

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

Sec. 9-418. Specific standards.

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

- A. Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection as proposed in subsection 9-415. Permit procedures (A)(1), is satisfied.
- B. Nonresidential construction. New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with

4582 accepted standards of practice as outlined in this subsection. A record of such certification which
4583 includes the specific elevation (in relation to mean sea level) to which such structures are
4584 floodproofed shall be maintained by the floodplain administrator.

4585 C. Enclosures. New construction and substantial improvements, with fully enclosed areas below the
4586 lowest floor that are usable solely for parking of vehicles, building access or storage in an area other
4587 than a basement and which are subject to flooding shall be designed to automatically equalize
4588 hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs
4589 for meeting this requirement must either be certified by a registered professional engineer or
4590 architect or meet or exceed the following minimum criteria:

- 4591 1. A minimum of two openings on separate walls having a total net area of not less than one
4592 square inch for every square foot of enclosed area subject to flooding shall be provided.
- 4593 2. The bottom of all openings shall be no higher than one foot above grade.
- 4594 3. Openings may be equipped with screens, louvers, valves, or other coverings or devices
4595 provided that they permit the automatic entry and exit of floodwater.

4596 D. Manufactured homes.

- 4597 1. Require that all manufactured homes to be placed within zone A on a community's FHBM or
4598 FIRM shall be installed using methods and practices which minimize flood damage. For the
4599 purposes of this requirement, manufactured homes must be elevated and anchored to resist
4600 flotation, collapse, or lateral movement. Methods of anchoring may include, but are not
4601 limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition
4602 to applicable State and local anchoring requirements for resisting wind forces.

- 4603 2. Require that manufactured homes that are placed or substantially improved within zones
4604 A1—30, AH, and AE on the community's FIRM on sites:

- 4605 a. Outside of a manufactured home park or subdivision;
- 4606 b. In a new manufactured home park or subdivision;
- 4607 c. In an expansion to an existing manufactured home park or subdivision; or
- 4608 d. In an existing manufactured home park or subdivision on which a manufactured home
4609 has incurred "substantial damage" as a result of a flood, be elevated on a permanent
4610 foundation such that the bottom of the longitudinal structural I beam of the
4611 manufactured home is elevated to or above the base flood elevation and be securely
4612 anchored to an adequately anchored foundation system to resist flotation, collapse, and
4613 lateral movement.

- 4614 3. Require that manufactured homes be placed or substantially improved on sites in an existing
4615 manufactured home park or subdivision within zones A1—30, AH, and AE on the
4616 community's FIRM that are not subject to the provisions of 9-418. Specific standards (D)(2).
4617 of this subsection be elevated so that either:

- 4618 a. The bottom of the longitudinal structural I beam of the manufactured home is at or
4619 above the base flood elevation, or
- 4620 b. the manufactured home chassis is supported by reinforced piers or other foundation
4621 elements of at least equivalent strength that are no less than 36 inches in height above
4622 grade and be securely anchored to an adequately anchored foundation system to resist
4623 flotation, collapse, and lateral movement.

- 4624 E. Recreational vehicles. Require that recreational vehicles placed on sites within Zones A1—30, AH,
4625 and AE on the community's FIRM either:
- 4626 1. Be on the site for fewer than 180 consecutive days, or
 - 4627 2. be fully licensed and ready for highway use, or
 - 4628 3. Meet the permit requirements of subsection 9-415(A), and the elevation and anchoring
4629 requirements for "manufactured homes" in (D) of this subsection. A recreational vehicle is
4630 ready for highway use if it is on its wheels or jacking system, is attached to the site only by
4631 quick disconnect type utilities and security devices, and has no permanently attached
4632 additions.

4633 **Sec. 9-419. Standards for subdivision proposals.**

- 4634 A. All subdivision proposals including the placement of manufactured home parks and subdivisions
4635 shall be consistent with subsections 9-402 through 9-404 of this ordinance.
- 4636 B. All proposals for the development of subdivisions including the placement of manufactured home
4637 parks and subdivisions shall meet development permit requirements of section 9-408; section 9-
4638 415; and the provisions of this article.
- 4639 C. Base flood elevation data shall be generated for subdivision proposals and other proposed
4640 development including the placement of manufactured home parks and subdivisions which is
4641 greater than 50 lots or five acres, whichever is lesser, if not otherwise provided pursuant to section
4642 9-407 Basis for establishing the areas of special flood hazard or subsection 9-414 Duties and
4643 responsibilities of the floodplain administrator of this ordinance.
- 4644 D. All subdivision proposals including the placement of manufactured home parks and subdivisions
4645 shall have adequate drainage provided to reduce exposure to flood hazards.
- 4646 E. All subdivision proposals including the placement of manufactured home parks and subdivisions
4647 shall have public utilities and facilities such as sewer, gas, electrical and water systems located and
4648 constructed to minimize or eliminate flood damage.

4649 **Sec. 9-420. Standards for areas of shallow flooding (AO/AH Zones).**

4650 Located within the areas of special flood hazard established in section 9-407 Basis for establishing
4651 the areas of special flood hazard, are areas designated as shallow flooding. These areas have special flood
4652 hazards associated with base flood depths of one to three feet where a clearly defined channel does not
4653 exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such
4654 flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- 4655 A. All new construction and substantial improvements of residential structures have the lowest floor
4656 (including basement) elevated above the base flood elevation or the highest adjacent grade at least
4657 as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth
4658 number is specified), or
- 4659 B. All new construction and substantial improvements of nonresidential structures;
- 4660 1. Have the lowest floor (including basement) elevated above the highest adjacent grade at least
4661 as high as the depth number specified in feet on the community's FIRM (at least two feet if
4662 no depth number is specified); or
 - 4663 2. Together with attendant utility and sanitary facilities be designed so that below the base
4664 specified flood depth in an AO Zone, or below the Base Flood Elevation in an AH Zone, level

4665 the structure is watertight with walls substantially impermeable to the passage of water and
4666 with structural components having the capability of resisting hydrostatic and hydrodynamic
4667 loads of effects of buoyancy.

4668 C. A registered professional engineer or architect shall submit a certification to the floodplain
4669 administrator that the standards of this section, as proposed in subsection 9-415, are satisfied.

4670 D. Require within zones AH or AO adequate drainage paths around structures on slopes, to guide flood
4671 waters around and away from proposed structures.

4672 **Sec. 9-421. Severability.**

4673 If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional
4674 by any court of competent jurisdiction, then said holding shall in no way affect the validity of the
4675 remaining portions of this Ordinance.

4676 **Sec. 9-422. Penalties for noncompliance.**

4677 No structure of land shall hereafter be constructed, located extended, converted, or altered without
4678 full compliance with the terms of this ordinance and other applicable regulations. Violation of the
4679 provisions of this article by failure to comply with any of its requirements (including violations of
4680 conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any
4681 person who violates this chapter or fails to comply with any of its requirements shall upon conviction
4682 thereof be fined not more than \$500.00 or imprisoned for not more than 30 days, or both, for each violation,
4683 and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall
4684 prevent the Town of Abita Springs from taking such other lawful action as is necessary to prevent or
4685 remedy any violation.

4686 **Secs. 9-423—9-450. Reserved.**

4687 **CHAPTER 5 – BUILDING AND CONSTRUCTION REGULATIONS**

4688 **ARTICLE A. CONSTRUCTION REGULATIONS**

4689 **Sec. 9-503. Use of tarpaulins on roofs.**

4690 * * *

4691 **Sec. 9-504. Building permits required.**

4692 Within the corporate limits of the Town, no development shall be permitted except upon the
4693 issuance of a building permit granted by the Building Inspector or his duly designated representative under
4694 such safeguards and restrictions as the Mayor and Board of Aldermen may reasonably impose for the
4695 promotion and maintenance of the general welfare, health, and commerce of the inhabitants of this Town
4696 in accordance with the specific requirements of this Code.

4697 **Sec. 9-505. Complaints regarding violations.**

4698 Whenever a violation of this chapter occurs or is alleged to have occurred, any person may file a
4699 written complaint, filed with the Building Inspector, stating fully the causes and basis of the complaint.
4700 The Building Inspector shall record properly the complaint, immediately investigate, and take action
4701 thereon as provided by this Code.

Sec. 9-506. Penalties for violation.

- (a) Violations of the provisions of this chapter or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not less than \$10.00 nor more than \$25.00 or imprisoned for not more than 30 days, or both, and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
- (b) The owner or tenant of any building, structure, premises, or part thereof, any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided for.

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

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

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

All regulations described in this chapter represent minimum standards and supersede all existing ordinances which require lower standards. The emergency wind and flood provisions addition of the 2003 International Building Code, both residential and commercial sections, its successors and as amended in the future is hereby adopted by reference into this Code of Ordinances.

ARTICLE B. - RECONDITIONING OF STREETS

* * *

CHAPTER 6. - SUBDIVISION, LOT, AND BLOCK STANDARDS**Sec. 9-601. – General requirements and minimum standards of design for the subdivision of land.**

- A. *Conformity to the Town Master Plan.* In accordance with Louisiana RS 33:109, the Planning Commission and Board of Alderman shall consider the Master Plan before adopting, approving, or promulgating any local laws, ordinances, or regulations which are inconsistent with the adopted elements of the Master Plan. The Planning Commission shall consider whether subdivision request(s) and associated regulatory amendment(s) are consistent with the Master Plan before adoption or approval. Every plat approved by a Planning Commission is an amendment of or an addition to the Town's official Major Street Plan and a part thereof.
- B. *Lots.*
1. *General.* The minimum width of lots and minimum area shall conform to the requirements of **Chapter 3 – Zoning Regulations** of this Part.

- 4739 2. *Electrical transmission lines.* In the case of electrical transmission lines where servitude
4740 widths are not definitely established, there shall be a minimum building set back line from the
4741 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

- 4742
4743 In the event that Electrical Code requirements are amended or changed to impose stricter
4744 requirements, then the stricter requirements will prevail over those set forth above.
- 4745 3. *Floodplain management.* On any proposed subdivision or resubdivision of land, the
4746 preliminary and final plats submitted for subdivision consideration shall clearly indicate the
4747 areas within the Federal Emergency Management Agency (FEMA)'s Special Flood Hazard
4748 Area (SFHA) as determined by the Town of Abita Springs adopted Flood Insurance Study
4749 (FIS) dated May 17, 1988, and its accompanying Flood Insurance Rate Map (FIRM). Within
4750 these areas the following policies apply:
- 4751 a. There will be no improvement of land within the channel needed to convey the
4752 stormwater from a 100-year storm event.
- 4753 b. There will be no net increase and fill material used to construct improvements in zones
4754 designated A, AE, or B in the FIS and on the FIRM. No net increase means that for
4755 every cubic yard of fill material imported to the site, one cubic yard of existing material
4756 must be exported from the site. Excavated areas created by soil exportation may not be
4757 used as fill ponds. Normally dry retention or detention ponds are acceptable.
- 4758 c. A cut and fill analysis will be required in addition to the comprehensive drainage plan
4759 required in this Chapter.
- 4760 d. Any improvements to the land that are performed in a designated flood plain will
4761 conform to the related regulations established by the Corps of Engineers, the Parish of
4762 St. Tammany, jurisdiction drainage districts, or other municipal regulations governing
4763 floodplain management and/or improvements in designated flood plains.
- 4764 e. Compliance with this Section must be determined by the Town Engineer.
- 4765 4. *Street frontage.*
- 4766 a. Requirement to front on a public street. Every lot created in the Town through the
4767 subdivision process must directly front on a publicly dedicated street. This means that
4768 neither the Town administration nor the Board of Aldermen may approve the creation
4769 (subdivision) or resubdivision of any lots lacking frontage on a public street.
- 4770 b. Existing lots lacking street frontage. Existing lots lacking street frontage may not be
4771 built upon and the Town may not issue any building permit to develop these sites
4772 unless such lots are resubdivided in a manner that provides them with direct access to a
4773 public street.
- 4774 C. *Blocks.*
- 4775 1. *Requirements.* The widths, lengths, and shapes of blocks shall be determined with due regard
4776 to:
- 4777 a. Provision of adequate building sites suitable to the land uses permitted in the zoning
4778 districts within the proposed subdivision.

- 4779 b. Lot sizes and dimensions as indicated in **Chapter 3- Zoning Regulations** of this Code.
- 4780 c. Needs for convenient access, circulation, control and safety of street traffic.
- 4781 d. Limitations and opportunities of topography.
- 4782 2. *Length.* Blocks shall not be more than 300 feet in length.
- 4783 3. *Widths.* Blocks shall be wide enough to allow 2 rows of lots except where fronting on streets
- 4784 is prevented by topographical conditions or size of property; in which case, the Planning
- 4785 Commission may approve a single row of lots of minimum depth.
- 4786 4. *Street-facing rear lot lines.* Where topographic conditions or the size of property limit
- 4787 development to a block containing a single row of lots with rear lot lines that face a street,
- 4788 both a 10-foot easement for landscape buffering shall be provided along the rear lot lines and
- 4789 a minimum 10-foot setback for fence structures constructed along the rear property line shall
- 4790 be indicated on the preliminary and final plats.
- 4791 D. *Streets.*
- 4792 1. *Relation to adjoining streets.* To support higher property values, support public safety, more
- 4793 effectively disperse traffic, have fiscal sustainability in public service provision, and promote
- 4794 walkable neighborhoods; proposed streets shall be developed in a street grid pattern, squared
- 4795 at right angles, that connects to existing streets in all cases except for when the natural
- 4796 geography or environmental protections preclude a grid or associated connections.
- 4797 Approval of the Louisiana Department of Transportation and the Town Engineer is required
- 4798 when the access point to the subdivision adjoins a state highway.
- 4799 2. *Minor streets.* Minor streets shall be laid out in a grid pattern to disperse traffic and provide a
- 4800 variety of route options for local users.
- 4801 3. *Marginal access street.* Where a subdivision borders a contained or controlled access
- 4802 highway, the Planning Commission may elect to require marginal access streets, reverse
- 4803 frontage with screen planting contained in a non-access reservation along the rear property
- 4804 line, deep lots with rear service alleys, or such other treatment as may be necessary for
- 4805 adequate protection of residential properties and to afford separation of through and local
- 4806 traffic.
- 4807 4. *Tangents.* A tangent of at least 100 feet shall be introduced between reverse curves on major,
- 4808 and collector streets.
- 4809 5. *Alignments.* The horizontal and vertical alignment for all streets shall be not less than the
- 4810 following except in cases of unusual topographic conditions:
- 4811 a. *Horizontal Alignment, Centerline radius.*
- 4812 i. Major Streets: 500 feet minimum
- 4813 ii. Collector Streets: 300 feet minimum
- 4814 iii. Minor Streets: 100 feet minimum
- 4815 b. All changes in street grades shall be made with vertical curves that provide minimum
- 4816 sight distances of not less than the following, except in cases of unusual topographic
- 4817 conditions.
- 4818 i. Major Streets with median: 500 feet minimum
- 4819 ii. Major Streets without median: 800 feet minimum

Iii. Collector Streets: 300 feet minimum

Iv. Minor Streets: 200 feet minimum

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

6. *Intersections.* Where natural geography or environmental factors preclude the development of a street intersection at right angles, deviations shall not be less than 75 degrees. Property lines at street intersections shall be rounded with a minimum radius of 15 feet, or otherwise set back to permit curb construction of desirable radius without curtailing the sidewalk at the street corner to less than normal width. Submission of a grading plan showing existing and proposed contours at one foot intervals and a detailed design for the intersection may be required by the Planning Commission.

7. *Rights-of-way width.* Street right-of-way widths shall be not less than the following:

Street Type	Minimum R/W in feet
Major – Controlled Access	150
Boulevards	100 (20' Median)
Arterial	88 – 100
Collector	60
Local-Curb & Gutter and subsurface drainage	50
Open Ditch	65

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

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'

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

9. *Curb and gutters.* If curbs and gutters are provided by the subdivision, they shall be a minimum permanent 6-inch concrete curbs with 24-inch integral concrete gutters, standard rolled curb and gutter or other construction approved by the Town's Engineer.
10. *Additional widths on existing streets.* Subdivisions that adjoin existing streets shall dedicate additional right-of-way to meet the above minimum street width requirements. The entire right-of-way shall be provided where any part of a subdivision is on both sides of the existing

street. When a subdivision is located on only one side of an existing street, one-half of the required right-of-way measured from the centerline of the existing roadway shall be provided.

11. *Dead end streets.* Dead end streets or cul-de-sacs may be provided under limited circumstances, when no other feasible alternative is possible, upon approval of the Planning Commission, in accordance with the following:

a. *Limited application.* Subdivision applications with a proposed cul-de-sac shall include demonstrable proof that efforts to align and connect streets in the desired grid pattern have been made and are not possible due to a factor of the natural geography or environment. The factor (or factors) must be specified and supported by evidence from a topographic survey (or similar scientific instrument) or public agency. Should the factor not be supported by evidence to this effect, the subdivision request shall be deemed incomplete and not be eligible for consideration by the Planning Commission.

b. *Minimum standards.* When approved by the Planning Commission, dead end streets or cul-de-sacs shall be constructed at the closed end with a turn-around an outside roadway radius of at least 40 feet and a right-of-way radius of 60 feet. A cul-de-sac street shall not exceed 300 feet in length, measured from the entrance to the centerline of the turn-around or end of the street.

12. *Private streets and reserve strips.* There shall be no private streets platted in any subdivision. Every lot in a subdivided property shall be served from a publicly dedicated street.

E. *Alleys.*

1. *Locations.* Alleys may be required in residential districts, except that the Planning Commission may elect to waive this requirement where other definite and assured provisions are made for service access.
2. *Rights-of-ways width.* Alley right-of-way width shall be not less 7 ½ feet for each side in residential areas when used.
3. *Intersections.* Alley intersections and sharp changes in alignment shall be avoided, but, where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.
4. *Dead-end alleys.* Dead-end alleys shall be avoided where possible but if unavoidable, shall be provided with adequate turn-around facilities at the dead- ends as determined by the Planning Commission.

F. *Servitudes.*

1. *Width.* Except where alleys are provided, servitudes across lots or centered on rear or side lot lines shall be provided for utilities where necessary and total width shall be at least 15 feet wide.
2. *Intersections.* Where servitudes intersect or sharp changes in alignment are necessary, corners shall be cut off sufficiently to permit equipment access.
3. *Buildings.* No buildings will be permitted within utility servitudes.
4. *Overhangs.* Any overhanging limbs, shrubbery, or vegetation of any kind may be removed from within or above the limits of servitudes at the sole discretion of the utility maintenance personnel.
5. *Lack of access to public street.* Under no circumstances shall a servitude be used to provide the only access to a lot created using the subdivision process. Existing lots reliant on servitudes for road access must be resubdivided in a manner that provides direct access to the lot from a public street, which may result in a flag lot as shown below.

4892 Figure

4893 G. *Street names.* Continuation of existing streets shall assume the same name as the existing street.
4894 Proposed street names shall not be used that will duplicate or be confused with the names of
4895 existing streets. Street names shall be subject to the approval of the Planning Commission and the
4896 Board of Alderman.

4897 H. *Drainage.*

4898 1. *Drainage courses.* Whenever any stream or improved surface drainage course is in a
4899 proposed subdivision, the Subdivider shall dedicate an adequate servitude along each side of
4900 the stream for the purpose of maintenance, stormwater management or natural riparian
4901 protection. The width of said servitude will fully encompass the drainage channel including
4902 natural variations in the channel due to high flows, but in no way shall the servitude be less
4903 than 25 feet in either direction of the drainage centerline.

4904 2. *Lots along drainage courses.* Drainage courses that fall within proposed lot lines shall not
4905 count for more than 10 percent of the total minimum lot area as defined by these regulations.

4906 I. *Public use.*

4907 1. *General.* Developers are required to set aside suitable sites for green spaces, parks,
4908 playgrounds and schools in furtherance of the goals and objectives of the Town's Master
4909 Plan. These areas shall be indicated on the plat. The size and/or quantity of these sites is to be
4910 determined by the Planning Commission and be relative to the size, scale, and density of the
4911 proposed subdivision. Such determination by the Planning Commission shall be applied on a
4912 uniform basis to be established by the Planning Commission.

4913 2. *Public uses.* Where a park, neighborhood recreational open space, green space, a school site,
4914 or other areas for public use shown on a plan which previously has been officially adopted by
4915 the Planning Commission is located in whole or in part in the proposed subdivision, the
4916 Planning Commission shall seek to secure the reservation of the additional necessary land for
4917 such use. Special consideration shall be given to schools and parks in subdivisions larger than
4918 40 acres or more, or 100 lots or more.

4919 3. *Green space requirement.* There shall be required a 15 foot green space around the perimeter
4920 of each subdivision in which is comprised of land in excess of 5 acres.

4921 4. The ownership of sites set aside for parks, neighborhood recreation open space, green space,
4922 school sites, or other area of public use shown on a plat which has been officially adopted by
4923 the Planning Commission will be agreed upon between the subdivider and the Planning
4924 Commission at the time of preliminary approval. Ownership will be by the lot owners of the
4925 subdivision as common ground for the subdivision, or by another group, agency, or
4926 jurisdiction as agreed upon by the Planning Commission, the Town of Abita Springs, and the
4927 subdivider.

4928 J. *Deed restriction or covenant.* Deed restrictions or covenants may be placed upon the property to
4929 ensure that the development is of the character and caliber of the Town of Abita Springs as
4930 desired by the subdivider. These restrictions shall not be less than requirements of this Code and
4931 they shall not contain reversionary clauses wherein any lot shall return to the subdivider because of
4932 a violation thereon of the term of the restriction or covenants. Accompanying the final plat for
4933 approval shall be a copy of the deed restriction or covenants.

4934 K. *Deviations and variances.*

4935 1. Limited deviations may be authorized by the Planning Commission upon formal request of
4936 the Subdivider, and review by the Town Engineer and Senior Planner, only when the

4937 proposed deviation advances the intent of this Code in accordance with best practices and
4938 through established alternative means or methods. It shall be the responsibility of the
4939 Subdivider to demonstrate:

- 4940 a. Compliance with the intent of these regulations;
- 4941 b. that the proposed alternative is established in accordance with best practices;
- 4942 c. will not have adverse effects to the Town and neighboring community; and
- 4943 d. is in compliance with the Town's Code of Ordinances.

- 4944 2. Where a subdivider can show that because of topographical or other conditions peculiar to the
4945 site, unnecessary hardship would result due to strict adherence to the Code, the Subdivider
4946 may request a variance from the Planning Commission.

4947 **Sec. 9-602. – Improvement standards.**

4948 A. *General requirements.*

- 4949 1. *Generally.* In consideration of the acceptance by the Board of Alderman and the assumption
4950 of the responsibility for maintaining the dedicated streets and public utilities constructed
4951 herein, the owner or owners of the subdivision shall cause to be constructed at no expense to
4952 the Town, the following improvements according to the specifications set forth in this
4953 Section.
- 4954 2. All plans and specifications for subdivision construction proposed herein shall be prepared by
4955 a Louisiana licensed and registered professional engineer. All survey work necessary to
4956 establish subdivision corners, street corners, lot corners and elevations shall be performed by
4957 a Louisiana licensed and registered land surveyor. All plans, specifications, and construction
4958 activities will be reviewed by the Town of Abita Springs through its Town Engineer at the
4959 expense of the subdivider.
- 4960 3. *Zoning compliance.* All proposed subdivisions shall be reviewed for compliance with Part 9 –
4961 Planning, Zoning, and Development by the Planning Director.

- 4962 B. *Required improvements.* Every subdivider shall be required to make such improvements on the land
4963 as outlined within this Section prior to the approval of a final plat and any transfer and ownership of
4964 any part of a proposed subdivision. These improvements shall include, but not be limited to, roads,
4965 streets, alleys, curbs and gutters, water and sewer utility systems, drainage channels and conduits,
4966 stormwater management facilities, natural gas systems, and sidewalks and repairs to Town property
4967 damaged during construction of the project, removal of debris, treatment of soil, erosion control,
4968 seeding and landscaping or any improvements deemed necessary by the Planning Commission. The
4969 required infrastructure will be specifically detailed in the subdivision construction documents
4970 submitted to the Town of Abita Springs and approved, in writing, by the Town Engineer.

- 4971 C. *Guarantee in lieu of completed improvements.* No final subdivision plat shall be approved by the
4972 Planning Commission or accepted for record by the Clerk of Court of St. Tammany Parish until
4973 either:

- 4974 1. All required improvements, including repair to Town property damaged during construction,
4975 removal of debris, treatment of soil, erosion control, seeding and landscaping have been
4976 constructed in a satisfactory manner and approved in writing by the Town's Engineer; or
- 4977 2. The subdivision has been granted a substantial completion notice, not to be granted unless the
4978 improvements required by the Planning Commission and the Town Engineer are not less than
4979 95 percent complete, by the Town Engineer. Additionally, the estimate of completion cost
4980 must be provided by the developer and approved by the Town, including the Town's

Engineer. This approval must be based on the inspection of the project and validation of the unit costs for work of this nature. The developer shall then place, on deposit with the Town, the approved completion cost amount in cash times 3. The deposit will be refunded in full upon completion of the deficiencies or will be forfeited after 90 days if the deficiencies are not completed. Upon forfeiture of the deposit, the Town will assume the responsibilities of project completion. No building permits will be issued for the development until the project is 100 percent completed or as approved by the Town Engineer. The Planning Commission may accept a performance bond or letter of credit, approved by the Town Attorney, in lieu of a cash deposit.

3. Additionally, all of the following conditions shall be met:

- a. A maintenance bond in an amount sufficient to cover any costs which might be incurred by the Town for the maintenance or repair of the required improvements for a period of 2 years after completion, must be provided by the developer and accepted by the Planning Commission, subject to approval by the Town Engineer. The bond or letter of credit shall be called by the Town if the required improvements are not completed after 90 days of issuance of said bond or letter of credit. Upon receipt of the proceeds of said bond or letter of credit the Town will assume the responsibility of project completion.
- b. Sale or improvement of lots shall be prohibited until the project is 100 percent complete, or unless approved by the Town Engineer.

D. *Streets.*

1. *General.* All streets shall be paved with hard surface of asphaltic concrete mix or concrete pavement as prescribed herein. Street grades shall be established in such a manner that building slabs will be a minimum of 12 inches above center line of street and provide for a minimum of 100 year flood, except for properties subject to the provisions of the requirements of Federal Emergency Management Administration (FEMA) Flood Insurance Rate Map (FIRM).
2. *Repair of damage to public improvements prior to final subdivision plat.* No subdivision plat shall be approved or filed for record or recorded by the Clerk of Court of the Parish of St. Tammany until such time such as the plat is certified by the Town Engineer that any and all damage caused by the construction of the subdivision project public improvements of the Town of Abita Springs including but not limited to streets, sidewalks, drains, culverts and ditches, have been repaired to the satisfaction of the Town Engineer. The provisions of this Section may be satisfied by posting a cash bond or letter of credit.
3. *Ditches.* If curbs and gutters are not provided, swale ditches shall be provided having at least 3:1 side slopes or side slopes having at least 3 feet horizontal distance for each one foot of vertical drop.
4. *Wearing surfaces and paved streets.* All testing of the subgrade, the roadbed and the wearing surface shall be performed by a reputable testing laboratory, which shall be demonstrated as part of the testing submittal, and at the expense of the Subdivider. All other required testing shall be at the expense of the Subdivider.
5. *Grading.* The full right-of-way shall be graded except where large specimen trees exist in the right-of-way and the grading operation cannot be executed without damage or death to the tree. Significant specimen trees, primarily live oaks (*Quercus virginiana*) shall be protected within a right-of-way.
6. Profiles of all proposed new or redeveloped streets showing natural and finished grades drawn to a scale of not less than one inch equals 100 feet horizontal and one inch equals 20

5027 feet vertical shall be furnished as part of the subdivision improvement construction
5028 documents.

5029 E. *Sidewalks.*

- 5030 1. Sidewalks shall be required for every subdivision of land in the Town of Abita Springs,
5031 including administrative, minor, and major subdivisions; this requirement may be waived if
5032 the Town Planner determines sidewalks are not part of future planned growth in the area and
5033 would be inconsistent with the surrounding development pattern.
- 5034 2. Sidewalks shall be located one foot from the property line to prevent interference or
5035 encroachment by fencing, walls, hedges or other plantings or structures placed on the
5036 property line at a later date. Concrete sidewalks shall be 5 feet wide and 4 inches thick; unless
5037 provided for elsewhere in the Code of Ordinances.

5038 F. *Sewerage.*

- 5039 1. The subdivider shall provide a wastewater collection system for each lot in the proposed
5040 subdivision, and all means and methods employed to determine system capacity by the
5041 Subdivider must be in alignment with those prescriptive methods required by the Town
5042 Engineer. If public sewer system is not within 300 feet of the track being subdivided, the
5043 subdivider shall either 1) connect to the nearest public sewer system, regardless of distance;
5044 2) provide a central treatment plant for the entire subdivision, in which all collection system
5045 requirements apply; or 3)—upon a finding by the Planning Commission that the connection
5046 into the nearest public sewer system or providing of a central treatment plant is not feasible—
5047 then the subdivider shall provide an individual treatment plant for each building which shall
5048 not exceed 12 individual sewer plants per subdivision.
- 5049 2. All sanitary sewer systems shall conform to the following requirements:
- 5050 a. All sewer mains installed within such subdivisions shall be at least 8 inches in diameter
5051 and must be of one of the following materials:
- 5052 i. Truss pipe conforming to ASTM D 2680
- 5053 ii. Plastic pipe conforming to ASTM D 3034
- 5054 b. Manholes shall be constructed of one of the following materials:
- 5055 i. Pre-cast concrete conforming to ASTM C 478
- 5056 ii. Brick conforming to ASTM C 32, Grade MA or ASTM C 139
- 5057 iii. Fiberglass manholes may be approved by Town's Engineer on an individual
5058 project basis.
- 5059 iv. Manhole castings shall be for roadway traffic, shall have a twenty -two (22) inch
5060 opening and shall match the manhole.
- 5061 c. Force main(s) shall be sized for a minimum velocity of 2 feet per second. Force main
5062 may be cast iron or plastic, designed for 150 psi. Force main shall be tested at a
5063 pressure of 100 psi for two hours. Leakage shall not exceed 10 gpd/in./dia./mile. Plastic
5064 pipe shall meet Class 160 NSF.
- 5065 d. Service pipe shall be 6 inches in diameter and shall be PVC pipe and shall be provided
5066 and installed by the developer to each lot property line.
- 5067 e. Pumping stations shall be designed to provide for the maximum flows under which
5068 they are expected to operate. Individual grinder pumps/wet well units shall not be
5069 permitted. The type of station may be designated by the Town's Engineer.

- 5070 3. Manholes shall be constructed at all intersections of sewer mains, at all changes in direction,
5071 and shall not be more than 300 feet apart.
- 5072 4. Exfiltration tests shall be made on all sections of sewer main laid. Leakage shall not exceed
5073 250 gpd/in./dia./mile. Water level in upper manhole shall be a minimum of one foot above top
5074 of pipe. Other tests acceptable to the Town's Engineers may be used if approved as part of a
5075 requested, written deviation.
- 5076 5. Subdivider shall connect the subdivision sewer system into the Town's sanitary sewer system
5077 at a point designated by the Town's Engineer. Should the Town Engineer advise the Planning
5078 Commission that there is no appropriate connection to the sewer system due to system
5079 capacity constraints, the Planning Commission shall deny the subject subdivision application
5080 due to lack of adequate capacity for sewer connections.
- 5081 G. *Water supply.*
- 5082 1. The subdivider shall coordinate with the Town Engineer to determine a connection to the
5083 Town water system, if appropriate, and shall provide water service to each lot. All means and
5084 methods employed to determine system capacity by the Subdivider must be in alignment with
5085 those prescriptive methods required by the Town Engineer. Water main shall be a minimum
5086 of 8 inch pipe, as determined by the Town Engineer. The water main shall be looped unless
5087 otherwise approved by the Town Engineer as part of a requested, written deviation.
- 5088 2. Water pipe shall be provided in accordance with the following:
- 5089 a. Cast iron, AWWA approved for 150 psi working pressure test shall be conducted to
5090 determine the necessity of using polyethylene wrap. Where test so indicates,
5091 polyethylene shall be used.
- 5092 b. Polyvinyl Chloride, AWWA approved 150-psi working pressure for 8 inch, and class
5093 160 NSF (National Sanitation Foundation) approved for 4 inch and smaller.
- 5094 c. Service pipe shall be polybutylene and shall meet the stress rating of TB-2110 and shall
5095 have a pressure rating of 160 psi. Pipe shall be furnished in copper tubing sizes.
- 5096 d. Fire hydrants shall be three way, shall be AWWA approved and shall match existing
5097 hydrant hose threads, as indicated by the Fire District having jurisdiction. Hydrants
5098 shall be located not further than 300 feet from the furthestmost fronting corner of any
5099 lot, not more than 600 feet apart, and at all street intersections. However, hydrants will
5100 not be required to be located within 200 feet of another hydrant.
- 5101 e. Fitting for 8 inch main shall be AWWA approved. Smaller fittings shall be NSF
5102 approved.
- 5103 f. Valves shall be AWWA approved.
- 5104 g. Service connection fittings shall be as approved by Town Engineer.
- 5105 3. Water pipe shall be sterilized and shall receive approval from the Louisiana State Board of
5106 Health before connection to the Town water system.
- 5107 4. Water main shall be tested for 150 psi for not less than 4 hours. Leakage shall not exceed then
5108 10 gallons/day/inch dia./mile
- 5109 H. *Storm drainage.*
- 5110 1. An adequate drainage system including necessary open ditches, pipes, culverts, intersectional
5111 drains, drop inlets, detention ponds, or any other facilities shall be provided by the Subdivider
5112 for the proper management of all surface water.

5113 The engineering design of the facilities necessary to perform this task shall be based upon a
5114 drainage study performed by a Louisiana licensed and registered professional engineer. The
5115 drainage study will be executed utilizing a hydraulic methodology to determine the facilities
5116 necessary to meet the goals of these regulations. The drainage study will, at a minimum,
5117 identify the existing runoff characteristics (predevelopment condition) and the post
5118 development condition with consideration to the increase in the impervious area and the
5119 change in the velocity of storm water runoff. For subdivisions involving less than 10 lots, this
5120 requirement may be waived by the Planning Commission upon a determination that such a
5121 plan is not necessary. Such a determination shall be made in conjunction with preliminary
5122 approval.

- 5123 a. The minimum design of the interior drainage system to the subdivision or site or tract
5124 proposed for development shall be based on a 10 year use storm frequency of not
5125 greater than one hour duration and the minimum design considerations for the
5126 watershed area will be based on a 25 year use storm frequency of not greater than one
5127 hour duration. The selection of runoff coefficient shall be based on the anticipated
5128 nature of future development in the area and shall be subject to the approval of the
5129 Town Engineer.
- 5130 b. Street drainage and grating shall be addressed on the submitted plans and shall extend
5131 the full width of the right-of-way.
- 5132 c. Preservation of drainage patterns and the drainage basin in which the subdivision is
5133 proposed shall be required by the Planning Commission, except when such
5134 preservation is not in keeping with best practices.
- 5135 d. No alteration of natural drainage channels shall be undertaken by a
5136 developer/subdivider except upon the review and approval of the Planning Commission
5137 after review and advisement from the Town Engineer.
- 5138 e. The drainage facilities proposed for the development will cause, in the post
5139 development condition, a 10 percent reduction in the predevelopment condition with
5140 regard to peak storm water runoff. Facilities to accomplish this reduction shall include
5141 onsite detention ponds or regional detention measures that exist within the same
5142 drainage base. The option of regional detention measures must be approved by the
5143 Town Engineer prior to the execution of the drainage study, design of the drainage
5144 improvements, or both. Any constructed detention ponds must provide for the proper
5145 aeration as approved by the Town Engineer.
- 5146 f. Alternatively, the developer/subdivider may propose to undertake such work or
5147 improvements, at no cost to the Town, to make the downstream drainage system
5148 adequate to handle the anticipated flow resulting from the development of the property
5149 in conformance with these regulations. The Planning Commission may deny any such
5150 proposal to improve downstream drainage if the Planning Commission determines that
5151 the nature or extent of the proposed work or improvements would detrimentally alter
5152 the character or condition of any downstream drainage ways. The Planning
5153 Commission shall not approve any proposal to improve manmade drainage ways until
5154 the proposal is first reviewed by the Town Engineer and has been advised in writing
5155 that he/she has no objection to the proposal.
- 5156 g. All spoil generated by construction on the subdivision project must be treated in a
5157 manner approved by the Town Engineer or removed from the site. This requirement
5158 shall be considered as part of the improvement necessary for final plat approval of the
5159 subdivision.

- 5160 2. Pipe used for subsurface storm drain shall be concrete conforming to ASTM specifications
5161 for the type of pipe used. Reinforced concrete pipe shall be used under roadways. Joints shall
5162 be rubber gaskets, wrapped in filter cloth and grouted. Joints shall be rubber gaskets for
5163 concrete and bands for corrugated metal. Only reinforced concrete pipe is to be used in the
5164 public right-of-way where drainage conduits extend beneath public streets.
- 5165 3. *Surface drains.*
- 5166 a. The grade for open ditch drainage shall be sufficiently designed to prevent ponding or
5167 stagnated water.
- 5168 b. All surface drainage ditches placed alongside streets shall be graded as to prevent
5169 undermining of streets by drainage water.
- 5170 c. All surface drainage courses shall have a minimum of 2:1 side slope or side slopes
5171 having at least 2 foot of horizontal distance for each one foot of vertical drop.
- 5172 d. Drains in ditches under driveways shall extend 3 feet beyond the top edge of the drive
5173 shoulder for each foot elevation of the drive above the ditch bottom.
- 5174 4. *Control of erosion and sedimentation.* Where there is an intention to change the contour of
5175 any land proposed to be subdivided or developed by grading, excavating, removing or
5176 destroying the natural topsoil, trees or other vegetation covering thereon, the same shall only
5177 be accomplished after the Planning Commission has approved a plan for erosion and
5178 sedimentation control submitted by the owner or his agent. Submittal of any plans for erosion
5179 and sedimentation control shall accompany and be considered a part of the documents
5180 required for preliminary approval in the subdivision application process.
- 5181 a. *Requirements for submission.*
- 5182 i. Three sets of plans for control of erosion and sedimentation shall be submitted to
5183 the Planning Commission.
- 5184 ii. The estimated cost of accomplishing such erosion and sedimentation measures
5185 shall be stated in the application and be covered in any required performance
5186 bond and/or letter of credit, including the maintenance thereof.
- 5187 b. *Guidelines for erosion and sedimentation control.*
- 5188 i. Shall be developed to maximize the amount of natural drainage that is percolated
5189 into the soil and to minimize the direct runoff into adjoining streets and
5190 waterways.
- 5191 ii. Sediment basins (debris basins, desilting basins, or silt trap) should be installed to
5192 remove sediment from runoff waters from land undergoing development.
- 5193 iii. The development plan should be fitted to the topography and soil to create the
5194 least erosion potential.
- 5195 iv. Wherever feasible, and in areas required by this Code, natural vegetation should
5196 be retained and protected.
- 5197 v. Provisions should be made to effectively accommodate the increased runoff
5198 caused by the changed soil and surface conditions during and after development.
- 5199 vi. Where necessary, temporary vegetation and/or mulching should be used to
5200 protect areas exposed during development.
- 5201 vii. The permanent final vegetation and structure should be installed within 6 months
5202 of final plat acceptance.

- 5203 viii. When land is exposed during development, only the smallest practical area
5204 should be exposed at one time and the exposure time should be kept the shortest
5205 practical period of time.
- 5206 ix. At the building permit application stage, a review will be conducted by the
5207 Building Inspector to ensure conformance with the plan as approved.
- 5208 5. *Soil preservation, grading, and seeding of lots.*
- 5209 a. *Preservation and final grading.* No certificate of occupancy shall be issued until final
5210 grading has been completed in accordance with the approved final subdivision plat and
5211 the lot precovered with soil with an average depth of at least 6 inches which shall
5212 contain no particles over 2 inches in diameter over the entire area of the lot except that
5213 portion covered by buildings or included in streets or where the grade has not been
5214 changed or natural vegetation seriously damaged. Topsoil shall be redistributed first to
5215 provide at least 6 inches of cover on lots and at least 4 inches of cover between the
5216 sidewalks and curbs and shall be stabilized by seeding or planting.
- 5217 b. *Lot drainage.* Lots shall be laid out so as to provide positive drainage away from all
5218 buildings, and individual lot drainage shall be coordinated with the general storm
5219 drainage pattern for the area. Drainage shall be designed to avoid concentration of
5220 storm drainage water to flow from any lot to any adjacent lots.
- 5221 c. *Lawn, grass, seed and sod (lawn).* Grass seed shall be sown at not less than 4 pounds to
5222 each 1,000 square feet of open land areas. The width of the right of way (excluding
5223 roadways) shall be seeded. Sod may be used to comply with any requirements of
5224 seeding set forth herein, if approved in advance by the Town Engineer.
- 5225 d. *Debris and waste.* No cut trees, timber, junk, rubbish or other waste materials of any
5226 kind shall be buried in any land, or left deposited on any lot or street adjacent to a lot
5227 for which there is sought to be the issuances of a certificate of occupancy in the
5228 subdivision nor shall any be left or deposited in any area of the subdivision at the time
5229 of expiration of the performance bond and/or letter of credit, or dedication of public
5230 improvements, whichever is sooner.
- 5231 e. The requirements of this Section shall be considered part of the required improvements
5232 necessary for final approval of a subdivision plat.
- 5233 I. *Natural gas.* If available, natural gas will be installed by the owner at the subdividers expense,
5234 including all engineering and construction costs.
- 5235 J. *Construction inspection.* For all improvements required for final plat approval, as depicted on the
5236 construction documents approved by the Town Engineer, including but not limited to roadways,
5237 drainage facilities, water and sewer utilities, gas utilities, stormwater management infrastructure,
5238 sidewalks, repair to Town property damaged during the construction of the project, removal of
5239 debris, treatment of soil, erosion control, seeding and landscaping, the work will be inspected by the
5240 Town Engineer at the expense of the developer and prior to site development.
- 5241 K. *Permanent markers.*
- 5242 1. Permanent monuments consisting of a metal pipe 3/4 inch in diameter and 3 feet long shall be
5243 set at all street corners, at all points where the street lines intersect the exterior boundaries of
5244 the subdivision, and at angle points and points of curve in each street. The top of the
5245 monuments shall be set flush with the finished grade. All survey work shall be done by a
5246 Louisiana licensed Registered Professional Land Surveyor. All development corners shall be
5247 marked with a 4" by 4" by 3" concrete markers.

- 5248 2. For all subdivisions of 25 lots or more, a permanent benchmark shall be accessibly placed.
5249 The elevation of which shall be based on Mean Sea Level Datum as determined by the U.S.
5250 Geological Survey and accurately noted on the subdivision plat. Such permanent benchmarks
5251 shall be concrete with a minimum dimension of 4 inches square, 3 feet long, with a flat top.
5252 The top of the monument shall have an indented cross to identify properly the location and
5253 shall be set flush with the finished grade.
- 5254 3. All other lot corners shall be marked with an iron pipe, not less than three fourths (3/4) inch
5255 in diameter and (2) feet long driven so as to be flush with the finished grade.
- 5256 L. *Street name signs.* Street name signs shall be located at all street intersections and shall be of a
5257 design approved by the Town Board of Aldermen.
- 5258 M. *Street lights.* All subdivisions shall have streetlights. Street lighting plans shall be submitted to the
5259 Planning Commission for approval. Such plans shall provide for the subdivider or property owners
5260 to pay for the installation, use and maintenance of the street lighting system.
- 5261 N. *Power poles.* The Planning Commission may require the subdivision to provide servitudes for
5262 power poles in the rear of lots. When located on street right-of-way, power poles shall be located
5263 adjacent to the property line. All major subdivisions shall have underground utility lines. Minor
5264 subdivisions may have utility lines above ground on power poles, unless previously installed
5265 underground, in which case underground utilities should be maintained and improved without
5266 exception.