



Zoning Code Amendments – CONVENTIONS

Delete once finalized and ready to submit to client

1. “Code” should be capitalized when used to signify the Abita Springs Code of Ordinances. “Code” means the Town Code of Ordinances.
2. The term Town and all titles (officials and decision makers) shall be Capital case, and commonly used titles are shown below:
 - a. Town
 - b. Mayor
 - c. Director of Planning
 - d. Town Engineer
 - e. Code Enforcement Officer
 - f. Planning Commission
 - g. Chairman
 - h. Zoning Commission
 - i. Need to talk about and check for: Board of Adjustments vs. Board of Adjustment
3. *Numbers in sentences.* Spell out “one,” and all other numbers are written numerically.
4. *Numbers within regulatory text.* As a rule, do not spell out or add parentheses around any numbers, i.e. “For landscaped areas, 25-feet is required per...” with the following exceptions:
 - a. Spell out “one” when it is the only number in a sentence.
 - b. Spell out numbers and add parentheses around number after when they begin a sentence, i.e. “Twenty-five (25) lots shall be the minimum...” or “One (1) lot shall....”
 - c. Do not spell out any numbers except when grouping makes it confusing when only separated by a comma, for example: YES: When required, two (2), 6-foot fences ”. NO: “2, 6-foot”
5. Turn off word’s track changes for this first draft.
6. *References.* Generally to “this chapter, this section,” etc. should remain lowercase unless referring to a specific section, ex: Sec. 1-45.
7. Disable auto bullets, numbers, letters.
8. Text changes are **hard coded**, where:
 - a. Black text = existing code staying where it is
 - b. Blue text = new code**
 - c. ~~Red strikethrough~~ = deleted old text
 - d. Green underline = old code language that is moved
9. When adding a “summary subject” to a regulation, use sentence case, italicize, and end with a period. For example: *Regional context.*
10. Section titles XXX.X and XXX.X.X do end in a period, section numbers also do! 9-2XX.X.
11. Major Section Titles (three digit 9.201) all letters are **CAPITALIZED** and bolded.
12. Hierarchy in section organization should be as follows, single-spaced with a 6pt paragraph setting before and after + 4 ticks of separation for each subsequent indent.

Sec. 9-2XX. FOR EXAMPLE ALL WORDS CAPITALIZED (no period)

Sec. 9-2XX.X. Capitalize Each Word.

A. *Dogs and cats*. An example of a summary subject.

1. Note how each section lines up to the one before it and is separated by 4 “ticks” in the ruler.

a. My cats hate my dog!

i. Why did I get so many cats?

(a) Too many cats equals lots of problems.

(1) Does anyone want a cat?

(i) Or maybe a dog?

PACKET 1 – Discussed at P&Z on 4/24

PACKET 2 – Discussed at P&Z on 5/29

PACKET 3 – Discussed at P&Z on 6/26

Changes are highlighted in each packet based on the time/date they were taken in:

- Yellow: 4/24

- Blue: 5/29

- Green: 6/26

Zoning Code Amendments – DRAFT OUTLINE

PART 9 – PLANNING, ZONING, AND DEVELOPMENT

CHAPTER 1. – PLANNING COMMISSIONS, BOARDS, AND ADMINISTRATIVE AUTHORITIES

SEC. 9-101. – ~~ARTICLE A.~~ MUNICIPAL PLANNING COMMISSION.

Sec. 9-101.1. – Planning Commission created.

Sec. 9-101.2. – Membership; appointment.

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

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

Sec. 9-101.5. – Planning Commission as zoning commission.

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

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

SEC. 9-102. Through Sec. 9-119. – Reserved.

SEC. 9-120. – ~~ARTICLE B.~~ HISTORIC DISTRICT COMMISSION.

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

Sec. 9-120.2. – Membership and appointment.

Sec. 9-120.3. – Selection of officers.

Sec. 9-120.4. – Powers and duties.

Sec. 9-120.5. – Staff; donations.

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

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

CHAPTER 2. – PROCEDURES

Sec. 9-201. – General requirements and applications.

Sec. 9-202. – Notice.

Sec. 9-203. – Public hearing.

Sec. 9-204. – Planning, Zoning, and Development Regulations text amendments.

Sec. 9-205. – Zoning map amendments.

Sec. 9-206. – Conditional use permit (CUP).

Sec. 9-207. – Certificate of appropriateness.

Sec. 9-208. – Variances, appeals, and waivers.

Sec. 9-209. – Subdivision procedures.

Sec. 9-209.1. – Generally.

Sec. 9-209.2. – Administrative subdivision process.

Sec. 9-209.3. – Major subdivision process.

Sec. 9-210. – Definitions applicable to Part 9.

Sec. 9-210.1. – Applicability.

Sec. 9-210.2. - Terms Defined.

Sec. 9-211. – Nonconformities.

Sec. 9-212. – Revocation, exchange, and public or private sale of public street rights-of-way.

CHAPTER 3. – ZONING REGULATIONS

Sec. 9-301. – Introductory Provisions.

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

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

Sec. 9-302. – Zoning Districts.

Sec. 9-302.1. – Residential Zoning Districts (R).

Sec. 9-302.1.1. – District Land Use Summary and Applicable Use Standards.

Sec. 9-302.1.2. - Dimensional Lot Standards Summary.

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

Sec. 9-302.1.4. – Suburban Residential (SR).

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

Sec. 9-302.1.6. – Townhouse (THR).

Sec. 9-302.1.7. – Multifamily (MR).

Sec. 9-302.2. – Commercial and Special Purpose Districts.

Sec. 9-302.2.1. – District Land Use Summary.

Sec. 9-302.2.2. - Dimensional Lot Standards Summary.

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

Sec. 9-302.2.4. – Town Center Mixed Use (TCM).

Sec. 9-302.2.5. – Gateway Mixed Use (GM).

Sec. 9-302.2.6. – Light Industrial district (LI).

Sec. 9-302.2.7. – Civic District (CV).

Sec. 9-302.3. – Overlay Districts (O).

Sec. 9-302.3.1. – Midtown Cultural Overlay (MCO).

Sec. 9-302.3.2. – Historic Overlay (HO).

Sec. 9-303. – Use Standards.

Sec. 9-303.1. – Accessory uses and structures.

Sec. 9-303.2. – Prefabricated housing.

Sec. 9-303.3. – Bed and breakfasts.

Sec. 9-303.4. – Short term rentals.

Sec. 9-303.5. – Cellular Towers.

Sec. 9-303.6. – Home occupations,

Sec. 9-304. – Design Standards,

Sec. 9-304.1. – Parking,

Sec. 9-304.2. – Landscaping.

DRAFT CODE AMENDMENTS

CHANGES TRACKED KEY:

- a. Black text = existing text staying where it is
 - b. **Blue text = proposed new text**
 - c. ~~Red strikethrough~~ = existing text recommended to be deleted
 - d. Green underline = existing text moved to another location in the Code
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CODE OF ORDINANCES OF THE TOWN OF ABITA SPRINGS

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PART 9 – PLANNING, ZONING AND DEVELOPMENT

CHAPTER 1. - PLANNING COMMISSIONS AND BOARDS

Sec. 9-101. - MUNICIPAL PLANNING COMMISSION

~~Article A. — 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 **M**ayor. The **M**ayor may remove any member of the **C**ommission after public hearing for inefficiency, neglect of duty, or malfeasance in office. All members of the **C**ommission so appointed shall serve without compensation and shall hold no other public office except that a **C**ommission member may also serve as member of any duly constituted regional commission of which the **T**own forms a part. Of the members of the **C**ommission 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 **P**lanning **C**ommission 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 **M**ayor for the unexpired term.

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

The **P**lanning **C**ommission shall elect a chairman from its membership and create and fill such other of its offices as it may determine. The term of **C**hairman shall be one year, with eligibility for re-election. The **C**ommission 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.,~~which record shall be a public record.~~

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

The **C**ommission 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,~~and as may be amended from time to time.~~

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

As authorized by R.S. 33:4726, the **P**lanning **C**ommission created in this chapter shall be and is the **Z**oning **C**ommission of the **T**own.

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

The **Z**oning **C**ommission shall elect a **C**hairman from its membership and create and fill such other offices as it may determine. The term of the **C**hairman shall be one year, with eligibility for re-election. The **Z**oning **C**ommission shall meet on a periodic basis as determined by the members of the **C**ommission. It shall adopt rules for transaction of business and shall keep a **public** record of its resolutions, transactions, findings, and determinations.,~~which record shall be a public record. The chairman, officers, records and other matters provided for in this section shall be separate and distinct from the chairman, officers and records of the Planning Commission.~~

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

- A.** The **Z**oning **C**ommission 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 from time to time.
- B.** ~~The **Z**oning **C**ommission is hereby charged and delegated the authorizedty to put into effect and enforce the provisions of this chapter. It shall be the **Z**oning **C**ommission's function to recommend the boundaries of the various original zoning districts, as well as to recommend changes to zoning district boundaries and the land development regulations provided for in this chapter. the restrictions and regulations to be enforced therein and any supplements, changes or modifications thereof.~~
- C.** ~~The **Z**oning **C**ommission, with prior written approval of Mayor and Board of Aldermen may, on its own motion, or on petition, amend, supplement or change the regulations, restrictions and the boundaries of the **C**ommission made after public hearing at which citizens shall have an opportunity to be heard.~~
- D.** The **Z**oning **C**ommission 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

~~ARTICLE B. – 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 **H**istoric **D**istrict **C**ommission consisting of **5** members. The members shall be registered voters living and residing within the corporate limits of the **T**own.

Sec. 9-120.2. – Membership and appointment.

- A. ~~(a)~~ The members of the **H**istoric **D**istrict **C**ommission (hereinafter referred to as "**C**ommissioners") shall be appointed by the **M**ayor subject to approval by a majority vote of the **B**oard of **A**ldermen. The term of office for each **C**ommissioner shall be **4** years except that the terms of members of the first **C**ommission shall be staggered to assure continuity. In making appointments, preference may be given as far as possible to members of historic, cultural, educational, archeological, architectural, artistic and preservation organizations. All members shall serve without compensation.~~(b)~~
- B. Vacancies on the **H**istoric **D**istrict **C**ommission 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 **M**ayor and **B**oard of **A**ldermen 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 **H**istoric **D**istrict **C**ommission shall elect annually from its own number a **C**hairman, **V**ice-Chairman, **S**ecretary and any other offices it deems appropriate.

Sec. 9-120.4. – Powers and duties.

The **H**istoric **D**istrict **C**ommission 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 chapter 2** of this Code and the provisions of R.S. 25:731 to 25:745, 1950, as may be amended from time to time. The **H**istoric **D**istrict **C**ommission shall have all power and authority conferred upon it by law or ordinance.

However, 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 **M**ayor and **B**oard of **A**ldermen, services of compensated clerical and technical assistance may be retained. Donations, trusts, contributions and gifts may be accepted by the **H**istoric **D**istrict **C**ommission provided that they are used to further the purposes for which the **C**ommission exists.

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

The **H**istoric **D**istrict **C**ommission 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.

~~Sec. 9-127.— Action of planning commission required; revocation, exchange, public sale or private sale of public street rights of way. ———~~

~~Prior to any action taken by Abita Springs Board of Aldermen with regard to the revocation, exchange, public sale, or private sale of any public street right of way, to any individual, such must be approved by the Planning Commission of the Town of Abita Springs.~~

~~Such approval must be done at a meeting of the planning commission after being advertised in the same manner as required for the application for a variance.~~

~~Sec. 9-128.— Criteria for the determination of revocations, exchange public sale or private sale of public street right of way. —~~

~~In order to approve the revocation, exchange, public sale or private sale of public street rights of way the planning commissions 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 foreseeable future.~~

~~Additionally it must be determined that the denial by the town 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 zoning 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. 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.~~

~~Sec. 9-129.— 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:~~

~~(1)Accept the application as presented.(2)Accept the application with the recommendation for either a revocation, public sale, private sale, or exchange of the street right of way.(3)A recommendation of partial disposition of the street right of way by any method provided for herein.(4)Recommended 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.(5)Deny the application for the disposition and recommend no action to be taken by the Board of Aldermen of the Town of Abita Springs.~~

~~Sec. 9-130.— Referral of recommendation to the board of aldermen. —~~

~~Within ten days of action taken by the planning commission, the Secretary of the Abita Springs Planning Commission shall forward to the Clerk of the Board of Aldermen for the Town of Abita Springs the recommendation of the planning commission on the application for the revocation, public sale, or exchange of public street right of way. At the next regularly scheduled monthly meeting of the board of aldermen, an ordinance shall be introduced by the Board of Aldermen for the Town of Abita Springs that shall conform to the recommendation of the planning commission. Should the planning commission recommend denial, no ordinance need be introduced.~~

~~Such ordinance introduced shall be considered at the subsequently regularly scheduled meeting of the Board of Aldermen of the Town of Abita Springs.~~

~~Sec. 9-131.— Notification to adjacent property owners. —~~

~~All property owners which are adjacent to that portion of a public street right of way, which right of way or any rights thereto has been recommended for disposal by the planning commission to the Board of Aldermen of the Town of Abita Springs, shall be notified by registered mail. Such registered mail shall be sent no sooner than 30 days not later than 15 days of the meeting of the board of aldermen, which will consider such disposition. 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. 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. 9-132.— Consideration by the board of aldermen. —~~

~~Upon consideration of the ordinance introduced, based on the recommendation of the planning commission the board of aldermen may:~~

~~(1) Adopt as proposed; (2) Amended in any fashion; or (3) Deny the recommendation of the planning commission.~~

~~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.~~

~~Sec. 9-133.— 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 purchase at private sale the street right of way the adjacent property owner across the street may purchase that portion of the street right of way.~~

~~Sec. 9-134.— 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 which is bought shall become a part of the adjacent lot and will be governed by the land use laws of the Town of Abita Springs and particularly with regards to resubdivision of the street right of way and the adjacent property which shall become one lot.~~

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CHAPTER 2. – PROCEDURES

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.**

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 INFORMATION LOCATED IN |
|---|-------------------------|--------------------------------|---------------------|---------------------|-------------------|--------------------------------|
| | | PLANNING AND ZONING DEPARTMENT | PLANNING COMMISSION | HISTORIC COMMISSION | BOARD OF ALDERMEN | |
| 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 | Sec. 9-205. |
| Zoning map amendments | Yes | RR | RR | | D | 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 | | Sec. 9-120.4. |
| Variances | Yes | R | D | | | Sec. 9-210. |
| Appeals of Administrative Decisions | Yes | | D | | | Sec. 9-211. |
| Minor Subdivisions | No | D | | | | Sec. 9-212.2. |
| Major Subdivisions | Yes | R | D | | A | Sec. 9-212.3. |
| Public Infrastructure Dedication or Revocation of Streets | Yes | RR | RR | | D | Sec. 9-216. |

C. 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, advised 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.

D. *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.

E. *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.

F. *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 substantial new evidence or changes to applicable regulations have been demonstrated by the applicant.
2. The Planning and Zoning Director shall make the determination on whether substantial new evidence or 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. ~~will be posted on site.~~
 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”²² 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. 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 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.

Excerpt from Table 9-201.1.

| APPLICATION TYPE | PUBLIC HEARING REQUIRED | REVIEW BODY | | | |
|--|-------------------------|--------------------------------|---------------------|---------------------|-------------------|
| | | PLANNING AND ZONING DEPARTMENT | PLANNING COMMISSION | HISTORIC COMMISSION | BOARD OF ALDERMEN |
| Comprehensive Plan Amendment or Adoption of New Comprehensive Plan | 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 |
| Amendments to the Code of Ordinances, Part 9 | Yes | RR | RR | | D |

- 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; ~~or~~
 - 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 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 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 |
| Zoning map amendments | Yes | RR | RR | | D |

- 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. *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% 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. *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 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.

Excerpt from Table 9-201.1.

| APPLICATION TYPE | PUBLIC HEARING REQUIRED | REVIEW BODY | | | |
|------------------|-------------------------|--------------------------------|---------------------|---------------------|-------------------|
| | | PLANNING AND ZONING DEPARTMENT | PLANNING COMMISSION | HISTORIC COMMISSION | BOARD OF ALDERMEN |
| Conditional Use | Yes | RR | D | | A |

- B. *Status and appeal.* 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. If the Conditional Use Permit is denied, the property owner may not submit the same request within one calendar year. Appeals of the Planning Commission action on Conditional Use Permits shall be processed by the Board of Aldermen.

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), Town Center Mixed Use District (TCM), Gateway Mixed Use District (GM), Historic Overlay (HO) or Midtown Cultural Overlay (MCO).**
 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 |
| Development review | No | D | | | |

Sec. 9-209. – CERTIFICATE OF APPROPRIATENESS

- A. *Process.*** The issuance of a Certificate of Appropriateness in the Historic Overlay (HO) 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% 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 | | | | FURTHER INFORMATION LOCATED IN |
|--------------------------------|-------------------------|--------------------------------|---------------------|---------------------|-------------------|--------------------------------|
| | | PLANNING AND ZONING DEPARTMENT | PLANNING COMMISSION | HISTORIC COMMISSION | BOARD OF ALDERMEN | |
| Certificate of Appropriateness | Yes | R | | D | | Sec. 9-120.4. |

- 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.

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% or more of a property) may request a change to the zoning map 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 this matter. The Planning Commission may grant approval, denial, approval with modifications, or deferral on the variance request. 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.

Excerpt from Table 9-201.1.

| APPLICATION TYPE | PUBLIC HEARING REQUIRED | REVIEW BODY | | | | FURTHER INFORMATION LOCATED IN |
|------------------|-------------------------|--------------------------------|---------------------|---------------------|-------------------|--------------------------------|
| | | PLANNING AND ZONING DEPARTMENT | PLANNING COMMISSION | HISTORIC COMMISSION | BOARD OF ALDERMEN | |
| Variations | Yes | R | D | | | Sec. 9-210. |

- B. ***Purview.*** The Planning Commission shall only have the ability to grant the following variances:
 1. **To permit a variance in the yard requirements, the size of squares 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.**

2. Waive or reduce the parking and loading requirements in any district whenever the use of a building or land is so extraordinary as to make unnecessary the full provision of parking or loading facilities, or 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 this 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% 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 |
| Variances | Yes | R | D | | |

- 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 community.
- 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 community, 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. – SUBDIVISION PROCEDURES

Sec. 9-213. – 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 as a result of construction remains unrepaired, the proper town official, in addition to other remedies, may institute any appropriate 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.

Sec. 9-214. – DEFINITIONS APPLICABLE TO PART 9

Sec. 9-215. – NONCONFORMITIES

- A. Nonconforming uses. The lawful use of any building, structure, or land existing at the time of the enactment of this chapter may be continued, although the use does not conform with the provisions of this chapter, provided 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 ten 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 three 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 six 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 ten 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;
 - 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;
 - c. When the building remains vacant for 12 consecutive calendar months;
 - 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.

B. Nonconforming lots.

1. If two 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 which 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 which 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 two 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.
Notwithstanding any other provision in this Code, to the contrary, the owner of three 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 two lots on either side of such building may be sold without obtaining re-subdivision approval from the planning commission. In such event no lot shall have a street frontage of less than original lot size.
Nothing contained in this subsection shall in any manner affect the set back requirements of such lots.
Proof of such required acquisition of lots shall be made to the satisfaction of the Planning and Zoning Director.

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% or more of a property) to be dedicated or by the Planning Commission or 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. Recommended 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 of the Town of Abita Springs.
4. **Board of Aldermen action.**
 - a. Within ten days of action taken by the Planning Commission, the Secretary of the Abita Springs Planning Commission shall forward to the Clerk of the Board of Aldermen for the Town of Abita Springs 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 for the Town of Abita Springs 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 Town 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 of the Town of Abita Springs.
 - 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 recommendation of the planning commission.

Excerpt from Table 9-201.1.

| APPLICATION TYPE | PUBLIC HEARING REQUIRED | REVIEW BODY | | | | FURTHER INFORMATION LOCATED IN |
|---|-------------------------|--------------------------------|---------------------|---------------------|-------------------|--------------------------------|
| | | PLANNING AND ZONING DEPARTMENT | PLANNING COMMISSION | HISTORIC COMMISSION | BOARD OF ALDERMEN | |
| Public Infrastructure Dedication or Revocation of Streets | Yes | RR | RR | | D | Sec. 9-216. |

- 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 foreseeable 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 purchase at private sale the street right-of-way the adjacent property owner across the street may purchase that 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 which is bought shall become a part of the adjacent lot and will be governed by the land use laws of the Town of Abita

Springs and particularly with regards to resubdivision of the street right-of-way and the adjacent property which shall become one lot.

CHAPTER 3 - ZONING REGULATIONS

Sec. 9-301. – INTRODUCTORY PROVISIONS

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

~~Sec. 9-201. Zoning regulations adopted~~

- 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, For the purposes of this chapter, the Town is hereby divided into use zoning districts, and area districts as provided hereafter. The boundaries of these districts are hereby established as shown on a map entitled "Town of Abita Springs, Louisiana, Official Comprehensive Zoning Map Plan" as last amended and on file in the Town Hall, and which map, with all explanatory matter thereon, shall be deemed to accompany, be, and is hereby incorporated by reference and made a part of this chapter.~~

~~Sec. 9-202. Short title.~~

~~Sec. 9-203. Interpretation, purpose.~~

~~In their interpretation and application,~~

- C. The provisions of this chapter ~~shall be held to be~~ **are** the minimum requirements **to develop any land in the Town and are** adopted ~~for the promotion of to protect~~ the public's health, safety and welfare **in the Town of Abita Springs**. ~~To protect the public, among other purposes, these provisions are intended to provide for adequate light, pure air, safety from fire and other danger, undue concentration of population and ample parking facilities.~~

~~Sec. 9-204. Effect on other regulations.~~

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

- A. ~~It is not intended by~~ This chapter **does not to** 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 district, as shown on the official 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.

~~Interpretation of district boundaries.~~

- C. Where uncertainty exists with respect to the boundaries of any ~~of the aforesaid~~ zoning districts as shown on the official zoning map, the following rules shall apply:

~~Sec. 9-206. Town to be divided into districts; map adopted.~~

~~(a) — For the purposes of this chapter, the town is hereby divided into use zoning districts, and area districts as provided hereafter.~~

~~(b) — The boundaries of these districts are hereby established as shown on a map entitled "Town of Abita Springs, Louisiana, Comprehensive Zoning Plan" as last amended and on file in the Town Hall, which map, with all explanatory matter thereon, shall be deemed to accompany, be, and is hereby incorporated by reference and made a part of this chapter.~~

~~Sec. 9-207. Interpretation of district boundaries.~~

1. *Where boundaries approximately follow streets, alleys or highways.* Where district boundaries are indicated as approximately following the centerline ~~or street line~~ of streets, ~~the centerline or alley line of~~ alleys, or ~~the centerline or right of way line of~~ 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 ~~or street lines~~ of streets, ~~the centerlines or alley lines~~ of alleys, or the ~~centerlines or~~ 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 ~~deed to 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 district.* All areas within the **Town** corporate limits ~~which~~**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 **n** on the official zoning maps 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 lying and~~ being **zoned Conservation Residential (CR) District** ~~in the "residential" district~~ until the classifications ~~shall have been~~ **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 **be** automatically extended to the center of the ~~vacation and all~~ area ~~included in the vacation shall then and henceforth~~ 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.**

~~Sec. 9-213.3 Sec. 9-208. Application of regulations.~~

~~Except as provided otherwise in this chapter the following requirements apply to buildings, land, and open spaces as set forth below:~~

- ~~(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 district, as shown on the official 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.~~

~~Sec. 9-209. Divided zoning, corner lot, parking lot requirements, and maximum size of square and configuration of street.~~

~~The following provisions apply to the districts established in this chapter:~~

- ~~(1) *Lots in two districts.* Where a district boundary line as established in this chapter or as shown on the zoning map divides a lot which was in single ownership and of record at the time of adoption of this chapter, the use thereon and the other district requirements applying to the least restricted portion of the lot under this chapter shall be considered as extending to the entire lot, provided one half or more of the area of the lot is in the least restricted district. The use so extended shall be deemed to be conforming;~~

Sec. 9-302. – ZONING DISTRICTS

Sec. 9-302.1 – Residential Zoning Districts.

The Residential Districts in the Town include:

- Conservation Residential District (CR)**
- Suburban Residential District (SR)**
- Traditional Residential District (TR)**
- Townhouse Residential District (THR)**
- Multifamily Residential District (MR)**

~~Sec. 9-212. Districts established.~~

- ~~(a) For the purpose of this chapter all area within the corporate limits is hereby divided into districts as shown on the map entitled "Town of Abita Springs, Louisiana, Comprehensive Zoning Plan," followed by the date thereof or the most recent revision thereto.~~
- ~~(b) The districts are designated on the Town of Abita Springs, Louisiana, Comprehensive Zoning Plan as follows:~~
 - ~~Commercial District,~~
 - ~~C1 Commercial District,~~
 - ~~C2 Highway Commercial District,~~
 - ~~Historic District,~~
 - ~~Light Industrial District,~~
 - ~~Light Industrial District II,~~
 - ~~Low Density Residential District,~~
 - ~~Midtown Cultural District,~~
 - ~~Mobile Home District,~~
 - ~~Multi-Family District,~~
 - ~~Parks District,~~
 - ~~Planned Unit Development District,~~
 - ~~Residential District,~~
 - ~~Residential Commercial Overlay District~~
 - ~~Schools District.~~

~~Sec. 9-213. Boundaries of districts.~~

~~The boundaries of these districts are hereby established as shown on the map entitled "Town of Abita Springs, Louisiana, Comprehensive Zoning Plan" dated August 1, 1979, as amended, which map is made a part of this chapter by reference and is on file with the town clerk in the Town Hall.~~

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 reviewed by the Zoning Commission and approved by the Town Board of Aldermen 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 applies 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 | SR Suburban | TR Traditional | THR Townhouse | MR Multifamily |
| 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 |
| Church or house of worship | P | P | P | P | P |
| Rehabilitative care center | — | — | — | — | — |
| Accessory structure | P | P | P | P | P |
| Accessory dwelling unit | P | P | P | P | P |
| Home occupation | P | P | P | P | P |
| Garden or agriculture | P | P | P | P | P |
| Fishing, forestry, wildlife preserve | 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 |
| Bed and breakfast | P | P | — | — | P |
| Short-term rental | P | P | P | P | P |
| Childcare center | P | P | P | P | P |
| Timber harvesting | P | — | — | — | — |
| School | P | P | P | P | P |
| Museums, libraries, parks, playgrounds, community centers | P | P | P | P | P |
| Outdoor recreational facilities including golf courses, tennis courts, or a community pool | 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 |
| Modular Homes | C | — | — | — | — |
| Mobile homes or manufactured homes | — | — | — | — | — |
| Recreational vehicles used for long term housing as a residential unit | — | — | — | — | — |
| “Container homes” or structures using a shipping container as a dwelling unit | — | — | — | — | — |
| EV charging station - level 1 & level 2 | P | P | P | P | P |
| EV charging station - level 3 | — | — | — | — | C |

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 | SR Suburban | TR Traditional | THR Townhouse | MR Multifamily |
| Min. lot area | 2 acres | — | — | 3,000 sqft/unit | — |
| 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 | — | — |
| Min. rear yard setback | 25 | 25 | 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, combined min. width of 20 ft, min. of 5 feet per side yard | — | — |
| Min. primary building setback | 20 ft from neighboring structures | 20 ft from neighboring structures | 15 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 | — |
| 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 | — | — |
| Driveway setback | — | Min. 5 ft from all property lines that are parallel to the driveway | — | — | — |

Sec. 9-302.1.3. - Conservation ~~Low-Density~~ Residential (CR) District.

A. *Purpose.* ~~(a)~~ The purpose of the Conservation Residential (CR) district is to maintain the Town’s Abita Springs’ rural character, conserve natural areas, limit development in floodplains, and

enhance and protect environmental quality. The Low Density district is primarily used for low density residential uses. It is a rural residential areas of the town that provides forestry resources, open space, and wildlife habitat. The typical land use pattern in the district is large lots. The purpose of the Low Density Residential District is to maintain Abita Springs rural character, conserve natural areas, and environmental quality. The dDistrict regulations are designed to protect the rural, residential character of the ~~subject~~ areas by limiting commercial activities, **require lower residential development patterns, and permit land uses including fishing, forestry, wildlife preserves, and single family detached homes.** To preserve the rural openness of the areas, certain minimum yard and lot size standards must be met.

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

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

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) Density requirements. The minimum buildable lot size in this zoning district shall be two acres with a minimum lot frontage of 125 feet, subject to the requirements of section 3-504, community sewerage system required.~~
- ~~(e) Yard requirements. Yard setbacks shall be in accordance with the provisions of section 9-223, yards and accessory buildings in residential districts.~~
- ~~(f) Any structure constructed or used as an ancillary dwelling as allowed herein shall meet the following requirements:
 - ~~(1) Comply with all setbacks requirements for accessory buildings;~~
 - ~~(2) Shall comprise at least 300 square feet of living space excluding porches;~~
 - ~~(3) Must be accompanied with one off street parking space for up to 300 square feet of living space (excluding porches) and one for up to each 300 feet of such thereafter;~~
 - ~~(4) Only one ancillary dwelling is allowed per main residential building;~~
 - ~~(5) The ancillary dwelling shall be no larger than one half the size of the main residential structure;~~
 - ~~(6) All proper documents required by any governmental agency shall be required prior to the tie in to an individual sewer treatment facility.~~
 - ~~(7) Upon meeting all requirements set out herein an ancillary dwelling may be allowed a separate utility service.~~~~
- ~~(g) Appurtenant structures as allowed herein shall comply with the following restrictions:
 - ~~(1) The total gross square footage of all appurtenant structures situated on lots of less than two acres must not exceed the total gross square footage of the residence. The maximum height of appurtenant structures cannot not exceed the greater of 20 feet or the height of the main residence.~~
 - ~~(2) On lots of two acres or more, the total square footage of appurtenant structures must not exceed seven percent of the total square footage of the lot. The maximum height of appurtenant structures shall not exceed 35 feet.~~
 - ~~(3) No lots may be re-subdivided in a manner which violates the provisions of this subsection.~~~~

D. ~~(h) District standards.~~ All uses of land and structures in the ~~Low Density Residential~~ 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 the requirements of Chapter 4 - Floodplain Management, specifically the requirements of section 9-464. Provisions for Flood Hazard Reduction prior to issuance of a building permit.
2. Land clearing and tree preservation shall be subject to the provisions of Chapter 7 - Tree Removal and Timber Harvesting.
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. ***Design standards. All structures and sites are subject to Sec. 9-205. – Design standards of this Code.***

Sec. 9-302.1.4. - Suburban Residential (SR).

~~Sec. 9-215. Residential district~~

- A. **Purpose.** ~~(a)~~ The Suburban Residential (SR) 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 duplexes and 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 SR 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 SR district shall follow the table in Sec. 9-302.2. – Dimensional Lot Standards Summary.
- D. All uses of land and structures in the SR 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 the requirements of Chapter 4 - Floodplain Management, specifically the requirements of section 9-464. Provisions for Flood Hazard Reduction 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. **Design standards.** All structures and sites are subject to Sec. 9-205. – Design standards of this Code.

~~(a) In the residential district no building or premises shall be used and no building shall be hereafter erected or structurally altered, unless otherwise provided in this chapter, except for one or more of the following uses:~~

- ~~(1) One family dwelling;~~
- ~~(2) Churches;~~
- ~~(3) Public or private schools, (elementary or high and kindergartens, nursery schools and day care centers);~~
- ~~(4) Museums, libraries, parks, playgrounds, community centers owned and operated by a public agency;~~
- ~~(5) Golf courses, tennis courts;~~
- ~~(6) Accessory buildings, including private garages;~~
- ~~(7) Beauty parlors, when located in private residences;~~
- ~~(8) Municipal utility offices and electric transformer stations;~~
- ~~(9) Fire stations;~~
- ~~(10) Home occupations; or~~
- ~~(11) Apartments, which is an ancillary building situated on a lot upon which a main residence is located, used for residential purposes; and is owner occupied.~~
- ~~(12) Bed and breakfasts, when the owner resides at the residence, and is on the premises during the rental. Additional requirements are as follows:
 - a. — One meal per day must be provided to guests
 - b. — There is a limited stay of two weeks. A longer stay may be approved by the planning director due to a hardship.
 - c. — The bed and breakfast must be in compliance with all code requirements.
 - d. — There shall be one off street parking spot provided per rentable bedroom.
 - e. — All signs in connection with the bed and breakfast must follow historic district guidelines and be approved by the historic commission.~~

~~(b) Except as provided in subsection (c) of this section, no mobile home, modular home or trailer shall be located within the residential district, except those presently located in the residential district, or moved into the residential district to replace a mobile home, modular home or trailer located therein or [there]on prior to the date of this chapter. This prohibition shall not apply to unoccupied trailers located adjacent to, or in close proximity to a fixed residential structure which structure is owned by or is in the possession of the owner of said trailer.~~

~~(c) Modular homes may be constructed in the town, upon approval of the town building inspection and the director of the planning and zoning department.~~

~~(1) Such approval shall include the following considerations:~~

~~a. The destruction of trees or other vegetation necessary in the delivery and/or the erection of component parts;~~

~~b. The ability to establish necessary town infrastructure to the site of the modular home;~~

~~c. The likelihood of damage to public property occasioned in the transport of component parts.~~

~~(2) Modular homes must meet the requirements of all building codes enacted by the town.~~

~~(3) Accompanying an application for such permit the following documentation shall be submitted:~~

~~a. A mapped plan route of delivery;~~

~~b. Height and width dimensions of the transport and cargo;~~

~~c. Proof of engagement of police detail, and traffic escort for delivery of the modular units to its site;~~

~~d. A copy of the Louisiana Department of Transportation and Development permit;~~

~~e. A road bond in the amount approved by the planning and zoning commission posted as security to pay for any damages caused to public or private property by transport or erection of the modular home.~~

~~(4) The permits department shall collect the sales and use tax levied by the town relative to the sale and use of the modular home and may collect such tax lawfully levied by other jurisdictions when properly authorized to do so.~~

~~(5) Modular homes are prohibited in the residential district.~~

~~(d) Density requirements. with alleyways, 90 feet in width by 150 feet in depth without alleyways. Except on squares previously platted lots of records which are smaller than 90 feet by 120 feet in which case the following shall apply:~~

~~(1) On squares with lots of record originally platted at a width of 50 feet or less, the minimum buildable lot size shall be 75 feet in width and 120 feet in depth and the yard setbacks shall be in accordance with the provisions of section 9-223, yards, and accessory buildings in residential districts, for lots 75 feet in width or less.~~

~~(2) On squares with lots of record originally platted at a width of 60 feet, the minimum buildable lot size shall be 90 feet in width and 120 feet in depth and the yard setbacks shall be in accordance with the provisions of section 9-223, yards, and accessory buildings in residential districts.~~

~~(e) Any structure constructed or used as an apartment as allowed herein shall meet the following requirements:~~

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

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

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

~~(4) Only one apartment allowed per main residential building;~~

~~(5) The apartment shall be no larger than one half the size of the main residential structure;~~

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

- ~~(f) Any structure constructed or used as an appurtenant structure as allowed herein shall comply with the following restrictions:~~
- ~~(1) The total gross square footage of all appurtenant structures situated on lots of less than two acres must not exceed the total gross square footage of the residence. The maximum height of appurtenant structures cannot not exceed the greater of 20 feet or the height of the main residence.~~
 - ~~(2) On lots of two acres or more, the total square footage of appurtenant structures must not exceed seven percent of the total square footage of the lot. Such building shall not exceed 35 feet.~~
 - ~~(3) No lots may be resubdivided in a manner which violates the provisions of this subsection. Upon meeting all requirements set out herein an apartment may be allowed a separate utility service.~~

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 the requirements of Chapter 4 - Floodplain Management, specifically the requirements of section 9-464. Provisions for Flood Hazard Reduction 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. Design standards.** All structures and sites are subject to Sec. 9-205. – Design standards of this Code.

Sec. 9-302.1.6. - Townhouse Residential (THR) zoning district.

- ~~(1) [Defined.] 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.~~
- ~~(a) Townhouse subplot. A lot approved by the planning commission consisting of land fronting on an improved street or having access to an improved street by way of a commonly owned lot held in common ownership by the owners of the townhouse sub lots which fronts on an improved street and land containing not less than the minimum required lot area for a single family townhouse dwelling except when a portion of the required minimum lot area per unit has been set aside for commonly used and commonly owned open space and the overall density of the development site does not exceed the allowable density based on the minimum required lot area per dwelling for the zoning district in which the land is located.~~
- A. Purpose.** The purpose of the Townhouse Residential (THR) district supports 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 the requirements of Chapter 4 - Floodplain Management, specifically the requirements of section 9-464. Provisions for Flood Hazard Reduction 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. *Design standards.* All structures and sites are subject to Sec. 9-205. – Design standards of this Code.
- ~~(b) [Uses.] Townhouses, as defined above, shall be used for purposes of single family residences only and shall be developed in accordance with the following regulations:~~
- ~~1. Townhouse lot and area regulations:
 - a. A townhouse development parcel shall consist of land suitable to be subdivided into a minimum of two townhouse sublots capable of meeting the minimum requirements of the district in which the development is located.
 - b. Maximum density. The minimum area of land per unit in a townhouse development shall be 3,000 square feet provided all other requirements of this section are met.
 - c. Minimum square feet per unit. The minimum living space within a townhouse unit shall be 900 square feet per unit, excluding utility spaces, heating rooms, porches, garages or carports.
 - d. Minimum subplot width. The minimum width of a townhouse subplot shall be 20 feet.
 - e. 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 five feet from each interior property line resulting in ten feet between structures.
 - f. A minimum of 45 percent of any townhouse development will be previous post development. Green space is to be maintained by a homeowner's association which shall be established by restrictive covenant on the land or by other means acceptable to the planning commission.
 - g. The density of the project shall not be more than 12 units per acre.
 - h. There shall be a 20 foot green space set back around the perimeter of the development.~~
 - ~~2. The design standard for a townhouse shall be as follows:
 - a. The design shall comply with regulations of the historic commission except the structure may be built on grade and brick may be used on the facade.
 - b. A townhouse building shall not contain more than four townhouse units built in a row.
 - c. The facade of each unit shall be different from its adjacent facade with not more than two like facades appearing in any one townhouse building.~~

- d. ~~No more than two units in a series of four shall have the same front building setback line.~~
- e. ~~Signs, lights, landscaping, fences and accessory building shall meet all historic commission standards.~~
- 3. ~~Townhouse fire walls shall be required:~~
 - a. ~~Fire walls between units. Fire walls between each townhouse unit shall be not less than two-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.~~
 - b. ~~Fire walls between groups of units. Each townhouse development shall be divided into groups of not more than four units each with each group separated by a fire wall of not less than four-hour rating, constructed in conformance with the building codes of the town, extending three feet above the roof and 18 inches beyond the outside face of the building or five 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 five feet in each direction and facing materials are noncombustible.~~
- 4. ~~Townhouse parking regulations are as follows:~~
 - a. ~~The number of required parking spaces per unit shall be no less than two and one-half spaces per unit except a detached single-family home parking requirement shall be no less than two spaces per unit.~~
 - b. ~~All parking facilities shall be adequately and properly drained and constructed to the standards for parking in the Town of Abita Springs.~~

| Angle of Parking (Degrees) | Width of Stall (Feet) | Depth of Stall (Feet) | Width of Aisle (Feet) | Width of Parallel 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 |

- ~~(c) [Utility services.] 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.~~
- ~~(d) [Existing developments.] Nontownhouse 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.~~
- ~~(e) [Dumpsters and refuse receptacles.] 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 board.~~

~~Sec. 9 215.3. Condominium zoning district.~~

- ~~(1) Immovable property consisting of an undivided interest in common with other purchasers in a portion of a parcel of land together with a separate interest in space in a building. A condominium may include, in addition, a separate or limited common interest in other portions of such land.~~
 - ~~(a) The uses permitted in this zoning district, including signage, shall be single family dwelling and be in accordance with those uses.~~
 - ~~(b) Each development site in the condominium district shall be subject to the following site development regulations:
 - ~~1. Minimum lot area: 9,000 square feet.~~
 - ~~2. Minimum lot area per unit: 3,000 [square feet].~~
 - ~~3. Minimum building area (square feet per unit): 700 square feet unless otherwise provided for in chapter 8.~~
 - ~~4. Minimum lot width: 75 feet.~~
 - ~~5. Minimum yard setback requirements:
 - ~~a. Front yard: 20 feet or required depth of greenbelt, whichever is greater.~~
 - ~~b. Combined side yards: Total 20 feet.~~
 - ~~c. Interior side yard: 10 feet.~~
 - ~~d. Street side yard: 20 feet.~~
 - ~~e. Rear yard: 20 feet.~~
 - ~~f. Between structures: 20 feet.~~~~~~

~~6.— Maximum height of structure: 35 feet.~~

~~7.— Maximum impervious site coverage: 60 percent.~~

~~Sec. 9-215.4. Parking and landscape requirements in townhouse and condominium districts.~~

- ~~(a) An area suitable for parking or storing automobiles in off-street locations in accordance with the regulations provided herein shall be required in townhouse and condominium zoning districts at the time of the initial construction of any principal building or when a structural alteration or change in use produces an increase in the parking required to serve that use. Such required parking shall be required to be installed prior to the issuance of a certificate of occupancy for the use which it serves.~~
- ~~(b) No land shall be used or occupied and no structure erected or used unless the off-street parking spaces required herein are provided. 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.~~
- ~~(1) These parking regulations do not apply to any structure or use existing at the time of enactment of these regulations. However, existing off-street parking spaces shall not be reduced in number or encroached upon so that the minimum requirements of this Article would not be met. A reduction below the existing parking provisions may occur only when a change in use allows a corresponding reduction in the associated parking.~~
- ~~(2) If a building, structure, or use in existence at the time of enactment of these regulations is damaged or destroyed, and the building, structure, or use can otherwise be reestablished under the provisions of these regulations then any associated off-street parking or spaces which existed must be retained. If an enlargement or other change in use is proposed for an existing conforming use, which increases the number of parking spaces required for the use under the provisions of this section, all parking spaces required for enlargement or change shall be provided in accordance with this chapter. If the use is nonconforming at the time of the proposed enlargement, it shall be subject to the provisions for nonconforming uses.~~
- ~~(3) Any time a use classification is changed except as provided in paragraph (2) herein or when a building or use is enlarged or increased, the parking and loading requirements for this article shall apply to the enlargement or increase. A certificate of occupancy for the new use or area of enlargement shall not be issued until all required parking and loading spaces have been provided.~~
- ~~(c) No parking facilities accessory to residential structures shall be used for the storage of commercial vehicles prohibited by the regulations of the residential district in which the structure is located or for the parking of automobiles belonging to employees, owners, tenants, or customers of nearby nonresidential uses.~~
- ~~(d) Any vehicle parking space shall be used for parking only. Any other use of such space, including use for open storage of goods, for the storage of vehicles for sale or rent, for storage of inoperable vehicles, for 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.~~

- ~~(e) 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.~~
- ~~(f) 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.~~
- ~~(g) 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 recreation vehicles and pickups, or to temporary use of rental vehicles for noncommercial purposes.~~
- ~~(h) 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, according to the following schedule or the current state or federal requirements, whichever is greater.~~

| 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 or greater | 2% of total in excess of 50 |

- ~~(i) (1) [Design standards.] Design standards are established by this section to set basic minimum dimensions and guidelines for design, construction, and maintenance of parking.~~
- ~~(2) [Basic dimensions.] The following basic dimensions shall be observed for parking spaces and loading spaces:~~
 - ~~a. Each standard parking space shall consist of a rectangular area not less than eight and one-half feet wide by 18.5 feet long. Each space shall have a vertical clearance of not less than seven and one-half 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 seven and one-half feet, shall be located in an area not exceeding a two-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.~~
 - ~~c. 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.~~

~~(3) Parking facility design. Minimum parking facility design standards are illustrated in the following table. Additional supplemental guidelines and standards for parking facility design, internal layout, acceptable turning radii and pavement slope, vehicular and pedestrian circulation, and other design features may be adopted by resolution of the planning commission.~~

~~(4) Paving and drainage. The following basic standards shall be observed:~~

~~a. Loose aggregate surfacing may be permitted for up to eight spaces.~~

~~b. Loose aggregate surfacing in excess of eight spaces will be permitted provided the driveways are surfaced with asphalt, concrete, or other permanent surfacing material.~~

~~i. No base preparation will be allowed within the dripline of a tree.~~

~~ii. Loose aggregate surfacing shall be contained by curbing. Curbing shall not sever roots two inches in diameter or greater or penetrate natural grade greater than three inches in depth within the dripline of a tree.~~

~~iii. Dripline of trees to remain that are encroached upon by parking shall be depicted on the site plan.~~

~~c. 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 the Ordinances and Subdivision Regulations of the Town of Abita Springs. 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.~~

~~d. Parking spaces:~~

| 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 |
|--------------------------------|-----------------------|------------------------------------|-----------------------|---|--------------|
| 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 (width) | 8.5 | 12.5 | 22.0(length) | 21 |

- e. ~~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 there shall remain clear of obstruction to vision between the height of three feet and seven feet above the centerline grade of the street 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 clear of obstruction to vision between the height of three feet and seven feet from the grade of the accessways 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 [Ord. No. 272].~~
 - 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.~~
- f. ~~Parking lot lighting. Parking lot lighting shall meet the following standards:~~
 - i. ~~Parking lot lighting design shall provide for the reasonable safety, comfort, and convenience of the parking of patrons and use of pedestrians.~~
 - ii. ~~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.~~
 - iii. ~~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.~~

~~g. A parking facility in any townhouse or condominium district which has more than ten spaces and which adjoins or abuts other property in a residential district shall have a wall or fence or landscape screen not less than six feet in height located for the length of the common boundary or a green space with a natural buffer not less than 25 feet.~~

~~h. 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.~~

~~i. 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.~~

~~j. Off-street parking facilities required herein shall be located as follows:~~

~~1. Required parking spaces for multiple-family dwellings shall be located within 200 feet of the main entrance to the principal building served. Such spaces may be located on another lot(s) not contiguous to the lot on which the principal use is located as long as the spaces are within 200 feet of the main entrance to the principal building served.~~

~~2. 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.~~

~~3. There shall be no off-street parking space within 15 feet of any street right-of-way except as specifically as provided by this Code or the Subdivision Regulations of the Town of Abita Springs.~~

~~4. Access drives shall be no closer than five 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.~~

~~k. 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.~~

~~l. Parking space requirements:~~

~~i. Townhouse residential: 2.5 per dwelling unit.~~

~~ii. Condominium residential: 1.5 per efficiency unit; 2.5 per 1-3 bedroom.~~

~~(Ord. No. 272, 5-18-04; Ord. No. 318, 3-26-07)~~

~~Special uses criteria in townhouse and condominium districts.~~

~~It is the express intent of this section to create a human scale development appropriate to low density residential uses. These regulations are intended to prevent structures significantly more massive than those structures usually constructed in single family~~

~~districts and to allow for the creation of structures exhibiting a human scale and massing appropriate to low density residential uses.~~

~~(a) Scale limitations.~~

- ~~(1) The following requirements shall apply, and the appropriateness of individual projects in fulfilling these requirements shall be determined by the planning commission, zoning board or board of aldermen, as the case may be according to approval being sought in accordance with the rules and the regulations of the Abita Springs Historic Commission.~~

~~The massing of the building(s) and appropriate scale relationships to each other can be accomplished in any of the following ways:~~

- ~~a. Avoiding unreasonably continuous and unbroken wall planes, or~~
- ~~b. The introduction of architectural elements or features that create a variety of scale relationship, or~~
- ~~c. The use of materials that are consistent throughout the project, and that are human in scale, or~~
- ~~d. The use of architectural elements that create the appearance or feeling of a more residential scale, or~~
- ~~e. The use of architectural elements or details that are sympathetic to structures on adjoining properties, or~~
- ~~f. Other design techniques or elements of design that will reasonably comply with the purpose stated herein.~~

- ~~(2) Absent good reason, which may be evidenced by meritorious compliance with the above criteria, the first tier of structures subject to these standards shall be clustered in buildings no more than 50 feet in width, measured on the side most parallel to the property line. The first tier of buildings shall be no more than two units deep or 60 feet deep. The structures shall be not less than 20 feet apart measured from face of wall to face of wall.~~

- ~~(3) The overall density of a development shall not exceed minimum land area of 3,000 square feet per residential unit in no instance more than 12 units per acre.~~

~~(b) [Setbacks, landscaping and screening.]~~

- ~~(1) Front building line setbacks shall be a minimum of 25 feet from the right-of-way.~~
- ~~(2) Landscaping shall be provided according to the ordinance of the Town of Abita Springs.~~
- ~~(3) 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 selected for screening, the height shall be restricted to eight feet.~~

~~(c) [Density, passive uses.]~~

- ~~(1) Residential density shall be based on the gross site area.~~

~~(2) Passive uses (i.e., parks, hike and bike trails, etc.), be allowed in areas of periodic inundation provided that the requirements of the town engineer are met and provided that any required state or federal permits and license agreements as may be necessary to place such uses in a dedicated drainage easement are obtained.~~

~~(d) Miscellaneous regulations:~~

~~(1) 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 board.~~

~~(2) 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.~~

~~Sec. 9-216. Mobile home district.~~

~~(a) In the mobile home district no building or premises shall be used and no building shall be hereafter erected or structurally altered, unless provided in this chapter, except for one or more of the following uses:~~

~~(1) Any use permitted in the residential district.~~

~~(2) Mobile homes, modular homes and trailers when used for any activity permitted in the residential district.~~

~~(b) (1) Mobile home parks or trailer camps shall be permitted within the boundaries of the mobile home district, but only after obtaining a permit from the mayor and board of aldermen of the town as hereinafter provided. The owner of the property to be used as a mobile home park or trailer camp shall first make application to the town planning commission, which planning commission shall review the plans and specifications and make recommendations and requirements as it deems necessary and proper for the construction and conduct of the mobile home park or trailer camp.~~

~~(2) The planning commission shall signify its approval or disapproval on the plans and specifications together with a date and signature of the chairman of the planning commission. In either event the plans shall then be submitted to the mayor and board of aldermen. The board of aldermen shall review the plans and specifications and, if approved by the planning commission, shall by simple majority vote authorize the issuance of a permit, which permit shall contain such additional requirements as the board in its sole discretion deems necessary for the construction and conduct of the mobile home park or trailer camp. If after making application to the planning commission, the planning commission does not approve the plans and specifications, then the board of aldermen shall issue a permit, together with such additional requirements as it may choose to make, only upon a favorable vote of two-thirds of the members of the board of aldermen present at the meeting at which the plans and specifications were submitted for review.~~

- ~~(3) The fee for a mobile home park or trailer camp permit shall be established in accordance with the schedule for permit fees provided in this chapter.~~
- ~~(c) A temporary permit to locate a mobile home or trailer within the restricted areas of the town is authorized in the event that a residence is destroyed by storm, fire or act of God, and such mobile home or trailer will be allowed only for a period of time that it takes to construct a new residence but in no event for a period to exceed six months. The temporary permit authorized in this section shall be issued by the clerk of the town. In the event of exceptional circumstances, the temporary permit may be extended beyond the six month period by the authorization of the mayor and the board of aldermen. Written application for an extension setting for the reason why said extension should be granted shall be submitted to the mayor and board of aldermen prior to its consideration of the request and such application and information shall be made a part of the minutes of the meeting at which the request for the extension was considered. A permit fee of \$25.00 per month shall be paid in advance for each month a temporary permit is extended beyond the initial six month period.~~
- ~~(d) Density requirements. The minimum buildable lot size in this zoning district shall be 90 feet of width by 120 feet in depth with alleyways, 90 feet in width by 150 feet in depth without alleyways. Except on squares previously platted lots of records which are smaller than 90 feet by 120 feet in which case the following shall apply:~~
- ~~(1) On squares with lots of record originally platted at a width of 50 feet or less, the minimum buildable lot size shall be 75 feet in width and 120 feet in depth and the yard setbacks shall be in accordance with the provisions of section 9-223, yards and accessory buildings in residential districts, for lots 75 feet in width or less.~~
- ~~(2) On squares with lots of record originally platted at a width of 60 feet, the minimum buildable lot size shall be 90 feet in width and 120 feet in depth and the yard setbacks shall be in accordance with the provisions of section 9-223, yards and accessory buildings in residential districts.~~

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 the requirements of Chapter 4 - Floodplain Management, specifically the requirements of section 9-464. Provisions for Flood Hazard Reduction 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. Design standards. All structures and sites are subject to Sec. 9-205. – Design standards of this Code.

~~Sec. 9-217. Multifamily district.~~

- ~~(a) In the multifamily district, no building or premises shall be used and no building shall be hereinafter erected or structurally altered, unless otherwise provided in this chapter, except for one or more of the following uses:~~
- ~~(1) Any use permitted in the residential district;~~
- ~~(2) Apartment house;~~
- ~~(3) Multifamily dwelling;~~
- ~~(4) Boardinghouse;~~
- ~~(5) Lodginghouse;~~
- ~~(6) Roominghouse; or~~
- ~~(7) Tourist court, including food service facilities provided in connection therewith.~~
- ~~(b) Density requirements. The minimum buildable lot size in this zoning district shall be 90 feet of width by 120 feet in depth with alleyways, 90 feet in width by 150 feet in depth without alleyways. Except on squares previously platted lots of records which are smaller than 90 feet by 120 feet in which case the following shall apply:~~
- ~~(1) On squares with lots of record originally platted at a width of 50 feet or less, the minimum buildable lot size shall be 75 feet in width and 120 feet in depth and the yard setbacks shall be in accordance with the provisions of section 9-223, yards and accessory buildings in residential districts, for lots 75 feet in width or less.~~
- ~~(2) On squares with lots of record originally platted at a width of 60 feet, the minimum buildable lot size shall be 90 feet in width and 120 feet in depth and the yard setbacks shall be in accordance with the provisions of section 9-223, yards and accessory buildings in residential districts.~~
- ~~(c) Modular homes are prohibited in the multifamily district.~~

Sec. 9-302.2 – Commercial and Special Purpose Zoning Districts.

The Commercial and Special Purpose Districts in the Town include:

- Commercial District (C)**
- Town Center Mixed Use District (TCM)**
- Gateway Mixed Use District (GM)**
- 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 reviewed by the Zoning Commission and approved by the Town Council 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 applies to all uses, unless specifically noted otherwise in this Section.

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

| USE | ZONING DISTRICTS | | | | |
|---|------------------|--------------------|---------------|------------------------|-------------|
| | C Commercial | TCM Town Center | GM Gateway | LI Light Industrial | CV Civic |
| RESIDENTIAL USES | | | | | |
| Single-family dwelling | P | P | P | — | P |
| Group home | P | C | P | — | P |
| Duplex | P | P | P | — | P |
| Townhouse | P | P | P | — | P |
| Multi-family dwelling | — | C | P | — | P |
| Church or house of worship | P | P | P | P | P |
| Rehabilitative care center | — | — | — | P | — |
| Accessory structure | P | P | P | P | P |
| Accessory dwelling unit | P | P | P | — | P |
| Home occupation | P | P | P | — | P |
| Garden or agriculture | P | P | P | P | P |
| Fishing, forestry, wildlife preserve | 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 |
| Bed and breakfast | P | P | P | — | — |
| Short-term rental | P | P | P | — | — |
| Childcare center | P | P | P | — | P |
| Timber harvesting | P | - | P | P | P |
| School | P | P | P | — | P |
| Dormitories or group living facilities | P | — | — | — | P |
| Museums, libraries, parks, playgrounds, community centers | P | P | P | — | P |
| Outdoor recreational facilities including golf courses, tennis courts, or a community pool | P | C | P | — | P |
| Government or public safety facilities and services such as fire stations, police stations, and similar uses | P | P | P | P | P |
| Modular homes | C | C | C | — | C |
| Mobile homes or manufactured homes | — | — | — | — | — |
| Recreational vehicles used for long term housing as a residential unit | — | — | — | — | — |
| “Container homes” or structures using a shipping container as a dwelling unit | — | — | — | — | — |
| EV charging station - level 1 & level 2 | P | P | P | P | P |

| USE | ZONING DISTRICTS | | | | |
|---|------------------|--------------------|---------------|------------------------|-------------|
| | C Commercial | TCM Town Center | GM Gateway | LI Light Industrial | CV Civic |
| EV charging station - level 3 | P | — | C | P | P |
| CIVIC OR PUBLIC USES | | | | | |
| Government buildings and facilities | P | P | P | P | P |
| Airports and related facilities | — | — | — | C | C |
| Cemeteries or mausoleums, excluding crematoria | P | C | C | P | P |
| Farmer's markets | P | P | P | — | P |
| Hospitals | P | — | C | P | P |
| Standalone parking lots or garage structures | C | — | C | P | P |
| Lodges or civic organizations | P | P | P | P | P |
| Bus or railway stations | P | P | P | P | P |
| COMMERCIAL USES | | | | | |
| Event venues or banquet halls – any size | P | — | P | P | P |
| Event venues or banquet halls – under 30,000 square feet of building area | P | C | P | P | P |
| Auditoriums – any size | P | — | P | P | P |
| Auditoriums – under 30,000 square feet of building area | P | C | P | P | P |
| Mixed use buildings with at least one residential unit and at least one office or retail unit – maximum 2 stories | P | P | P | — | P |
| Mixed use buildings with at least one residential unit and at least one office or retail unit – maximum 3 stories | P | C | P | — | P |
| Mixed use buildings with at least one residential unit and at least one office or retail unit – under 10,000 square feet of building area | P | P | P | — | P |
| Boutique hotel (10 rooms or less) | P | P | P | — | — |
| Motel / hotel | P | — | — | — | — |
| Movie theaters – any size | P | — | P | P | P |
| Movie theaters under 30,000 square feet of building area | P | P | P | P | P |
| Indoor and outdoor amusement parks or playgrounds | P | P | P | — | P |
| Pocket parks under 10,000 sq ft | P | P | P | P | P |
| Restaurants not requiring an alcohol permit | P | P | P | P | P |
| Retail stores over 10,000 square feet of building area – this does not include wholesale trade, warehouse clubs, supercenters, or small box discount stores | P | — | P | P | P |

| USE | ZONING DISTRICTS | | | | |
|--|------------------|--------------------|---------------|------------------------|-------------|
| | C Commercial | TCM Town Center | GM Gateway | LI Light Industrial | CV Civic |
| Retail stores under 10,000 square feet of building area | P | P | P | P | P |
| Small box discount stores | C | — | — | P | — |
| Wholesale trade, warehouse clubs, or supercenters under 50,000 square feet of building area | P | — | C | P | — |
| Shopping centers or multi-tenant retail, service, or office buildings | P | — | P | P | P |
| Business park or research campus | P | — | P | P | P |
| Vehicle dealers | C | — | — | P | — |
| Vehicle tires / parts sales with no outdoor storage | P | — | P | P | P |
| Vehicle service / auto repair facilities with only indoor service bays and no vehicles stored outside, or outdoor storage | C | — | — | P | P |
| Vehicle service / auto repair facilities with outdoor service bays and/or with vehicles stored outside | — | — | — | P | P |
| Construction materials sales | P | — | — | P | — |
| Lawn, garden, or farm supply sales | P | C | P | P | P |
| Professional service establishments or offices (with in-person or remote services) | P | P | P | P | P |
| In-patient clinics, nursing homes, long-term care facilities, rehabilitation centers, or similar uses | P | C | C | P | P |
| Instructional studios, including dance, martial arts, personal fitness, or skills | P | P | P | P | P |
| Gas stations or convenience stores with 3+ pumps | P | — | — | P | P |
| Gas stations or convenience stores with 2 or fewer gas pumps | P | C | P | P | P |
| Truck stops and related service centers | C | — | — | P | — |
| Offices under 30,000 square feet in building area. Note: This does NOT include medical offices, outpatient clinics, veterinarian offices, kennels, or pet boarding facilities. | P | P | P | P | P |
| Offices – any size | P | — | P | P | P |
| Medical offices or outpatient clinics | P | C | P | P | P |
| Veterinarian offices, kennels, or pet boarding facilities | P | — | P | P | P |
| Fireworks sale and storage – Permanent storefront | — | — | — | C | — |
| Fireworks sale and storage – Temporary stand | — | — | — | P | — |

| USE | ZONING DISTRICTS | | | | |
|--|------------------|--------------------|---------------|------------------------|-------------|
| | C Commercial | TCM Town Center | GM Gateway | LI Light Industrial | CV Civic |
| Towing establishments, vehicle storage lots, or junkyards | — | — | — | — | — |
| Ministorage or self-storage facilities | P | — | — | P | P |
| Food trucks and food truck compounds | P | P | P | P | P |
| Bars and restaurants that require an alcohol permit | P | — | P | P | P |
| Car washes | P | — | — | P | P |
| Funeral homes, excluding crematory services | P | C | P | P | — |
| Adult uses or businesses | — | — | — | P | — |
| Retail stores primarily selling age restricted inventory including package sale of alcohol, vaping, or smoking-related goods | P | — | — | P | — |
| Drive-through businesses | P | — | — | P | P |
| Commercial kitchens or industrial kitchens for food production | P | — | C | P | P |
| WAREHOUSING OR INDUSTRIAL USES | | | | | |
| Crematory facility | — | — | — | — | — |
| Microbrewery, distillery for alcoholic beverages, or brewery | P | — | C | P | — |
| Artisan manufacturing | P | C | P | P | P |
| Warehousing | P | — | — | P | P |
| Automotive race tracks or drag strips including golf cart or go-cart tracks | C | — | — | P | C |
| Distributing and logistics centers | C | — | — | P | C |
| Packaging and assembly facilities | C | — | — | P | — |
| Asphalt or concrete batching plants | — | — | — | C | C |
| Atomic energy generation | — | — | — | — | — |
| Chemical manufacturing, paint manufacturing, or fertilizer manufacturing | — | — | — | — | — |
| Chemical or fuel storage facilities | — | — | — | — | — |
| Chemical or petrochemical refining facilities | — | — | — | — | — |
| Iron or metal working or foundry | — | — | — | — | — |
| Paper or pulp manufacturing | — | — | — | — | — |
| Poultry or meat processing plants, dressing of animal products, tanning or rendering facilities | — | — | — | C | — |
| Recycling facilities | — | — | — | C | — |
| Rubber products manufacturing | — | — | — | — | — |
| Landfills or disposal of solid waste, hazardous waste, or toxic substances | — | — | — | — | — |

| USE | ZONING DISTRICTS | | | | |
|---|------------------|--------------------|---------------|------------------------|-------------|
| | C Commercial | TCM Town Center | GM Gateway | LI Light Industrial | CV Civic |
| Pyrotechnics, ammunition, or explosives manufacturing | — | — | — | — | — |
| Grain storage or production, grain or sugar refineries, crop storage for off-site agriculture | — | — | — | — | — |
| Building and repair of boats in excess of 90 feet in length | — | — | — | P | — |

Sec. 9-302.2.2 - Dimensional Lot Standards Summary.

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

| Dimensional Requirement | Districts | | | | |
|-----------------------------------|--|--|--|------------------------|--|
| | C Commercial | TCM Town Center | GM Gateway | LI Light Industrial | CV Civic |
| Min. lot area | 10,800 sq. ft. | 10,800 sq. ft. | 10,800 sq. ft. | 50,000 sq. ft. | — |
| Min. lot width (feet) | 90 | 90 | 90 | — | — |
| Min. lot depth (feet) | 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 | 10 ft. or overlay district requirement, whichever is greater | 50 ft. | 20 ft. or overlay district requirement, whichever is greater |
| Min. rear yard setback | 10 ft. or overlay district requirement, whichever is greater | 10 ft. or overlay district requirement, whichever is greater | 10 ft. or overlay district requirement, whichever is greater | 50 ft. | 20 ft. |
| Min. side yard setbacks | 5 ft. or overlay district requirement, whichever is greater | 5 ft. or overlay district requirement, whichever is greater | 5 ft. or overlay district requirement, whichever is greater | 20 ft. | 10 ft. |
| Max. building height | 35 ft. | 35 ft. | 60 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 | 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 | 10 ft. or overlay district requirement, whichever is greater | 50 ft. | 20 ft. or overlay district requirement, whichever is greater |

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

~~Sec. 9-218. Commercial district.~~

A. Purpose. The Commercial (C) District aims to provide a range of higher intensity, auto-oriented commercial uses adjacent to major thoroughfares in Town and located outside of the Town Center.

~~(a) In the commercial district, no building or premises shall be used and no building shall be hereinafter erected or structurally altered, unless otherwise provided in this chapter, except for one or more of the following uses:~~

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 standards. See Sec. 9-303. and 9-304. for use standards associated with permitted or conditional uses in this district.

E. Site design standards. See Sec. 9-205. for lighting requirements, facade and materials requirements, landscape, signage, and accessory structure design standards.

~~(1) Appliance sales and repair—all inventory must be stored inside.—~~

~~(2) Artisan studio—art, dance, music, theater, photography.—~~

~~(3) Art gallery, museum, library.—~~

~~(4) Animal hospital, veterinarian.—~~

~~(5) Auditorium—movie, music, theater, other.—~~

~~(6) Bakery, confectionary or candy store (products sold retail on premises).—~~

~~(7) Bank/financial institution.—~~

~~(8) Barbershop, salon, spa, nail parlor, beauty parlor, massage, and similar personal service requiring a license.—~~

~~(9) Bicycle sales and repair shop.—~~

~~(10) Boutiques—cultural and artistic products, florist, antiques, photography.—~~

~~(11) Clothes cleaning establishment for drop-off and pickup only or using nonflammable and nonexplosive cleaning fluids.—~~

~~(12) Clothes making, millinery, tailor.—~~

~~(13) Drugstore or pharmacy.—~~

~~(14) Gym, rehabilitation, or physical therapy.—~~

~~(15) Hardware store, locksmith, building supplies/paint store.—~~

~~(16) Hobby shop.—~~

~~(17) Hotel/motel with less than 10 rooms.—~~

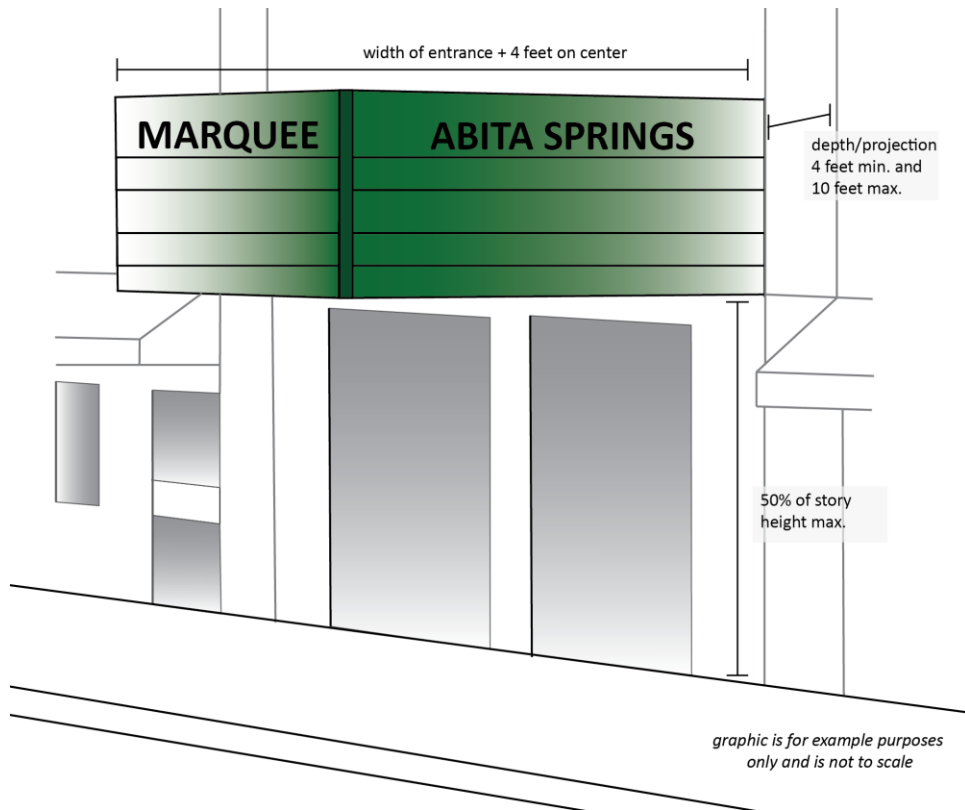
- ~~(18) Indoor entertainment—bowling, skating, axe throwing, virtual golf, and similar establishments.—~~
- ~~(19) Medical or dental clinic.—~~
- ~~(20) Neighborhood market—groceries, fruits and vegetables, seafood, meat.—~~
- ~~(21) Offices—business and professional including lawyer, interior design, real estate.—~~
- ~~(22) Public facilities including utilities and parks and open space areas.—~~
- ~~(23) Refreshment stand—snowball, ice cream, coffee, etc. with no indoor seating.—~~
- ~~(24) Restaurant, delicatessen, café, coffee shop.—~~
- ~~(26) Specialty retail outlet selling clothes, shoes, accessories, books, stationery, newspapers, furniture, jewelry.—~~
- ~~(27) Bed and breakfasts subject to the requirements of Sec. 9-232.—~~
- ~~(28) Farm stand or farmers' market.—~~
- ~~(29) Gas station including automotive repair, having no more than two (2) pumps.—~~
- ~~(28) Appurtenant structures and uses customarily incidental to above listed uses.—~~
- ~~(29) Mixed use—Multi-family/commercial, must be a two-story structure with residential on the second floor and commercial on the first floor, residential area not to exceed one-half of the total square footage of structure, each apartment must be 600 square feet or larger, and adequate parking as per the parking ordinance.—~~
- ~~(30) One single family residence per lot subject to the development standards of the Residential District.—~~
- ~~(31) Multi-family residential subject to the development standards of the Multi-family District.—~~
- ~~(32) Townhouse/condominium residential subject to the development standards of the Townhouse/Condominium District.—~~
- ~~(b) Commercial growth shall be restricted to new construction on vacant land within the commercial district or to commercial uses in effect at the time of the adoption of this chapter or approved adaptive reuse of existing structures within the commercial district.~~
- ~~(c) No building shall be constructed in a commercial area of a height in excess of 35 feet.~~
- ~~(d) There shall be provided within the commercial district one parking space for each 300 square feet of commercial building.~~
- ~~(e) Commercial or industrial enterprises not specifically listed or enumerated in the zoning regulations and chapter must apply for a public hearing before the zoning commission to be held not earlier than the next scheduled zoning commission meeting. The nonlisted enterprises must submit information required by the zoning commission and answer questions for the public and the zoning commission relating to the proposed enterprise. The zoning commission shall make a determination of classification within 90 days of the public hearing.~~

- ~~(f) No mobile home, modular home, nor automobile sales business or trailer shall be located within the commercial district.~~
- ~~(g) If located within a Historic District Overlay, development must comply with Sec. 9-222 of this Part.~~
- ~~(h) *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 three feet where the sidewalk abuts the building.~~
- ~~(i) *Façade material and design.*~~
- ~~(1) For buildings of two stories or more, the ground floor should be architecturally differentiated from those floors above in order to reinforce the pedestrian space. This may consist of the use 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) Appurtenances and encroachments. At least one of the following architectural treatments must be applied to the building.~~
 - ~~a. *Balconies.* To be considered an architectural treatment that meets this requirement, all of the following conditions must be met:~~
 - ~~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 two 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, all of the following conditions must be met:~~

- ~~i. Awnings or canopies must be provided for at least 25% 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 two 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.*~~

- ~~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 two 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% of the story height maximum, depth/projection is 4 feet minimum and 10 feet maximum.~~



~~(j) — Brick and masonry detailing.~~

~~(1) — Headers. All openings in masonry construction shall be spanned by a header.~~

~~(2) — Sills. All window and door openings in masonry construction shall have a sill at their base.~~

~~(3) — 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.~~

~~a. — Caps shall be comprised of stone, cast stone, brick, concrete, or slate.~~

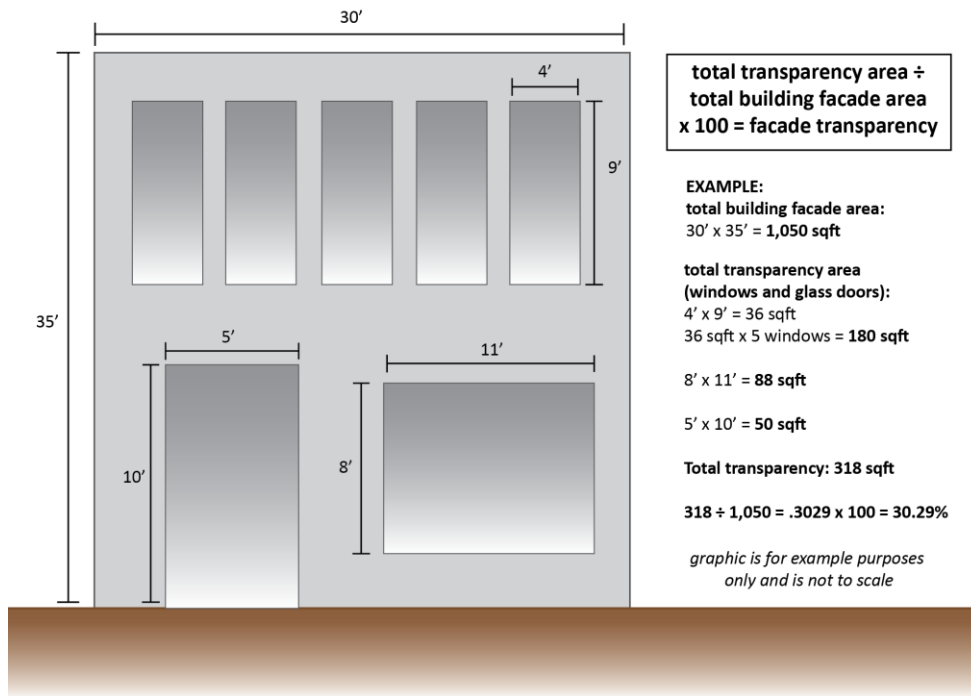
~~b. — The edges of caps may be rectangular or may be more ornate.~~

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

~~(k) — 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.~~

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

Calculating Facade Transparency



~~(m) Landscaping-~~

- ~~(1) Reference Part 9 Planning, Zoning, and Development; Chapter 2 Zoning Regulations; Sec. 9 Chapter 7. Tree Removal and Timber Harvesting for references to specifically protected tree species, protection, removal, and permitting.~~
- ~~(2) Tree plantings required in buffers or green belt areas:

 - ~~a. All areas between the street / property line and parking lot, and sideline 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.~~~~
- ~~(3) Provisions for planting in parking areas:

 - ~~a. Interior plantings in parking areas that contain more than eight spaces are required to be planted with a minimum of the following per 2,000 square feet of parking or paved area (approximately five spaces):

 - ~~i. One tree;~~~~~~

- ii. ~~40 shrubs (three-gallon sized minimum); and~~
 - iii. ~~Vegetative ground cover.~~
 - b. ~~For ten or more spaces in a row, an island at least 5 feet in width is required.~~
 - c. ~~All parking lots of ten 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% or more.~~
 - iii. ~~Over 50% of the total area of an existing parking lot is reconstructed.~~
- (4) ~~Interior planting. Interior planting parking areas containing more than eight spaces are required to be planted with a minimum of one tree and 40 shrubs (three gallon sized minimum) per 2,000 square feet of parking area or paved area in the parking lot (approx. five spaces) along with vegetative ground cover.~~
- (n) ~~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.~~
- (o) ~~Parking requirements.~~
 - (1) ~~Reference Part 9 Planning, Zoning, and Development; Chapter 2 Zoning Regulations; Sec. 9-211. Parking requirements.~~
 - (2) ~~Buildings should have their surface parking lots located on the side or rear of buildings.~~
 - (3) ~~Buildings should have no more than 20% of the lot devoted to surface parking lots, with no individual lot larger than 2 acres.~~
 - (4) ~~Bicycle parking. Two bicycle parking locations (bicycle racks accommodating two bicycles) can replace one required parking space in commercial and industrial uses, up to five parking spaces.~~
- (p) ~~Lighting.~~
 - (1) ~~Lighting must be energy efficient (LED) and have a color temperature of 2,700 Kelvins maximum.~~
 - (2) ~~Private parking lots must have cutoff, downward lighting.~~
 - (3) ~~Light fixtures located within the interior area of a parking lot shall not exceed 30 feet in height.~~
 - (4) ~~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.~~

- ~~(5) — *Pedestrian scale lighting.* Light fixtures located along pedestrian walkways shall not exceed 16 feet in height.~~
- ~~(q) — *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.~~
- ~~(r) — *Drive-in or drive-through facility.*
 - ~~(1) — A ground floor shopfront shall face the primary street.~~
 - ~~(2) — All parking shall be located at the rear of the site.~~
 - ~~(3) — Drive-through windows shall be located on the side or rear of the building.~~~~
- ~~(s) — *Utilities.* Utilities are to be placed underground and at the rear of buildings, when practicable.~~

~~Sec. 9-218.1. C-1 commercial district.~~

- ~~(a) — In the C-1 commercial district, no building or premises shall be used and no building shall hereinafter be erected or structurally altered unless otherwise provided in this chapter except for one or more of the following uses:

 - ~~(1) — Any use permitted in the commercial district.~~
 - ~~(2) — Telecommunication towers and antennas.~~~~
- ~~(b) — The following standards will be applicable for permitted and conditional uses:

 - ~~(1) — *Definitions.*
 - ~~a. — *Accessory use:* A use incidental to, subordinate to and subservient to the main use of the property.~~
 - ~~b. — *Antenna:* Transmitting and/or receiving device used for personal wireless services that radiates or captures electromagnetic waves, including, directional antennas, such as panel and microwave dish antennas, and omni-directional antennas, such as whips, excluding radar antennas, amateur radio antennas, amateur radio antennas and satellite earth stations.~~
 - ~~c. — *Guyed tower:* A telecommunication tower that is supported, in whole or part by guy wires and ground.~~
 - ~~d. — *Monopole tower:* A telecommunication tower consisting of a single pole or spire self supported by a permanent foundation, constructed without guy wires and ground anchors.~~
 - ~~e. — *Self support/lattice tower:* A telecommunication tower that is constructed without guy wires and ground anchors.~~
 - ~~f. — *Stealth building mounted antennas:* Antennas which are mounted on an existing structure with or without a mast and which are painted to match the color of the exterior material of the structure and placed so as not to obstruct any significant architectural feature of the structure.~~~~~~

- ~~g. — *Stealth facility:* Any telecommunications facility which is designed to blend into the surrounding environment.~~
- ~~h. — *Telecommunication tower:* A guyed, monopole or self support/lattice tower, constructed as a free standing or guyed structure, containing one or more antennas used in the provision of commercial wireless services.~~

~~(2) — *Telecommunications tower:*~~

~~A. — Reserved.~~

~~B. — Reserved.~~

~~C. — Minimum standards. Except where a conditional use exception is granted, every telecommunications tower must meet the following minimum standards:~~

- ~~1. — Prior to the issuance of a building permit, a site development plan shall be presented for approval to the building inspector. Each application for a proposed telecommunication tower shall include all requirements for a building permit. The building permit may waive all or some of these provisions for stealth towers which are designed to emulate existing structures already on the site, including but not limited to light standards or power poles; or for colocation sites with two or more carriers at the time of application.~~
- ~~2. — A statement shall be submitted, prepared by a professional registered engineer licensed to practice in the State of Louisiana, which through rational engineering analysis certifies the tower's compliance with applicable standards as set forth in the building code, and any associated regulations; and describes the tower's capacity including an example of the number and type of antennas it can accommodate. No tower shall be permitted to exceed its loading capacity. For all towers attached to existing structures, the statement shall include certification that the structure can support the load superimposed from the tower. All towers shall have the capacity to permit multiple users; at a minimum, monopole towers shall be able to accommodate two users and at a minimum, self support/lattice or guyed towers shall be able to accommodate three users.~~
- ~~3. — Except where a telecommunications tower is permitted use, in which case these shall not apply, height/setbacks and related location requirements shall be as follows:
 - ~~a. — The height of a telecommunications tower shall not exceed 250 feet. Tower height shall be measured from the crown of the nearest public street.~~
 - ~~b. — Telecommunication towers shall conform with the setbacks established from the underlying zoning district.~~
 - ~~c. — Monopole, lattice or guyed telecommunication towers shall not be located within 750 feet of any existing monopole, lattice or guyed telecommunication tower.~~~~

- ~~d. All buildings and other structures to be located on the same property as a telecommunication tower shall conform with the setbacks established in the commercial district.~~
- ~~4. Buffering.~~
 - ~~a. An eight-foot fence or wall constructed as measured from the finished grade of the site, shall be required around the base of any lattice tower and may be permitted around any accessory buildings or structures.~~
 - ~~b. Landscaping of this Code shall be installed around the entire perimeter of any fence or wall. Additional landscaping may be required around the perimeter of a fence or wall and around any or all anchors or supports as deemed necessary to buffer adjacent properties. The town may require landscaping in excess of the requirements of the code in order to enhance compatibility with adjacent residential and nonresidential land uses. Landscaping shall be installed on the outside of the perimeter fence or wall.~~
 - ~~c. Landscaping consistent with perimeter and on-site requirements shall be installed around any accessory buildings or structures.~~
- ~~5. Equipment storage. Mobile or immobile equipment not used in direct support of a tower facility shall be stored or parked on the site of the telecommunication tower, unless repairs to the tower are being made.~~
- ~~6. Removal of abandoned or unused facilities. All abandoned or unused telecommunication tower facilities shall be removed by the tower owner/operator within 90 days of the cessation of use, unless ownership and use thereof has been transferred to the property owner. A tower shall be considered abandoned if use has been discontinued for 180 consecutive days. Telecommunication towers being utilized for other purposes, including but not limited to light standards and power poles, may be exempt from this provision. The planning commission may extend this time period or waive this requirement if it is shown that the facility has not been abandoned.~~
- ~~7. Signs and advertising. The use of any portion of a tower for signs, or advertising purposes, including company name, banners, streamers, etc., shall be strictly prohibited. This does not apply to an installation where an outdoor advertising sign is used as the base foundation for an antenna installation.~~
- ~~8. Appurtenant structures. All appurtenant structures shall meet all building design standards as listed in this Code and in accordance with the provisions of the International Building Code.~~
- ~~9. Colors. Except where superseded by the requirements of other state or federal regulatory agencies possessing jurisdiction over telecommunication towers, telecommunication towers or monopoles shall be constructed of galvanized or unpainted metal or shall be painted in neutral colors, designed to blend into the surrounding environment such as gray.~~

- ~~10. Each application to allow construction of a telecommunication tower shall include a statement that the construction and placement of the tower:~~
- ~~a. Is in compliance with Federal Aviation Administration (FAA) regulations.~~
 - ~~b. Is in compliance with the rules and regulations of other federal or state agencies that may regulate telecommunication tower siting, design and construction.~~
 - ~~c. Is in compliance with current radio frequency emissions standards of the Federal Communications Commission.~~
 - ~~d. Will not unnecessarily interfere with public safety communications and the usual and customary transmission or reception of radio and television service enjoyed by adjacent residential and nonresidential properties.~~

~~(c) Shared uses.~~

- ~~(1) Notwithstanding any other provision of this article, to minimize adverse visual impacts associated with the proliferation and clustering of telecommunication towers, colocation of facilities on existing or new towers shall be encouraged by:
 - ~~a. Only issuing permits to qualified shared facilities at locations where it appears there may be more demand for towers than the property can reasonably accommodate; or~~
 - ~~b. Giving preference to qualified shared facilities over other facilities in authorizing use at particular locations.~~~~
- ~~(2) For a facility to become a "qualified shared facility", the facility owner must show that:
 - ~~a. The facility is appropriately designed for sharing; and~~
 - ~~b. The facility owner is prepared to offer adequate space on the facility to others on fair and reasonable nondiscriminatory terms.~~~~
- ~~(3) Colocation of communications antennas by more than one provider on existing or new telecommunication towers shall take precedence over the construction of new single-use telecommunication towers.~~
- ~~(4) For any telecommunications tower approved for shared use, the owner of the tower shall provide notice of the location of the telecommunication tower to the parish.~~

~~(d) Transfer of use.~~

- ~~(1) Approved telecommunications towers or antennas may be transferred to successor and assigns of the approved party subject to all of the conditions which apply to initial approval.~~

~~Sec. 9-218.2. C-2 highway commercial district.~~

- ~~(a) In the C-2 highway commercial district, no building or premises shall be used and no building shall be hereinafter erected or structurally altered, unless otherwise provided in this chapter, except for one or more of the following uses;~~

- ~~(1) Any use permitted in residential district.~~
- ~~(2) Funeral homes.~~
- ~~(3) Interior decorators.~~
- ~~(4) Radio and television repair shop.~~
- ~~(5) Health spa.~~
- ~~(6) Letter shops and printing establishments.~~
- ~~(7) Auditoriums, convention centers and community centers.~~
- ~~(8) Union hall.~~
- ~~(9) Banks and financial institutions.~~
- ~~(10) Government buildings such as city halls, police stations, fire stations.~~
- ~~(11) Wholesale plant nursery (retail).~~
- ~~(12) Antiques.~~
- ~~(13) Appliance store.~~
- ~~(14) Art supplies.~~
- ~~(15) Bakeries.~~
- ~~(16) Camera and photographic supplies.~~
- ~~(17) Convenience stores.~~
- ~~(18) Grocery stores.~~
- ~~(19) Hobby shops.~~
- ~~(20) Hardware.~~
- ~~(21) Florist or gifts.~~
- ~~(22) Jewelry.~~
- ~~(23) Leather goods and luggage.~~
- ~~(24) Musical instruments.~~
- ~~(25) Pharmaceuticals.~~
- ~~(26) Sporting goods.~~
- ~~(27) Toys.~~
- ~~(28) Wearing apparel (clothes).~~
- ~~(29) Barber and beauty shops.~~
- ~~(30) Catering.~~
- ~~(31) Dance and musical studios.~~
- ~~(32) Delicatessens.~~
- ~~(33) Dry cleaning.~~

- ~~(34) Photographic studio.~~
- ~~(35) Restaurants.~~
- ~~(36) Shoe repair.~~
- ~~(37) Small loan agencies, travel agencies, employment offices, newspaper offices (but not printing or circulation).~~
- ~~(38) Professional/business offices, medical/dental clinics including real estate.~~
- ~~(39) Private clubs and lodges.~~
- ~~(40) Schools, libraries.~~
- ~~(41) House of worship.~~
- ~~(42) Cluster developments consisting of individual retail stores or other planned unit developments.~~
- ~~(43) U.S. Post Office substation.~~
- ~~(44) Child day care facilities.~~
- ~~(45) Auto parts and accessories.~~
- ~~(46) Feed.~~
- ~~(47) Seasonal produce.~~
- ~~(48) Pest control.~~
- ~~(49) Public and semi-public utilities offices.~~
- ~~(50) Art galleries.~~
- ~~(51) Utility collection offices.~~
- ~~(52) Ice cream shops.~~
- ~~(53) Law offices.~~
- ~~(54) Architecture or engineering offices.~~
- ~~(55) Accountant offices.~~
- ~~(56) Insurance offices.~~
- ~~(57) Other professional offices.~~
- ~~(58) Inn or guest houses of ten guestrooms or less.~~
- ~~(59) Dwelling units located above the first floor designed for business use.~~
- ~~(60) Farmers market.~~
- ~~(61) Parks and playgrounds.~~
- ~~(62) Sports and gymnasium.~~
- ~~(63) Athletic fields.~~
- ~~(64) Medical clinics.~~

- ~~(65) Business college or business schools operated as a business enterprise.~~
- ~~(66) Department store.~~
- ~~(67) Indoor recreation establishments (bowling alleys, skating rinks and movie theaters, performing theaters).~~
- ~~(68) Instruction of fine arts.~~
- ~~(69) Physical culture and health establishments.~~
- ~~(70) Enclosed plumbing, electrical and home building supply, showrooms and sales centers with associated assembly progress.~~
- ~~(71) Radio and television studios.~~
- ~~(72) Snowball stands.~~
- ~~(73) Mixed-use centers, including residential uses provided they do not exceed 20 percent of the developed floor area of all structures located in the district.~~
- ~~(74) Automotive service stations, provided there are not more than two pump islands and provided open spaces are not used for storage, display or sale or used or wrecked automobiles or equipment.~~
- ~~(b) Approval of the Abita Springs Historical Commission shall be required as provided by the ordinance of the Town of Abita Springs as to compliance with the following:
 - ~~(1) All architectural requirements, rules, regulations and/or ordinances of the residential historical district which shall apply to this district.~~
 - ~~(2) All landscape requirements as required by the residential commercial overlay ordinance shall also apply to this district.~~~~
- ~~(c) The setback requirements provided for in the commercial/residential overlay ordinances shall apply to this district. These requirements may be mitigated by the designation of other green spaces subject to the approval of the Abita Springs Planning Commission.~~
- ~~(d) No multifamily allowed.~~
- ~~(e) No mobile home, modular home or trailer shall be located within the C-2 commercial district.~~
- ~~(f) Drainage study. Property owner/developer may be required by the town engineer, if he determines the volume or velocity of water flow is increased onto adjacent private or town property or a development, to provide a drainage study on property to be developed and present this study for review to the town engineer at the expense of the owner/developer.~~
- ~~(g) The minimum lot size shall be 90 feet front on a public street by 120 feet deep.~~
- ~~(h) No building shall be constructed in a commercial area of a height in excess of 35 feet.~~
- ~~(i) Large footprint buildings (over 10,000 square feet of building area):
 - ~~(1) To encourage use by pedestrians and decrease the need for solely auto-oriented patronage, large footprint buildings must reinforce the urban character of the neighborhood by providing a connected system of walkable blocks/street frontages (including sidewalks and street trees) through the site as part of the design of parking~~~~

and drive aisles. Any block façade that exceeds 600' in length shall have a mid-block pedestrian access of at least 8 feet in width.

~~(2) Loading docks, service areas, and trash disposal facilities shall not face the primary street façade of the site.~~

~~(i) Parking lot areas and landscape requirements:~~

~~(1) Parking:~~

~~One space for each 300 square feet of building.~~

~~Handicap spaces are located for convenience near the entrance or handicap ramp. Signs are to be posted for restricted parking.~~

~~(2) Entrance and parking facility~~

~~i. Entrance from highway or streets must be asphalt or concrete;~~

~~ii. Parking lots eight spaces or less may be loose aggregate with asphalt or concrete driveways;~~

~~iii. Parking lots with over eight spaces must be asphalt or concrete;~~

~~iv. In that portion of the C-2 district which is described as being 300 feet in depth on each side along the right-of-way line of Harrison Street from its intersection with Abita Louisiana Highway 59 to its intersection with St. Tammany Trace parking shall only be allowed in the rear of the primary commercial building and along each side thereof. Such parking shall not extend on the sides of the building past the front of the building facing the street. This limitation on parking shall not affect those properties on Harrison Street which are on the corners of either Louisiana Highway 59 or Louisiana Highway 36. An exception of this parking requirement may be granted by the zoning commission on property situated on the corner of any street and Harrison Street upon a finding that such exception will:~~

~~a. Enhance the safety of traffic at the intersection; or~~

~~b. Improve the health of trees protected under the ordinances of Abita Springs;
or~~

~~c. Improve the flow of traffic in the area.~~

~~d. setbacks in front and side will be at ten feet unless adjacent to residential district then 20 feet.~~

~~v. In the instance of commercial buildings with a minimum of three individual units, the planning and zoning commission may permit those building to front a common area, rather than directly on the street. Such may be permitted based on a finding that such development:~~

~~a. Conforms to the aesthetics of the surrounding area; and,~~

~~b. Does not otherwise cause a detrimental impact on parking safety, drainage or traffic flow; and,~~

~~c. Improves the health of trees protected under the ordinances of the city.~~

~~(3) *Drainage.* Permanent storm drainage must be provided according to construction specifications, and approved by the town, as not to free-flow onto adjacent properties or public streets.~~

~~(4) *Safety features.*~~

~~Buffers are required at all points which abut or adjoin properties, highway intersections or streets.~~

~~Barriers, protective bumpers, curbing and directional markers are required in lots with more than 20 parking spaces.~~

~~Lighting shall provide for the safety, comfort and convenience of patrons.~~

~~Lighting shall be designed to minimize light spill-over onto adjacent spaces.~~

~~Lights shall be hooded or shielded so the light source is not visible to adjacent, more restrictive, residential districts.~~

~~Lights must dim to half power a maximum of two hours after close of business.~~

~~Fencing between C-2 and residential districts is required and must be wooden fencing at least six feet high, to run the entire length of the property dividing the zones.~~

~~(5) *Maintenance.* All parking and loading facilities shall be maintained to be free of refuse, debris and other accumulated matter.~~

~~(6) *Landscaping.*~~

~~a. *Trees (protected trees).* No base prep within the drip line of the tree. The tree shall be surrounded by curbing. Curbing shall not sever roots greater than two inches in diameter or penetrate natural grade of drip line of tree.~~

~~*Type "A" trees* include all hard woods indigenous to the area such as oak, maple, cedar, cypress, birch, pine, pecan, etc.~~

~~*Type "B" trees* include ornamental species such as crepe myrtle, dogwood, redbud, laurel, magnolia, sweet olive, gardenia, lasianthus, native fringe, etc.~~

~~b. *Buffers; greenbelts.* Buffers or green belt areas (between highway and parking lot, and sideline setbacks) shall require one class "A" tree every 25 feet as well as groundcover such as turf or other vegetative cover. All trees six inches in diameter or larger must be preserved at time of clearing. Also, class "B" trees are to be planted every 25 feet in this area.~~

~~c. *Interior planting.* Interior planting parking areas containing more than eight spaces are required to provide for ground water recharge, water run-off, irrigation, shade, and to reduce heat and glare reflected from paved areas. Also to help purify the air. These areas must be planted with a minimum of one tree per 2,000 square feet (approx. five spaces) along with vegetative ground cover as well as shrubs and ornamentals.~~

Sec. 9-302.2.4. - Town Center Mixed Use District (TCM)

A. *Purpose.* The Town Center Mixed Use District (TCM) aims to provide the midtown area with a compelling mix of small-scale neighborhood-oriented, uses to enable the

development of residential housing, retail shops, offices, restaurants, and entertainment options all within walking distance, creating a vibrant, pedestrian-friendly district 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 standards.* See Sec. 9-303. and 9-304. for use standards associated with permitted or conditional uses in this district.
- E. *Site design standards.* See Sec. 9-305. for lighting requirements, facade and materials requirements, landscape, signage, and accessory structure design standards.

Sec. 9-302.2.5. - Gateway Mixed Use District (GM).

- A. *Purpose.* The Gateway Mixed Use District (GM) aims to elevate the aesthetic for commercial and mixed uses along major corridors and reflect the Town's character to foster welcoming gateways to the Town. Permitted uses include medium intensity residential housing, medium intensity mixed-uses, retail shops, offices, restaurants, and entertainment venues. Site standards include additional setbacks, landscaping, and parking requirements.
- 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 standards.* See Sec. Sec. 9-303. and 9-304. for use standards associated with permitted or conditional uses in this district.
- E. *Site design standards.* See Sec. 9-305. for lighting requirements, facade and materials requirements, landscape, signage, and accessory structure design standards.

Sec. 9-302.2.6. - 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.* See Sec. 9-302.2.2 for dimensional standards for lots and buildings.
- D. *Use standards.* See Sec. 9-303. and 9-304. for use standards associated with permitted or conditional uses in this district.

- E. *Site design standards.* See Sec. 9-305. for lighting requirements, facade and materials requirements, landscape, signage, and accessory structure design standards.
- F. *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 of 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. 9-302.2.7. - 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 standards.* See Sec. 9-303. and 9-304. for use standards associated with permitted or conditional uses in this district.
- E. *Site design standards.* See Sec. 9-305. for lighting requirements, facade and materials requirements, landscape, signage, and accessory structure design standards.
- F. *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 of 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.

Sec. 9-302.3. – OVERLAY DISTRICTS

Sec. 9-302.3.1. - Historic Overlay (HO).

~~Sec. 9-222. Historic district.~~

- A. *Purpose.* The purpose of the Historic Overlay (HO) 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 (HO) 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 historic HO district, no building or premises shall be used and no all uses and buildings shall be developed erected or structurally altered except as provided for in this chapter and~~ in accordance with ~~the underlying~~ base zoning district requirements. Use of a building in a the HO historic district shall be governed by the provisions of this chapter taken as a whole 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 historic district until after an application for a certificate of appropriateness has been submitted to and approved by the Historic District Commission established in Section 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.
- 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 HO historic 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 HO historic 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 outdoor advertising signs and bill posters within the **Historic 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 demolishing of any such feature which is required by the public safety because of an unsafe or dangerous condition.

F. *Related matters.*

1. *Definition of temporary.* Temporary signs, banners, flags and streamers should be displayed no longer than 6 months. After 6 months, signs, banners, flags, and streamers must be removed from the property, or be resubmitted for approval as a permanent sign under the Commercial Architectural Guidelines for the Abita Springs Historic **Overlay District**.

2. *Materials.* The sign(s) must be well made of materials that reflect their temporary nature.

3. *Placement.* The sign(s) must be placed on private property only.

4. *Size.* Size requirements shall follow the commercial architectural guidelines for the Abita Springs Historic District.

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.**

~~Sec. 9-218.3. Midtown Cultural District of Abita Springs.~~

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.

~~(b) In the cultural district, no building or premises shall be used and no building shall be hereinafter erected or structurally altered, unless otherwise provided in this chapter, except for one or more of the following uses:~~

~~(c) The commercial and C-2 commercial districts situated in Midtown Cultural Districts only the following uses shall be permitted.~~

~~(1) Café style restaurants; in those restaurants where ready-to-consume unpackaged food is served in individual servings, or in non-disposable containers, where the customer dines while seated at tables or counters located within the building, where there is a full service kitchen which consists of a stove, oven, refrigeration and dishwashing facilities, and where the sale of food constitutes over 60 percent of the total food and alcohol sales for the preceding year or from the commencement of operation of the business, whichever is a shorter period, then notwithstanding the provisions of section 4-308 beverages of any alcoholic content may be sold to dining patrons from a service bar which does not allow access to patrons.~~

~~The applicant for any alcohol permit in the Midtown Cultural District shall provide the same food and alcohol sales information to the town as is required by the State of Louisiana Alcohol Tobacco Control authority for the issuance of a Class AR alcohol permit.~~

~~Ancillary outdoor use shall be allowed to any café style restaurant.~~

~~(2) Art galleries;~~

~~(3) Bakeries;~~

~~(4) Bicycle sales, rentals and repair shops;~~

~~(5) Drug store and pharmacies; (requires special use permit)~~

~~(6) Florist;~~

~~(7) Grocery store including meats fruits and vegetables;~~

~~(8) Medical and dental clinics for human patients only; (requires special use permit)~~

~~(9) Stationery and book stores;~~

~~(10) Theaters (not drive-in); (requires special use permit)~~

~~(11) Gift shops;~~

~~(12) Hotels/bed and breakfast;~~

~~(13) Antique shops;~~

~~(14) Art shops;~~

~~(15) Beer gardens, pub/tavern;~~

~~(16) Candy stores;~~

~~(17) Cigar stores; (requires special use permit)~~

~~(18) Seafood markets; (requires special use permit)~~

~~(19) Craft stores; (requires special use permit)~~

~~(20) Jewelry stores;~~

~~(21) Leather goods shops;~~

- ~~(22) Musical instruments shops;~~
- ~~(23) Newsstands; (requires special use permit)~~
- ~~(24) Dance studio;~~
- ~~(25) Broadcasting and recording station;~~
- ~~(26) Retail clothing;~~
- ~~(27) Hardware store;~~
- ~~(28) Feed store;~~
- ~~(29) Vegetables and produce;~~
- ~~(30) Art studio;~~
- ~~(31) Coffee shop;~~
- ~~(32) Butcher shop;~~
- ~~(33) Sno-ball stand;~~
- ~~(34) Photography studio;~~
- ~~(35) Museums;~~
- ~~(36) Ice cream parlor;~~
- ~~(37) Banks; (requires special use permit)~~
- ~~(38) Travel agency;~~
- ~~(39) Barber shop, beauty shops;~~
- ~~(40) Dry cleaning; (requires special use permit)~~
- ~~(41) Accessory buildings and uses customarily incidental to above listed uses;~~
- ~~(d) No building shall be constructed in the cultural district of a height in excess of 35 feet.~~
- ~~(e) There shall be provided within the commercial and cultural district one parking space for each 300 square feet of commercial building.~~
- ~~(f) Uses not specifically listed or enumerated in the zoning regulations and chapter must apply for a public hearing before the zoning commission to be held not earlier than the next scheduled zoning commission meeting. The nonlisted enterprises must submit information required by the zoning commission and answer questions for the public and the zoning commission relating to the proposed enterprise. The zoning commission shall make a determination of classification within 90 days of the public hearing.~~
- ~~(g) No mobile home, modular home, nor automobile sales business or trailer shall be located within the commercial district.~~
- ~~(h) Modular homes are prohibited in the commercial district.~~
- ~~(i) Displays are limited to under beam.~~
- ~~(j) Any use provided for in residential/commercial overlay that is not provided within Midtown Cultural District shall be awarded only with a special use permit.~~
- ~~(k) All uses allowed in [section] 9-215 single family residential are allowed in the Midtown Cultural District.~~

Sec. 9-303. – USE STANDARDS

Sec. 9-204. – CONDITIONAL USE STANDARDS

Sec. 9-205. – DESIGN STANDARDS

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CHAPTER 5. – BUILDING AND CONSTRUCTION REGULATIONS

CHAPTER 10. – FEE SCHEDULE

Sec. 9-1001. – BUILDING PERMIT FEES

Sec. 9-1002. – LAND USE APPLICATION FEES