

EXHIBIT B - TOWN OF ABITA SPRINGS

Land Use & Zoning Code Amendments

CODE OF ORDINANCES OF THE TOWN OF ABITA SPRINGS5

PART 9 – PLANNING, ZONING AND DEVELOPMENT5

CHAPTER 1. – PLANNING COMMISSIONS AND BOARDS5

 Sec. 9-101. – MUNICIPAL PLANNING COMMISSION5

 Sec. 9-101.1. – Planning Commission created.5

 Sec. 9-101.2. – Membership; appointment.5

 Sec. 9-101.3. – Selection of Chairman; meetings.5

 Sec. 9-101.4. – Powers of Planning Commission.5

 Sec. 9-101.5. – Planning Commission as Zoning Commission.5

 Sec. 9-101.6. – Officers of Zoning Commission.5

 Sec. 9-101.7. – Powers of Zoning Commission.....6

 Sec. 9-102—9-119. – Reserved.6

 Sec. 9-120. – HISTORIC DISTRICT COMMISSION6

 Sec. 9-120.1. – Creation of Historic District Commission.6

 Sec. 9-120.2. – Membership and appointment.6

 Sec. 9-120.3. – Selection of officers.6

 Sec. 9-120.4. – Powers and duties.6

 Sec. 9-120.5. – Staff; donations.7

 Sec. 9-120.6. – Suits to enforce rules.7

 Sec. 9-121 through Sec. 9-200. – Reserved.7

CHAPTER 2. – PROCEDURES7

 Sec. 9-200. – DEFINITIONS APPLICABLE TO PART 97

 Sec. 9-200.1. – Applicability and measurements.....7

 Sec. 9-200.2. - Terms defined.....7

 Sec. 9-201. – GENERAL REQUIREMENTS AND APPLICATIONS17

 Sec. 9-202. – NOTICE FOR PLANNING COMMISSION AND HISTORIC COMMISSION HEARINGS.20

 Sec. 9-203. – PUBLIC HEARING21

 Sec. 9-204. – AMENDMENTS TO THE COMPREHENSIVE PLAN OR ADOPTION OF A NEW COMPREHENSIVE PLAN21

 Sec. 9-205. – AMENDMENTS TO THE CODE OF ORDINANCES, PART 922

 Sec. 9-206. – ZONING MAP AMENDMENTS23

 Sec. 9-207. – CONDITIONAL USE PERMIT25

 Sec. 9-208. – DEVELOPMENT REVIEW26

 Sec. 9-209. – CERTIFICATE OF APPROPRIATENESS.....27

 Sec. 9-210. – VARIANCES28

 Sec. 9-211. – APPEALS OF ADMINISTRATIVE DECISIONS.....29

Sec. 9-212. – ENFORCEMENT 30

Sec. 9-214. – NONCONFORMITIES..... 30

Sec. 9-215. – SUBDIVISION PROCEDURES 33

 Sec. 9-215.1. – General provisions..... 33

 Sec. 9-215.2. – Supplemental conditions of subdivision approval..... 33

 Sec. 9-215.3. – Types of subdivision approval..... 33

 Sec. 9-215.4. – Administrative approval of subdivision plats..... 34

 Sec. 9-215.5. – Engineering and legal fees..... 34

 Sec. 9-215.6. – Procedure for plat approval, Minor and Major..... 35

 Sec. 9-215.7. – Penalties..... 40

 Sec. 9-215.8. – Validity, short title, effective date and repeal of conflicting ordinances. 40

Sec. 9-216. – PUBLIC INFRASTRUCTURE DEDICATION OR REVOCATION OF STREETS
..... 41

CHAPTER 3 – ZONING REGULATIONS 43

 Sec. 9-301. – INTRODUCTORY PROVISIONS..... 43

 Sec. 9-301.1. – Zoning regulations adopted, purpose..... 43

 Sec. 9-301.2. – Interpretation and effect of regulations..... 43

 Sec. 9-302. – ZONING DISTRICTS 44

 Sec. 9-302.1 – Residential zoning districts..... 44

 Sec. 9-302.2 – Commercial and special purpose zoning districts..... 51

 Sec. 9-302.3. – Overlay Districts..... 61

 Sec. 9-303. – USE STANDARDS 65

 Sec. 9-303.1. – Accessory structures on a residential site..... 65

 Sec. 9-303.2. – Animal-related uses..... 66

 Sec. 9-303.3. – Auto repairs and services..... 68

 Sec. 9-303.4. – Bed and breakfasts..... 68

 Sec. 9-303.5. – Construction offices and event trailers..... 68

 Sec. 9-303.6. – Group homes and rehabilitative care centers..... 68

 Sec. 9-303.7. – Home occupations on a residential site..... 69

 Sec. 9-303.8. – Long-term open-air retail sales..... 69

 Sec. 9-303.9. – Manufactured housing or mobile homes..... 70

 Sec. 9-303.10. – Modular housing..... 71

 Sec. 9-303.11. – Motor vehicle and boat sales and rental..... 71

 Sec. 9-303.12. – Outdoor display of pre-assembled accessory buildings, pools, or
 playground equipment..... 71

 Sec. 9-303.13. – Outdoor salvage yards..... 72

 Sec. 9-303.14. – Parking garages..... 72

 Sec. 9-303.15. – Schools, churches, houses of worship, assembly buildings, and other
 institutional uses..... 73

 Sec. 9-303.16. – Short term rentals..... 73

Sec. 9-303.17. – Small box discount stores.75

Sec. 9-303.18. – Snowball stands.75

Sec. 9-303.19. – Telecommunication towers.....75

Sec. 9-303.20. – Temporary seasonal uses.79

Sec. 9-303.21. – Temporary retail sales, “pop-up markets,” food sales, and outdoor events.
.....79

Sec. 9-303.22. – Townhouses.80

Sec. 9-304. – DEVELOPMENT STANDARDS81

 Sec. 9-304.1. – Site development standards in commercial, mixed-use, and special purpose
 districts.....81

 Sec. 9-304.2. – Parking for all uses.85

 Sec. 9-304.3. – Landscaping requirements for all uses.....93

 Sec. 9-304.4. – Tree preservation.94

 Sec. 9-304.5. – Sign requirements.105

CHAPTER 4 – FLOODPLAIN MANAGEMENT107

 ARTICLE A. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND
 METHODS107

 Sec. 9-401. Statutory authorization107

 Sec. 9-402. Findings of fact107

 Sec. 9-403. Statement of purpose.....108

 Sec. 9-404. Methods of reducing flood losses.....108

 ARTICLE B. DEFINITIONS108

 Sec. 9-405. Definitions.....108

 ARTICLE C. GENERAL PROVISIONS113

 Sec. 9-406. Lands to which this article applies.113

 Sec. 9-407. Basis for establishing the areas of special flood hazard.113

 Sec. 9-408. Establishment of development permit113

 Sec. 9-409. Compliance.113

 Sec. 9-410. Abrogation and greater restrictions.113

 Sec. 9-411. Interpretation.....113

 Sec. 9-412. Warning and disclaimer of liability.....114

 ARTICLE D. ADMINISTRATION114

 Sec. 9-413. Designation of the floodplain administrator.....114

 Sec. 9-414. Duties and responsibilities of the floodplain administrator.....114

 Sec. 9-415. Permit procedures.115

 Sec. 9-416. Variance procedures.....116

 ARTICLE E. PROVISIONS FOR FLOOD HAZARD REDUCTION117

 Sec. 9-417. General standards.....117

 Sec. 9-418. Specific standards.118

 Sec. 9-419. Standards for subdivision proposals.....119

Sec. 9-420. Standards for areas of shallow flooding (AO/AH Zones). 120

Sec. 9-421. Severability. 120

Sec. 9-422. Penalties for noncompliance. 120

Secs. 9-423—9-450. Reserved..... 121

CHAPTER 5 – BUILDING AND CONSTRUCTION REGULATIONS 121

ARTICLE A. CONSTRUCTION REGULATIONS 121

Sec. 9-503. Use of tarpaulins on roofs. 121

Sec. 9-504. Building permits required. 121

Sec. 9-505. Complaints regarding violations. 121

Sec. 9-506. Penalties for violation. 121

Sec. 9-507. Minimum fee for building permits. 121

Sec. 9-508. Priority of floodplain regulations and adoption of the emergency wind and flood provisions of the 2003 International Building Code. 121

ARTICLE B. - RECONDITIONING OF STREETS 122

CHAPTER 6. - SUBDIVISION, LOT, AND BLOCK STANDARDS 122

Sec. 9-601. – General requirements and minimum standards of design for the subdivision of land. 122

Sec. 9-602. – Improvement standards. 127

CODE OF ORDINANCES OF THE TOWN OF ABITA SPRINGS

* * *

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 R.S. 25:731 to 25:745, 1950, and other 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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 and in which service station activities may be carried on.

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 used, rented or hired out to be occupied or which are 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Manufactured home means a factory-built, residential dwelling unit constructed to standards and codes as promulgated by the United States Department of Housing and Urban Development (HUD), under the National Manufactured Housing Construction and Safety Standards Act of 1974. Further, the 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.

Planner, Senior shall mean an active, certified professional planner registered with the American Institute of Certified Planners, indicated by the credentials "AICP."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Spoils means the removal of soil or debris during construction.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 9-201. – GENERAL REQUIREMENTS AND APPLICATIONS

- A. *Purpose.* The purpose of this Chapter is to consolidate the procedures relevant to filing and processing applications for land use, zoning, or subdivision actions within the Town.
- B. *Types of applications and processes.* **Table 9-201.1.** details the applications and processes that support land development in the Town.
- C. *Permit requirement and administration.*
 1. Except as otherwise provided, the Building Inspector, Planning and Zoning Director, and the Town Clerk shall administer this Land Development Code including the receiving of applications. The Building Inspector shall approve building permits and premises and enforce this Land Development Code. No building permit shall be issued by the Town Clerk, except in cases in which the provisions of this Land Development Code have been complied with and only after approval of the Building Inspector.
 2. No vacant lands shall be occupied or used and no building or structure shall be erected, added to, repaired, or structurally altered until a permit has been issued by the Building Inspector. All applications for permits shall be in accordance with the requirements of this Land Development Code.
 3. 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, 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 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 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 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.
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.

1. Applications for the processes listed in **Table 9-201.1.** must be submitted to the Planning and Zoning Department using forms provided by the Planning and Zoning Department.
2. 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 an application to discuss procedures, standards, and regulations applicable to the request. This pre-application conference is not required, but is beneficial to the applicant.

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

E. *Completeness Review.*

1. The Planning and Zoning Director or their designee shall review all applications to verify that the application is complete and includes all required information as directed by the application instructions and all necessary information to determine if the request is in conformance with this Code.
2. If an application submitted is incomplete, the Planning and Zoning Director or their designee shall inform the applicant of deficiencies and shall not process the application until such deficiencies are remedied.
3. The applicant's failure to resolve an application deficiency is grounds for the Town to reject the application and not schedule the case for a public hearing or action as shown in **Table 9-201.1.**
4. Complete applications will be reviewed for compliance or scheduled for public hearing or appropriate action per **Table 9-201.1.**

F. *Withdrawal of Applications.*

1. Any application withdrawn from the processes in **Table 9-201.1.** must be withdrawn via written communication to the Planning and Zoning Director or their designee. In such cases, the Town shall not be obligated to return application fees to the applicant.
2. Applications that do not require a public hearing may be withdrawn at any time in the review process.
3. Applications or appeals requiring public hearings may be withdrawn prior to the public hearing where a decision is rendered. Once a decision is rendered, the application or appeal may not be withdrawn.

G. *Resubmission of Denied Applications.*

1. Applications that have been denied by the relevant entities (with "D" shown in **Table 9-201.1.**) may not be resubmitted within one year of the date of denial unless changes to applicable regulations have been demonstrated by the applicant.
2. The Planning and Zoning Director shall make the determination on whether changes to regulations applicable to the application are demonstrated.
3. Nothing in this Section shall prevent the appeals processes indicated in **Table 9-201.1.**

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

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

1. The date, the location, and the subject of the hearing will be posted in the official journal of the Town once a week in 3 different weeks commencing at least 15 days prior to the hearing 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 may 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 other recommendation from the Planning Commission may be forwarded to the Board of Alderman 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 may 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 other public requirements;
 - vii. Reasonable consideration of the character of the district, 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 other recommendation from the Planning Commission may 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.

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 may 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.
 - a. The Planning Commission may attach such conditions to the conditional use permit as necessary to assure continuous conformance to all applicable standards and requirements.

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

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	

C. Status and Appeal.

- 1. If a Conditional Use Permit is approved, the property owner or their representative may pursue permits and licenses to improve the site as approved by the Commission.
- 2. If the Conditional Use Permit is denied, the property owner may not submit the same request within one calendar year.
- 3. Appeals of the Planning Commission action on Conditional Use Permits shall be processed by the Board of Aldermen.
- 4. Conditional use permits are transferable, however once the use has ceased activity a new permit must be acquired to occupy the site or reactivate the previous area.

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

Sec. 9-208. – DEVELOPMENT REVIEW

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

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

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				

Sec. 9-209. – CERTIFICATE OF APPROPRIATENESS

- A. *Process.* The issuance of a Certificate of Appropriateness in the Historic Overlay (HTO) District must proceed via the 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 Certificate of Appropriateness for the property that they own.
 2. *Review and technical analysis.* The Planning and Zoning Department shall accept the Certificate of Appropriateness application and review the request. The Planning and Zoning Department must provide a technical analysis for the Historic Commission’s review.
 3. *Historic Commission hearing and decision.* The Historic Commission must hold a public hearing for the requested Certificate of Appropriateness following the requirements detailed in **Sec. 9-302.3.1. – Historic Overlay (HO)** of this Code.

Excerpt from Table 9-201.1.

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

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

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

Sec. 9-210. – VARIANCES

- A. *Process.* Requests for variances to this Code must proceed via the following steps (see excerpt from **Table 9-201.1.** below):
1. *Initiation.* A variance request may be initiated by a property owner (or group of property owners holding 50 percent or more of a property) for the property that they own.
 2. *Review and technical analysis.* The Planning and Zoning Department shall accept the variance request application and review the request. The Planning and Zoning Department must provide a technical analysis for the Planning Commission’s review.
 3. *Planning Commission hearing and decision.* The Planning Commission must hold a public hearing for the requested variance and must decide on the request. The Planning Commission may hold multiple hearings prior to final decision on the matter. The Planning Commission may grant approval, denial, approval with modifications, or deferral on the variance request. 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 DEPARTMENT	PLANNING COMMISSION	HISTORIC COMMISSION	BOARD OF ALDERMEN	22 ND JUDICIAL DISTRICT COURT
Variances	Yes	R	D		A	

- B. *Purview.* The Planning Commission shall only have the ability to grant the following variances:
1. To permit a variance in the yard requirements or the requirements of such in the development of land, height restrictions, or lot areas per family requirements of any district, but only where there are unusual and practical difficulties or a hardship.
 - a. Limitation for townhouse district: No variance shall be granted to these requirements for any irregular shaped lot located in the townhouse district which does not meet minimum residential lot size, and dimension requirements when such lots may not be combined to create a regular shaped lot.
 - 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.
 2. Waive or reduce the parking and loading requirements in any district whenever the use of a building or land whenever it can be shown that provision of the required off-street parking space within 300 feet of the main building is not feasible and constitutes a hardship.
 3. In granting a variance, the Planning Commission may attach thereto such conditions as it may deem advisable in furtherance of the purpose of this Code.

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

Sec. 9-211. – APPEALS OF ADMINISTRATIVE DECISIONS

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

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	

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

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

Sec. 9-212. – ENFORCEMENT

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

Sec. 9-214. – 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 12 months following the disaster or force majeure. This 12-month time limit may be extended by the Planning Commission for a Federally declared disaster.

- 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 time the work is done, nor prevent compliance with the provisions of the building relative to the maintenance of buildings or structures.
 7. *Abandonment.* A nonconforming use of the building or premises which has been abandoned shall not thereafter be returned to the nonconforming use. A nonconforming use shall be considered abandoned:
 - a. When the intent of the owner to discontinue the use is apparent; or
 - b. When the characteristic equipment and the furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within one year, unless other facts show intention to resume the nonconforming use; or
 - c. When the building remains vacant for 12 consecutive calendar months; or
 - d. When it has been replaced by a conforming use; or
 - e. When it has been changed to another use under permit from the board.
 8. *Displacement.* No nonconforming use shall be extended to displace a conforming use.
 9. *Unlawful use not authorized.* Nothing in this Chapter shall be interpreted as authorization for or approval of the continuance of the use of a structure or premises in violation of zoning regulations in effect at the time of the effective date of this Chapter.
 10. *District changes.* Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any nonconforming uses existing therein.

C. *Nonconforming lots.*

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

Sec. 9-215. – SUBDIVISION PROCEDURES

Sec. 9-215.1. – General provisions.

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

Sec. 9-215.2. – 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. 9-215.3. – 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 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 infrastructureshall 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. 9-215.4. – 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, 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. 9-215.5. – 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. 9-215.6. – 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.
 - q. School board statement. In addition to all other requirements set forth in this chapter for obtaining approval for the construction of any new subdivisions within the Town of Abita Springs any person, firm, or corporation seeking approval and/or permitting of any new subdivision development within the jurisdiction of the Town of Abita Springs shall first obtain from the offices of the St. Tammany Parish School Board an official statement of the current capacities and enrollment of those present facilities and the capacities and expected completion dates of those planned, funded school facilities (if any) which will provide educational services for the students who reside in the Town of Abita Springs which statement shall be submitted to the town with all other required documents. This statement shall be considered as a factor in the decision-making process for such approval/permitting process before any such approval/permit shall be granted.
3. A Public Hearing will thereafter be conducted, after which the Planning Commission will review and indicate approval, disapproval, or tentative approval with conditions. In making its decision to approve, deny, defer, or modify a plat, the Planning Commission shall consider recommendations from the Planning Director and Town Engineer as to whether the proposed plat is in conformance with the Master Plan, as well as input from the public made available via the public hearing. If a plat is disapproved, reasons for such disapproval shall be stated in writing. If approved subject to conditions, the nature of the required conditions shall be indicated in writing. Any plats submitted to the Planning Commission shall contain names and addresses of the persons to whom notice of the hearing shall be sent; and no plat shall be

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

4. *Minor subdivisions.* Minor Subdivisions may obtain final approval after the initial hearing provided for in this Section. In such cases, all requirements of these regulations and the Town's Code of Ordinances must be met, except where deviations or variances are authorized, and the preliminary and final plat approval shall be considered together. Should the Planning Commission approve the proposed minor subdivision in one hearing, the resultant plat shall be considered the final plat and recorded in accordance with the requirements for final plat.
5. One copy of the preliminary plat will be retained in the Planning Commission files; one copy shall be returned to the subdivider with any notations at the time of approval or disapproval and the specific changes if any required; and one copy shall be transmitted to the Town's Engineer.
6. The approval of the preliminary plat by the Planning Commission shall be revocable and shall not be entered on the preliminary plat.
7. Approval of the preliminary plat shall lapse unless a final plat based thereon is submitted within 12 months from the date of such approval, unless an extension of time is applied for and granted by the Planning Commission.

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.
 5. The Planning Commission shall approve or disapprove this final plat within 60 calendar days after its submission. In making its decision to approve, deny, defer, or modify a plat, the Planning Commission shall consider recommendations from the Planning Director and Town Engineer as to whether the proposed plat is in conformance with the Master Plan, as well as input from the public made available via the public hearing. Failure by the Planning Commission to act on this final plat within these 60 days shall be deemed approval of it. The parties may agree to an extension of such 60 day period. If the plat is disapproved, the grounds for disapproval shall be stated upon the record of the Planning Commission in writing.
 6. The final plat shall show:
 - a. Primary control points, or descriptions and "Ties" to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
 - b. Tract boundary lines, right-of-way lines of streets, servitudes and other rights-of-way and property lines of residential lots and other sites with accurate dimensions, bearings or deflection angles, and radii, arcs, and central angles of all curves.
 - c. Name and right-of-way width of each street or other right-of-way.
 - d. Location, dimensions and purpose of any servitude.
 - e. Number to identify each lot or site.
 - f. Minimum building set back line on all lots and other sites.

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

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

Sec. 9-215.7. – Penalties.

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

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

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

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

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

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

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

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

- A. *Process.* The dedication of public infrastructure or revocation of streets in the Town must proceed via the following steps (see excerpt from **Table 9-201.1.** below):
1. *Initiation.* Public infrastructure dedication or revocation (including sale or exchange to a private party) of a street may be initiated by a property owner (or group of property owners holding 50 percent or more of a property), reviewed by the Planning Commission, and dedicated by the Board of Aldermen.
 2. *Review, technical analysis and recommendation by Town departments.* The Planning and Zoning Department and Town Engineer shall review applications for public infrastructure dedication or revocation of streets and shall provide a technical analysis and recommendation to the Planning Commission.
 3. *Planning Commission review and recommendation.*
 - a. The Planning Commission must hold a public hearing to review and make a recommendation on the request. The Planning Commission may hold multiple hearings prior to final decision on this matter.
 - b. *Action by the Planning Commission.* After a public hearing held on the matter the Planning Commission within 60 days of application for revocation, public sale, private sale or exchange shall recommend to the Board of Aldermen the following:
 - i. Accept the application as presented.
 - ii. Accept the application with the recommendation for either a revocation, public 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 when the Planning Commission is satisfied that the granting of such action will not merely serve as a convenience to the adjacent property owner, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant the disposal of public property and at the same time the surrounding property will be protected.
 3. Additionally, the action taken in the revocation, public sale, private sale or exchange of property must resolve and settle all claims which the adjacent property owner may have against the Town of Abita Springs.
- C. *Adjacent property owners' rights to purchase.* In the instance of a private sale of a street right-of-way, all adjacent property owners shall have the right to buy to the middle of the right-of-way that is adjacent to their property, where the adjacent property owner across the street may purchase the remaining portion of the street right-of-way.
- D. *Terms of disposition.* The disposition of public right-of-way shall be under the following terms:
 1. All cash to be paid by the buyer at the act of sale.
 2. The sale shall be from the Town of Abita Springs without warranty.

3. The purchaser of the right-of-way shall pay all expenses incurred by the Town of Abita Springs in the disposition of the property.
4. Notwithstanding any ordinances to the contrary, the property bought shall become a part of the adjacent lot and will be governed by the land use and subdivision laws of the Town of Abita Springs.

CHAPTER 3 – ZONING REGULATIONS

Sec. 9-301. – INTRODUCTORY PROVISIONS

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

- A. By virtue of the authority conferred by R.S. 33:4721 et seq., 1950, and other constitutional and statutory authority supplemental thereto, the zoning rules and regulations in this Chapter are enacted. This Chapter shall be known and may be cited as the "Zoning Ordinance of the Town of Abita Springs, Louisiana" or the "Town zoning regulations."
- B. Pursuant to this, the Town is hereby divided into zoning districts. The boundaries of these districts are hereby established as shown on a map entitled "Town of Abita Springs, Louisiana, Official Zoning Map" as last amended and on file in the Town Hall and is hereby incorporated by reference and made a part of this Chapter.
- C. The provisions of this Chapter are the minimum requirements to develop any land in the Town and are adopted to protect the public's health, safety and welfare in the Town of Abita Springs.

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

- A. This Chapter does not-repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Chapter, or with private restrictions placed upon property by covenant, deed or other private agreement, or with restrictive covenants running with the land to which the Town is a party. Where this Chapter imposes a greater restriction upon land, buildings or structures than is imposed or required by existing provisions of law, ordinance, contract or deed, the provisions of this Chapter shall control.
- B. This Chapter is applicable to the following:
 1. *Conformity of building, and land.* No building, structure, or premises shall be used or occupied, and no building or part thereof or other structure shall be erected, raised, moved, placed, reconstructed, extended, or enlarged, or altered except in conformity with the regulations herein specified for the zoning district, as shown on the official zoning map, in which it is located;
 2. *Conformity of buildings.* No building, structure, or premises shall be erected, altered, or used so as to produce smaller yards or less unoccupied area, and no building shall be occupied by more families than prescribed for the building, structure, or premises for the district in which it is located;
 3. *Conformity of open spaces.* No yard, court, or open space, or part thereof, shall be included as part of the yard, court or open space similarly required for any other building, structure, or dwelling under this Chapter.
- C. Where uncertainty exists with respect to the boundaries of any zoning district shown on the official zoning map, the following rules shall apply:

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

Sec. 9-302. – ZONING DISTRICTS

Sec. 9-302.1 – Residential zoning districts.

The Residential Districts in the Town include:

Conservation Residential District (CR)

Neighborhood Residential District (NR)

Traditional Residential District (TR)

Townhouse Residential District (THR)

Multifamily Residential District (MR)

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

- A. **Table 9-302.1.1.1.** shows permitted, conditional, or prohibited uses across all residential 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. **Sec. 9-303. – Use Standards** apply to all uses, unless specifically noted otherwise in this Section.

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

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

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

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

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

Sec. 9-302.1.2 - Dimensional lot standards summary.

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

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

¹ 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)

Adaptive Mixed Use (AMU)

Mixed Use District (MU)

Residential Mixed Use (RMU)

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:
 - a. If the proposed land use's activities and impacts are in alignment with the purpose and intent of the applicable zoning district; and
 - b. If the use is permitted in the zoning district in which is it located; and
 - c. If land use conditions are applicable to the land use.
- D. **Sec. 9-303. – Use Standards** apply to all uses, unless specifically noted otherwise in this Section.

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

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

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

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

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

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

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

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

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

Sec. 9-302.2.2 - Dimensional lot standards summary.

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

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

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

- 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.

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

- A. *Purpose.* The Commercial (C) district aims to provide a range of higher intensity, auto-oriented commercial uses adjacent to major thoroughfares or other important nodes in Town.
- B. *Permitted uses.* Permitted land uses in the C district include those listed in **Sec. 9-302.2.1**, as well as similar uses having the same or less intense land use impact, as determined by the Director of Planning.
- C. *Dimensional standards.* See **Sec. 9-302.2.2** for dimensional standards for lots and buildings.
- D. *Use and development standards.* See **Sec. 9-303 and 9-304** for use and development standards associated with permitted or conditional uses in this district.

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

- A. *Purpose.* The Adaptive Mixed Use (AMU) district aims to enable property owners of land in areas subject to flood risk to use their land for light-intensity commercial or residential uses. The lot size requirements in this district are intended to require large lots and low density, thereby reducing new impacts on the drainage system.
- B. *Permitted uses.* Permitted land uses in the AMU district include those listed in Sec. 9-302.2.1, as well as similar uses having the same or less intense land use impact, as determined by the Director of Planning.
- C. *Dimensional standards.* See Sec. 9-302.2.2 for dimensional standards for lots and buildings. If any property in the AMU is proposed to be subdivided after January 1, 2025, the minimum size for a newly created lot is 2 acres. Any existing lots smaller than 2 acres may remain as platted, but may not be reduced in size through the subdivision process after January 1, 2025.
- D. *Use and development standards.* See Sec. 9-303 and 9-304 for use and development standards associated with permitted or conditional uses in this district.
- E. Site and building design requirements.
 - 1. Freeboard required.
 - a. All new residential buildings must have the lowest floor (including basement), elevated to or above the base flood elevation plus two feet (BFE + 2).
 - b. Nonresidential buildings and accessory structures. All new commercial, industrial or other nonresidential structures shall either have the lowest floor (including basement) elevated to or above the base flood elevation plus two feet (BFE+2) or together with attendant utility and sanitary facilities, be designed so that below the base flood level plus two feet, 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 accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean

sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator.

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

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

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

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

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

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

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

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

- a. These items must be shielded from view of roads or abutting properties by a solid brick or masonry fence and/or an opaque vegetative screen (composed of trees and shrubs or latticed vegetation); and
 - b. These items must have a minimum setback from all property lines of 100 feet.
- D. *Use and development standards.* See **Sec. 9-303 and 9-304** for use and development standards associated with permitted or conditional uses in this district.
- E. *Nuisance and environmental standards.*
 - 1. All sites and buildings established in the LI district must remain in full compliance with all required state or federal environmental minimum standards, fire codes, and hazard prevention practices. If a site is found to be in noncompliance with the terms of any LDEQ, LDH, or EPA permits, the Town may require the site to immediately cease operations.
 - 2. All sites must limit noise from any operations on-site such that no noise perceptible at the property line is emitted during the hours of 7 pm through 7 am every day. If the Town receives a noise complaint about a site in the LI District, the property owner of the site 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.

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

- A. *Purpose.* The Civic District (CV) provides opportunities for parks, open space, schools, and public, governmental, or community-oriented land uses. This district provides some flexibility to include commercial uses or unique sites that serve a public or community purpose.
- B. *Permitted uses.* See **Sec. 9-302.2.1** for permitted uses.
- C. *Dimensional standards.* See **Sec. 9-302.2.2** for dimensional standards for lots and buildings.
- D. *Use and development standards.* See **Sec. 9-303 and 9-304** for use and development standards associated with permitted or conditional uses in this district.
- E. *Nuisance and environmental standards.*
 - 1. All sites and buildings established in the Civic District (CV) must remain in full compliance with all required state or federal environmental minimum requirements, fire codes, and hazard prevention practices. If a site is found to be in noncompliance with the terms of any LDEQ, LDH, or EPA permits, the Town may require the site to immediately cease operations.
 - 2. All sites must limit noise from any operations on-site such that no noise perceptible at the property line is emitted during the hours of 7 pm through 7 am every day. If the Town receives a noise complaint about a site in the civic district, the property owner of the site 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 HO 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 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 Springs; from that point run in a line along the northern line of Seventh Street to its intersection with Hwy 59; thence crossing Hwy 59 on a line parallel to the Southern right-of-way line of said Seventh Street thence go a Southerly direction along the Easterly right-of-way line of Fourth Street in an Easterly direction to its intersection with the Westerly right-of-way line of former Bossier Avenue (now revoked) thence run in a line crossing Maple Street in a Easterly direction to a point which is the Southwest corner of Lot 10 Square D Northwest Division in a Southerly direction. Thence go along the eastern right-of-way line of the former Bossier Avenue (now revoked) to its

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

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

- A. *Purpose.* The purpose of the Tammany Trace Overlay (TTO) district is to ensure that properties that abut the Tammany Trace have appropriate setbacks, fencing, and buffers to provide a consistent, natural viewshed along the bike corridor.
- B. *Applicability.*
1. *Properties abutting the Tammany Trace.* Tammany Trace Overlay (TTO) district regulations shall only apply to sites directly abutting the Tammany Trace trail or the Trailhead museum.
 2. *Base zoning standards apply.* In the TTO district, all uses and buildings shall be developed in accordance with base zoning district requirements.
- C. *Non-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 “untouched” 15-foot setback with natural vegetation between the closest edge of the trace and the nearest structure or parking area.
 2. *Landscaping and greenery.* Within the 15-foot setback, landscape buffering shall be provided to create a consistent, natural area alongside the Trace. Landscaping can include, but is not limited to trees, shrubs, and other natural greenery. The area shall be maintained and kept free of trash and debris and landscaping elements shall not be so placed as to impede clear vision for cyclists or drainage systems in the surrounding area.
 3. *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.
- 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.
- B. Site and building design requirements.
 1. Freeboard required.
 - a. Residential units. All new buildings containing residential units must have the lowest floor (including basement), elevated to or above the base flood elevation plus two feet (BFE + 2). This requirement applies to attached garages for residential homes, but does not apply to open carports, storage sheds without living area, or detached garages without living area.
 - b. Nonresidential buildings and accessory structures. All new commercial, industrial or other nonresidential structures shall either have the lowest floor (including basement) elevated to or above the base flood elevation plus two feet (BFE+2) or together with attendant utility and sanitary facilities, be designed so that below the base flood level plus two feet, 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 accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator.
 2. Fill limitation and open foundation requirement.
 - a. Lot Grading. Fill may be provided for landscaping and surface drainage as detailed on a drainage plan to be approved by the Town Engineer. If the Town Engineer determines that a development site cannot be drained by surface or subsurface drainage, the Town

Engineer may authorize the use of the minimum amount of non-structural fill necessary to ensure positive drainage in accordance with State law.

- b. Fill added to sites. In addition to the lot grading provisions above, up to 6 inches of fill may be placed under the perimeter of the soffit or roof line of structures to achieve positive drainage from under the structure.
- c. Grading changes shall not have an adverse impact on adjacent properties in accordance with State law.
- d. If a site would need more than 6 inches of fill to construct a building to meet the elevation requirements (BFE+2), the building must be constructed on an open pier or piling foundation, which may include enclosures, but cannot include encapsulated fill or a monolithic slab over 6 inches above grade.
- e. Detached garages, accessory structures, and driveways. Slabs may be established under detached garages, accessory structures without habitable area, and driveways or parking areas, provided that the top of the slab is not greater than 6 inches above natural grade at any point.
- f. Fill for all structures (foundations, slabs, parking, drives, accessory structures) shall taper from the edge of the structure at a slope of 3 horizontal feet for every one vertical foot (3:1). In any case, this fill shall not extend out from any improvement or foundation more than 6 feet.
- e. No fill shall be placed within 5 feet of the property line.

3. Exceptions for freeboard, fill limitation, and open foundation requirements.

- a. The requirements for freeboard, fill limitation, and open foundation requirements may be waived for sites that are not at risk of flooding based on:
 - i. Engineering data provided by the property owner indicating an error or higher quality data than the effective or preliminary FIRM showing the subject area; and
 - ii. an analysis of the St. Tammany and Abita Springs unified development flood plan.
- b. In applying this waiver, the Town Floodplain Manager may waive either the freeboard requirement, fill limitation, or open foundation requirement individually based on the analysis showing the sites are not at risk of flooding.
- c. In analysis of sites requesting an exception, the Town Floodplain Manager may request the assistance of the St. Tammany Parish floodplain manager.

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;
 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 breeder shall not conduct any breeding activity in a residential zoning district.
- B. 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.
- C. 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.
- D. Fences for pens or similar enclosures must be built with sufficient height and strength to retain the animals. No pen, fence, or similar enclosure may be closer than 20 feet to an adjacent property line. The widths of alleys, street rights-of-way, or other public rights-of-way may be used to calculate the 10-foot requirement.
- E. The regulations for this land use do not apply to government agencies, governmentally supported organizations, or educational agencies that keep and maintain animals' health, research, or similar purposes, nor do these regulations apply to special events such as circuses and livestock exhibitions which are otherwise regulated.
- F. In addition to the Town noise ordinance, Sec. 7-404. - Disturbing the peace, no animal-related use may house animals that present a repeated or constant noise nuisance. Any complaints about a specific site housing animals making excessive noise may be presented to the Town Planning and Zoning Office and the subject site must present proof that the source of the excessive noise has

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

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

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

Type of animal allowed	Districts this animal is allowed in	Minimum lot area	Minimum setback from all property lines and drainage ditches – animal pens, coops, stables, kennels, and any manure storage must adhere to these setbacks	Additional standards applicable
Pets (companion animals)	All zoning districts	N/A	N/A	N/A
Chickens	All zoning districts	N/A	25 ft. from all property lines	<ol style="list-style-type: none"> 1. No roosters are allowed. 2. Chickens are only permitted for non-commercial use. 3. Chicken areas must be kept clean and free of odor, runoff, and nuisances perceptible beyond the property line.
Small animals (backyard / hobby scale)	All zoning districts	½ acre	50 ft. from all property lines	N/A
Livestock (agricultural animals)	See zoning district use matrices	1 acre	100 ft. from all property lines	N/A

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 **Sec. 9-213** of this Code:
1. Outdoor repairs, including changing of oil and lubrication of automobiles.
 2. Outdoor painting and body work on automobiles.
 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. – Group homes and rehabilitative care centers.

- A. Requirements for group homes:

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

B. Requirements for rehabilitative care centers:

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

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

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

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

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

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

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

1. Contact information for the vendor and the property owner where the open-air retail sales is proposed to take place. The applicant for the long-term open-air retail sales use must have a contract or lease with the property owner allowing them to operate on the site.
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 to be placed on the site;
 - c. Location and description of any cooking facilities, open flames, grills, propane tanks, or other flammable substances proposed;
3. Occupational license for the vendor;
 4. Food safety certificate for each food vendor, if applicable;
 5. A trash and cleanup plan for the site;
 6. Traffic and circulation plan for the subject site; and
 7. Permit fees as determined by the Planning and Zoning Department.
- B. *Renewal.* A long-term open-air retail sales use must initially apply for a one-month permit and must renew their permit every 6 months thereafter. If the Town receives complaints about an open-air retail sales use, the Town may require the use to cease operations or may decline to renew the permit.
- C. *Noise.* Speakers or amplifiers may not be used on the site.
- D. *Alcoholic beverages.* No alcoholic beverages shall be permitted.
- E. *Signage.* Any signs proposed for a long-term open-air retail sales site must be submitted through a separate sign permit request and if they are in the Historic District, such signs must be issued a COA prior to their installation.

Sec. 9-303.9. – 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. 9-303.10. – Modular housing.

- A. Modular homes are subject to the following conditions:
 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.
 2. Modular homes must include a front porch with a minimum depth of 7 feet.
 3. Modular homes must follow all façade requirements of the zoning district in which they are located and any modular homes proposed in the Historic Overlay HTO district must apply for and receive a Certificate of Appropriateness prior to construction on the site.
 4. Modular homes must not employ the use of visible corrugated metal or metal siding as a façade material and must have a minimum of 2 windows on each façade.

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

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

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

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

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

Sec. 9-303.13. – Outdoor salvage yards.

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

Sec. 9-303.14. – Parking garages.

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

Sec. 9-303.15. – 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. 9-303.16. – 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.

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

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

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

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

Sec. 9-303.18. – Snowball stands.

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

Sec. 9-303.19. – Telecommunication towers.

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

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

-
- ii. Geographical service area requirements;
 - iii. Radio frequency interference;
 - iv. Mechanical or electrical incompatibility;
 - v. Restrictions or limitations of the Federal Communications Commission that would preclude the shared use of the structure;
 - vi. Unwilling or unreasonable terms imposed by the owner of the structure; and
 - vii. Any other information that would demonstrate the need for a new monopole tower.
6. The Town may, at its sole discretion and at the expense of the applicant, retain the services of an independent expert in the field to review the information submitted by the applicant. The independent expert may request additional information that shall be deemed to be a requirement of the application and formulate a recommendation to the Town. No hearing or permit may be issued until such time as the recommendation of the independent expert is reviewed and accepted by the town.

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

7. *Impact fees.* It is the intent of the Town that new development of cellular and PCS facilities shall bear a cost based upon the visual and aesthetic impacts caused by those facilities when constructed. The impact fees in this Section are based upon the determination by the Town of a fair and equitable assessment for such facilities so that the Town may make other improvements as the Mayor and Board of Alderman deem fit to balance the effects of the cellular or PCS facility. Any new development consisting of a cellular or PCS monopole transmission tower, or any collocation of antennas on same, shall be required to pay impact fees in the amounts set forth below:
- a. New tower construction: \$6,000.00.
 - b. Collocation on existing tower: \$3,000.00.

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

8. *Filing fee.* In order to equitably allocate the cost for the aforesaid filing fee pursuant to this subsection the Town of Abita Springs levies an annual filing fee upon the following persons and their property:
- a. The owner of the tower \$500.00 per year; and
 - b. Individual owners of attachments placed upon leased space on the tower; \$500.00 per year.

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

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

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

Sec. 9-303.20. – Temporary seasonal uses.

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

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

Sec. 9-303.21. – 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. 9-303.22. – Townhouses.

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

-
3. At least 45 percent of the total area in a townhouse development shall remain unpaved or covered in natural landscaping after construction is finished. This green space must be maintained by a homeowner's association, created through a restrictive covenant or another method approved by the Planning Commission.
- B. The density of the project shall not be more than 12 units per acre.
 - C. A townhouse building shall not contain more than 4 townhouse units built in a row.
 - D. The facade of each unit shall be different from its adjacent facade with not more than 2 similar facades appearing in any one townhouse building.
 - E. No more than 2 units in a series of 4 shall have the same front building setback line.
 - F. Townhouse fire walls shall be required:
 1. *Fire walls between units.* Fire walls between each townhouse unit shall be not less than 2-hour rating and shall be constructed in conformance to the building codes of the state fire marshal for structures built on property lines, whichever is more restrictive.
 2. *Fire walls between groups of units.* Each townhouse development shall be divided into groups of not more than 4 units each with each group separated by a fire wall of not less than 2-hour rating, constructed in conformance with the building codes of the Town, extending 3 feet above the roof and 18 inches beyond the outside face of the building or 5 feet along the face of the building each side of the fire wall, except that roof and wall penetration by the fire wall may be omitted when units are offset by not less than 5 feet in each direction and facing materials are noncombustible.
 - G. Utility services shall be made available to each townhouse and shall be installed underground. Water, electrical, sewerage, storm drainage and telephone shall be considered utility services. In addition, cable TV and gas may also be provided and shall be required to be installed underground.
 - H. No townhouse developments existing at the time of the passage of these regulations shall not qualify for conversion to townhouse conversion and subdivision of townhouse sublots unless constructed to meet the requirements of these regulations as they apply to required fire walls.
 - I. 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.

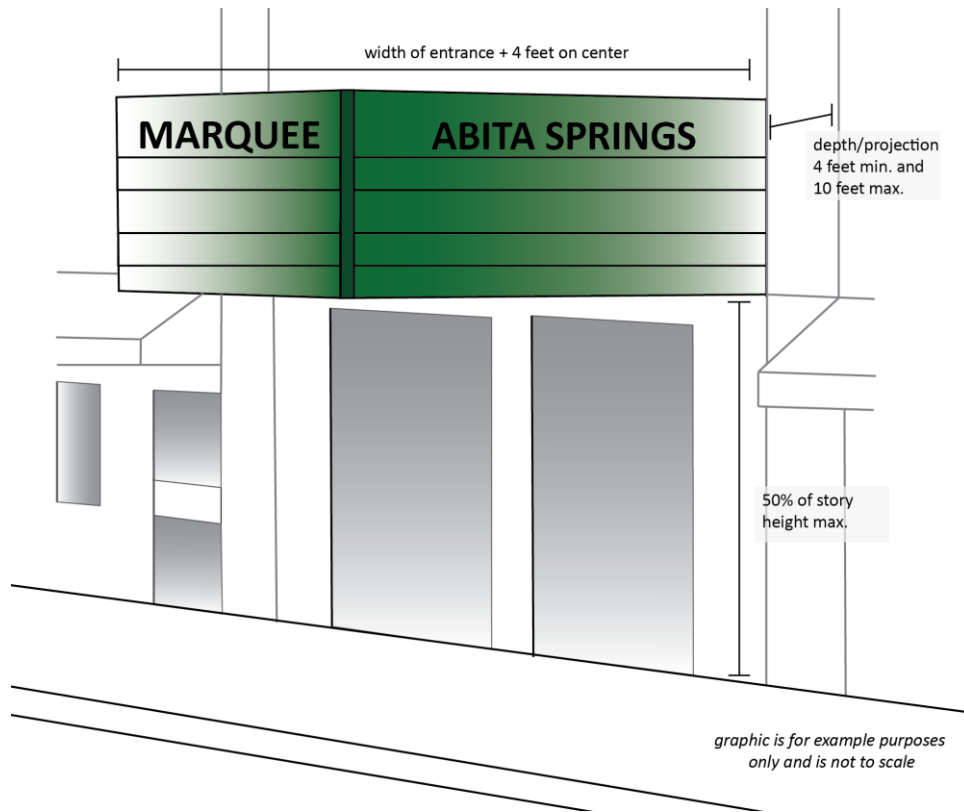
Sec. 9-304. – DEVELOPMENT STANDARDS

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

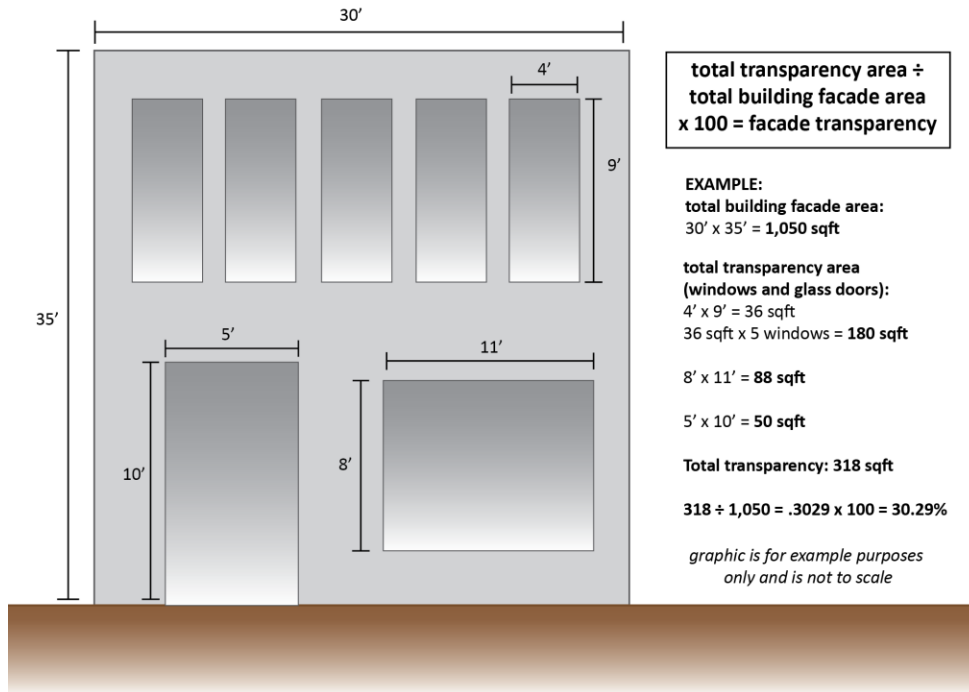
- d. Use of architectural elements or details that emphasize a human scale or mimic structural features on adjoining properties, or
 - f. Other design techniques or elements of design that reasonably comply with the purpose stated herein.
- B. Development density shall not exceed 1 residential unit per 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. *Building orientation and primary entrances.*
 - 1. Primary façades of every primary building shall be oriented to a front lot line or public space.
 - 2. The primary entrance of every principal building must directly face a street or a public space. Public space may include a central garden or courtyard when that public space opens directly onto the primary street.
 - 3. Public entry and exit doors that swing outward shall be recessed into the façade at a minimum of 3 feet where the sidewalk abuts the building.
 - 4. Buildings on corner lots shall have the building and primary entrance oriented to the corner.
- G. *Façade material and design.*
 - 1. For buildings of 2 stories or more, the ground floor should be architecturally differentiated from above floors to reinforce the pedestrian space. This may be accomplished through the application of different façade materials, aesthetic treatments, pedestrian overhangs, larger storefront windows, planters, or similar treatments.
 - 2. Columns and posts shall not be spaced further apart than the height of any individual column or post.
 - 3. At least one of the following architectural treatments must be applied the building.
 - a. *Balconies.* To be considered an architectural treatment that meets this requirement, an application must demonstrate compliance with all of the following conditions:
 - i. Balconies must be provided along all street-facing facades on each story provided.
 - ii. Minimum underside clearance is 10 feet.
 - iii. Balconies 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.

- iv. Balconies shall be permitted to have roofs, but are required to be open, unconditioned parts of buildings.
 - v. Balconies must be visually supported from below by brackets or another structurally implicit mechanism, from above by suspension cables or chains, or adjacent side walls (if the balcony is set completely within the main body of the building).
 - vi. On corners, balconies shall be permitted to wrap around the side of the building facing the adjacent street.
- b. *Awnings or canopies.* To be considered an architectural treatment that meets this requirement, an application must demonstrate compliance with all of the following conditions:
- i. Awnings or canopies must be provided for at least 25 percent of the street-facing façade on each story provided.
 - ii. The minimum awning depth for a first-floor awning is 5 feet measured perpendicular to the wall face.
 - iii. The minimum underside clearance of a first-floor awning is 8 feet above grade or the walkway surface below.
 - iv. Awnings 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.
 - 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.
 - i. Caps shall be made of stone, cast stone, brick, concrete, or slate.
 - ii. The edges of caps may be rectangular or may be more ornate.
 - iii. 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 Facade Transparency



7. Lighting.

- a. Lighting must be energy efficient (LED) and have a color temperature of 2,700 Kelvins maximum.
 - b. Private parking lots must have cutoff, downward lighting.
 - c. Light fixtures located within the interior area of a parking lot shall not exceed 30 feet in height.
 - d. Light fixtures located along the perimeter edge of a parking area within 50 feet of a property line shall not exceed 16 feet in height.
 - e. *Pedestrian-scale lighting.* Light fixtures located along pedestrian walkways shall not exceed 10 feet in height.
8. *Service areas and loading docks.* Trash and recycling dumpsters or similar collection areas shall be located in the rear or to the side of buildings and screened from view from adjacent public rights-of-way, properties, and pedestrian walkways (not including alleys) using a fence or vegetative screening material.
9. *Drive-in or drive-through facility.*
- a. A ground-floor shopfront shall face the primary street.
 - b. Drive-through windows shall be located on the side or rear of the building.
10. *Utilities.* Utilities are to be placed underground and at the rear of buildings, when practicable.

Sec. 9-304.2. – Parking for all uses.

A. General requirements for off-street parking.

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

1. *Minimum number of spaces required.* The table below shows the minimum required number of parking spaces for each use in the Town. Where the required parking spaces calculation results in a fraction, the Planning and Zoning Director shall round either down or up to the nearest whole number. These regulations do not replace but act in concert with any other parking requirements under state or federal law, such as laws pertaining to providing parking for the handicapped.
2. In each parking facility of 20 or more spaces, a portion of the total parking spaces should be specifically designed, located, and reserved for vehicles licensed by the state for use by the handicapped in accordance with **Table 9-304.2.-2** or the current state or federal requirements, whichever is greater.

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.

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

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

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

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

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

Code. Surfacing, curbing, and drainage improvements shall be sufficient to preclude free flow of water onto adjacent properties or public streets or alleys, and to provide adequate drainage.

- g. *Safety features.* Parking facilities shall meet the following standards:
 - i. Safety barriers, protective bumpers or curbing, and directional markers shall be provided as needed to assure safety, prevent encroachment onto adjoining public or private property.
 - ii. Visibility of and between pedestrians, bicyclists and motorists shall be assured when entering individual parking spaces, when circulating within a parking facility and when entering and exiting a parking facility.
 - A). *Sight triangle at street and accessway intersection.* Where an accessway intersects a street a clear vision area shall be maintained between the height of 3 feet and 7 feet above the centerline grade of the street within a sight triangle measuring 25 feet on the side adjacent to the street and 15 feet on the side adjacent to the accessway.
 - B). *Sight triangle at accessway intersection.* Where an accessway intersects another accessway, there shall remain a clear vision area between the height of 3 feet and 7 feet from the grade of the accessways within a sight triangle measuring 15 feet along both of its sides adjacent to the intersecting accessways.
 - C). The Town Engineer is authorized to prepare a diagram in conformity with this subsection, which shall be part of this ordinance.
 - iii. Internal circulation patterns, and the location and traffic direction of all access drives, shall be designed and maintained in accordance with accepted principles of traffic engineering and traffic safety.
- h. *Parking lot lighting.* Parking lot lighting shall meet the following standards:
 - i. In all use districts, the lighting, including any permitted illuminated sign, on any parking lot or driveway shall be arranged so that there will be no glare directed or reflected toward residential buildings or districts. If the Town receives a complaint about lighting coming from a specific site, the property owner of the site in question shall be required to submit an analysis or lighting study by a professional with expertise in commercial lighting to verify whether or not the site is in compliance with this Code.
 - ii. Parking lot lighting design shall provide for the reasonable safety, comfort, and convenience of the parking of patrons and use of pedestrians.
 - iii. Parking lot lighting illumination design levels and visibility glare shall in general comply with the latest issue of IES Lighting Handbook section on parking facilities lighting.
 - iv. Parking lot lighting shall be designed to minimize light spillover into adjoining streets and nearby residential areas and shall be directed downward and away 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.
 - d. For every 500 square feet of building, 10 shrubs of a minimum of 3-gallon size shall be planted. Each shrub shall be guaranteed for a one-year period.
 - e. A buffer zone of 6 feet will be required on the rear of the property abutting residential property. This area must be planted in accordance with (a) through (d) of this Section.

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

Sec. 9-304.4. – Tree preservation.

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

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

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

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

- d. *Buffer requirements in conjunction with the issuance of a development clearing permit.* The following requirements are mandatory. All buffers required shall be exclusive of all easements, servitudes and/or rights-of-way within the property.
 - i. *Roadway buffer.* A managed buffer of at least 25 feet in width along improved roadways and dedicated street rights-of-way shall be preserved in accordance with an approved landscape plan. Access through the buffer shall be limited to one two-way or two one-way drives per 200 feet of street frontage, in accordance with section 8.A. of urban forestry Ordinance No. 184.
 - ii. *Waterway buffer.* A minimum uncut vegetation buffer of at least 50 feet in depth from the centerline of the stream channel along both banks of all established natural stream beds, riverbanks and improved drainage canals shall be preserved uncut.
 - iii. *Adjacent-use buffer.* A managed buffer shall be required when a development site is adjacent to a more restrictive zoning district. A minimum managed buffer of 25 feet or 10 percent of the site width or depth, measured from the adjacent more restrictive zoning district, whichever is greatest, shall be required to be preserved. A minimum of one tree per 10 linear feet and understory screening vegetation or hedges (70 percent opaque and 6 feet in height) shall be required to be planted in adjacent-use buffers not already meeting this minimum standard for vegetation.
 - iv. *Large site adjacent-use buffer.* An untouched buffer with a depth of 40 feet shall be required when a development site is adjacent to a more restrictive zoning district. A minimum of one tree per 10 linear feet and understory screening vegetation or hedges (70 percent opaque and 6 feet in height) shall be required to be planted in adjacent-use buffers not already meeting this minimum standard for vegetation.

- G. *Procedure for tree removal, residential clearing and development clearing permits.* Prior to the issuance of a tree removal, residential clearing or development clearing permit, an application shall be required to be submitted for review by the Tree Inspector. A complete application for a tree removal, residential clearing or development clearing permit shall include the following items:
 - 1. *General information required for tree removal, residential clearing and development clearing permits.*
 - a. A completed application form including the following:
 - i. Name, address, and phone number of contact person;
 - ii. Authorization by the property owner to clear the site, if applicant is other than owner of the property;
 - iii. Estimated starting date;
 - iv. Estimated completion date;
 - v. Name, address and phone number of applicant;
 - b. Copy of deed to property.
 - c. All required processing and inspection fees.
 - 2. *Tree removal permit application requirements.* In addition to all the items listed above, a plan depicting the location, size (DBH), and species of all trees proposed to be removed shall be submitted and all trees proposed to be removed shall be marked prior to the request for the first inspection.

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

- e. The intent of this Chapter and the goals of the community tree plan; and
 - f. The facts supporting the approval of tree removal
6. *Inspections required for tree removal, residential clearing and development clearing.*
- a. *Tree removal permit inspections.*
 - i. *First inspection.* The applicant shall request an inspection by the Tree Inspector after marking the trees to be removed and the Tree Inspector shall inspect the site, within 24 hours of such request, to determine conformance with the permit application and the provisions of this Chapter prior to issuing a tree removal permit.
 - ii. *Final inspection.* Upon completion of the tree removal work, the applicant shall request an inspection, and the Tree Inspector shall inspect the site to determine that the work was performed in conformance with the permit and the provisions of this Chapter.
 - b. *Residential clearing permit inspections.*
 - i. *First inspection.* After marking all trees to be preserved and erecting tree protection barriers around trees to be preserved and any erosion control methods proposed, the applicant shall request an inspection, and the Tree Inspector shall inspect the site to determine that the proposed work is in accordance with the provisions of this Chapter, prior to the issuance of the single-family residential building permit or the residential clearing permit.
 - ii. *Final inspection.* Upon completion of all work and clean up of the site, the applicant shall request a final inspection of the site by the Tree Inspector. The Tree Inspector shall perform the final inspection and determine that the conditions of the residential clearing permit have been adhered to prior to issuing a certificate of occupancy or authorizing permanent utility hookups for the site.
 - c. *Development clearing permit inspections for multifamily residential, nonresidential, infrastructure improvements or other development applications.*
 - i. *First inspection.* After marking all trees to be removed and preserved and erecting tree protection barriers around trees to be preserved and the erosion control methods proposed, the applicant shall request an inspection and the Tree Inspector shall inspect the site to determine that the proposed work is in accordance with the development clearing permit application and the provisions of this chapter, prior to the issuance of the development clearing permit.
 - ii. *Second inspection.* After pavement forms are in place but prior to the pouring of concrete for roadways, driveways, sidewalks, parking or loading areas, the applicant shall request a second inspection, and an inspection shall be made by the Tree Inspector to determine that forms have been placed in accordance with the development clearing permit plans.
 - iii. *Final inspection.* Upon completion of all work and clean up of the site, the applicant shall request a final inspection of the site by the Tree Inspector. The Tree Inspector shall perform the final inspection and determine that the conditions of the development clearing permit have been adhered to prior to issuing a certificate of occupancy or authorizing permanent utility hookups for the site.

- H. *Timber harvesting requirements.* The Tree Inspector may issue a timber harvesting permit for the purpose of commercially harvesting pine trees only (except for longleaf pines which are a specifically protected tree) on land that has not been subdivided into lots of record and which has a minimum size of 6 acres. Any other trees meeting the size requirements as defined under "tree removal" which are damaged or destroyed shall be considered a violation. All timber harvesting shall be accomplished in accordance with the standards included in "Recommended Forest Best Management Practices for Louisiana" published in 2000.
1. *Application.* An application for a timber harvesting permit shall include all the items required for a request for a tree removal, residential clearing, or development clearing permit, and shall include a plot plan, drawn to scale, depicting the location and dimensions of the following:
 - a. *Roadway buffer.* All existing vegetation shall be required to be preserved in an uncut vegetation buffer at least 25 feet in width along all improved roadways and dedicated street rights-of-way, except for one 40 foot-wide accessway through the buffer to reach the interior of the site.
 - b. *Waterway buffer.* All existing vegetation shall be required to be preserved in an uncut vegetation buffer of a width in accordance with the "Recommended Forestry Best Management Practices for Louisiana" Streamside Management Zones (SMZ) as follows:
 - i. SMZ widths are measured from the top of each bank and established on each side of the stream, waterway or drainageway.
 - ii. The minimum SMZ for ephemeral and intermittent streams and improved drainage canals shall be 35 feet on each side of the waterway.
 - iii. The minimum SMZ for perennial streams less than 20 feet wide shall be 50 feet on each side.
 - iv. The minimum SMZ for perennial streams more than 20 feet wide shall be 100 feet on each side.
 - c. *Adjacent-use buffer.* All vegetation shall be required to be preserved in a minimum uncut vegetation buffer of 50 feet in depth on all sides of the site adjacent to an existing residential zoning district.
 - d. *Loading area.* The size and location of the designated loading area, to be located on the interior of the site beyond any required buffer areas.
 - e. *Protected trees.* Specifically protected trees and stands of trees required to be preserved.
 2. *Diagram of the routes.* A diagram of the routes on public streets to be used by vehicles associated with the timber harvesting operation shall also be submitted prior to the issuance of a timber harvesting permit.
 3. *Preservation and restoration of trees.*
 - a. All timber harvesting operations including skidding, yarding, trimming, loading and equipment operation or storage shall be on site and shall not intrude into any of the required buffers. No operation other than hauling shall take place on the Town streets.
 - b. All parties conducting timber harvesting activities shall exercise due and reasonable caution when traversing public rights-of-way, public lands and water bodies in order to minimize disturbance to same. All public rights-of-way, public properties, existing and

recognized natural drainage, and engineered drainageways shall be restored to preexisting condition with the cessation of the timber harvesting activity.

- c. All felled trees and uprooted stumps from the harvesting of trees shall be removed from the site. Scrapping or bulldozing of the site shall be allowed only for the purpose of replanting.
- d. All buffer zones, stands of protected trees and specifically protected trees shall be clearly marked prior to the inspection for the issuance of the timber harvesting permit.

4. *Warranty provisions.*

- a. Any person who obtains a timber harvesting permit shall post security with the Town in an amount sufficient, as predetermined by the Tree Inspector, for the repair or restoration of any streets or bridges, rights-of-way, public lands or water bodies and/or drainage easements within the Town damaged as a result of timber harvesting activities.
- b. The security required by this Section shall be either a funded letter of credit or a bond approved by the Town with the town listed as obligee as follows:
 - i. An annual blanket security of \$10,000.00 due on October 1, 1993, and each October 1 thereafter.
 - ii. In the event that the above security has to be called for any reason, a new security will be established as follows:
 - A) The security will increase in \$10,000.00 increments for each occurrence of damage.
 - B) All existing permits shall be forfeited and no new permits will be issued until new security is posted and prior damage has been resolved.
- c. Applicants shall be responsible only for damage caused directly by their activities on or use of public streets, roads, bridges or lands.
- d. The security required by this Section may be posted by any interested party, including, but not limited to the land owner, logging contractor or timber purchaser on behalf of the applicant.
- e. The security posted by the applicant shall remain in effect until the issuance of the certificate of completion. The security posted shall be applied to each permit issued. Upon notification by the applicant that work is complete, the Tree Inspector shall inspect the site and, if acceptable, a certificate of completion shall be issued and recorded accordingly on the security.

5. *Enforcement and inspections.*

- a. *First inspection.* The applicant shall mark all pine trees to be harvested and protected, erect all tree protection barriers and have sediment control mechanisms in place prior to requesting the first inspection. The Tree Inspector shall inspect and document the location and condition of all roadways proposed to be used for timber harvesting operations, all required buffers, specifically protected trees and stands of protected trees, as shown on the plot plan, and shall verify that all protected trees are clearly marked for protection, prior to the issuance of a timber harvesting permit.
- b. *Monitoring.* The Tree Inspector shall perform regular inspections of the site during the performance of the timber harvesting work to determine compliance with the timber harvesting application and the provisions of this Chapter and shall issue written notice

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

- c. *Final inspection and issuance of certificate of completion.* It shall be the responsibility of the applicant to request an inspection and the Tree Inspector to inspect the site after completion. Upon completion of all harvesting, cleanup and repairs or restoration required the applicant shall notify the tree inspector to request a final inspection of the site and all roadways utilized for timber harvesting activities. In the event that damage is caused to the right-of-way or Town streets through activity of the applicant or its agents, the Town shall notify the applicant in writing by certified letter. The cost of repairing the damage shall be the sole responsibility of the applicant. Approval shall be required from the Town of all specifications, as well as of the contractor who will perform the corrective action. A reasonable time frame shall be agreed upon by the Town and the applicant for corrective work to be completed but in any event no more than 90 days from notification. The certificate of completion required to release the security bond shall not be issued by the Town until all repair, restoration or tree replacement activities required of the applicant have been fulfilled.
6. *Procedure for enforcement of security.* In the event an applicant or its agents causes damage to Town property and fails to correct such damage resulting in the town having to take corrective action, at the completion of all such corrective work the Town will present the invoice for said corrective work to the responsible applicant, and the applicant shall have 30 days from its receipt to pay said invoice. In the event that the applicant fails to pay said invoice within 30 days, the Town may, at its option, take any appropriate action to execute on the security required herein.
7. *Replanting plan.* In order to develop and be issued permits on a parcel of land that has been commercially harvested and does not have a 50-percent tree cover, the developer must submit a replanting plan to the Planning Commission. A replanting plan must be reviewed and approved by the Planning Commission on any development and/or lots within a subdivision. A certificate of occupancy on any structure within the development will not be issued until the replanting plan has been enacted and approved by the Tree Inspector. The Planning Commission may request that the landscape committee review any landscape and replanting plan and make their recommendation to the Planning Commission.
- I. *Expiration of permits.* All permits issued under this Chapter shall be valid for a period of one year after which time the permit automatically expires. After this period of time, all permitted activities must be complete and a compliance inspection made by the Inspector. In the event all clearing activities have not been completed during the existence of the permit, a new tree removal, residential clearing, development clearing, or timber harvesting permit must be obtained.
- J. *Tree replacement requirements.*
 1. *General requirements.* When any tree required to be preserved or planted by the provisions of this Chapter or any other laws of the Town of Abita Springs, dies or is removed, it shall be replaced with 2 trees of the same species or a species with similar characteristics measuring a minimum of 2 inches DBH each at the time of planting. If the available planting space on the site where the tree died or was removed is not adequate for the number of replacement trees required, the replacement trees unable to be placed on the site shall be donated to the Town 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 office of the Clerk of Court for the Parish of St Tammany. Such recording shall serve as an incumbrance against the parcel of land upon which the violation occurred.

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

Sec. 9-304.5. – Sign requirements.

- A. These regulations apply to all development in the Town. The general purpose of these requirements are to:
1. Retain and maintain existing historic signs, if possible.
 2. Install new signs in such a manner that no damage occurs to historic materials.
 3. Individual building signage shall be placed under such restrictions as will allow for design unity with the surrounding area.
 4. Individual and creative expression is encouraged, but will be made more efficient and meaningful when the signs of the area complement each other and the design of the building to which they are attached.
 5. *Purpose.* The purpose of this Section is to promote public health, safety, and welfare through a comprehensive system of reasonable, effective, consistent, well-maintained, content-neutral, and nondiscriminatory sign standards and requirements. It is the intent of this Section to regulate the time, place, and manner of sign placement. It is not the intent of this Section to regulate the message that signs convey; to foreclose important and distinct mediums or expression for political, religious, or personal messages; or to suggest the Town should regulate the content of signs in any manner.
- B. *Requirements for all signs.*
1. No fluorescent signs are allowed in the Town. Signs may not include fluorescent lighting either internal or external to the sign face.
 2. Signs may be composed of wood, painted materials, or plastic. Internally illuminated plastic faced signs and metal signs are not allowed.
 3. External lighting (shielded lights only) may be used to illuminate signs. Lighting of signs shall be subdued and indirect. The lighting source shall be hidden from view or designed so as to blend in with the lines of the building.
 4. Backlit, fluorescent, strobe, and flashing-light signs are prohibited. Backlit coke machines are considered signage and are not permitted on the exterior of buildings or shall not be visible from the street. Such machines shall only be used if back light is not used.
 5. All exterior lighting fixtures must be approved by the Historic District Commission for proposed lighting in the Historic Overlay (HTO) district. Gooseneck type lighting is encouraged.
 6. An exemption to these requirements may be allowed by the Historic District Commission for historically appropriate neon and metal signs.
 7. Snipe signs, meaning small temporary signs (under 36 square feet) attached to public infrastructure or placed by someone other than the property owner are prohibited.
 8. Window signs are prohibited, however the Planning Commission or the Historic District Commission may allow window signs that employ hand-rendered artisan work, etching, or other unique media (other than window cling, factory produced printed material, or vinyl).
 9. Feather or harpoon style signs are prohibited.
 10. Nothing in this Section shall be construed to prohibit flags on a flag pole.

11. Any type of sign not specifically permitted by this Section, including LED light strings used as signs, electronic variable message signs, billboards, and moving or animated signs are prohibited.
12. All signs proposed in the Historic Overlay (HTO) district, including temporary signs, shall require a Certificate of Appropriateness prior to their placement on the site.

C. *Primary attached signs.*

1. Maximum area allowed: 32 square feet.
2. Signs may be double-sided with copy on both sides of an attached sign suspended by brackets or arms perpendicular from the wall of a building. Any attached sign projecting out from the building must clear the sidewalk by 7 feet, and project no less than 6 inches and no more than 5 feet from the exterior wall of the building. Hardware used in hanging the signs shall be inconspicuous.
3. Attached signs may be any shape, but may not include moving or animated elements or flashing lights.
4. A sign on a cloth awning may be used as the attached sign, but must follow the size limitation.
5. Signs may not project over the roof line of the building or be hung on poles that are not attached to the building.
6. The attached sign may be painted directly on a building wall, but still must adhere to the size limitation and must respect any architectural detail of the wall surface. Murals shall be considered attached signs painted directly on a building wall regardless of content or message. All murals or attached signs must be approved by Planning Commission or by the Historic District Commission if the site is located in the Historic Overlay (HTO) district.
7. A permit from the Planning and Zoning Department is required for all primary attached signs.

D. *Secondary attached signs.*

1. Maximum area allowed: 16 square feet.
2. Secondary attached signs are only allowed on buildings with 2 street-facing facades, and cannot be located on the same facade as the primary attached sign.
3. A permit from the Planning and Zoning Department is required for all secondary attached signs.

E. *Free-standing monument signs.*

1. Free-standing monument signs are detached signs with a solid, monolithic base attached to the ground. No other types of detached permanent signs are allowed in the Town. Free-standing monument signs are only allowed in the Commercial, Light Industrial, and Civic Districts with the permission of the Planning Commission.
2. *Maximum area allowed:* 24 square feet.
3. Free-standing monument signs may have indirect lighting. No internal illumination is allowed.

F. *Sculptures or monuments.*

1. Sculptures or monuments may be used as memorials or for other purposes, regardless of content, all sculptures or monuments must be approved by the Planning Commission or the Historic District Commission if they are in the Historic Overlay (HTO) district.

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

CHAPTER 4 – FLOODPLAIN MANAGEMENT

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

Sec. 9-401. Statutory authorization

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

Sec. 9-402. Findings of fact

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

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

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

Sec. 9-403. Statement of purpose

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

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

Sec. 9-404. Methods of reducing flood losses

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

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

ARTICLE B. DEFINITIONS

Sec. 9-405. Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- A. the overflow of inland or tidal waters.
- B. the unusual and rapid accumulation or runoff of surface waters from any source.

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

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

FLOOD INSURANCE STUDY (FIS) – see Flood Elevation Study

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

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

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

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

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

FLOODWAY – see Regulatory Floodway

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

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

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

HISTORIC STRUCTURE - means any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior or;
 2. Directly by the Secretary of the Interior in states without approved programs.

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

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

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

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

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

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

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

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

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

RECREATIONAL VEHICLE - means a vehicle which is

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

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

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

SPECIAL FLOOD HAZARD AREA – see Area of Special Flood Hazard

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

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

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

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

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

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

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

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

ARTICLE C. GENERAL PROVISIONS

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

This ordinance shall apply to all areas of special flood hazard with the jurisdiction of the Town of 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 foregoing in relation to areas of special flood hazard. Additionally, the following information is required:
 - 1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
 - 2. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
 - 3. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Article E, Section 9-418. Specific Standards for Nonresidential Construction;
 - 4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;
 - 5. Maintain a record of all such information in accordance with subsection Sec. 9-414. Duties and responsibilities of the floodplain administrator, subsection A.
- B. Approval or denial of a development permit by the floodplain administrator shall be based on all of the provisions of this ordinance and the following relevant factors:
 - 1. The danger to life and property due to flooding or erosion damage;
 - 2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - 3. The danger that materials may be swept onto other lands to the injury of others;
 - 4. The compatibility of the proposed use with existing and anticipated development;
 - 5. The safety of access to the property in times of flood for ordinary and emergency vehicles;

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

Sec. 9-416. Variance procedures.

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

- b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
3. Any application to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- K. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
- 1. The criteria outlined in subsection 9-416 (A) through (I) are met; and
 - 2. The structure or other development is protected by methods that minimize flood damages 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 accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator.
- C. Enclosures. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - 1. A minimum of two openings on separate walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - 2. The bottom of all openings shall be no higher than one foot above grade.
 - 3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.
- D. Manufactured homes.
 - 1. Require that all manufactured homes to be placed within zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
 - 2. Require that manufactured homes that are placed or substantially improved within zones A1—30, AH, and AE on the community's FIRM on sites:
 - a. Outside of a manufactured home park or subdivision;
 - b. In a new manufactured home park or subdivision;

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

Sec. 9-419. Standards for subdivision proposals.

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

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

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

- A. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or
- B. All new construction and substantial improvements of nonresidential structures;
 - 1. Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified); or
 - 2. Together with attendant utility and sanitary facilities be designed so that below the base specified flood depth in an AO Zone, or below the Base Flood Elevation in an AH Zone, 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 of effects of buoyancy.
- C. A registered professional engineer or architect shall submit a certification to the floodplain administrator that the standards of this section, as proposed in subsection 9-415, are satisfied.
- D. Require within zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

Sec. 9-421. Severability.

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

Sec. 9-422. Penalties for noncompliance.

No structure of land shall hereafter be constructed, located extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this article by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) 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 more than \$500.00 or imprisoned for not more than 30 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Town of Abita Springs from taking such other lawful action as is necessary to prevent or remedy any violation.

Secs. 9-423—9-450. Reserved.

CHAPTER 5 – BUILDING AND CONSTRUCTION REGULATIONS

ARTICLE A. CONSTRUCTION REGULATIONS

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

* * *

Sec. 9-504. Building permits required.

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

Sec. 9-505. Complaints regarding violations.

Whenever a violation of this chapter occurs or is alleged to have occurred, any person may file a written complaint, filed with the Building Inspector, stating fully the causes and basis of the complaint. The Building Inspector shall record properly the complaint, immediately investigate, and take action 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.
 - 2. *Electrical transmission lines.* In the case of electrical transmission lines where servitude widths are not definitely established, there shall be a minimum building set back line from the center of the transmission lines as follow:

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

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

- 3. *Floodplain management.* On any proposed subdivision or resubdivision of land, the preliminary and final plats submitted for subdivision consideration shall clearly indicate the areas within the Federal Emergency Management Agency (FEMA)’s Special Flood Hazard Area (SFHA) as determined by the Town of Abita Springs adopted Flood Insurance Study (FIS) dated May 17, 1988, and its accompanying Flood Insurance Rate Map (FIRM). Within these areas the following policies apply:
 - a. There will be no improvement of land within the channel needed to convey the stormwater from a 100-year storm event.
 - b. There will be no net increase and fill material used to construct improvements in zones designated A, AE, or B in the FIS and on the FIRM. No net increase means that for every cubic yard of fill material imported to the site, one cubic yard of existing material must be exported from the site. Excavated areas created by soil exportation may not be used as fill ponds. Normally dry retention or detention ponds are acceptable.
 - c. A cut and fill analysis will be required in addition to the comprehensive drainage plan required in this Chapter.

- d. Any improvements to the land that are performed in a designated flood plain will conform to the related regulations established by the Corps of Engineers, the Parish of St. Tammany, jurisdiction drainage districts, or other municipal regulations governing floodplain management and/or improvements in designated flood plains.
 - e. Compliance with this Section must be determined by the Town Engineer.
4. Street frontage.
- a. Requirement to front on a public street. Every lot created in the Town through the subdivision process must directly front on a publicly dedicated street. This means that neither the Town administration nor the Board of Aldermen may approve the creation (subdivision) or resubdivision of any lots lacking frontage on a public street.
 - b. Existing lots lacking street frontage. Existing lots lacking street frontage may not be built upon and the Town may not issue any building permit to develop these sites unless such lots are resubdivided in a manner that provides them with direct access to a public street.

C. *Blocks.*

- 1. *Requirements.* The widths, lengths, and shapes of blocks shall be determined with due regard to:
 - a. Provision of adequate building sites suitable to the land uses permitted in the zoning districts within the proposed subdivision.
 - b. Lot sizes and dimensions as indicated in **Chapter 3- Zoning Regulations** of this Code.
 - c. Needs for convenient access, circulation, control and safety of street traffic.
 - d. Limitations and opportunities of topography.
- 2. *Length.* Blocks shall not be more than 300 feet in length.
- 3. *Widths.* Blocks shall be wide enough to allow 2 rows of lots except where fronting on streets is prevented by topographical conditions or size of property; in which case, the Planning Commission may approve a single row of lots of minimum depth.
- 4. *Street-facing rear lot lines.* Where topographic conditions or the size of property limit development to a block containing a single row of lots with rear lot lines that face a street, both a 10-foot easement for landscape buffering shall be provided along the rear lot lines and a minimum 10-foot setback for fence structures constructed along the rear property line shall be indicated on the preliminary and final plats.

D. *Streets.*

- 1. *Relation to adjoining streets.* To support higher property values, support public safety, more effectively disperse traffic, have fiscal sustainability in public service provision, and promote walkable neighborhoods; proposed streets shall be developed in a street grid pattern, squared at right angles, that connects to existing streets in all cases except for when the natural geography or environmental protections preclude a grid or associated connections.

Approval of the Louisiana Department of Transportation and the Town Engineer is required when the access point to the subdivision adjoins a state highway.
- 2. *Minor streets.* Minor streets shall be laid out in a grid pattern to disperse traffic and provide a variety of route options for local users.

3. *Marginal access street.* Where a subdivision borders a contained or controlled access highway, the Planning Commission may elect to require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
4. *Tangents.* A tangent of at least 100 feet shall be introduced between reverse curves on major, and collector streets.
5. *Alignments.* The horizontal and vertical alignment for all streets shall be not less than the following except in cases of unusual topographic conditions:
 - a. *Horizontal Alignment, Centerline radius.*
 - i. Major Streets: 500 feet minimum
 - ii. Collector Streets: 300 feet minimum
 - iii. Minor Streets: 100 feet minimum
 - b. All changes in street grades shall be made with vertical curves that provide minimum sight distances of not less than the following, except in cases of unusual topographic conditions.
 - i. Major Streets with median: 500 feet minimum
 - 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:
- 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.
 - 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.

Figure

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

H. *Drainage.*

1. *Drainage courses.* Whenever any stream or improved surface drainage course is in a proposed subdivision, the Subdivider shall dedicate an adequate servitude along each side of the stream for the purpose of maintenance, stormwater management or natural riparian protection. The width of said servitude will fully encompass the drainage channel including natural variations in the channel due to high flows, but in no way shall the servitude be less than 25 feet in either direction of the drainage centerline.
2. *Lots along drainage courses.* Drainage courses that fall within proposed lot lines shall not count for more than 10 percent of the total minimum lot area as defined by these regulations.

I. *Public use.*

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

2. *Public uses.* Where a park, neighborhood recreational open space, green space, a school site, or other areas for public use shown on a plan which previously has been officially adopted by the Planning Commission is located in whole or in part in the proposed subdivision, the Planning Commission shall seek to secure the reservation of the additional necessary land for such use. Special consideration shall be given to schools and parks in subdivisions larger than 40 acres or more, or 100 lots or more.
 3. *Green space requirement.* There shall be required a 5 foot green space around the perimeter of each subdivision in which is comprised of land in excess of 5 acres.
 4. The ownership of sites set aside for parks, neighborhood recreation open space, green space, school sites, or other area of public use shown on a plat which has been officially adopted by the Planning Commission will be agreed upon between the subdivider and the Planning Commission at the time of preliminary approval. Ownership will be by the lot owners of the subdivision as common ground for the subdivision, or by another group, agency, or jurisdiction as agreed upon by the Planning Commission, the Town of Abita Springs, and the subdivider.
- J. *Deed restriction or covenant.* Deed restrictions or covenants may be placed upon the property to ensure that the development is of the character and caliber of the Town of Abita Springs as desired by the subdivider. These restrictions shall not be less than requirements of this Code and they shall not contain reversionary clauses wherein any lot shall return to the subdivider because of a violation thereon of the term of the restriction or covenants. Accompanying the final plat for approval shall be a copy of the deed restriction or covenants.
- K. *Deviations and variances.*
1. Limited deviations may be authorized by the Planning Commission upon formal request of the Subdivider, and review by the Town Engineer and Senior Planner, only when the proposed deviation advances the intent of this Code in accordance with best practices and through established alternative means or methods. It shall be the responsibility of the Subdivider to demonstrate:
 - a. Compliance with the intent of these regulations;
 - b. that the proposed alternative is established in accordance with best practices;
 - c. will not have adverse effects to the Town and neighboring community; and
 - d. is in compliance with the Town’s Code of Ordinances.
 2. Where a subdivider can show that because of topographical or other conditions peculiar to the site, unnecessary hardship would result due to strict adherence to the Code, the Subdivider may request a variance from the Planning Commission.

Sec. 9-602. – Improvement standards.

- A. *General requirements.*
1. *Generally.* In consideration of the acceptance by the Board of Alderman and the assumption of the responsibility for maintaining the dedicated streets and public utilities constructed herein, the owner or owners of the subdivision shall cause to be constructed at no expense to the Town, the following improvements according to the specifications set forth in this Section.
 2. All plans and specifications for subdivision construction proposed herein shall be prepared by a Louisiana licensed and registered professional engineer. All survey work necessary to establish subdivision corners, street corners, lot corners and elevations shall be performed by

a Louisiana licensed and registered land surveyor. All plans, specifications, and construction activities will be reviewed by the Town of Abita Springs through its Town Engineer at the expense of the subdivider.

3. *Zoning compliance.* All proposed subdivisions shall be reviewed for compliance with Part 9 – Planning, Zoning, and Development by the Planning Director.

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

C. *Guarantee in lieu of completed improvements.* No final subdivision plat shall be approved by the Planning Commission or accepted for record by the Clerk of Court of St. Tammany Parish until either:

1. All required improvements, including repair to Town property damaged during construction, removal of debris, treatment of soil, erosion control, seeding and landscaping have been constructed in a satisfactory manner and approved in writing by the Town’s Engineer; or
2. The subdivision has been granted a substantial completion notice, not to be granted unless the improvements required by the Planning Commission and the Town Engineer are not less than 95 percent complete, by the Town Engineer. Additionally, the estimate of completion cost 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 feet vertical shall be furnished as part of the subdivision improvement construction documents.

E. *Sidewalks.*

1. Sidewalks shall be required for every subdivision of land in the Town of Abita Springs, including administrative, minor, and major subdivisions; this requirement may be waived if the Town Planner determines sidewalks are not part of future planned growth in the area and would be inconsistent with the surrounding development pattern.
2. Sidewalks shall be located one foot from the property line to prevent interference or encroachment by fencing, walls, hedges or other plantings or structures placed on the property line at a later date. Concrete sidewalks shall be 5 feet wide and 4 inches thick; unless provided for elsewhere in the Code of Ordinances.

F. *Sewerage.*

1. The subdivider shall provide a wastewater collection system for each lot in the proposed subdivision, and all means and methods employed to determine system capacity by the Subdivider must be in alignment with those prescriptive methods required by the Town Engineer. If public sewer system is not within 300 feet of the track being subdivided, the subdivider shall either 1) connect to the nearest public sewer system, regardless of distance; 2) provide a central treatment plant for the entire subdivision, in which all collection system requirements apply; or 3)—upon a finding by the Planning Commission that the connection into the nearest public sewer system or providing of a central treatment plant is not feasible—then the subdivider shall provide an individual treatment plant for each building which shall not exceed 12 individual sewer plants per subdivision.

2. All sanitary sewer systems shall conform to the following requirements:
 - a. All sewer mains installed within such subdivisions shall be at least 8 inches in diameter and must be of one of the following materials:
 - i. Truss pipe conforming to ASTM D 2680
 - ii. Plastic pipe conforming to ASTM D 3034
 - b. Manholes shall be constructed of one of the following materials:
 - i. Pre-cast concrete conforming to ASTM C 478
 - ii. Brick conforming to ASTM C 32, Grade MA or ASTM C 139
 - iii. Fiberglass manholes may be approved by Town's Engineer on an individual project basis.
 - iv. Manhole castings shall be for roadway traffic, shall have a twenty -two (22) inch opening and shall match the manhole.
 - c. Force main(s) shall be sized for a minimum velocity of 2 feet per second. Force main may be cast iron or plastic, designed for 150 psi. Force main shall be tested at a pressure of 100 psi for two hours. Leakage shall not exceed 10 gpd/in./dia./mile. Plastic pipe shall meet Class 160 NSF.
 - d. Service pipe shall be 6 inches in diameter and shall be PVC pipe and shall be provided and installed by the developer to each lot property line.
 - e. Pumping stations shall be designed to provide for the maximum flows under which they are expected to operate. Individual grinder pumps/wet well units shall not be permitted. The type of station may be designated by the Town's Engineer.
3. Manholes shall be constructed at all intersections of sewer mains, at all changes in direction, and shall not be more than 300 feet apart.
4. Exfiltration tests shall be made on all sections of sewer main laid. Leakage shall not exceed 250 gpd/in./dia./mile. Water level in upper manhole shall be a minimum of one foot above top of pipe. Other tests acceptable to the Town's Engineers may be used if approved as part of a requested, written deviation.
5. Subdivider shall connect the subdivision sewer system into the Town's sanitary sewer system at a point designated by the Town's Engineer. Should the Town Engineer advise the Planning Commission that there is no appropriate connection to the sewer system due to system capacity constraints, the Planning Commission shall deny the subject subdivision application due to lack of adequate capacity for sewer connections.

G. *Water supply.*

1. The subdivider shall coordinate with the Town Engineer to determine a connection to the Town water system, if appropriate, and shall provide water service to each lot. All means and methods employed to determine system capacity by the Subdivider must be in alignment with those prescriptive methods required by the Town Engineer. Water main shall be a minimum of 8 inch pipe, as determined by the Town Engineer. The water main shall be looped unless otherwise approved by the Town Engineer as part of a requested, written deviation.
2. Water pipe shall be provided in accordance with the following:

- a. Cast iron, AWWA approved for 150 psi working pressure test shall be conducted to determine the necessity of using polyethylene wrap. Where test so indicates, polyethylene shall be used.
 - b. Polyvinyl Chloride, AWWA approved 150-psi working pressure for 8 inch, and class 160 NSF (National Sanitation Foundation) approved for 4 inch and smaller.
 - c. Service pipe shall be polybutylene and shall meet the stress rating of TB-2110 and shall have a pressure rating of 160 psi. Pipe shall be furnished in copper tubing sizes.
 - d. Fire hydrants shall be three way, shall be AWWA approved and shall match existing hydrant hose threads, as indicated by the Fire District having jurisdiction. Hydrants shall be located not further than 300 feet from the furthestmost fronting corner of any lot, not more than 600 feet apart, and at all street intersections. However, hydrants will not be required to be located within 200 feet of another hydrant.
 - e. Fitting for 8 inch main shall be AWWA approved. Smaller fittings shall be NSF approved.
 - f. Valves shall be AWWA approved.
 - g. Service connection fittings shall be as approved by Town Engineer.
3. Water pipe shall be sterilized and shall receive approval from the Louisiana State Board of Health before connection to the Town water system.
 4. Water main shall be tested for 150 psi for not less than 4 hours. Leakage shall not exceed then 10 gallons/day/inch dia./mile

H. *Storm drainage.*

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

The engineering design of the facilities necessary to perform this task shall be based upon a drainage study performed by a Louisiana licensed and registered professional engineer. The drainage study will be executed utilizing a hydraulic methodology to determine the facilities necessary to meet the goals of these regulations. The drainage study will, at a minimum, identify the existing runoff characteristics (predevelopment condition) and the post development condition with consideration to the increase in the impervious area and the change in the velocity of storm water runoff. For subdivisions involving less than 10 lots, this requirement may be waived by the Planning Commission upon a determination that such a plan is not necessary. Such a determination shall be made in conjunction with preliminary approval.

- a. The minimum design of the interior drainage system to the subdivision or site or tract proposed for development shall be based on a 10 year use storm frequency of not greater than one hour duration and the minimum design considerations for the watershed area will be based on a 25 year use storm frequency of not greater than one hour duration. The selection of runoff coefficient shall be based on the anticipated nature of future development in the area and shall be subject to the approval of the Town Engineer.
- b. Street drainage and grating shall be addressed on the submitted plans and shall extend the full width of the right-of-way.

- c. Preservation of drainage patterns and the drainage basin in which the subdivision is proposed shall be required by the Planning Commission, except when such preservation is not in keeping with best practices.
 - d. No alteration of natural drainage channels shall be undertaken by a developer/subdivider except upon the review and approval of the Planning Commission after review and advisement from the Town Engineer.
 - e. The drainage facilities proposed for the development will cause, in the post development condition, a 10 percent reduction in the predevelopment condition with regard to peak storm water runoff. Facilities to accomplish this reduction shall include onsite detention ponds or regional detention measures that exist within the same drainage base. The option of regional detention measures must be approved by the Town Engineer prior to the execution of the drainage study, design of the drainage improvements, or both. Any constructed detention ponds must provide for the proper aeration as approved by the Town Engineer.
 - f. Alternatively, the developer/subdivider may propose to undertake such work or improvements, at no cost to the Town, to make the downstream drainage system adequate to handle the anticipated flow resulting from the development of the property in conformance with these regulations. The Planning Commission may deny any such proposal to improve downstream drainage if the Planning Commission determines that the nature or extent of the proposed work or improvements would detrimentally alter the character or condition of any downstream drainage ways. The Planning Commission shall not approve any proposal to improve manmade drainage ways until the proposal is first reviewed by the Town Engineer and has been advised in writing that he/she has no objection to the proposal.
 - g. All spoil generated by construction on the subdivision project must be treated in a manner approved by the Town Engineer or removed from the site. This requirement shall be considered as part of the improvement necessary for final plat approval of the subdivision.
2. Pipe used for subsurface storm drain shall be concrete conforming to ASTM specifications for the type of pipe used. Reinforced concrete pipe shall be used under roadways. Joints shall be rubber gaskets, wrapped in filter cloth and grouted. Joints shall be rubber gaskets for concrete and bands for corrugated metal. Only reinforced concrete pipe is to be used in the public right-of-way where drainage conduits extend beneath public streets.
3. *Surface drains.*
- a. The grade for open ditch drainage shall be sufficiently designed to prevent ponding or stagnated water.
 - b. All surface drainage ditches placed alongside streets shall be graded as to prevent undermining of streets by drainage water.
 - c. All surface drainage courses shall have a minimum of 2:1 side slope or side slopes having at least 2 foot of horizontal distance for each one foot of vertical drop.
 - d. Drains in ditches under driveways shall extend 3 feet beyond the top edge of the drive shoulder for each foot elevation of the drive above the ditch bottom.
4. *Control of erosion and sedimentation.* Where there is an intention to change the contour of any land proposed to be subdivided or developed by grading, excavating, removing or destroying the natural topsoil, trees or other vegetation covering thereon, the same shall only be accomplished after the Planning Commission has approved a plan for erosion and

sedimentation control submitted by the owner or his agent. Submittal of any plans for erosion and sedimentation control shall accompany and be considered a part of the documents required for preliminary approval in the subdivision application process.

a. *Requirements for submission.*

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

b. *Guidelines for erosion and sedimentation control.*

- i. Shall be developed to maximize the amount of natural drainage that is percolated into the soil and to minimize the direct runoff into adjoining streets and waterways.
- ii. Sediment basins (debris basins, desilting basins, or silt trap) should be installed to remove sediment from runoff waters from land undergoing development.
- iii. The development plan should be fitted to the topography and soil to create the least erosion potential.
- iv. Wherever feasible, and in areas required by this Code, natural vegetation should be retained and protected.
- v. Provisions should be made to effectively accommodate the increased runoff caused by the changed soil and surface conditions during and after development.
- vi. Where necessary, temporary vegetation and/or mulching should be used to protect areas exposed during development.
- vii. The permanent final vegetation and structure should be installed within 6 months of final plat acceptance.
- viii. When land is exposed during development, only the smallest practical area should be exposed at one time and the exposure time should be kept the shortest practical period of time.
- ix. At the building permit application stage, a review will be conducted by the Building Inspector to ensure conformance with the plan as approved.

5. *Soil preservation, grading, and seeding of lots.*

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

- c. *Lawn, grass, seed and sod (lawn).* Grass seed shall be sown at not less than 4 pounds to each 1,000 square feet of open land areas. The width of the right of way (excluding roadways) shall be seeded. Sod may be used to comply with any requirements of seeding set forth herein, if approved in advance by the Town Engineer.
 - d. *Debris and waste.* No cut trees, timber, junk, rubbish or other waste materials of any kind shall be buried in any land, or left deposited on any lot or street adjacent to a lot for which there is sought to be the issuances of a certificate of occupancy in the subdivision nor shall any be left or deposited in any area of the subdivision at the time of expiration of the performance bond and/or letter of credit, or dedication of public improvements, whichever is sooner.
 - e. The requirements of this Section shall be considered part of the required improvements necessary for final approval of a subdivision plat.
- I. *Natural gas.* If available, natural gas will be installed by the owner at the subdividers expense, including all engineering and construction costs.
 - J. *Construction inspection.* For all improvements required for final plat approval, as depicted on the construction documents approved by the Town Engineer, including but not limited to roadways, drainage facilities, water and sewer utilities, gas utilities, stormwater management infrastructure, sidewalks, repair to Town property damaged during the construction of the project, removal of debris, treatment of soil, erosion control, seeding and landscaping, the work will be inspected by the Town Engineer at the expense of the developer and prior to site development.
 - K. *Permanent markers.*
 - 1. Permanent monuments consisting of a metal pipe 3/4 inch in diameter and 3 feet long shall be set at all street corners, at all points where the street lines intersect the exterior boundaries of the subdivision, and at angle points and points of curve in each street. The top of the monuments shall be set flush with the finished grade. All survey work shall be done by a Louisiana licensed Registered Professional Land Surveyor. All development corners shall be marked with a 4" by 4" by 3" concrete markers.
 - 2. For all subdivisions of 25 lots or more, a permanent benchmark shall be accessibly placed. The elevation of which shall be based on Mean Sea Level Datum as determined by the U.S. Geological Survey and accurately noted on the subdivision plat. Such permanent benchmarks shall be concrete with a minimum dimension of 4 inches square, 3 feet long, with a flat top. The top of the monument shall have an indented cross to identify properly the location and shall be set flush with the finished grade.
 - 3. All other lot corners shall be marked with an iron pipe, not less than three fourths (3/4) inch in diameter and (2) feet long driven so as to be flush with the finished grade.
 - L. *Street name signs.* Street name signs shall be located at all street intersections and shall be of a design approved by the Town Board of Aldermen.
 - M. *Street lights.* All subdivisions shall have streetlights. Street lighting plans shall be submitted to the Planning Commission for approval. Such plans shall provide for the subdivider or property owners to pay for the installation, use and maintenance of the street lighting system.
 - N. *Power poles.* The Planning Commission may require the subdivision to provide servitudes for power poles in the rear of lots. When located on street right-of-way, power poles shall be located adjacent to the property line. All major subdivisions shall have underground utility lines. Minor subdivisions may have utility lines above ground on power poles, unless previously installed underground, in which case underground utilities should be maintained and improved without exception.