

EXHIBIT B - TOWN OF ABITA SPRINGS

Land Use & Zoning Code Amendments

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CODE OF ORDINANCES OF THE TOWN OF ABITA SPRINGS

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PART 9 – PLANNING, ZONING AND DEVELOPMENT**CHAPTER 1. – PLANNING COMMISSIONS AND BOARDS****Sec. 9-101. – MUNICIPAL PLANNING COMMISSION****Sec. 9-101.1. – Planning Commission created.**

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

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

Sec. 9-101.2. – Membership; appointment.

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

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

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

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

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

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

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

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

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

The Zoning Commission shall meet on a periodic basis as determined by the members of the Commission. It shall adopt rules for transaction of business and shall keep a public record of its resolutions, transactions, findings, and determinations.

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

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

Sec. 9-101.8—9-119. – Reserved.

Sec. 9-120. – HISTORIC DISTRICT COMMISSION

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

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

Sec. 9-120.2. – Membership and appointment.

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

Sec. 9-120.3. – Selection of officers.

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

Sec. 9-120.4. – Powers and duties.

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

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

Sec. 9-120.5. – Staff; donations.

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

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

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

Sec. 9-120.7 through Sec. 9-200. – Reserved.

* * *

CHAPTER 2. – PROCEDURES

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

Sec. 9-200.1. – Applicability and measurements.

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

B. *Measurement.*

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

Sec. 9-200.2. - Terms defined.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mobile home See *Manufactured home*.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 9-201. – GENERAL REQUIREMENTS AND APPLICATIONS

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

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

C. *Administration and Authority*.

1. The Mayor shall designate, consistent with the Town's personnel and administrative authority, a Building Official and Floodplain Administrator to carry out the duties assigned by this Code, the Louisiana State Uniform Construction Code, the National Flood Insurance Program, and other applicable laws and regulations. The designated Building Official and Floodplain Administrator may be Town employees, contracted service providers, or other qualified individuals authorized by the Town.
2. The Department of Planning and Zoning administers the Land Development Code, including the receipt, processing, and coordination of permit applications and development reviews, in coordination with authorized review agencies and decision-making bodies.
3. The Building Official is responsible for building code review, inspections, and enforcement of the Louisiana State Uniform Construction Code.
4. The Floodplain Administrator is responsible for administration and enforcement of the Town's flood damage prevention regulations.
5. Building permits may be issued by the Director of Planning and Zoning or their designee upon certification of compliance by the Town's designated Building Official or Town-designated building code review provider.

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

742 **D.** *Permit required.*

- 743 1. Except as otherwise provided by law, no vacant lands shall be occupied or used and no
744 building or structure shall be erected, added to, repaired, or structurally altered until a permit
745 has been issued by the Town. All applications for permits shall be in accordance with the
746 requirements of this Land Development Code.
- 747 2. No permit shall be issued until:
- 748 a. The application and all required supporting materials have been submitted;
- 749 b. The proposed work has been reviewed for compliance with applicable zoning regulations,
750 subdivision regulations, floodplain regulations, historic district requirements, drainage
751 requirements, utility requirements, building codes, and other applicable Town ordinances
752 and adopted standards;
- 753 c. The designated Certified Building Official has completed plan review and approved the
754 proposed construction for compliance with applicable building codes;
- 755 d. The designated Floodplain Administrator has completed floodplain and drainage review
756 as applicable;
- 757 e. Any required Historic Commission approvals, including Certificates of Appropriateness,
758 have been obtained as applicable; and
- 759 f. All required permit fees have been paid in full.
- 760 3. Permit issuance shall not be construed as authorization to violate or cancel the provisions of
761 any federal, state, or local law, ordinance, covenant, servitude, easement, deed restriction, or
762 private agreement.

763 **E.** *Building permit applications.*

- 764 1. Applications for building permits shall be submitted to the Department of Planning and
765 Zoning on forms approved by the Town.
- 766 2. Applications shall contain sufficient information to determine compliance with all applicable
767 laws, ordinances, codes, and regulations and shall include, as applicable:
- 768 a. Property owner name, mailing address, telephone number, and email address;
- 769 b. Applicant, contractor, or authorized representative contact information, if different from
770 the property owner;
- 771 c. Municipal address and legal description of the property, including subdivision, lot,
772 square, parcel number, or tax assessment number;
- 773 d. Description and scope of the proposed work;
- 774 e. Proposed use and occupancy classification;
- 775 f. Estimated construction value;
- 776 g. Contractor registration information and state contractor license information;
- 777 h. Flood zone designation, Base Flood Elevation information, and other floodplain
778 information;

- 779 i. Proposed building area, impervious surface area, lot coverage, building height, setbacks,
780 parking, drainage features, and other dimensional information necessary for review;
- 781 j. Site plans, surveys, plats, drainage plans, construction drawings, engineering documents,
782 and specifications drawn to scale sufficient to demonstrate compliance with applicable
783 standards;
- 784 k. Elevation certificates, cut and fill plans, no-net-fill calculations, stormwater information,
785 engineering reports, manufacturer specifications, energy compliance documentation, or
786 other technical information where required due to the scope, location, or nature of the
787 project;
- 788 l. Copies of permits, approvals, or correspondence from outside agencies, including but not
789 limited to the Louisiana State Fire Marshal, Louisiana Department of Health, Louisiana
790 Department of Environmental Quality, Louisiana Department of Transportation and
791 Development, utility providers, or other reviewing authorities;
- 792 m. Historic Commission approvals, including Certificates of Appropriateness;
- 793 n. Any additional information necessary for review and enforcement of this Code.
- 794 F. *Required plans and supporting documents.*
- 795 1. All applications for building permits, including applications for new construction, additions,
796 alterations, renovations, accessory structures, demolition, site work, or other improvements,
797 shall include plans and supporting documentation sufficient to demonstrate compliance with
798 this Code and all other applicable laws and regulations.
- 799 2. Required submittals may include, where applicable:
- 800 a. Site layout plans or plats showing property dimensions, existing and proposed structures,
801 setbacks, easements, servitudes, rights-of-way, drainage features, driveways, parking
802 areas, and utilities;
- 803 b. Construction plans and specifications;
- 804 c. Surveys and engineering documents;
- 805 d. Drainage and stormwater management information;
- 806 e. Elevation certificates and floodplain documentation;
- 807 f. Cut and fill plans, grading plans, drainage certifications, engineering certifications, and
808 no-net-fill calculations;
- 809 g. As-built elevation certificates, as-built grading plans, as-built surveys, drainage
810 certifications, and other post-construction documentation required as a condition of
811 occupancy; and
- 812 h. Other information reasonably necessary for review and enforcement of this Code.
- 813 3. All permit application supplemental materials, plans, and supporting documents shall be
814 submitted electronically in a format approved by the Town, including by email, flash drive, or
815 other approved digital method.
- 816 G. *Survey and layout requirements.*
- 817 1. For new construction, exterior wall alterations bordering a public street, commercial or mixed
818 used buildings, or accessory structures constructed on a street line in residential district, the
819 applicant shall submit a digital file of a survey, site layout, or sketch prepared by a licensed
820 civil engineer or licensed land surveyor showing:

- a. Measured property lines;
 - b. Existing and proposed structures;
 - c. Building setbacks; and
 - d. The relationship of the structure to adjacent public streets and property lines.
2. Prior to commencement of construction, the civil engineer or surveyor shall stake the property line along the public street where required by the Town.
- H. *Permit review, approval, and denial.*
1. Applications for single-family residential building permits shall be acted upon within seven (7) working days following submission of a complete application unless additional review time is reasonably necessary due to incomplete submittals or revisions requested during review.
 2. Applications for multifamily, mixed-use, or non-residential building permits shall be acted upon within fifteen (15) working days following submission of a complete application unless additional review time is reasonably necessary due to incomplete submittals, outside agency review, project complexity, or revisions requested during review.
 3. The Town may deny, suspend, withhold, or revoke a permit when:
 - a. An application contains false, misleading, inaccurate, or incomplete information;
 - b. Required permits or approvals from other agencies have not been obtained;
 - c. The proposed work violates applicable laws, ordinances, or adopted codes;
 - d. Work has commenced without required permits or approvals; or
 - e. The applicant or contractor has outstanding code violations, stop work orders, unpaid fees, or unresolved enforcement actions related to the property or project.
 4. Where a project is subject to floodplain, drainage, or stormwater management requirements, the Town may require additional engineering information, inspections, certifications, drainage studies, plan revisions, or other documentation necessary to ensure compliance with approved plans, adopted regulations, and permit requirements.
- I. *Permit fees.* Permit fees shall be established by the Mayor and published on the Town's website and maintained at the Office of the Town Clerk.
- J. *Permit duration and expiration.*
1. A building permit is valid for one (1) year from the date of issuance unless otherwise provided by law.
 2. A permit renewal or extension is required for permits remaining active beyond one (1) year from the date of issuance.
 3. Renewal fees for permits with an original permit cost exceeding One Thousand Dollars
 4. Renewal or extension of a permit shall not waive compliance with any laws, codes, or regulations in effect at the time of renewal unless otherwise authorized by law.
- K. *School capacity information for major residential development.*
1. For residential subdivisions, multifamily developments, or other major residential or mixed use developments as determined by the Town, the applicant shall provide an official statement from the St. Tammany Parish School Board identifying:

- 861 a. Current capacities and enrollment of existing school facilities serving the Town;
862 b. Any planned, additional educational capacity to serve future residents; and
863 c. The anticipated completion dates of planned development.
864 2. Such information may be considered by the Town as part of its evaluation of public
865 infrastructure and service impacts associated with the proposed development.
866
867

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

Key:

R = Review

RR = Review and Recommend

D = Final Decision

A = Appeal

APPLICATION TYPE	PUBLIC HEARING REQUIRED	REVIEW BODY					FURTHER INFO. LOCATED IN
		PLANNING AND ZONING DEPT.	PLANNING COMMISSION	HISTORIC COMMISSION	BOARD OF ALDERMEN	22 ND JUDICIAL DISTRICT COURT	
Comprehensive Plan Amendment or New Comprehensive Plan Adoption	Yes	RR	D		A		Sec. 9-204.
Amendments to the Code of Ordinances, Part 9	Yes	RR	RR		D	A	Sec. 9-205.
Zoning map amendments	Yes	RR	RR		D	A	Sec. 9-206.
Conditional Use	Yes	RR	D		A		Sec. 9-207.
Development review	No	D					Sec. 9-208.
Minor Certificate of Appropriateness	No	R		D	A		Sec.9-209.
Major Certificate of Appropriateness	Yes	R		D	A		Sec. 9-209.
Variances	Yes	R	D		A		Sec. 9-210.
Appeals of Administrative Decisions	Yes		D		A		Sec. 9-211.
Minor Subdivisions	No	D					Sec. 9-214.
Major Subdivisions	Yes	R	D		A		Sec. 9-214.
Public Infrastructure Dedication or Revocation of Streets	Yes	RR			D	A	Sec. 9-215

D. Filing Applications.

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

- 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 official forms, advise of deadlines, and outline fees for the applications listed in **Table 9-201.1**, and may update this information and requirements as necessary to cover administrative needs and costs.
- E. *Completeness Review.*
1. The Planning and Zoning Director or their designee shall review all applications to verify that the application is complete and includes all required information as directed by the application instructions and all necessary information to determine if the request is in conformance with this Code.
2. If an application submitted is incomplete, the Planning and Zoning Director or their designee shall inform the applicant of deficiencies and shall not process the application until such deficiencies are remedied.
3. The applicant's failure to resolve an application deficiency is grounds for the Town to reject the application and not schedule the case for a public hearing or action as shown in **Table 9-201.1**.
4. Complete applications will be reviewed for compliance or scheduled for public hearing or appropriate action per **Table 9-201.1**.
- F. *Withdrawal of Applications.*
1. Any application withdrawn from the processes in **Table 9-201.1**, must be withdrawn via written communication to the Planning and Zoning Director or their designee. In such cases, the Town shall not be obligated to return application fees to the applicant.
2. Applications that do not require a public hearing may be withdrawn at any time in the review process.
3. Applications or appeals requiring public hearings may be withdrawn prior to the public hearing where a decision is rendered. Once a decision is rendered, the application or appeal may not be withdrawn.
- G. *Resubmission of Denied Applications.*
1. Applications that have been denied by the relevant entities (with "D" shown in **Table 9-201.1**.) may not be resubmitted within one year of the date of denial unless changes to applicable regulations have been demonstrated by the applicant.
2. The Planning and Zoning Director shall make the determination on whether changes to regulations applicable to the application are demonstrated.
3. Nothing in this Section shall prevent the appeals processes indicated in **Table 9-201.1**.

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

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

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

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

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

928 **Sec. 9-203. – PUBLIC HEARING**

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

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

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

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

942 **Sec. 9-204. – AMENDMENTS TO THE COMPREHENSIVE PLAN OR ADOPTION OF** 943 **A NEW COMPREHENSIVE PLAN**

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

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

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

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

Excerpt from Table 9-201.1.

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

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

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

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

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

1. *Initiation.* The Planning and Zoning Director (or their designee), Planning Commission, or the Town Board of Aldermen can initiate amendments to the Code of Ordinances, Part 9. A motion or majority vote by the Planning Commission is not required to initiate these processes.
2. *Review and decision.* The Planning and Zoning Department must review the proposed amendments to Code of Ordinances, Part 9 and provide a zoning recommendation to the Planning Commission and Board of Aldermen on this matter. This recommendation may be accompanied by an administrative report.
3. *Planning Commission Hearing.* The Planning Commission must hold a public hearing for the proposed amendments, identify the matter as a zoning item on the Planning Commission's agenda, and provide a recommendation to the Board of Aldermen. The Planning Commission may hold multiple hearings prior to final decision on this matter. The Planning Commission may recommend approval, denial, approval with modifications, or deferral on the subject amendments. If there is a tied vote or if the Planning Commission votes to defer action on the item, the item shall be heard at a following meeting, with time and date determined by the Planning Commission. Any recommendation from the Planning Commission shall be forwarded to the Board of Alderman for their final action. If the Planning Commission recommends denial of the amendment to the Code of Ordinances, Part 9, the Board of Aldermen is not required to hear or act on the subject amendment, in which case it shall be automatically denied.

Excerpt from Table 9-201.1.

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

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

Sec. 9-206. – ZONING MAP AMENDMENTS

- A. *Process.* Amendments to the Official Town Zoning Map must proceed via the following steps (see summary excerpt from **Table 9-201.1.** below):
1. *Initiation.* A Zoning Map amendment may be initiated by property owners, the Planning and Zoning Director or their designee, the Planning Commission, or the Town Board of Aldermen.
 - a. *Initiation by property owner.* A property owner (or group of property owners holding 50% or more) of a property may request a change to the zoning map for the property that they own.
 - b. *Initiation by Town.* The Planning and Zoning Director (or their designee), Planning Commission, or the Town Board of Aldermen can initiate amendments to the Zoning Map. A motion or majority vote by the Planning Commission is not required to initiate these processes.
 2. *Review and decision.* The Planning and Zoning Department must review the proposed Zoning Map amendments, identify the matter as a zoning item on the Planning Commission's agenda, and provide a recommendation to the Planning Commission and Board of Aldermen on this matter. This recommendation shall be accompanied by a staff report.
 3. *Planning Commission hearing.*
 - a. The Planning Commission must hold a public hearing for the proposed amendments and provide a recommendation to the Board of Aldermen. The Planning Commission may hold multiple hearings prior to final decision on this matter.
 - b. The Planning Commission must consider the following in making its recommendation on the subject request:
 - i. Lessening the congestion in public streets;
 - ii. Securing safety from fire;
 - iii. Promoting health and general welfare;
 - iv. Providing adequate light and air;
 - v. Avoiding undue concentration of population;

- vi. Facilitating adequate transportation, water supply, sewerage, schools, parks and law enforcement;
- vii. Reasonable consideration of the character of the district, prevention of visual pollution, and its particular suitability for particular uses;
- viii. Consistency with the Town's Comprehensive Plan; and
- ix. Reasonable consideration with a view to conserving the value of the buildings and encouraging the most appropriate use of land throughout the Town.

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

4. *Board of Aldermen decision.*

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

Excerpt from Table 9-201.1.

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

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

Sec. 9-207. – CONDITIONAL USE PERMIT

- A. In order to accomplish the general purpose of these regulations, there are certain uses which must be recognized in addition to the regular permitted uses of a district because of unusual

characteristics or the service they provide the public. Because the principal objective of this ordinance is to promote an orderly arrangement of compatible buildings and land uses, these conditional use permits require special regulations to achieve compatibility with existing or planned development.

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

1. *Initiation.* A property owner (or group of property owners holding 50 percent or more of a property) may request a Conditional Use Permit for the property that they own.
2. *Review and recommendation.* The Planning and Zoning Department shall accept the Conditional Use Permit application, review the proposal, and provide a recommendation to the Planning Commission on the request. This recommendation shall be accompanied by a staff report.
3. *Considerations.* Conditional use permits may be granted after consideration of the following:
 - a. The location and size of the use, the nature and intensity of the operation involved in (or conducted in connection with) the use, the size of the site in relation to the use, and the location of the site with respect to streets giving access to the site shall be such that the use will be in harmony with the land uses in the zoning district in which it is located.
 - b. Time limit requirements for length of permit use.
 - c. Hours of operation for use, buffering and/or landscaping above the minimum Town requirements.
 - d. The location, nature and height of structures, walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the development and use of adjacent land and structures.
 - e. Parking areas shall be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the ingress and egress drives shall be laid out so as to achieve maximum safety.
 - f. Preservation of historic architecture.
3. *Planning Commission hearing and decision.* The Planning Commission must hold a public hearing for the requested Conditional Use Permit and identify the matter as a zoning item on the Planning Commission's agenda. The Planning Commission may hold multiple hearings prior to final decision on this matter. The Planning Commission may recommend approval, denial, approval with modifications, or deferral on the requested Conditional Use Permit. If there is a tie vote or if the Planning Commission votes to defer action on the item, the item shall be heard at a following meeting, with time and date determined by the Planning Commission.
 - a. The Planning Commission may attach such conditions to the conditional use permit as necessary to assure continuous conformance to all applicable standards and requirements.
 - b. Failure to observe the conditions of the Commission, imposed pursuant to the issuance of the Conditional Use Permit, shall be deemed to be a violation of these regulations and may be grounds for revocation of the Conditional Use Permit.
 - c. The Planning Commission may approve uses subject to the regulations, and may add any additional requirements imposed in the public interest to cover circumstances

unique to the selected site including a drainage analysis of the site by an independent engineering firm.

Excerpt from Table 9-201.1.

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

C. Status and Appeal.

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

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

Sec. 9-208. – DEVELOPMENT REVIEW

- A. Permit Request.** A permit is required for any scope of work or development indicated as requiring a permit in Chapter 4 – Floodplain Management, Chapter 5 – Building and Construction Regulations, or in this Chapter.
- B. Development Review.** The Town’s administrative departments shall coordinate to review permits impacting their authorities (see excerpt from **Table 9-201.1.** below). The Planning and Zoning Department shall review the following types of permit requests:
1. Zoning compliance reviews for occupational licenses or building permits.
 2. All permit requests in the Commercial District (C), Mixed Use Districts (MU1 and MU2), Historic Overlay (HO), Midtown Cultural Overlay (MCO), or Tammany Trace Overlay (TTO).
 3. All permit requests associated with a requested or approved Conditional Use Permit.
- C. Use determination within development review permit requests.** The Town Planning and Zoning Director shall review permit requests and determine whether the proposed use is permitted in the subject zoning district. Such determination shall be based on the use definitions and standards in

Chapter 3 – Zoning Regulations and, where a use is not expressly listed, on its substantial similarity in function, intensity, and impact to listed uses.

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

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

Excerpt from Table 9-201.1.

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

Sec. 9-209. – CERTIFICATE OF APPROPRIATENESS

- A. *Process.* The issuance of a Certificate of Appropriateness in the Historic Overlay (HTO) District must proceed via the following steps (see excerpt from Table 9-201.1. below):
1. *Initiation.* A property owner or group of property owners holding 50 percent or more of a property may submit an application for a Certificate of Appropriateness.
 2. *Review and technical analysis.* The Planning and Zoning Department shall receive and review the application prepare a technical analysis for consideration by the Historic Commission.
 3. *Historic Commission public hearing and decision.* The Historic Commission must hold a public hearing for:
 - a. Any Major Certificate of Appropriateness (COA) as defined in this Code in accordance with requirements in Sec. 9-302.3.1. – Historic Overlay (HTO). The Historic Commission may classify a Minor COA as a Major COA when the proposed work, regardless of category, is determined to have the potential to materially affect the historic character of the property or district.
 - b. Amendments to the Historic Design Guidelines.
 - c. Other actions specifically required by this Code.

1189 **Excerpt from Table 9-201.1.**

APPLICATION TYPE	PUBLIC HEARING REQUIRED	REVIEW BODY				
		PLANNING AND ZONING DEPARTMENT	PLANNING COMMISSION	HISTORIC COMMISSION	BOARD OF ALDERMEN	22 ND JUDICIAL DISTRICT COURT
Minor Certificate of Appropriateness	No	R		D	A	
Major Certificate of Appropriateness	Yes	R		D	A	

1190

- 1191 B. *Status and Appeal.* If a Certificate of Appropriateness is approved, the property owner or their
 1192 representative may pursue permits and licenses to improve the site as approved by the Commission.
 1193 If the Certificate of Appropriateness is denied, the property owner may not submit the same request
 1194 within one calendar year. Appeals of decisions by the Historic Commission regarding a requested
 1195 Certificate of Appropriateness shall be heard and acted on by the Board of Aldermen.

1196 **Sec. 9-210. – VARIANCES**

- 1197 A. *Process.* Requests for variances to this Code must proceed via the following steps (see excerpt from
 1198 **Table 9-201.1.** below):
- 1199 1. *Initiation.* A variance request may be initiated by a property owner (or group of property
 1200 owners holding 50 percent or more of a property) for the property that they own.
 - 1201 2. *Review and technical analysis.* The Planning and Zoning Department shall accept the
 1202 variance request application and review the request. The Planning and Zoning Department
 1203 must provide a technical analysis for the Planning Commission's review.
 - 1204 3. *Planning Commission hearing and decision.* The Planning Commission must hold a public
 1205 hearing for the requested variance and must decide on the request. The Planning Commission
 1206 may hold multiple hearings prior to final decision on the matter. The Planning Commission
 1207 may grant approval, denial, approval with modifications, or deferral on the variance request.
 1208 If there is a tie vote or if the Planning Commission votes to defer action on the item, the item
 1209 shall be heard at a following meeting, with time and date determined by the Planning
 1210 Commission.

1211 **Excerpt from Table 9-201.1.**

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

1212

- 1213 B. *Purview.* The Planning Commission shall only have the ability to grant the following variances:
- 1214 1. To permit a variance in the yard requirements or the requirements of such in the development
 1215 of land, height restrictions, or lot areas per family requirements of any district, but only where
 1216 there are unusual and practical difficulties or a hardship.

- 1217 a. Limitation for townhouse district: No variance shall be granted to these requirements
1218 for any irregular shaped lot located in the townhouse district which does not meet
1219 minimum residential lot size, and dimension requirements when such lots may not be
1220 combined to create a regular shaped lot.
- 1221 b. Clarification regarding setbacks in the Historic Overlay District. The Planning
1222 Commission may grant a variance to the setback requirements of the Historic Overlay
1223 District, the Historic District Commission shall not administer the building setback
1224 requirements of the Historic District or the Base Zoning District.
- 1225 2. Waive or reduce the parking and loading requirements in any district.
- 1226 3. In granting a variance, the Planning Commission may attach thereto such conditions as it may
1227 deem advisable in furtherance of the purpose of this Code.
- 1228 C. *Considerations.* In consideration of all requested variances, the Planning Commission shall first
1229 determine that the approval of such variances will not impair an adequate supply of air or light to
1230 adjacent property, or unreasonably increase the congestion in public streets, increase visual
1231 pollution, or endanger the public safety, or unreasonably diminish or impair established property
1232 values within the surrounding area, or in any other respect impair the public health, safety, morals,
1233 comfort, or welfare of the inhabitants of the Town.
- 1234 D. *Status and Appeal.* The Planning Commission's decision shall be final. Any appeals of the
1235 Commission's decision must be directed to the Town Board of Aldermen and be filed within 30
1236 days of the Commission's decision.

1237 **Sec. 9-211. – APPEALS OF ADMINISTRATIVE DECISIONS**

- 1238 A. *Purview.* The Planning Commission shall hear and decide appeals alleging error in any order,
1239 requirement, decision, or determination made by the Planning and Zoning Director, Building
1240 Official, Building Inspector, or Town Clerk in the enforcement or administration of this Chapter.
- 1241 B. *Process.* Appeals of decisions or interpretations made by administrative officials of this Code must
1242 proceed via the following steps (see excerpt from **Table 9-201.1.** below):
- 1243 1. *Initiation.* An appeal of an administrative decision may be initiated by a property owner (or
1244 group of property owners holding 50 percent or more of a property) directly impacted by an
1245 administrative decision by the Town within 30 calendar days of the administrative decision.
- 1246 2. *Review, written findings requirement, and technical analysis.* The Planning and Zoning
1247 Department shall accept and review appeals of administrative decisions, and forward such
1248 appeals to the Planning Commission. The decision of the Planning Commission shall be
1249 supported by written findings of fact based on the record of the appeal.
- 1250 3. *Planning Commission hearing.* The Planning Commission must hold a public hearing for the
1251 appeal and decide on the request. The Planning Commission may hold multiple hearings prior
1252 to final decision on this matter.
- 1253 4. *Standard of review and decision-making.* In considering an appeal, the Planning Commission
1254 shall evaluate the administrative decision based on the standards set forth in this Section and
1255 the applicable provisions of this Cod, and shall determine whether the decision or
1256 interpretation of the administrative official was made:
- 1257 a. In error in the application or interpretation of this Code;
- 1258 b. Not supported by substantial evidence in the record; or
- 1259 c. Inconsistent with the provisions or intent of this Code.

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 only upon making one or more of the above findings. A vote of 4 or more Planning Commission members is required to override any decision of the Planning and Zoning Director or the Building Official.

Excerpt from Table 9-201.1.

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

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

Sec. 9-212. – ENFORCEMENT

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

representative based on mailed notice of violation to the address listed on the tax assessment for the property. The property owner or authorized representative may be found guilty of the violation and related penalties or misdemeanor even if they are not present in the Town.

Sec. 9-213. – NONCONFORMITIES

A. Existing Conditions.

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

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

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

- 1343 6. *Wear and tear.* Nothing in this Chapter shall prevent the reconstruction, repairing or
1344 rebuilding of a nonconforming building, structure or part thereof existing at the effective date
1345 of this Chapter, rendered necessary by wear and tear, deterioration or depreciation provided
1346 the cost of the work shall not exceed 10 percent of the value of the building or structure at the
1347 time the work is done, nor prevent compliance with the provisions of the building relative to
1348 the maintenance of buildings or structures.
- 1349 7. *Abandonment.* A nonconforming use of the building or premises which has been abandoned
1350 shall not thereafter be returned to the nonconforming use. A nonconforming use shall be
1351 considered abandoned:
- 1352 a. When the intent of the owner to discontinue the use is apparent; or
1353 b. When the characteristic equipment and the furnishings of the nonconforming use have
1354 been removed from the premises and have not been replaced by similar equipment
1355 within one year, unless other facts show intention to resume the nonconforming use; or
1356 c. When the building remains vacant for 12 consecutive calendar months; or
1357 d. When it has been replaced by a conforming use; or
1358 e. When it has been changed to another use under permit from the board.
- 1359 8. *Displacement.* No nonconforming use shall be extended to displace a conforming use.
- 1360 9. *Unlawful use not authorized.* Nothing in this Chapter shall be interpreted as authorization for
1361 or approval of the continuance of the use of a structure or premises in violation of zoning
1362 regulations in effect at the time of the effective date of this Chapter.
- 1363 10. *District changes.* Whenever the boundaries of a district shall be changed so as to transfer an
1364 area from one district to another district of a different classification, the foregoing provisions
1365 shall also apply to any nonconforming uses existing therein.

1366 C. *Nonconforming lots.*

- 1367 1. If 2 or more lots-of-record or parts thereof or combinations of lots and portions of contiguous
1368 lots are in single ownership and if all or part of the lots do not meet the minimum buildable
1369 lot size requirement of the zoning district in which the land is located, the land involved shall
1370 be considered to be an undivided parcel for the purposes of the zoning and subdivision
1371 regulations and no portion of said parcel shall be used or sold which does not meet the
1372 minimum buildable lot size nor shall any division of the parcel be made which leaves
1373 remaining any lot with width, depth or area that does not meet the minimum buildable lot size
1374 of the district in which it is located.
- 1375 2. Where a lot has less area than the minimum required, was a lot-of-record in separate
1376 ownership from adjacent property as of June 18, 1996 and is currently a lot-of-record under
1377 separate ownership from any adjacent property, such lot may be used as a building site for a
1378 use permitted in the district within which the lot is located; provided, however, that the
1379 proposed development of the building site conforms with the yard setback requirements of
1380 the district in which it is located.
- 1381 3. When a substandard lot is used together with one or more contiguous lots for a single use or
1382 unified development, all of the lots so used, including any lots used for off-street parking,
1383 shall be considered a single lot for the purposes of these zoning regulations.
- 1384 4. It shall be a violation of this section to sell or convey ownership to another for any portion
1385 less than the entire parcel of land that is considered to be an undivided parcel by this Section.

- 1386 5. Any entity or individual applying for a building permit to develop a nonconforming lot or lots
1387 or portions of lots that do not meet the minimum buildable lot size requirements of the district
1388 in which it is located must provide certification from an attorney and/or adequate conveyance
1389 records or abstracts that establishes to the satisfaction of the Town:
- 1390 a. That the owner of the nonconforming lot or lots or portions of lots does not own any
1391 land adjacent to the nonconforming lot, lots or portions of lots proposed to be
1392 developed, and
- 1393 b. That the acquisition of the nonconforming lot, lots or portions of lots from another
1394 included all the contiguous land owned by the other at the time of acquisition, or the
1395 acquisition occurred prior to the enactment of the nonconforming lot provisions of this
1396 Section.
- 1397 6. Notwithstanding any other provisions in this Code, to the contrary, the owner of any 2
1398 contiguous lots of record, acquired prior to September 18, 1996, upon which there was and
1399 remains legally situated on either such lot a dwelling, the vacant lot may be sold without the
1400 necessity of re-subdivision approval by the Planning Commission. In such case neither lot
1401 shall measure less than 50 feet fronting a dedicated street by a depth of 120 feet.
- 1402 7. Notwithstanding any other provision in this Code, to the contrary, the owner of 3 contiguous
1403 lots of record all facing the same street, acquired prior to September 18, 1996, upon which
1404 there was and remains a building legally situated on the center lot, the remaining 2 lots on
1405 either side of such building may be sold without obtaining re-subdivision approval from the
1406 Planning Commission. In such an event, no lot shall have a street frontage of less than
1407 original lot size.
- 1408 8. Nothing contained in this Subsection shall in any manner affect the setback requirements of
1409 such lots.
- 1410 9. Proof of such required acquisition of lots shall be made to the satisfaction of the Planning and
1411 Zoning Director.

1412 **Sec. 9-214. – SUBDIVISION PROCEDURES**

1413 **Sec. 9-214.1. – General provisions.**

- 1414 A. *Jurisdiction and amendment.* Subdivision regulations provided for in this Section under the authority
1415 granted by the provisions of Act 139 of 1956, Louisiana Revised Statutes 33:101 – 120, as amended,
1416 govern all subdivisions of land within the corporate limits and police jurisdiction of the Town of
1417 Abita Springs. These subdivision regulations may be amended from time to time, subject to the
1418 Planning Commission holding a public hearing before adoption by the Town Council, including notice
1419 of the purpose, time, and place of the hearing by one publication in a newspaper of general circulation in
1420 the Town at least 10 days prior to the date of the hearing.
- 1421 B. *Authority.* Any owner of tracts, parcels, lots, or lots of record within the limits of the Town of Abita
1422 Springs wishing to improve or sell lots shall submit to the Planning Commission a plat of the
1423 subdivision which shall conform to the minimum standards set forth in these regulations. Failure of
1424 the Planning Commission to approve or disapprove a plat within 60 days shall be deemed approval
1425 by said Commission, unless the time for approval is extended by mutual consent of the applicant and
1426 the Planning Commission.
- 1427 C. *Signed and Recorded Final Plat Required.* No plat of a subdivision located within the Town of
1428 Abita Springs, shall be filed and recorded in the office of the Clerk and Recorder of St. Tammany
1429 Parish, Louisiana, and no subdivider may proceed with improvements or sale of lots in a subdivision

1430 unless the subject subdivision's final plat is approved by the Planning Commission and such
1431 approval entered in writing on the plat by the Chairman of the Planning Commission.

1432 **Sec. 9-214.2. – Supplemental conditions of subdivision approval.**

- 1433 A. *Fences and corner obstruction.* Refer to **Chapter 6 -Subdivision, Lot, and Block Standards** of
1434 this Part when subdivisions involve the development of street-facing rear lot lines for fence
1435 construction and landscaping minimum requirements.
- 1436 B. *Use of lots.* Refer to **Chapter 3 – Zoning Regulations** of this Part for minimum requirements for
1437 proposed land uses and associated site development standards.

1438 **Sec. 9-214.3. – Types of subdivision approval.**

- 1439 A. *Administrative review and approval.* The administrative procedure for the approval of subdivision
1440 plats enables the Planning Director to administratively review and approve subdivisions in
1441 accordance with requirements in **Section 9-215.4. – Administrative approval of subdivision**
1442 **plats**, upon review and signature of the Planning Director, -Mayor, and Planning Commission
1443 Chairman.
- 1444 B. *Minor subdivision review and approval.* Subdivisions creating 5 or less lots, and not involving:
1445 1. More than 5 acres,
1446 2. the creation of any new streets,
1447 3. or other infrastructure
1448 shall be considered a minor subdivision and may obtain final approval after one public hearing
1449 facilitated by the Planning Commission when all applicable requirements of the preliminary and
1450 final plat are met.
- 1451 C. *Major subdivision approval.* All subdivision requests not qualifying for administrative or minor
1452 review and approval shall be processed as a Major Subdivision application subject to review and
1453 approval of a Preliminary Plat, Construction Plans, and Final Plat in accordance with these
1454 subdivision regulations.

1455 **Sec. 9-214.4. – Administrative approval of subdivision plats.**

- 1456 A. *Criteria for administrative subdivision approval.* The Planning Director may administratively
1457 approve subdivision requests for the realignment or shifting of lot boundary lines, including
1458 removal, addition, alignment, or shifting of interior lot boundary lines, or the redesignation of lot
1459 numbers provided the application meets the following:
- 1460 1. Does not involve the creation of any new street or other public improvement;
1461 2. Does not involve more than 2 acres of land or 10 lots of record;
1462 3. Does not reduce a lot size below the minimum area or frontage requirements required by this
1463 Part; and
1464 4. Otherwise meets all the requirements of this Part.
- 1465 B. Administrative approval of subdivision plats may also apply to parcels of land where a portion has
1466 been expropriated or has been dedicated, sold or otherwise transferred to the Parish or Town, where
1467 leaving a severed portion of the original property requires a redesignation of a lot number and
1468 establishment of new lot boundary lines.

1469 C. *Application for administrative subdivision.* A request for an administrative subdivision shall be in
1470 writing, submitted by the owner(s) of the property. This application shall clearly set out the facts
1471 that show that the application meets the criteria required in this section. The application shall be
1472 signed by the owner(s) or his/her designee.

- 1473 1. The application shall include 6 original copies of a plat showing the subdivision applied for
1474 herein. Such plat shall be certified as true and correct by a registered Louisiana Land
1475 Surveyor.
- 1476 2. Such application shall be accompanied with a processing fee for such approval. This fee will
1477 be established by the Mayor.

1478 D. *Approval.*

- 1479 1. Upon determination by the Chairman of the Planning Commission for the Town of Abita
1480 Springs, Planning Director, and the Mayor of the Town of Abita Springs that the application
1481 and plat submitted under this section comply with its provisions, each shall sign the plat
1482 submitted.
- 1483 2. All plats approved as certified by an administrative procedure provided for herein, shall
1484 designate such fact on the plat and the plat shall be recorded in the conveyance records of the
1485 Parish of St. Tammany. The legal effect of such a plat shall not occur until such recordation.
1486 Any plat so approved shall have the same force and effect and legal status of a subdivision
1487 application approved by the Planning Commission.

1488 **Sec. 9-214.5. – Engineering and legal fees.**

1489 A fee schedule shall be as provided by a Resolution adopted by the Board of Aldermen for the
1490 Town of Abita Springs. Such fee schedule shall accurately reflect the actual cost of engineering and
1491 attorneys' fees incurred for the service provided. Such fee schedules shall be made available to the public
1492 as provided in such Resolution.

1493 **Sec. 9-214.6. – Procedure for plat approval, Minor and Major.**

1494 A. *Pre-application consideration.*

1495 Whenever any subdivision of a tract of land is proposed to be made, the subdivider or the agent
1496 shall present the project to the Abita Springs Planning Commission prior to submitting the
1497 preliminary plat at a work session of the Commission.

1498 B. *Procedure for preliminary and final plat approval.*

- 1499 1. After the pre-application conference, the subdivider shall cause to be prepared a preliminary
1500 plat, together with improvements, plans and other supplementary material specified herein.
- 1501 2. The procedure for review and approval of a subdivision plat consists of 5 separate steps:
 - 1502 a. The preparation and submission to the Abita Springs Planning Commission of a
1503 preliminary plat of the proposed subdivision.
 - 1504 b. The preparation of plans and specifications showing all required improvements.
 - 1505 c. Construction of all proposed improvements in conformity with approved plans and
1506 specifications and inspection and approval of said improvements, to the point being at
1507 least 95 percent complete and meeting all applicable standards of this Code.
 - 1508 d. The posting of a maintenance bond in an amount sufficient to cover any costs which
1509 might be incurred by the Town for the maintenance and/or repair of the required
1510 improvements for a period of 2 years after completion.

1511 e. The preparation and submission of the final plat together with required certificates to
1512 the Abita Springs Planning Commission. This final plat becomes the instrument to be
1513 recorded in the office of the Clerk of Court, St. Tammany Parish, when duly signed by
1514 the Chairman of the Abita Springs Planning Commission.

1515 C. *Preliminary plat requirements.*

1516 1. At least 31 calendar days prior to the meeting at which it is to be considered, the subdivider
1517 shall submit for review to the Town Planner and the Abita Springs Planning Commission 3
1518 copies of the Preliminary Plat of the Proposed subdivision drawn to a scale of not less than 1
1519 inch equals 100 feet.

1520 2. The preliminary plat and plans for construction of public improvements shall include the
1521 following information.

1522 a. The subdivision name, the names and addresses of the Owners and the designer of the
1523 plat, and the names and addresses of persons to whom the notice hereinafter provided
1524 for shall be sent.

1525 b. Date, approximate north arrow, and a graphic scale.

1526 c. The location of existing and platted property lines, streets, buildings, water courses,
1527 railroads, sewer, bridges, culverts, drainpipes, water mains and any public utility
1528 servitudes, both on the land subdivided, and, on the adjoining land, the names of
1529 adjacent subdivisions and the names and addresses of record owners of adjoining
1530 parcels of land as they appear on the current tax records.

1531 d. The names, locations, widths, and other dimensions of proposed streets, alleys,
1532 servitude, parks and other green spaces, reservations, lot lines, and building lines.

1533 e. Preliminary sketch plans or proposed utility layouts (sewer, water, gas (when available
1534 and electricity) showing feasible connections, where possible, to existing and proposed
1535 utility systems.

1536 f. Contour intervals to sea level datum of not more than 1 foot. Show spot elevation of all
1537 breaks in grades along drainage channels or swales and at selected points not more than
1538 100 feet apart in all directions.

1539 g. If any portion of the land being subdivided is below flood elevation as indicated on the
1540 map adopted by the Federal Emergency Management Agency in their flood insurance
1541 program, the limits of such flood shall be shown.

1542 h. Typical cross-sections of the proposed grading and roadways sidewalks and
1543 topographic conditions drawn to a scale of not less than 1 inch equals 100 feet
1544 horizontal and 1 inch equals 20 feet vertical.

1545 i. The acreage of the land to be subdivided.

1546 j. Vicinity map showing location of subdivision site.

1547 k. The width and location of any existing street or other public ways and places within
1548 300 feet of the proposed subdivision.

1549 l. A wetlands determination which shows that area is designated as wetlands or non-
1550 wetlands under the regulatory jurisdiction of the U.S. Corp of Engineers.

1551 m. Those areas that would be inundated as a result of a 10-year storm and also a 25-year
1552 storm as defined in **Chapter 6 -Subdivision, Lot, and Block Standards** of this Part.

- 1553 n. A plat plan that shows compliance with the Town's tree and landscape standards in
1554 **Sec. 9-304 – Development Standards** in this Part.
- 1555 o. A drainage study.
- 1556 p. An erosion control and sedimentation plan.
- 1557 q. School board statement. In addition to all other requirements set forth in this chapter
1558 for obtaining approval for the construction of any new subdivisions within the Town of
1559 Abita Springs any person, firm, or corporation seeking approval and/or permitting of
1560 any new subdivision development within the jurisdiction of the Town of Abita Springs
1561 shall first obtain from the offices of the St. Tammany Parish School Board an official
1562 statement of the current capacities and enrollment of those present facilities and the
1563 capacities and expected completion dates of those planned, funded school facilities (if
1564 any) which will provide educational services for the students who reside in the Town of
1565 Abita Springs which statement shall be submitted to the town with all other required
1566 documents. This statement shall be considered as a factor in the decision-making
1567 process for such approval/permitting process before any such approval/permit shall be
1568 granted.
- 1569 r. A review of the Abita Springs Law Enforcement Department shall be conducted and
1570 shall issue a statement to the Mayor to address additional officers and equipment,
1571 including vehicles needed, for patrol, protection, and safety of the future subdivision
1572 residents and the safety impact, including traffic impact in the Town of Abita Springs.
- 1573 3. A Public Hearing will thereafter be conducted, after which the Planning Commission will
1574 review and indicate approval, disapproval, or tentative approval with conditions. In making
1575 its decision to approve, deny, defer, or modify a plat, the Planning Commission shall consider
1576 recommendations from the Planning Director and Town Engineer as to whether the proposed
1577 plat is in conformance with the Master Plan, as well as input from the public made available
1578 via the public hearing. If a plat is disapproved, reasons for such disapproval shall be stated in
1579 writing. If approved subject to conditions, the nature of the required conditions shall be
1580 indicated in writing. Any plats submitted to the Planning Commission shall contain names
1581 and addresses of the persons to whom notice of the hearing shall be sent; and no plat shall be
1582 acted on by the Planning Commission without affording a hearing thereon. Notice shall be
1583 sent to said addresses by registered mail with the time, date and place of such hearing not less
1584 than 5 days before the date fixed, therefore. Similar notice shall be mailed to owners of land
1585 immediately adjoining the platted land as their names appear upon the parish assessment
1586 rolls.
- 1587 4. *Minor subdivisions.* Minor Subdivisions may obtain final approval after the initial hearing
1588 provided for in this Section. In such cases, all requirements of these regulations and the
1589 Town's Code of Ordinances must be met, except where deviations or variances are
1590 authorized, and the preliminary and final plat approval shall be considered together. Should
1591 the Planning Commission approve the proposed minor subdivision in one hearing, the
1592 resultant plat shall be considered the final plat and recorded in accordance with the
1593 requirements for final plat.
- 1594 5. One copy of the preliminary plat will be retained in the Planning Commission files; one copy
1595 shall be returned to the subdivider with any notations at the time of approval or disapproval
1596 and the specific changes if any required; and one copy shall be transmitted to the Town's
1597 Engineer.
- 1598 6. The approval of the preliminary plat by the Planning Commission shall be revocable and
1599 shall not be entered on the preliminary plat.

- 1600 7. Approval of the preliminary plat shall lapse unless a final plat based thereon is submitted
1601 within 12 months from the date of such approval, unless an extension of time is applied for
1602 and granted by the Planning Commission.
- 1603 D. *Plans and specifications of proposed improvements.*
- 1604 1. At least 31 days prior to the meeting at which it is to be considered, the subdivider shall
1605 submit for review to the Town Planner, Town Engineer, and Planning Commission, 6 sets of
1606 complete construction plans and specifications for all proposed improvements to be
1607 constructed.
- 1608 2. Plans and specifications for all proposed improvements shall require the approval of the
1609 Town's Engineer, the Planning Commission, and the Louisiana Department of Health before
1610 commencing construction.
- 1611 E. *Construction of project.*
- 1612 1. All materials for construction of the project shall be submitted to the Town's Engineer for
1613 approval.
- 1614 2. Subdivider shall submit in writing monthly progress reports to the Town Engineer regarding
1615 the construction of improvements.
- 1616 3. All required tests shall be made in the presence of the Town's Engineer at the expense of the
1617 developer. Only testing laboratories certified in the required testing, demonstrated as part of
1618 the testing submittal, and at the expense of the Subdivider shall be considered.
- 1619 4. Three (3) sets of as-built drawings for all utilities and showing exact location of mains,
1620 services, and all other proposed infrastructure improvements, shall be furnished to and
1621 reviewed by the Town's Engineer before the Planning Commission considers final
1622 acceptance of the subdivision.
- 1623 F. *Final requirements.*
- 1624 1. The final plat shall conform to the preliminary plat as approved; and may constitute only a
1625 portion of the approved preliminary plat if project phasing was addressed as part of
1626 preliminary approval, provided, however, that such portion conforms to all requirements of
1627 these regulations.
- 1628 2. At least 21 calendar days prior to the meeting at which it is to be considered, the subdivider
1629 shall submit 6 sets of the final plat. The final plat shall be drawn on sheets 24 inches by 36
1630 inches and shall be at a scale of 100 feet to 1 inch or larger. Where necessary, the plat may be
1631 on several sheets accompanied by an index sheet showing the entire subdivision.
- 1632 3. A public hearing will thereafter be held, after which the Planning Commission will review
1633 and indicate approval, disapproval or tentative approval with conditions. No final approval
1634 will be granted until the Town Engineer has approved construction as 100 percent or
1635 substantially complete with deposit, and all review and inspection service fees have been paid
1636 in full.
- 1637 4. When the final plat has been approved by the Planning Commission, copies shall be
1638 distributed as follows:
- 1639 a. One (1) approved copy to the subdivider for his records.
- 1640 b. One (1) copy retained by the Planning Commission.
- 1641 c. One (1) copy to St. Tammany Parish Tax Assessor's Office.
- 1642 d. One (1) copy to the St. Tammany Parish Health Unit.

- 1643 e. One (1) copy with the certification thereon for filing with the St. Tammany Parish
1644 Clerk of Court's Office as the official plat which must be filed within 90 calendar days,
1645 otherwise, such approval shall be voided.
- 1646 f. One (1) copy to the Town's Engineer.
- 1647 5. The Planning Commission shall approve or disapprove this final plat within 60 calendar days
1648 after its submission. In making its decision to approve, deny, defer, or modify a plat, the
1649 Planning Commission shall consider recommendations from the Planning Director and Town
1650 Engineer as to whether the proposed plat is in conformance with the Master Plan, as well as
1651 input from the public made available via the public hearing. Failure by the Planning
1652 Commission to act on this final plat within these 60 days shall be deemed approval of it. The
1653 parties may agree to an extension of such 60 day period. If the plat is disapproved, the
1654 grounds for disapproval shall be stated upon the record of the Planning Commission in
1655 writing.
- 1656 6. The final plat shall show:
- 1657 a. Primary control points, or descriptions and "Ties" to such control points, to which all
1658 dimensions, angles, bearings, and similar data on the plat shall be referred.
- 1659 b. Tract boundary lines, right-of-way lines of streets, servitudes and other rights-of-way
1660 and property lines of residential lots and other sites with accurate dimensions, bearings
1661 or deflection angles, and radii, arcs, and central angles of all curves.
- 1662 c. Name and right-of-way width of each street or other right-of-way.
- 1663 d. Location, dimensions and purpose of any servitude.
- 1664 e. Number to identify each lot or site.
- 1665 f. Minimum building set back line on all lots and other sites.
- 1666 g. If any portion of the land being subdivided is below the elevation of flood as indicated
1667 on the map adopted by the Federal Emergency Management Administration in their
1668 flood insurance program, the limits of such flood shall be shown.
- 1669 h. Location and description of monuments. Permanent reference monuments shall be
1670 shown thus: ☐ All corner lot markers shall be permanently located and show thus: "0"
1671 and located in the ground to the existing grade. Permanent reference markers are to
1672 reference the Louisiana State Plane Coordinate System.
- 1673 i. Names of record owners of adjoining unplatted lands.
- 1674 j. Names and addresses of persons to whom notice of public hearing shall be sent.
- 1675 k. Reference to recorded subdivision plats of adjoining platted land by record name, date
1676 and number.
- 1677 l. Title, scale, north arrow and date.
- 1678 m. Any zoning districts shown on any official zoning map of the Town of Abita Springs.
- 1679 n. All items required under preliminary approval.
- 1680 7. The following certificates shall be recorded on the final plat:
- 1681 a. Certificate showing the applicant is the landowner and dedicates streets, rights- of-
1682 ways, and any sites for public use.

- 1683 b. Certificate by a Louisiana licensed and registered surveyor or engineer certifying to
1684 accuracy of survey and plat.
- 1685 c. Certification by the parish health officer of sewerage and water systems.
- 1686 d. Certification by Town's Engineer and Town Clerk prior to the approval of the plat that
1687 the subdivider has complied with one of the following alternatives:
- 1688 i. Installation of all improvements in accordance with requirements of these
1689 regulations, or
- 1690 ii. Posting of cash deposit in an amount 3 times the Town Engineer's estimate for
1691 project completion to assure completion of all required improvements. For any
1692 cash deposit rendered in lieu of a 100 percent complete project, there shall be
1693 submitted with the plat a certificate by the Town's Engineer as to the sufficiency
1694 of the amount deposited.
- 1695 iii. Posting of a performance bond or a letter of credit approved by the Town
1696 Attorney, in an amount which is 3 times the cost of completion of the necessary
1697 improvements as certified in writing by the Town Engineer, whereby the required
1698 improvements may be made and utilities installed without any costs to the Town.
1699 The engineering and attorney fees required in this subsection shall be paid by the
1700 developer prior to final approval.
- 1701 iv. The deposit will be refunded in full upon completion of the deficiencies in the
1702 required improvement or shall be forfeited if said improvements are not
1703 completed. If a bond or letter of credit has been posted in lieu of a cash deposit,
1704 such shall be called by the Town. The Town may assume the responsibility of
1705 project completion.
- 1706 v. That there exists no liability on the part of the developer for damage done to
1707 public property during construction.
- 1708 e. Certification of the Town Engineer that all necessary plans have been submitted and
1709 construction done in compliance with Chapter 6 - Subdivision, Lot, and Block
1710 Standards of this Part.
- 1711 f. Certification by Town's Engineer and Town Clerk of Abita Springs prior to approval of
1712 the plat that a maintenance bond in an amount sufficient to cover any costs which
1713 might be incurred by the Town for the maintenance and/or repair of the required
1714 improvements for a period of 2 years after completion has been furnished by the
1715 developers and accepted by the Planning Commission.
- 1716 g. Certification of approval to be signed by the Chairman of the Planning Commission.
- 1717 8. No building permit for any improvements on lots to be sold shall be issued for the
1718 development until the project is 100 percent completed, upon acknowledgement by the Town
1719 Engineer.

1720 **Sec. 9-214.7. – Penalties.**

- 1721 A. *Penalties.* Whoever, being the owner or agent of the owner of any land located within a subdivision
1722 transfers or sells or agrees to sell any land by reference to or exhibition or by other use of a plat of
1723 subdivision before such plat has been approved by the Planning Commission and recorded or filed
1724 in the office of the Clerk of Court of the Parish, shall forfeit and pay a penalty of five hundred (500)
1725 dollars for each lot or parcel so transferred or sold or agreed to be sold; and the description of such
1726 lot or parcel by metes and bounds in the instrument of transfer or other document used in the

1727 process of selling or transferring shall not exempt the transaction from such penalties herein
1728 provided.

1729 Should any property be sold in violation of these regulations, each day that the land remains in the
1730 name of any unauthorized buyer in the records of the Clerk of Court for the Parish of St. Tammany
1731 shall constitute a separate offense.

1732 Further, the municipality may enjoin such transfer, sale or agreement by suit for injury brought in
1733 any court of competent jurisdiction or may recover the penalty by a civil action in any court of
1734 competent jurisdiction.

1735 B. *Improvements and unapproved streets.* The Town shall not accept, layout, open, improve, grade,
1736 pave, curb, or light any street or authorize any water mains, sewers, or utility connections in any
1737 street within any portion of territory for which the Abita Springs Planning Commission has adopted
1738 a Major Street Plan except as provided for under Louisiana Act. No. 139, of 1956, R.S. 33, Section
1739 115, as amended.

1740 **Sec. 9-214.8. – Validity, short title, effective date and repeal of conflicting ordinances.**

1741 A. *Validity.*

1742 1. Should any section or provision of these subdivision regulations be declared as invalid by a
1743 court of competent jurisdiction, that decision shall not affect the validity of the subdivision
1744 regulations as a whole or any part thereof, other than the part so declared to be invalid.

1745 2. Should a zoning regulation or other standard adopted and made a part of the Town of Abita
1746 Springs Code of Ordinances conflict with a standard, procedure, or similar minimum
1747 requirement prescribed in these subdivision regulations, the more restrictive shall apply.

1748 B. *Short title.* These regulations, duly adopted via resolution of the Planning Commission, may be
1749 cited and otherwise referred to as the “Abita Springs Subdivision Regulations.”

1750 C. *Intentions.* It is not the intent of the Planning Commission through its adoption of these standards
1751 and proceedings to repeal, abrogate, annul or in any way impair or interfere with existing provisions
1752 of other laws or ordinances, or with private restrictions placed upon the property by covenant, deed
1753 or other private agreement, or with restrictive covenants running with the land to which the Town is
1754 a party.

1755 **Sec. 9-215. – REVOCATION, ABANDONMENT, SALE, EXCHANGE, OR OTHER**
1756 **DISPOSITION OF PUBLIC STREETS AND RIGHTS-OF-WAY**

1757 A. *Purpose.* The purpose of this section is to establish a uniform procedure for the revocation,
1758 abandonment, sale, exchange, or other disposition of public streets, alleys, and public rights-of-way
1759 that are no longer needed for present or reasonably foreseeable public purposes. The Town reserves
1760 the authority to retain any servitudes, easements, or rights necessary to protect existing or future
1761 public infrastructure, drainage facilities, utilities, access, or other municipal services.

1762 B. *Application.* An application for the revocation, abandonment, sale, exchange, or other disposition of
1763 a public street, alley, or right-of-way may be submitted by any adjacent property owner or any
1764 person or entity that demonstrates a direct ownership interest in property abutting or directly
1765 benefiting from the subject right-of-way.

1766 The application shall be submitted to the Planning and Zoning Department and shall include, at a
1767 minimum:

1768 1. A completed application on forms provided by the Town.

- 1769 2. A survey and legal description sufficient to identify the property proposed for revocation or
1770 disposition.
- 1771 3. Payment of all applicable application fees established by the Mayor.
- 1772 4. Any additional information reasonably required by the Planning and Zoning Department,
1773 Town Engineer, or Town Attorney to evaluate the request.
1774
- 1775 C. *Staff Review.* The Planning and Zoning Department shall coordinate review of the application by
1776 the Town Engineer, Public Works Department, affected utility providers, and any other public
1777 agencies or departments deemed necessary.
- 1778 The Planning and Zoning Department, in consultation with the Town Engineer and affected utility
1779 providers, shall determine whether:
- 1780 1. The application is complete.
- 1781 2. The proposed revocation, abandonment, sale, exchange, or other disposition can reasonably
1782 be considered without materially impairing municipal infrastructure, public utilities, drainage
1783 facilities, public access, or municipal operations.
- 1784 3. The right-of-way is needed for current or reasonably foreseeable public purposes.
- 1785 4. Any public servitudes or easements should be retained to protect existing or future public
1786 infrastructure.
- 1787 5. The application should be approved, approved with conditions, or denied.
- 1788 Following its review, the Planning and Zoning Department shall prepare a written recommendation
1789 for consideration by the Board of Aldermen. The Board of Aldermen shall retain final authority to
1790 approve, conditionally approve, or deny the application by ordinance in accordance with this
1791 section and applicable Louisiana law.
- 1792 D. *Public Hearing.* Prior to adoption of an ordinance revoking, abandoning, selling, exchanging, or
1793 otherwise disposing of a public street or right-of-way, the Board of Aldermen shall conduct a public
1794 hearing at a regularly scheduled meeting. Notice of the public hearing shall be provided in
1795 accordance with applicable Louisiana law.
- 1796 The Board of Aldermen may refer any application to the Planning Commission for review and
1797 recommendation when deemed appropriate.
- 1798 E. *Standards for Approval.* The Board of Aldermen may approve an application upon finding that:
- 1799 1. The public street, alley, or right-of-way is no longer needed for present or reasonably
1800 foreseeable public purposes.
- 1801 2. The proposed action will not adversely affect public access, emergency services, traffic
1802 circulation, drainage, utilities, municipal operations, or adjacent property owners.
- 1803 3. Any necessary public servitudes, easements, or rights have been adequately reserved to protect
1804 the public interest.
- 1805 F. *Action by Ordinance.* Following the public hearing and consideration of the staff recommendation,
1806 the Board of Aldermen may, by ordinance:
- 1807 1. Approve the application as submitted.
- 1808 2. Approve the application with conditions.
- 1809 3. Approve a partial revocation or disposition.

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

5. Deny the application.

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

1. Existing or future public utilities.

2. Drainage facilities or stormwater infrastructure.

3. Public access.

4. Existing or future municipal infrastructure.

5. Any other public purpose authorized by Louisiana law.

Any reserved servitude shall be specifically described in the approving ordinance.

H. *Disposition of Property.* Following revocation, abandonment, or other disposition, the property may be sold, exchanged, transferred to adjoining property owners, dedicated to another public purpose, or otherwise disposed of in accordance with Louisiana law.

The Board of Aldermen may require the revoked property to be merged into or assimilated with adjoining property in accordance with applicable law.

I. *Costs.* The applicant shall be responsible for all reasonable costs incurred by the Town in processing the application, including but not limited to surveys, appraisals, when required, legal descriptions, publication costs, recording fees, engineering review, attorney's fees, when applicable, any other administrative or professional expenses reasonably incurred in evaluating or processing the request.

J. *Effect of Revocation.* Unless otherwise provided in the approving ordinance or required by Louisiana law, title to any revoked public street, alley, or right-of-way shall vest in the adjoining property owners in accordance with applicable Louisiana law and shall thereafter be subject to the zoning, subdivision, and land development regulations of the Town of Abita Springs.

Excerpt from Table 9-201.1.

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

CHAPTER 3 – ZONING REGULATIONS

Sec. 9-301. – INTRODUCTORY PROVISIONS

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

A. By virtue of the authority conferred by R.S. 33:4721 et seq., 1950, and other constitutional and statutory authority supplemental thereto, the zoning rules and regulations in this Chapter are

1842 enacted. This Chapter shall be known and may be cited as the "Zoning Ordinance of the Town of
1843 Abita Springs, Louisiana" or the "Town zoning regulations."

- 1844 B. Pursuant to this, the Town is hereby divided into zoning districts. The boundaries of these districts
1845 are hereby established as shown on a map entitled "Town of Abita Springs, Louisiana, Official
1846 Zoning Map" as last amended and on file in the Town Hall and is hereby incorporated by reference
1847 and made a part of this Chapter.

- 1848 C. The provisions of this Chapter are the minimum requirements to develop any land in the Town and
1849 are adopted to protect the public's health, safety and welfare in the Town of Abita Springs.

1850 **Sec. 9-301.2. – Interpretation and effect of regulations.**

- 1851 A. This Chapter does not-repeal, abrogate, annul or in any way impair or interfere with existing
1852 provisions of other laws or ordinances, except those specifically repealed by this Chapter, or with
1853 private restrictions placed upon property by covenant, deed or other private agreement, or with
1854 restrictive covenants running with the land to which the Town is a party. Where this Chapter
1855 imposes a greater restriction upon land, buildings or structures than is imposed or required by
1856 existing provisions of law, ordinance, contract or deed, the provisions of this Chapter shall control.

- 1857 B. This Chapter is applicable to the following:

- 1858 1. *Conformity of building, and land.* No building, structure, or premises shall be used or
1859 occupied, and no building or part thereof or other structure shall be erected, raised, moved,
1860 placed, reconstructed, extended, or enlarged, or altered except in conformity with the
1861 regulations herein specified for the zoning district, as shown on the official zoning map, in
1862 which it is located;
- 1863 2. *Conformity of buildings.* No building, structure, or premises shall be erected, altered, or used
1864 so as to produce smaller yards or less unoccupied area, and no building shall be occupied by
1865 more families than prescribed for the building, structure, or premises for the district in which
1866 it is located;
- 1867 3. *Conformity of open spaces.* No yard, court, or open space, or part thereof, shall be included as
1868 part of the yard, court or open space similarly required for any other building, structure, or
1869 dwelling under this Chapter.

- 1870 C. Where uncertainty exists with respect to the boundaries of any zoning district shown on the official
1871 zoning map, the following rules shall apply:

- 1872 1. *Where boundaries approximately follow streets, alleys or highways.* Where district
1873 boundaries are indicated as approximately following the centerline of streets, alleys, or
1874 highways, the lines shall be construed to be the district boundaries.
- 1875 2. *Where boundaries parallel street lines, alley lines or highway right-of-way lines.* Where
1876 district boundaries are so indicated that they are approximately parallel to the centerlines of
1877 streets, of alleys, or the right-of-way lines of highways, the district boundaries shall be
1878 construed as being parallel thereto and at the distance therefrom as indicated on the official
1879 zoning map. If no distance is given, the dimension shall be determined by the use of the scale
1880 shown on the official zoning map.
- 1881 3. *Where boundaries approximately follow lot lines.* Where district boundaries are indicated as
1882 approximately following lot lines, the lot lines shall be construed to be the boundaries.
- 1883 4. *Where the boundary follows a railroad line.* Where the boundary of a district follows a
1884 railroad line, the boundary shall be located midway between the main tracks of the railroad
1885 line.

- 1886 5. *Where the boundary follows a body of water.* Where the boundary of a district follows a
1887 stream, or other body of water, the boundary line shall be construed to be at the limit of the
1888 jurisdiction of the municipality unless otherwise indicated.
- 1889 6. *Submerged areas not included in the district.* All areas within the Town corporate limits that
1890 are under water and not shown as included within any district shall be subject to all of the
1891 regulations of the district which immediately adjoins the water area. If the water area adjoins
1892 2 or more districts the boundaries of each district shall be construed to extend into the water
1893 area in a straight line until they meet the other district.
- 1894 7. *District regulations apply to schools, parks, etc.* Any areas shown on the official zoning map
1895 as park, playground, school, cemetery, water, street, or right-of-way shall be subject to the
1896 zoning regulations of the district in which they are located. In case of doubt, the zoning
1897 regulations of the most restrictive adjoining district shall govern.
- 1898 8. *Property annexed.* In every case where property has become a part of the Town by
1899 annexation, the property shall automatically be classed as being zoned Conservation
1900 Residential (CR) District until the classification is changed by an amendment to this Chapter
1901 as provided by law.
- 1902 9. *Vacation of public ways.* Whenever any street alley, or other public way is vacated in the
1903 manner authorized by law, the zoning district adjoining each side of the street, alley, or public
1904 way shall automatically extend to the center of the area be subject to all regulations of the
1905 extended district.
- 1906 10. *Split zone properties.* Where a lot of record is bisected by 2 or more zoning districts, the
1907 district that occupies the most area shall apply. Where a lot of record is evenly split between
1908 2 or more zoning districts, the more restrictive district shall apply. Any land area or building
1909 within the Historic Overlay district is subject to the HTO requirements, regardless of if the
1910 overlay is on a minority percentage of the lot.

1911 **Sec. 9-302. – ZONING DISTRICTS**

1912 **Sec. 9-302.1 – Residential zoning districts.**

1913 The Residential Districts in the Town include:

1914 Conservation Residential District (CR)

1915 Neighborhood Residential District (NR)

1916 Traditional Residential District (TR)

1917 Townhouse Residential District (THR)

1918 Multifamily Residential District (MR)

1919 **Sec. 9-302.1.1 – District land use summary and applicable use standards.**

1920 A. **Table 9-302.1.1.1.** shows permitted, conditional, or prohibited uses across all residential districts
1921 mapped in the Town, where:

- 1922 1. "P" indicates a permitted use.
- 1923 2. "C" indicates a conditional use. Conditional uses must be approved by the Zoning
1924 Commission in accordance with the standards and procedures set forth in this Code.
- 1925 3. "—" indicates a prohibited use.

- 1926 B. When a land use is not specifically listed, the Planning Director may, in accordance with best
 1927 planning practice, permit a similar use and utilize the rules and standards associated with that listed
 1928 land use, provided the land uses are demonstrably similar in their land use activity and impacts.

Table 9-302.1.1.1. – Use Table for Residential Districts.					
USE	ZONING DISTRICTS				
	CR Conservation	NR Neighborhood	TR Traditional	THR Townhouse	MR Multifamily
RESIDENTIAL USES					
Single-family dwelling	P	P	P	P	P
Group home	C	C	C	P	P
Duplex	—	—	—	P	P
Townhouse	—	—	—	P	P
Multi-family dwelling	—	—	—	—	P
“Container homes” or structures using a shipping container as a dwelling unit	—	—	—	—	—
Mobile homes or manufactured homes	—	—	—	—	—
Modular homes	P	P	—	—	—
Recreational vehicles used for long term housing as a residential unit	—	—	—	—	—
USE	Zoning Districts				
	CR Conservation	NR Neighborhood	TR Traditional	THR Townhouse	MR Multifamily
OTHER USES					
Accessory dwelling unit	P	P	P	P	P
Accessory structure	P	P	P	P	P
Bed and breakfast	P	P	P	—	P
Childcare center	P	P	P	P	P
Church or house of worship	P	P	P	P	P
EV charging stations - level 1 & level 2	P	P	P	P	P
EV charging stations - level 3	C	C	P	P	P
Fishing, forestry, wildlife preserve	P	—	—	—	—
Garden or agriculture	P	P	P	P	P
Government or public safety facilities and services such as fire stations, police stations, and similar uses	P	P	P	P	P
Home occupation	P	P	P	P	P
Long-term open-air retail sales	—	—	—	—	—
Museums, libraries, parks, playgrounds, community centers	P	P	P	P	P
Livestock*	P	P	P	P	P
Outdoor recreational facilities including golf courses, tennis courts, or a community pool	P	P	P	P	P

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

USE	ZONING DISTRICTS				
	CR Conservation	NR Neighborhood	TR Traditional	THR Townhouse	MR Multifamily
Public and private utilities such as electric transformer stations, natural gas, water, stormwater, and sewer system components (not including telecommunications towers)	P	P	P	P	P
Rehabilitative care center	C	—	—	—	—
Residential nursing homes, assisted living facilities, or similar facilities	P	P	P	P	P
School	P	P	P	P	P
Short-term rental	C	C	C	C	C
Temporary seasonal uses	—	—	—	—	—
Temporary retail sales, “pop-up markets,” food sales, and outdoor events	P	P	P	P	P
Timber harvesting	P	—	—	—	—

1929 C. **Sec. 9-303. – Use Standards** apply to all uses, unless specifically noted otherwise in this Section.

1930 *Chickens, roosters, peacocks, and other birds are not included in the definition of livestock and
1931 are permitted on all sites.

1932 **Sec. 9-302.1.2 - Dimensional lot standards summary.**

1933 Lots in the residential districts shall follow the dimensional table below; however, where
1934 individual on-site sewerage is authorized in lieu of municipal sewer service, lots must maintain a
1935 minimum lot size of 2 acres and a minimum frontage (or lot width) of 125 feet regardless of the
1936 underlying zoning district designation, as per Part 3 – Health and Sanitation, Chapter 5. –
1937 Sewerage Treatment Required, Sec. 3-504. – Community sewerage system required, of the Code
1938 of Ordinances of the Town of Abita Springs.

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1952 **Table 9-302.1.2.1. – Dimensional Table for Residential Districts.**

Dimensional Requirement	Districts				
	CR Conservation	NR Neighborhood	TR Traditional	THR Townhouse	MR Multifamily
Min. lot area¹	2 acres	10,800 sqft	7,200sqft	3,000 sqft/unit	10,800sqft
Max. lot coverage (with buildings and impermeable pavement)²	60%	50%	50%	60%	60%
Min. interior living space per unit	—	—	—	900 sqft	—
Min. lot width (feet)¹	125	90	60	Sublot width of 20 feet	90
Min. lot depth (feet)	—	120	120	—	120
Min. front yard setback (feet)	30	30	10	20	30
Min. rear yard setback	25	25	20% of the lot depth or 25 ft, whichever is greater	20% of the lot depth or 25 ft, whichever is greater	20% of the lot depth or 25 ft, whichever is greater
Min. side yard setbacks	2 side yards, min. 20 ft each	2 side yards, min. 10 ft each, min. 40 ft when added together	2 side yards, min. 5 ft each, min. 20 ft when added together	0 ft. between townhouse units with a firewall For all other sides: 2 side yards, min. 10 ft each, min. 40 ft when added together	2 side yards, min. 10 ft each, min. 40 ft when added together
Min. primary building setback	20 ft from neighboring structures	20 ft from neighboring structures	10 ft from neighboring structures	Townhouse buildings and related structures: min. 25 ft from any other structure Single-family dwellings: 5 ft from each side of the property line creating 10 ft between buildings	20 ft from neighboring structures
Minimum corner side yard	Combined 40 ft – min. of 20 ft width for the side yard facing the street	20 ft per street facing side yard	Combined 20 ft in width, min. of 10 ft for the side yard facing the street	20 ft. width on the side facing the street	20 ft. width on the side facing the street
Driveway setback	Min. 5 ft from all property lines that are parallel to the driveway	Min. 5 ft from all property lines that are parallel to the driveway	Min. 5 ft from all property lines that are parallel to the driveway	Min. 5 ft from all property lines that are parallel to the driveway	Min. 5 ft from all property lines that are parallel to the driveway

1953 1. Where individual on-site sewerage is authorized in lieu of municipal sewer service, lots must maintain a minimum
1954 lot size of 2 acres and a minimum frontage (or lot width) of 125 feet regardless of the underlying zoning district
1955 designation, as per Part 3 – Health and Sanitation, Chapter 5. – Sewerage Treatment Required, Sec. 3-504. –
1956 Community sewerage system required, of the Code of Ordinances of the Town of Abita Springs.

1957 2. Lot coverage shall be calculated by subtracting the total area of building footprint and impermeable pavement
1958 from the total lot area. Gravel, stone pavers with gaps of at least 3 inches in width, or permeable pavement shall be
1959 considered equivalent to unpaved area.

1960 **Sec. 9-302.1.3. – Conservation Residential (CR).**

1961 A. *Purpose.* The purpose of the Conservation Residential (CR) district is to maintain the Town’s rural
1962 character, conserve natural areas, limit development in floodplains, and enhance and protect

- 1963 environmental quality. District regulations limit commercial activities, require lower density
1964 residential development patterns, and permit land uses including fishing, forestry, wildlife
1965 preserves, and single family detached homes.
- 1966 B. Permitted uses, conditional uses, and prohibited uses in the CR district shall follow the table in **Sec.**
1967 **9-302.1. – District land use summary and applicable use standards.**
- 1968 C. Minimum lot area, dimensions, and yards in the CR district shall follow the table in **Sec. 9-302.2. –**
1969 **Dimensional Lot Standards Summary.**
- 1970 D. All uses of land and structures in the CR district shall be subject to the following standards:
- 1971 1. *Flood zones.* Construction of any structures or alteration of land which occurs in the 100-year
1972 flood zone as established by the Federal Emergency Management Agency shall comply with
1973 floodplain management requirements of this Code prior to issuance of a building permit.
- 1974 2. Land clearing and tree preservation shall be subject to the Tree Removal and Timber
1975 Harvesting requirements of this Code.
- 1976 3. *Utilities.*
- 1977 a. *Sewer.* On lots without central sewerage facilities, an individual sewer system must
1978 meet Department of Health and Human Resources standards and be approved by the St.
1979 Tammany Parish Health Department.
- 1980 b. *Water.* On lots without central water facilities, any well must be 50 feet from any sewer
1981 disposal unit.
- 1982 4. *Use standards.* All uses allowed in this district, including conditional uses, are subject to the
1983 use requirements in **Sec. 9-303. – Use Standards** of this Code.
- 1984 5. *Development standards.* All structures and sites are subject to **Sec. 9-304 – Development**
1985 **standards** of this Code.

1986 **Sec. 9-302.1.4. – Neighborhood Residential (NR).**

- 1987 A. *Purpose.* The Neighborhood Residential (NR) district aims to promote a low to moderate density
1988 residential land development pattern characterized by single family homes on moderately large lots,
1989 limited opportunities for accessory dwelling units when minimum standards are met, as well as
1990 compatible neighborhood-oriented uses including, but not limited to recreational, civic, and
1991 educational uses.
- 1992 B. Permitted uses, conditional uses, and prohibited uses in the NR district shall follow the table in **Sec.**
1993 **9-302.1. – District land use summary and applicable use standards.**
- 1994 C. Minimum lot area, dimensions, and yards in the NR district shall follow the table in **Sec. 9-302.2. –**
1995 **Dimensional lot standards summary.**
- 1996 D. All uses of land and structures in the NR district shall be subject to the following standards:
- 1997 1. *Flood zones.* Construction of any structures or alteration of land which occurs in the 100-year
1998 flood zone as established by the Federal Emergency Management Agency shall comply with
1999 floodplain management requirements of this Code prior to issuance of a building permit.
- 2000 2. *Use standards.* All uses allowed in this district, including conditional uses, are subject to the
2001 use requirements in **Sec. 9-303. – Use Standards** of this Code.
- 2002 3. *Development standards.* All structures and sites are subject to **Sec. 9-304. – Development**
2003 **Standards** of this Code.

2004 **Sec. 9-302.1.5. – Traditional Residential (TR).**

- 2005 A. *Purpose.* The purpose of the Traditional Residential (TR) district is to promote a traditional
2006 neighborhood layout and support opportunities for more attainable housing stock in Town. It allows

- 2007 limited development of single family detached homes on lots having a minimum lot width of 60'
2008 when a part of a previously approved plat that has not been developed.
- 2009 B. Permitted uses, conditional uses, and prohibited uses in the TR district shall follow the table in **Sec.**
2010 **9-302.1. – District land use summary and applicable use standards.**
- 2011 C. Minimum lot area, dimensions, and yards in the TR district shall follow the table in **Sec. 9-302.2. –**
2012 **Dimensional lot standards summary.**
- 2013 D. All uses of land and structures in the TR district shall be subject to the following standards:
- 2014 1. *Flood zones.* Construction of any structures or alteration of land which occurs in the 100-year
2015 flood zone as established by the Federal Emergency Management Agency shall comply with
2016 floodplain management requirements of this Code prior to issuance of a building permit.
- 2017 2. *Use standards.* All uses allowed in this district, including conditional uses, are subject to the
2018 use requirements in **Sec. 9-303. – Use Standards** of this Code.
- 2019 3. *Development standards.* All structures and sites are subject to **Sec. 9-304. – Development**
2020 **Standards** of this Code.
- 2021 **Sec. 9-302.1.6. – Townhouse Residential (THR).**
- 2022 A. *Purpose.* The purpose of the Townhouse Residential (THR) district is to support the development
2023 of pedestrian-oriented, attached single-family homes that share a common wall. The THR also
2024 provides a unique housing option for those desiring a more compact built environment and less
2025 landscaping upkeep. Development is characterized as having lower required lot and setback areas.
- 2026 B. Permitted uses, conditional uses, and prohibited uses in the THR district shall follow the table in
2027 **Sec. 9-302.1. – District land use summary and applicable use standards.**
- 2028 C. Minimum lot area, dimensions, and yards in the THR district shall follow the table in **Sec. 9-302.2.**
2029 **– Dimensional lot standards summary.**
- 2030 D. All uses of land and structures in the THR district shall be subject to the following standards:
- 2031 1. *Flood zones.* Construction of any structures or alteration of land which occurs in the 100-year
2032 flood zone as established by the Federal Emergency Management Agency shall comply with
2033 floodplain management requirements of this Code prior to issuance of a building permit.
- 2034 2. *Use standards.* All uses allowed in this district, including conditional uses, are subject to the
2035 use requirements in **Sec. 9-303. – Use Standards** of this Code.
- 2036 3. *Development standards.* All structures and sites are subject to **Sec. 9-304. – Development**
2037 **standards** of this Code.
- 2038 **Sec. 9-302.1.7. - Multifamily Residential (MR).**
- 2039 A. *Purpose.* The purpose of the Multifamily Residential (MR) district is to accommodate multiple
2040 dwelling units within a single building or complex, providing individual living spaces for various
2041 residents within one location, such as apartments, condominiums, or townhomes.
- 2042 B. Permitted uses, conditional uses, and prohibited uses in the MR district shall follow the table in **Sec.**
2043 **9-302.1. – District land use summary and applicable use standards.**
- 2044 C. Minimum lot area, dimensions, and yards in the MR district shall follow the table in **Sec. 9-302.2. –**
2045 **Dimensional lot standards summary.**
- 2046 D. All uses of land and structures in the MR district shall be subject to the following standards:

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

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

The Commercial and Special Purpose Districts in the Town include:

Commercial District (C)

Mixed Use District 1 (MU1)

Mixed Use District 2 (MU2)

Light Industrial District (LI)

Civic District (CV)

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

A. **Table 9-302.2.1.1.** shows permitted, conditional, or prohibited uses across all commercial and special purpose districts mapped in the Town, where:

1. "P" indicates a permitted use.
2. "C" indicates a conditional use. Conditional uses must be approved by the Zoning Commission in accordance with the standards and procedures set forth in this Code.
3. "—" indicates a prohibited use.

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

C. For commercial or industrial enterprises not specifically listed and not similar in impacts and activities to land use that is listed, the applicant may apply for a public hearing before the Planning Commission where the applicant must describe the proposed enterprise's activities and estimated and use impacts, submit information required by the Planning Commission, and address questions from the Commission and the public related to the proposed land use. The Planning Commission shall determine within 90 days of the public hearing:

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

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

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

LAND USES	ZONING DISTRICTS				
	C Commercial	MU2 Mixed Use 2	MU1 Mixed Use 1	LI Light Industrial	CV Civic
RESIDENTIAL USES					
Single-family dwelling	P	P	P	—	P
Group home	P	C	C	—	P
Duplex	P	P	—	—	P
Townhouse	P	—	—	—	P
Multi-family dwelling	—	—	—	—	P
Modular homes	C	C	—	—	—
Mobile homes or manufactured homes	—	—	—	—	—
“Container homes” or structures using a shipping container as a dwelling unit	—	—	—	—	—
OTHER USES					
Accessory structure	P	P	P	P	P
Accessory dwelling unit	P	P	—	—	P
Church or house of worship	P	P	P	P	P
Fishing, forestry, wildlife preserve	P	P	P	P	P
Garden or agriculture	P	P	P	P	P
Home occupation	P	P	P	—	—
Long-term open-air retail sales	P	C	—	P	P
Livestock*	P	P	P	P	P
Recreational vehicles used for long term housing as a residential unit	—	—	—	—	—
Temporary seasonal uses	P	C	—	P	P
Temporary retail sales, “pop-up markets,” food sales, and outdoor events.	P	C	—	P	P
Timber harvesting	P	—	—	P	P
CIVIC USES					
Airports and related facilities	C	—	—	C	—
Bus or railway stations	P	C	—	P	P
Childcare center	P	P	P	P	P
Dormitories	P	—	—	—	—
Government or public safety facilities and services such as fire stations, police stations, and similar uses	P	—	P	P	P
Hospitals	P	—	—	P	P
Lodges or civic organizations	P	P	—	P	P
Museums, libraries, parks, playgrounds, community centers, dog parks	P	P	P	P	P
Outdoor recreational facilities including golf courses, tennis courts, or a community pool	P	C	—	—	P
Pocket parks under 10,000 sq ft	P	P	P	P	P
Public and private utilities such as electric transformer stations, natural gas, water, stormwater, and sewer system components (not including telecommunications towers)	P	P	P	P	P
School	P	P	P	P	P

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

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

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

LAND USES	ZONING DISTRICTS				
	C Commercial	MU2 Mixed Use 2	MU1 Mixed Use 1	LI Light Industrial	CV Civic
Mixed use buildings with at least one residential unit and at least one office or retail unit – under 4,000 square feet of building area	P	P	P	—	—
Mixed use buildings with at least one residential unit and at least one office or retail unit – 4,000 square feet of building area or greater	P	—	—	—	—
Boutique hotel (10 rooms or less)	P	P	—	—	—
Motel / hotel (11- 16 rooms)	P	C	—	—	—
Motel / hotel (>16 rooms)	P	—	—	—	—
Motor vehicle and boat sales and rental	P	—	—	P	—
Movie theaters or performing arts center – 4,000 square feet or greater	P	—	—	P	—
Movie theaters or small performing arts center under 4,000 square feet of building area	P	P	—	P	—
Offices – 4,000 square feet or greater	P	—	—	P	—
Offices under 4,000 square feet in building area <i>Note: This does NOT include medical offices, outpatient clinics, veterinarian offices, kennels, or pet boarding facilities.</i>	P	P	P	P	P
Outdoor amusement parks	P	—	—	—	P
Professional service establishments or offices (with in-person or remote services) under 4,000 square feet	P	P	P	P	P
Restaurants Clarification: Restaurants may include a bar when such use is clearly incidental and secondary to the restaurant use.	P	P	P	P	—
Retail stores – 6,000 square feet of building area or greater <i>Note: This does NOT include wholesale trade, warehouse clubs, supercenters, or small box discount stores.</i>	P	—	—	P	—
Retail stores primarily selling age restricted inventory including package sale of alcohol, vaping, or smoking-related goods	P	—	—	P	—
Retail stores, offices, mixed-use buildings between 4,000 and 6,000 square feet of building area	P	P	—	P	—
Retail stores under 4,000 square feet of building area	P	P	P	P	—
Boutique clothing, aromatherapy, garden, or gift shop stores under 2,500 square feet of building area	P	P	P	P	—
Shopping centers or multi-tenant retail, service, or office buildings	P	—	—	P	—
Short-term rental	P	P	P	—	P
Small box discount stores	C	—	—	P	—
Standalone parking lots or garage structures	C	—	—	C	C

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

LAND USES	ZONING DISTRICTS				
	C Commercial	MU2 Mixed Use 2	MU1 Mixed Use 1	LI Light Industrial	CV Civic
Telecommunication towers	C	C	—	C	C
Truck stops and related service centers	C	—	—	P	—
Vehicle tires / parts sales with no outdoor storage	P	—	—	P	—
Veterinarian offices or animal grooming offices with indoor, short-term kennels or boarding facilities	P	P	—	P	—
Veterinarian offices or animal grooming, training, or boarding facilities with outdoor kennels or long-term pet boarding facilities.	P	C	—	P	—
Wholesale trade, warehouse clubs, or supercenters under 50,000 square feet of building area	C	—	—	P	—
INDUSTRIAL USES					
Ammonia or fertilizer manufacturing	—	—	—	—	—
Artisan manufacturing	P	C	C	P	—
Asphalt or concrete batching plants	—	—	—	C	—
Atomic energy generation	—	—	—	—	—
Automotive racetracks or drag strips including golf cart or go-cart tracks	C	—	—	C	—
Building and repair of boats in excess of 90 feet in length	—	—	—	P	—
Chemical manufacturing or paint manufacturing not including ammonia or fertilizer manufacturing activities	—	—	—	—	—
Chemical or fuel storage facilities	—	—	—	—	—
Chemical or petrochemical refining facilities	—	—	—	—	—
Collection points for recycling services (no processing on site)	P	—	—	P	—
Crematory facility	—	—	—	—	—
Distributing and logistics centers	C	—	—	C	—
Grain storage or production, grain or sugar refineries, crop storage for off-site agriculture	—	—	—	—	—
Iron or metal working or foundry	—	—	—	—	—
Landfills or disposal of solid waste, hazardous waste, or toxic substances	—	—	—	—	—
Machinery manufacturing	—	—	—	P	—
Microbrewery, distillery for alcoholic beverages, or brewery	P	C	—	P	—
Packaging and assembly facilities	C	—	—	P	—
Paper or pulp manufacturing	—	—	—	—	—
Poultry or meat processing plants, dressing of animal products, tanning or rendering facilities	—	—	—	C	—
Pyrotechnics, ammunition, or explosives manufacturing	—	—	—	—	—
Recycling processing facilities	—	—	—	C	—
Rubber products manufacturing	—	—	—	—	—

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

LAND USES	ZONING DISTRICTS				
	C Commercial	MU2 Mixed Use 2	MU1 Mixed Use 1	LI Light Industrial	CV Civic
Towing establishments, or junkyards	—	—	—	—	—
Warehousing	P	C	—	P	P

2084

2085 *Chickens, roosters, peacocks, and other birds are not included in the definition of livestock and are
2086 permitted on all sites.

2087 **Sec. 9-302.2.2 - Dimensional lot standards summary.**

2088 A. Lots in the commercial or special purpose districts shall follow the dimensional table below.

2089 **Table 9-302.2.2.1. – Dimensional Table for Commercial and Special Purpose Districts.**

Dimensional Requirement	Zoning Districts				
	C Commercial	MU2 Mixed Use 2	MU1 Mixed Use 1	LI Light Industrial	CV Civic
Min. lot area¹	10,800 sq. ft.	10,800 sq. ft.	10,800 sq. ft.	50,000 sq. ft.	—
Min. lot width (feet)¹	90	90	90	—	—
Min. lot depth (feet)	120	120	120	—	—
Min. front yard setback (feet)	10 ft. or overlay district requirement, whichever is greater	15 ft. or overlay district requirement, whichever is greater	30 ft. or overlay district requirement, whichever is greater Parking spaces are not allowed in the required front yard setback.	50 ft.	20 ft. or overlay district requirement, whichever is greater
Min. rear yard setback	10 ft. or overlay district requirement, whichever is greater	10 ft. or overlay district requirement, whichever is greater	10 ft. or overlay district requirement, whichever is greater	50 ft.	20 ft.
Min. side yard setbacks	5 ft. or overlay district requirement, whichever is greater	5 ft. or overlay district requirement, whichever is greater	5 ft. or overlay district requirement, whichever is greater	20 ft.	10 ft.
Max. building height	35 ft. measured from grade to the highest point, including vertical projections	40 ft.	40 ft.	60 ft.	60 ft.
Min. primary building setback	5 ft. or overlay district requirement, whichever is greater	15 ft. or overlay district requirement, whichever is greater	30 ft. or overlay district requirement, whichever is greater	20 ft.	5 ft.
Minimum corner side yard	10 ft. or overlay district requirement, whichever is greater	15 ft. or overlay district requirement, whichever is greater	15 ft. or overlay district requirement, whichever is greater	50 ft.	20 ft. or overlay district requirement, whichever is greater

2090 1. Where individual on-site sewerage is authorized in lieu of municipal sewer service, lots must maintain a
2091 minimum lot size of 2 acres and a minimum frontage (or lot width) of 125 feet regardless of the underlying zoning
2092 district designation, as per Part 3 – Health and Sanitation, Chapter 5. – Sewerage Treatment Required, Sec. 3-504. –
2093 Community sewerage system required, of the Code of Ordinances of the Town of Abita Springs.

2094 B. *Lots in business or industrial districts adjacent to residential zones.* Where a lot in a business or
2095 industrial district abuts a lot in a residential district there shall be provided along the abutting lines a
2096 yard equal in width or depth to that required in the residential district unless the building is
2097 constructed of masonry fire resistant material as defined in the fire code.

2098 **Sec. 9-302.2.3. – Commercial District (C).**

2099 A. *Purpose.* The Commercial (C) district aims to provide a range of higher intensity, auto-oriented
2100 commercial uses adjacent to major thoroughfares or other important nodes in Town.

2101 B. *Permitted uses.* Permitted land uses in the C district include those listed in **Sec. 9-302.2.1**, as well as
2102 similar uses having the same or less intense land use impact, as determined by the Director of
2103 Planning.

2104 C. *Dimensional standards.* See **Sec. 9-302.2.2** for dimensional standards for lots and buildings.

2105 D. *Use and development standards.* See **Sec. 9-303 and 9-304** for use and development standards
2106 associated with permitted or conditional uses in this district.

2107 **Sec. 9-302.2.4. – Reserved.**

2108 **Sec. 9-302.2.5. – Mixed Use District 2 (MU2).**

2109 A. *Purpose.* The Mixed Use District 2 (MU2) aims to provide the Town with a mix of medium-scale
2110 neighborhood-oriented uses to enable the development of residential housing, retail shops, offices,
2111 restaurants, and entertainment options to create vibrant, pedestrian-friendly development similar to
2112 those found in small 19th and 20th Century towns. This district is in furtherance of the original
2113 intent of the Midtown Cultural Overlay district to encourage a thriving unique community character
2114 and artisan industry in the Town that offers amenities suited to the needs of Abita Springs residents
2115 and enthusiasts of the Town.

2116 B. *Permitted uses.* See **Sec. 9-302.2.1.** for permitted uses.

2117 C. *Dimensional standards.* See **Sec. 9-302.2.2** for dimensional standards for lots and buildings.

2118 D. *Use and development standards.* See **Sec. 9-303 and 9-304** for use and development standards
2119 associated with permitted or conditional uses in this district.

2120 **Sec. 9-302.2.6. – Mixed Use District 1 (MU1).**

2121 A. *Purpose.* The Mixed Use 1 (MU1) district aims to provide the Town with a mix of small-scale
2122 neighborhood-oriented uses to enable the development of residential housing, offices, and
2123 restaurants to create vibrant, pedestrian-friendly development similar to those found in small 19th
2124 and 20th Century towns. This district has fewer permitted uses than the Mixed Use District 2,
2125 because it is designed to be located abutting, within, or in close proximity to residential
2126 neighborhoods.

2127 B. *Permitted uses.* Permitted land uses in the MU1 district include those listed in Sec. 9-302.2.1, as
2128 well as similar uses having the same or less intense land use impact, as determined by the Director
2129 of Planning.

2130 C. *Dimensional standards.* See Sec. 9-302.2.2 for dimensional standards for lots and buildings.

2131 D. *Use and development standards.* See Sec. 9-303 and 9-304 for use and development standards
2132 associated with permitted or conditional uses in this district.

2133 **Sec. 9-302.2.7. – Light Industrial District (LI).**

2134 A. *Purpose.* The Light Industrial District (LI) provides limited space for low-intensity industrial uses
2135 away from residential and mixed use districts. District standards, such as adequate screening,
2136 buffering, and setbacks, aim to reduce potential nuisances to nearby properties.

2137 B. *Permitted uses.* See **Sec. 9-302.2.1** for permitted uses.

2138 C. *Dimensional standards.*

2139 1. See **Sec. 9-302.2.2** for dimensional standards for lots and buildings.

- 2140 2. In addition to the dimensional standards for lots and buildings, the following buffer and
2141 setback standards apply to: industrial machinery, outdoor storage of equipment or materials,
2142 or buildings with metal facades
- 2143 a. These items must be shielded from view of roads or abutting properties by a solid brick
2144 or masonry fence and/or an opaque vegetative screen (composed of trees and shrubs or
2145 latticed vegetation); and
- 2146 b. These items must have a minimum setback from all property lines of 100 feet.
- 2147 D. *Use and development standards.* See **Sec. 9-303 and 9-304** for use and development standards
2148 associated with permitted or conditional uses in this district.
- 2149 E. *Nuisance and environmental standards.*
- 2150 1. All sites and buildings established in the LI district must remain in full compliance with all
2151 required state or federal environmental minimum standards, fire codes, and hazard prevention
2152 practices. If a site is found to be in noncompliance with the terms of any LDEQ, LDH, or
2153 EPA permits, the Town may require the site to immediately cease operations.
- 2154 2. All sites must limit noise from any operations on-site such that no noise perceptible at the
2155 property line is emitted during the hours of 7 pm through 7 am every day. If the Town
2156 receives a noise complaint about a site in the LI District, the property owner of the site
2157 receiving the complaint must provide verified evidence from a third party expert to the Town
2158 indicating that the site is operating in conformance with this requirement. If insufficient
2159 evidence is provided and the property owner fails to make operations compliant with this
2160 Section within 15 days of notice, the site shall be subject to a noise violation, including a
2161 daily penalty or fine of \$250 per day until the noise violation is corrected, with a maximum
2162 penalty of \$3,500 or 14 days of fines.

2163 **Sec. 9-302.2.8. - Civic District (CV).**

- 2164 A. *Purpose.* The Civic District (CV) provides opportunities for parks, open space, schools, and public,
2165 governmental, or community-oriented land uses. This district provides some flexibility to include
2166 commercial uses or unique sites that serve a public or community purpose.
- 2167 B. *Permitted uses.* See **Sec. 9-302.2.1** for permitted uses.
- 2168 C. *Dimensional standards.* See **Sec. 9-302.2.2** for dimensional standards for lots and buildings.
- 2169 D. *Use and development standards.* See **Sec. 9-303 and 9-304** for use and development standards
2170 associated with permitted or conditional uses in this district.
- 2171 E. *Nuisance and environmental standards.*
- 2172 1. All sites and buildings established in the Civic District (CV) must remain in full compliance
2173 with all required state or federal environmental minimum requirements, fire codes, and
2174 hazard prevention practices. If a site is found to be in noncompliance with the terms of any
2175 LDEQ, LDH, or EPA permits, the Town may require the site to immediately cease
2176 operations.
- 2177 2. All sites must limit noise from any operations on-site such that no noise perceptible at the
2178 property line is emitted during the hours of 7 pm through 7 am every day. If the Town
2179 receives a noise complaint about a site in the civic district, the property owner of the site
2180 receiving the complaint must provide verified evidence from a third-party expert to the Town
2181 indicating that the site is operating in conformance with this requirement. If insufficient
2182 evidence is provided and the property owner fails to make operations compliant with this
2183 Section within 15 days of notice, the site shall be subject to a noise violation, including a

2184 daily penalty or fine of \$250 per day until the noise violation is corrected, with a maximum
2185 penalty of \$3,500 or 14 days of fines. Town sponsored events are exempt from this standard.

2186 **Sec. 9-302.3. – OVERLAY DISTRICTS**

2187 **Sec. 9-302.3.1. – Historic Overlay (HTO).**

2188 A. *Purpose.* The purpose of the Historic Overlay (HTO) district is to promote the educational, cultural,
2189 economic, and general welfare of the Town pursuant to the provisions of LA R.S. 25:731 to 25:745;
2190 to preserve and protect the historic architecturally worthy buildings, structures, sights, monuments,
2191 streetscapes, squares, and neighborhoods of the historic area; and to help ensure new development
2192 is compatible with the Town's history, character, and culture.

2193 B. *Applicability.*

2194 1. *Limited to public street view.* Historic Overlay (HTO) district regulations shall only apply to
2195 structures fronting on the public right of way or within 200 feet of the right-of-way.

2196 2. *Base zoning standards apply.* In the HTO district, all uses and buildings shall be developed-in
2197 accordance with base zoning district requirements. Use of a building in the HTO district shall
2198 be governed and administered by the Zoning Commission of the Town.

2199 3. *Certificate of appropriateness (COA) required.* No private building, structure, or edifice,
2200 including fences, boundary walls, signs, light fixtures, steps and paving or other appurtenant
2201 fixtures *visible from the public right of way*, shall be erected, altered, restored, moved or
2202 demolished, nor shall earthworks of historical or archeological importance be excavated or
2203 any earth, rock or subsoil removed therefrom if located within the HTO district until after an
2204 application for a Certificate of Appropriateness has been submitted to and approved by the
2205 Historic District Commission established in **Sec. 9-120** et seq. of this Code, except as
2206 otherwise provided in this Chapter or as provided by rules, regulations, policies, procedures
2207 and standards adopted by the Historic District Commission.

2208 4. *Compliance required for repair of substantial damage or substantial improvements.* Any
2209 structure undergoing repair of substantial damage or substantial improvements, as defined by
2210 Chapter 4 – Floodplain Management, of this Code, must comply with the Historic Overlay
2211 District regulations in the following ways:

2212 a. If the property is in the special flood hazard area, the property must comply with all
2213 requirements of Chapter 4 – Floodplain Management of this Code, including elevation
2214 to the applicable base flood elevation and using the required foundation design
2215 applicable to the site.

2216 b. If the property is not in the special flood hazard area, all portions of the building within
2217 the proposed scope of improvement or repair must increase compliance with the
2218 Historic District Guidelines. For example, if the foundation of the property is intact, but
2219 the walls and roof of the structure are being replaced, the new walls and roof design
2220 must be compliant with the Historic District Guidelines, but the existing foundation
2221 may remain.

2222 5. *Building setbacks are the purview of the Planning Commission.*

2223 a. New construction of primary dwellings shall maintain the existing historic pattern of
2224 building setbacks, meaning that new construction in the Historic District must have a
2225 front, side, and rear yard setback that matches the prevailing average setback of
2226 structures within the adjacent two blocks, even if this average setback is higher than the
2227 required setback of the underlying zoning district.

- 2228 b. *Clarification regarding setbacks in the Historic Overlay District.* The Planning
2229 Commission may grant a variance to the setback requirements of the Historic Overlay
2230 District, the Historic District Commission shall not administer the building setback
2231 requirements of the Historic District or the Base Zoning District.
- 2232 C. *Review and issuance of a COA.* In considering a certificate of appropriateness or COA, the Historic
2233 District Commission shall not consider interior arrangement or use, but shall consider the
2234 relationship of the exterior of the buildings concerned with all others in the HTO district so as to
2235 avoid incongruity and promote harmony therewith.
- 2236 1. The Historic District Commission shall adhere to and seek compatibility of structures in the
2237 HTO district in terms of size, texture, scale and sight plans in accordance with guidelines
2238 established herein, and rules and regulations promulgated from time to time by the Historic
2239 District Commission.
- 2240 2. As used in this Section, the term "exterior architectural features" shall be applicable to all
2241 building forms (stick built, modular, and mobile) and include but need not be limited to the
2242 color, architectural style, general design and general arrangement of the exterior of a
2243 structure, including the kind and texture of the building material, the type and style of all
2244 roofs, windows, doors, light fixtures, signs and other appurtenant fixtures.
- 2245 3. The style, scale, material, size and location of all signs, including temporary signs and bill
2246 posters, within the HTO District shall be subject to the control and supervision of the Historic
2247 District Commission.
- 2248 D. *Regular maintenance not requiring a COA.* Nothing contained herein shall be construed to prevent
2249 ordinary maintenance or repairs which do not involve a change of design, material, or of outward
2250 appearance, thereof; nor to prevent the construction, reconstruction, alteration or demolition of any
2251 such feature which is required to protect public safety because of an unsafe or dangerous condition.

2252 **Sec. 9-302.3.2. – Midtown Cultural Overlay (MCO).**

- 2253 A. *Purpose.* The purpose of the Midtown Cultural District (MCO) is to encourage economic
2254 revitalization within the center of Town by taking advantage of the Louisiana Cultural Districts
2255 Program, which provides tax credits for the rehabilitation of properties within the district.
- 2256 B. *Boundaries.* The Midtown Cultural District of Abita Springs is a certain area of the Town of Abita
2257 Springs situated in Section 31 and 36, Township 6 South, Range 12 East, Parish of St. Tammany,
2258 State of Louisiana and more particularly described as follows to-wit:
- 2259 Begin at Northeast corner of Square 1 of the Northwest Division of the Town of Abita Springs
2260 which point is on the South right-of-way line of Andrews Street and the Westerly right-of-way line
2261 of Live Oak Street. Thence travel northerly along the West right-of-way line of Live Oak Street and
2262 its projector to the Abita River, follow the river westerly to Hwy 36, thence in a Westerly direction
2263 along the Southern right-of-way Hwy. 36 to its intersection with Gordon Avenue up to a point that
2264 is the Northwestern corner of Square 7 of the Northwest Division of the Town of Abita Springs;
2265 thence run un an easterly direction along the eastern corner of Square 7 to the southeast corner of
2266 Square 7 then continue on a line parallel to Gordon Avenue to a point on the Northern right-of-way
2267 line of the Tammany Trace; thence follow said right-of-way line in an easterly direction to the west
2268 bank of the Abita River in its meandering in a Southerly direction to its intersection with its
2269 Northern right-of-way line of Seventh Street in the Northwest Division of the Town of Abita
2270 Springs; from that point run in a line along the northern line of Seventh Street to its intersection
2271 with Hwy 59; thence crossing Hwy 59 on a line parallel to the Southern right-of-way line of said
2272 Seventh Street thence go a Southerly direction along the Easterly right-of-way line of Fourth Street
2273 in an Easterly direction to its intersection with the Westerly right-of-way line of former Bossier

2274 Avenue (now revoked) thence run in a line crossing Maple Street in a Easterly direction to a point
2275 which is the Southwest corner of Lot 10 Square D Northwest Division in a Southerly direction.
2276 Thence go along the eastern right-of-way line of the former Bossier Avenue (now revoked) to its
2277 intersection north right-of-way line of Andrew Street thence in an easterly direction along the
2278 Northern right-of-way line of Andrew Street to the Western right-of-way line of Live Oak Street
2279 and the point of beginning.

2280 **Sec. 9-302.3.3. – Tammany Trace Overlay (TTO).**

2281 A. *Purpose.* The purpose of the Tammany Trace Overlay (TTO) district is to ensure that properties
2282 that abut the Tammany Trace have appropriate setbacks, fencing, and buffers to provide a
2283 consistent, natural viewshed along the bike corridor.

2284 B. *Applicability.*

2285 1. *Properties abutting the Tammany Trace.* Tammany Trace Overlay (TTO) district regulations
2286 shall only apply to sites directly abutting the Tammany Trace trail or the Trailhead museum.

2287 2. *Base zoning standards apply.* In the TTO district, all uses and buildings shall be developed in
2288 accordance with base zoning district requirements.

2289 C. *Non-residential sites: Site design and buffer requirements.*

2290 1. *Setbacks required.* All new buildings or structures constructed on sites in the TTO district
2291 must have a minimum “untouched” 15-foot setback with natural vegetation between the
2292 closest edge of the trace and the nearest structure or parking area.

2293 2. *Landscaping and greenery.* Within the 15-foot setback, landscape buffering shall be provided
2294 to create a consistent, natural area alongside the Trace. Landscaping can include, but is not
2295 limited to trees, shrubs, and other natural greenery. The area shall be maintained and kept
2296 free of trash and debris and landscaping elements shall not be so placed as to impede clear
2297 vision for cyclists or drainage systems in the surrounding area.

2298 3. *Consistent fencing.* The following requirements apply to any new fences constructed on the
2299 boundaries of properties in the TTO abutting the Trace:

2300 a. The fencing materials used must reflect the traditional historical character of their
2301 surroundings, acceptable materials include wooden slats, wrought iron, metal garden
2302 (scallop or square grid), or metal picket fence or a similar material to those listed here,
2303 subject to Historic Commission approval. Living fences (such as hedges or other
2304 landscaping) are also acceptable materials.

2305 b. Fences may be a maximum height of 7 feet, with the exception that wooden fences may
2306 be 6 feet in height with a 2-foot framed lattice top.

2307 c. Wood supports measuring 4” by 4” or metal pipe are recommended. Property owners
2308 must maintain the fence with regular painting, repair, or replanting if the fence includes
2309 plant material.

2310 d. All nondecorative posts, horizontal posts, cross-members, and similar structural or
2311 unfinished components of the fence must be located on the side of the fence that is not
2312 visible from the Trace.

2313 e. All fences in the TTO must be reviewed and approved by the Historic Commission.

2314 D. *Residential sites: Site design and buffer requirements.*

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

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

- A. *Purpose.* The purpose of the Resilience Overlay is to ensure that properties subject to flood risk may be developed in a manner that reduces flood damage, protects public safety, maintains natural drainage functions, and promotes flood-resistant and resilient construction practices. The Resilience Overlay establishes additional development and construction standards but does not alter the permitted uses of the underlying zoning district.
- B. *Dimensional standards.*
 1. For commercially zoned sites to be subdivided after January 1, 2025, the minimum size for a newly created lot where the base zoning district is Commercial, Mixed Use-2, Light Industrial, or Civic is 2 acres. Any existing lots in the Commercial, Mixed Use-2, Light Industrial, or Civic base district with the Resilience Overlay that are smaller than 2 acres may remain as platted, but may not be reduced in size through the subdivision process after January 1, 2025. The two (2) acre minimum lot does not apply to properties zoned residential or Mixed Use 1.
 2. *Requirement for on-site sewer treatment.* Where individual on-site sewerage is authorized in lieu of municipal sewer service, all lots must maintain a minimum lot size of 2 acres and a minimum frontage (or lot width) of 125 feet regardless of the underlying zoning district designation, as per Part 3 – Health and Sanitation, Chapter 5. – Sewerage Treatment Required, Sec. 3-504. – Community sewerage system required, of the Code of Ordinances of the Town of Abita Springs.
- C. *Site and building design requirements.*
 1. *Freeboard required.*
 - a. *Residential units.* All new buildings containing residential units must have the lowest floor (including basement), elevated to or above the base flood elevation plus two feet (BFE + 2). This requirement applies to attached garages for residential homes, but does

- 2359 not apply to open carports, storage sheds without living area, or detached garages
2360 without living area.
- 2361 b. *Nonresidential buildings and accessory structures.* All new commercial, industrial or
2362 other nonresidential structures shall either have the lowest floor (including basement)
2363 elevated to or above the base flood elevation plus two feet (BFE+2) or together with
2364 attendant utility and sanitary facilities, be designed so that below the base flood level
2365 plus two feet, the structure is watertight with walls substantially impermeable to the
2366 passage of water and with structural components having the capability of resisting
2367 hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional
2368 engineer or architect shall develop and/or review structural design, specifications, and
2369 plans for the construction, and shall certify that the design and methods of construction
2370 are in accordance with accepted standards of practice as outlined in this subsection. A
2371 record of such certification which includes the specific elevation (in relation to mean
2372 sea level) to which such structures are floodproofed shall be maintained by the
2373 floodplain administrator.
- 2374 2. Fill limitation and open foundation requirement.
- 2375 a. Lot Grading. Fill may be provided for landscaping and surface drainage as detailed on
2376 a drainage plan to be approved by the Town Engineer. If the Town Engineer determines
2377 that a development site cannot be drained by surface or subsurface drainage, the Town
2378 Engineer may authorize the use of the minimum amount of non-structural fill necessary
2379 to ensure positive drainage in accordance with State law.
- 2380 b. Fill added to sites. In addition to the lot grading provisions above, up to 6 inches of fill
2381 may be placed under the perimeter of the soffit or roof line of structures to achieve
2382 positive drainage from under the structure.
- 2383 c. Grading changes shall not have an adverse impact on adjacent properties in accordance
2384 with State law.
- 2385 d. If a site would need more than 6 inches of fill to construct a building to meet the
2386 elevation requirements (BFE+2), the building must be constructed on an open pier or
2387 piling foundation, which may include enclosures, but cannot include encapsulated fill
2388 or a monolithic slab over 6 inches above grade.
- 2389 e. Detached garages, accessory structures, and driveways. Slabs may be established under
2390 detached garages, accessory structures without habitable area, and driveways or
2391 parking areas, provided that the top of the slab is not greater than 6 inches above
2392 natural grade at any point.
- 2393 f. Fill for all structures (foundations, slabs, parking, drives, accessory structures) shall
2394 taper from the edge of the structure at a slope of 3 horizontal feet for every one vertical
2395 foot (3:1). In any case, this fill shall not extend out from any improvement or
2396 foundation more than 6 feet.
- 2397 e. No fill shall be placed within 5 feet of the property line.
- 2398 2. Fill limitation and open foundation requirement.
- 2399 a. Lot Grading. Fill may be provided for landscaping and surface drainage as detailed on
2400 a drainage plan to be approved by the Town Engineer.
- 2401 i. If the Town Engineer determines that a development site cannot be drained by
2402 surface or subsurface drainage, the Town Engineer may authorize the use of the

- 2403 minimum amount of non-structural fill necessary to ensure positive drainage in
2404 accordance with State law.
- 2405 b. Fill added to sites. In addition to the lot grading provisions above, up to 6 inches of fill
2406 may be placed under the perimeter of the soffit or roof line of structures to achieve
2407 positive drainage from under the structure.
- 2408 c. Grading changes shall not have an adverse impact on adjacent properties in accordance
2409 with State law.
- 2410 d. If a site would need more than 6 inches of fill to construct a building to meet the
2411 elevation requirements (BFE+2), the building must be constructed on an open pier or
2412 piling foundation, which may include enclosures, but cannot include encapsulated fill
2413 or a monolithic slab over 6 inches above grade.
- 2414 e. Detached garages, accessory structures, and driveways. Slabs may be established under
2415 detached garages, accessory structures without habitable area, and driveways or
2416 parking areas, provided that the top of the slab is not greater than 6 inches above
2417 natural grade at any point.
- 2418 f. Fill for all structures (foundations, slabs, parking, drives, accessory structures) shall
2419 taper from the edge of the structure at a slope of 3 horizontal feet for every one vertical
2420 foot (3:1). In any case, this fill shall not extend out from any improvement or
2421 foundation more than 6 feet.
- 2422 g. The developer may add fill to the subject site, including structural fill in excess of 6
2423 inches of fill under the structures only when a licensed engineer can demonstrate on a
2424 drainage plan that the post-construction site will reduce flood depth from the 1%
2425 chance AEP flood (the 100-year flood) in the area including the subject property and
2426 including each abutting block on all sides of the property.
- 2427 h. No fill shall be placed within 5 feet of the property line.
- 2428 3. Exceptions for freeboard, fill limitation, and open foundation requirements.
- 2429 a. The requirements for freeboard, fill limitation, and open foundation requirements may
2430 be waived for sites that are not at risk of flooding based on:
- 2431 i. Engineering data provided by the property owner indicating an error or higher
2432 quality data than the effective or preliminary FIRM showing the subject area; and
- 2433 ii. an analysis of the St. Tammany and Abita Springs unified development flood
2434 plan.
- 2435 b. In applying this waiver, the Town Floodplain Manager may waive either the freeboard
2436 requirement, fill limitation, or open foundation requirement individually based on the
2437 analysis showing the sites are not at risk of flooding.
- 2438 c. In analysis of sites requesting an exception, the Town Floodplain Manager may request
2439 the assistance of the St. Tammany Parish floodplain manager and/or Engineering staff
2440 from St. Tammany Parish Government.

2441 **Sec. 9-303. – USE STANDARDS**

2442 **Sec. 9-303.1. – Accessory structures on a residential site.**

- 2443 A. All accessory structures shall meet the following minimum requirements provided for in this
2444 Section:

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

B. Accessory dwelling units shall meet the following requirements:

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

Sec. 9-303.2. – Animal-related uses.

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

- A. A structure may be erected for a private stable, pen, barn, shed, or silo for raising, treating and/or storing products raised on the premises. This structure may not include a dwelling unit.
- B. Standing under roofed stables must be made of a material that provides for proper drainage so as not to create offensive odors, fly breeding, or other nuisances.
- C. Fences for pens or similar enclosures must be built with sufficient height and strength to retain the animals. No pen, fence, or similar enclosure may be closer than 20 feet to an adjacent property line. The widths of alleys, street rights-of-way, or other public rights-of-way may be used to calculate the 10-foot requirement.
- D. The regulations for this land use do not apply to government agencies, governmentally supported organizations, or educational agencies that keep and maintain animals' health, research, or similar

2487 purposes, nor do these regulations apply to special events such as circuses and livestock exhibitions
2488 which are otherwise regulated.

2489 E. In addition to the Town noise ordinance, Sec. 7-404. - Disturbing the peace, no animal-related use
2490 may house animals that present a repeated or constant noise nuisance. Any complaints about a
2491 specific site housing animals making excessive noise may be presented to the Town Planning and
2492 Zoning Office and the subject site must present proof that the source of the excessive noise has
2493 been mitigated. If the site receives repeated complaints, the issue may be referred to the Mayor's
2494 Court.

2495 F. Livestock. Livestock must be provided with an enclosure preventing their escape, and shall not be
2496 over-crowded such as to endanger public health and safety. If the Town administration suspects a
2497 site of over-crowded livestock conditions, the Town administration shall refer the complaint to the
2498 St. Tammany Parish Department of Animal Services (DAS) and/or to the State of Louisiana for
2499 further investigation.

2500 G. Allowed animals and minimum lot size thresholds. In addition to those standards listed above in
2501 this section, the following standards apply to all zoning districts in the Town:

Type of animal allowed	Districts this animal is allowed in	Minimum lot area	Minimum setback from all property lines and drainage ditches*	Additional standards applicable
Pets (companion animals)	All zoning districts	N/A	N/A	N/A
Chickens, roosters, peacocks, and all birds	All zoning districts	N/A	25 ft. from all property lines	1. Chickens are only permitted for non-commercial use. 2. Bird areas must be kept clean and free of odor, runoff, and nuisances perceptible beyond the property line.
Small animals (backyard / hobby scale)	All zoning districts	½ acre	N/A	N/A
Livestock (agricultural animals)	See permitted use tables	1 acre	N/A	N/A

2502 * Note: Animal pens, coops, stables, kennels, and any manure storage must adhere to these
2503 setbacks.

2504 **Sec. 9-303.3. – Auto repairs and services.**

2505 A. The following activities shall not be performed in conjunction with any auto repair service station,
2506 inclusive of both “automotive body and paint repair” and “automotive repair and maintenance” uses
2507 defined in this Code:

2508 1. Outdoor repairs, including changing of oil and lubrication of automobiles.

- 2509 2. Painting and body work on automobiles, which must only be conducted within a closed
2510 building that is designed for painting safety.
- 2511 3. Outdoor storage of automotive parts.
- 2512 4. The outdoor storage of wrecked or abandoned vehicles.
- 2513 a. If an operable or wrecked motor vehicle remains outside on the premises for more than
2514 24 hours, the premises shall be considered an outside salvage or reclamation use.
- 2515 b. However, a premises is not an outside salvage or reclamation use if the premises stores
2516 inoperable or wrecked motor vehicles each of which having a valid state registration,
2517 current safety inspection certificate, and documentary record of pending repairs or
2518 other disposition.
- 2519 c. All vehicles shall be screened from public view by a 100 percent, 6 foot non-living or
2520 70 percent living screen. Objects shall be stored at a minimum of 5 feet from this
2521 screen.
- 2522 5. Sale of 2 or more automobiles, trailers, trucks, tractors, boats, or any other similar
2523 commodity.

2524 **Sec. 9-303.4. – Bed and breakfasts.**

- 2525 A. The property owner or a permanent on-site operator must reside on the subject site and be on the
2526 premises during guest stays.
- 2527 B. Guest accommodations must include meal service at least once per day.
- 2528 C. Guests are limited to overnight stays of no more than 2 weeks.

2529 **Sec. 9-303.5. – Construction offices and event trailers.**

2530 Temporary offices and trailers for construction or special events may be permitted when provided in
2531 accordance with the following minimum standards:

- 2532 A. The trailer or temporary office location must be approved by the Planning and Zoning Director and
2533 must be located as shown on the approved site plan or permit.
- 2534 B. A temporary trailer may be parked upon the premises for special events and cannot encroach into
2535 the public right-of-way.
- 2536 C. A construction office or event trailer cannot be placed prior to the issuance of the permit, and must
2537 be removed from the jobsite upon the issuance of Certificate of Occupancy or per the duration
2538 established in the permit issued.
- 2539 D. When used to support retail construction sales, a temporary construction or sales office may not be
2540 located in another subdivision or used for construction or sale in another subdivision.

2541 **Sec. 9-303.6 – Gas stations and convenience stores.**

- 2542 A. *Purpose.* The purpose of these standards is to allow neighborhood-serving fuel sales and
2543 convenience retail while minimizing impacts related to traffic, lighting, noise, drainage, and
2544 adjacent residential uses.
- 2545 B. *Minimum standards.* Gas stations and convenience stores must comply with all of the following:
- 2546 a. The use shall be located on an arterial or collector roadway.
- 2547 b. The minimum lot size shall be one (1) acre.

- 2548 c. Fuel pump islands, canopy structures, parking areas, and drive aisles shall be located a
2549 minimum of fifty (50) feet from any residentially zoned property line.
- 2550 d. A landscaped buffer at least twenty (20) feet in width shall be provided adjacent to any
2551 residentially zoned property and shall include:
- 2552 i. An opaque fence or wall a minimum of eight (8) feet in height; and
2553 ii. Vegetative screening.
- 2554 e. Outdoor speakers, intercoms, or amplified sound systems shall not be oriented toward
2555 residential properties.
- 2556 f. All exterior lighting shall be fully shielded, directed downward, and designed to prevent glare
2557 onto adjacent properties and public rights-of-way.
- 2558 g. Truck stops, truck fueling centers, and overnight parking of commercial vehicles is prohibited.
- 2559 h. Loading areas, service areas, mechanical equipment, and refuse collection areas shall be
2560 screened from public streets and adjacent residential properties.
- 2561 i. Fuel storage tanks, dispensing equipment, and associated facilities shall comply with all
2562 applicable federal, state, and local regulations.
- 2563 j. Shared driveways, cross-access easements, frontage roads, reduced curb cuts, or other access
2564 management measures may be required to reduce traffic conflicts and improve roadway safety.
- 2565 k. The use shall comply with all applicable drainage, floodplain, stormwater management, and
2566 utility requirements.
- 2567 l. When adjacent to a residential zoning district, customer access and business operations shall be
2568 limited to the hours of 7:00 a.m. through 9:00 p.m.
- 2569 m. No new gas station or convenience store with fuel sales shall be established within one (1) mile,
2570 measured as five thousand two hundred eighty (5,280) feet, of the property line of another gas
2571 station or convenience store with fuel sales.
- 2572 n. Existing legally established gas stations and convenience stores that do not comply with one or
2573 more provisions of this Section shall be deemed legal nonconforming uses and may continue
2574 operation in accordance with Sec. 9-105.
- 2575 o. Existing legally established gas stations and convenience stores may be renovated, repaired,
2576 reconstructed, or redeveloped on the same site, provided such activity does not increase the
2577 degree of nonconformity. New construction and site improvements shall comply with
2578 applicable building, drainage, landscaping, buffering, lighting, and access management
2579 requirements to the greatest extent practicable, as determined by the Planning Director.

2580 **Sec. 9-303.7. – Group homes and rehabilitative care centers.**

2581 A. Requirements for group homes:

- 2582 1. New group homes must be located a minimum of 2,000 feet from any existing group home or
2583 rehabilitative care center. This distance shall be measured radially from all lot lines of the
2584 subject sites.
- 2585 2. Lot area requirements, setbacks, and any other dimensional or design requirements of the
2586 base zoning district or overlay district shall apply to group homes.
- 2587 3. A minimum of 350 square feet of habitable floor area must be provided for each resident.

2588 B. Requirements for rehabilitative care centers:

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

Sec. 9-303.8. – Home occupations on a residential site.

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

1. *Permit required.* The following home occupations and residential business activities must obtain an approved Home Occupation Permit prior to operation:
 - a. Childcare, daycare, or homeschooling services;
 - b. Music lessons, tutoring, dance instruction, fitness instruction, or similar instructional activities involving visitors to the site;
 - c. Beauty salons, barber shops, nail salons, massage therapy, esthetician services, or similar personal service businesses;
 - d. Animal grooming, boarding, training, breeding, or veterinary-related services;
 - e. Catering businesses, cottage food operations involving customer pickup, or other food preparation businesses involving customer visits or recurring deliveries;
 - f. Contractor businesses involving the storage of commercial vehicles, trailers, construction equipment, materials, or supplies on the site;
 - g. Landscaping, lawn care, pressure washing, pest control, or similar businesses involving commercial equipment or vehicles stored on the property;
 - h. Photography studios or art studios involving customer visits to the property;
 - i. Any home occupation employing individuals who do not reside on the premises;
 - j. Any home occupation involving regular customer traffic, recurring deliveries, or more than four (4) customer visits per day.
2. *Licensing, minimum qualifications and standards.* As applicable, home occupations requiring local, state, or federal licensing shall maintain all required licenses and approvals. Issuance of a Home Occupation Permit or occupational license by the Town does not constitute certification, endorsement, or verification of compliance with state or federal regulations.
3. *Generally.* All of the following general standards apply to all home occupations unless otherwise specified in this section:
 - a. All on-site business activities must be conducted entirely within the dwelling and such business activities must be incidental and secondary to the use of the dwelling.
 - b. Retail sales are prohibited as a home occupation. This prohibition includes storefront sales, customer pickup of merchandise, product showrooms, inventory display areas, and similar retail activities conducted from a residential property.
 - c. Sales conducted exclusively through the internet or other remote means may be permitted as a home occupation, provided that no customer visits occur, no merchandise is displayed for customers, no customer pickup is provided, and the activity complies with all applicable home occupation standards of this Code.

- d. The dwelling used for the home occupation must be the principal residence of the resident conducting the home occupation.
- e. A home occupation shall not generate noise, solid waste, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in a residential dwelling.
- f. No outside storage or display of commercial materials, merchandise, inventory, vehicles, or heavy equipment is permitted.
- g. No bulk storage, assembly, fabrication, or manufacturing of products is allowed on the site.
- h. A maximum of twenty-five (25) percent of the building floor area shall be used for the home occupation.
- i. If a home occupation includes lessons or a service provided to visitors, including, but not limited to music lessons, tutoring, personal services, or instructional activities), such activities must take place between 9:00 a.m. and 7:00 p.m.
- j. The residence shall maintain the appearance and character of a single-family dwelling and no exterior alterations shall be permitted that substantially change the residential appearance of the structure.
- k. No commercial buses or passenger vans designed to carry more than fifteen (15) persons shall be stored on the property.
- l. A minimum of one (1) extra parking space shall be provided for all home occupations that involve parking, loading, pick-up, drop off, or client or student appointments. Should there be a reasonable expectation that additional parking or loading requirements may be necessary, the Planning Director may require a traffic management or pickup and drop-off plan for uses generating recurring congestion complaints or documented neighborhood impacts. Upon review, the Planning Director may require additional parking spaces or modifications to limit negative impacts to the surrounding area.
- m. Vehicles parked or queuing associated home occupation activities must not obstruct traffic circulation, streets, sidewalks, drainage ditches, neighboring driveways, or mail delivery.
4. *Childcare services.* Childcare services may be provided in a single-family residence for no more than 6 children at any one time excluding those children residing in the dwelling, provided all of the following minimum standards are met:
- a. No outdoor amplified music, loudspeakers, or public address systems are proposed or allowed on site.
- b. Indoor childcare services may be provided between the hours of 6:30 a.m. and 7:00 p.m.
- c. Outdoor activities associated with childcare services shall be limited to the hours of 8:00 a.m. to 7:00 p.m.

Sec. 9-303.9. – Long-term open-air retail sales.

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

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

2672 1. Contact information for the vendor and the property owner where the open-air retail sales is
2673 proposed to take place. The applicant for the long-term open-air retail sales use must have a
2674 contract or lease with the property owner allowing them to operate on the site.

2675 2. A site plan showing:

2676 a. All existing parking areas, including any parking areas that will be used by vendor
2677 stands or activities;

2678 b. Proposed location of all tents or structures to be placed on the site;

2679 c. Location and description of any cooking facilities, open flames, grills, propane tanks,
2680 or other flammable substances proposed;

2681 3. Occupational license for the vendor;

2682 4. Food safety certificate for each food vendor, if applicable;

2683 5. A trash and cleanup plan for the site;

2684 6. Traffic and circulation plan for the subject site; and

2685 7. Permit fees as determined by the Planning and Zoning Department.

2686 B. *Renewal*. A long-term open-air retail sales use must initially apply for a one-month permit and must
2687 renew their permit every 6 months thereafter. If the Town receives complaints about an open-air
2688 retail sales use, the Town may require the use to cease operations or may decline to renew the
2689 permit.

2690 C. *Noise*. Speakers or amplifiers may not be used on the site.

2691 D. *Alcoholic beverages*. No alcoholic beverages shall be permitted.

2692 E. *Signage*. Any signs proposed for a long-term open-air retail sales site must be submitted through a
2693 separate sign permit request and if they are in the Historic District, such signs must be issued a
2694 COA prior to their installation.

2695 **Sec. 9-303.10. – Microbreweries.**

2696 A. *Wastewater treatment requirements*. Microbreweries shall comply with all applicable local, state,
2697 and federal wastewater regulations. Where required by the Town or its wastewater utility provider,
2698 microbreweries shall install and maintain on-site pretreatment systems to ensure that discharged
2699 wastewater does not adversely impact the public sewer system. The Town may require submission
2700 of wastewater discharge information, including anticipated flow and pollutant characteristics, as
2701 part of the development review process, and may condition approval on the implementation of
2702 appropriate pretreatment measures.

2703 **Sec. 9-303.11. – Manufactured housing or mobile homes.**

2704 A. No manufactured home or mobile home shall be placed within the Town, except those legally
2705 existing prior to January 1, 2026, such existing mobile homes may be replaced only in the instance
2706 of a disaster or force majeure, per Section 9-214 Nonconformities of this code and must be replaced
2707 within a 12 month period following the disaster or force majeure. This prohibition shall not apply to
2708 unoccupied camper trailers or recreational vehicles located adjacent to, or in close proximity to a
2709 fixed residential structure that structure is owned by or is in the possession of the owner of said
2710 recreational vehicle. The standards herein provide requirements for manufactured homes or mobile
2711 homes even though such uses are not allowed, and these regulations will apply in the instance that
2712 any Town Board or Body permits the placement of a manufactured or mobile home.

2713 B. Manufactured homes placed in the Town after June 2025 must comply with the following:

- 2714 1. The prefabricated, including type, home must be permitted in the base zoning district where it
2715 is located.
- 2716 2. The manufactured or mobile home must comply with all applicable codes set forth in the
2717 United States Department of Housing and Urban Development's "Manufactured Home
2718 Construction and Safety Standards" (24 CFR Part 3280), and must have a current HUD
2719 Label. The manufactured or mobile home must meet the wind zone requirements for its
2720 proposed location.
- 2721 3. The manufactured or mobile home must be no older than 20 years old, measured from the
2722 date of manufacture to the date of placement.
- 2723 4. The manufactured or mobile home may not have a metal roof or visible metal siding.
- 2724 5. Manufactured or mobile homes must be placed on a permanent foundation (on footings or
2725 piers) and must conform with all applicable floodplain requirements. The foundation must be
2726 skirted or concealed from view using lattice or building façade materials. The skirting may
2727 not be metal or chain link fencing.
- 2728 6. The wheels and tongue of the manufactured or mobile home must be removed prior to
2729 building permit inspections.

2730 **Sec. 9-303.12. – Modular housing.**

- 2731 A. Modular homes are subject to the following conditions, where no permit shall be issued unless and
2732 until all of the following minimum standards are met:
- 2733 1. Modular homes must be constructed in compliance with all applicable state and local
2734 building standards (IBC / IRC). All required inspections for a typical permanent foundation
2735 ("stick-built" home) shall also apply to the construction of a modular home. Any structure
2736 that is regulated by the HUD code or National Manufactured Housing Construction and
2737 Safety Standards Act of 1974 is NOT considered a modular home and is considered a
2738 manufactured or mobile home.
- 2739 2. The dwelling shall be installed on a permanent foundation and connected to approved utility
2740 services in accordance with all applicable codes and regulations.
- 2741 3. The principal entrance of the modular home must include a covered porch with a minimum
2742 depth of 7 feet.
- 2743 4. Modular homes must follow all dimensional, architectural, façade, and design standards of
2744 the zoning district in which they are located and any modular homes proposed in the Historic
2745 Overlay (HTO) district must apply for and receive a Certificate of Appropriateness prior to
2746 construction on the site.
- 2747 5. Modular homes located outside of the Historic District Overlay (HTO) must not utilize
2748 corrugated metal siding, exposed ribbed metal panels, or similar industrial or metal wall
2749 panels-as a façade material visible from the street.
- 2750 6. Modular housing located outside of the Historic Overlay (HTO) District shall have a roof
2751 pitch of not less than 4:12.
- 2752 7. Each street-facing façade shall contain a minimum of two (2) windows.

2753 **Sec. 9-303.13. – Motor vehicle and boat sales and rental.**

- 2754 A. A site plan of the use must be approved by the Director of Planning. At a minimum, this plan shall
2755 include the following information:

- 2756 1. Location of all structures on the site.
- 2757 2. Proposed traffic movements and point of ingress and egress, including parking and sight
- 2758 triangles.
- 2759 3. Location and coverage of lighting, signage, and fencing; including materials, textures, and
- 2760 colors to be used on all surfaces.
- 2761 4. Pedestrian access to adjacent sites.
- 2762 5. Approved landscape plan.
- 2763 6. Approved layout of parking area for vehicles for sale and/or lease.
- 2764 7. Any additional information as determined by the Director of Planning.

2765 B. A minimum lot area of 20,000 square feet shall be required.

2766 C. Areas used for storage of vehicles or water-craft to be serviced shall be screened with opaque

2767 fencing and/or landscaping.

2768 **Sec. 9-303.14. – Outdoor display of pre-assembled accessory buildings, pools, or**

2769 **playground equipment.**

2770 A. Display or storage of building, pool, or playground equipment is prohibited within the required

2771 parking area and within required landscape areas.

2772 B. Display of portable storage containers is not allowed on site.

2773 **Sec. 9-303.15. – Outdoor salvage yards.**

2774 A. Must be screened from public view along the front, sides and rear by a 100 percent opaque 8-foot-

2775 tall screen consisting of wood, solid masonry, concrete, or other material as approved by the

2776 Planning and Zoning Director.

2777 B. The owner of an outside salvage or reclamation use shall not stack objects higher than 8 feet high

2778 within 40 feet of the visual screen.

2779 C. If an inoperable or wrecked motor vehicle remains outside on the premises for more than 24 hours,

2780 the premises shall be considered an outside salvage or reclamation use and subject to violation.

2781 However, a premises is not an outside salvage or reclamation use if the premises stores inoperable

2782 or wrecked vehicles each having a valid state registration, current safety inspection certificate, and

2783 documentary records of pending repairs or other disposition.

2784 D. A minimum distance of 200 feet is required between an outside salvage or reclamation use and a

2785 residential district.

2786 **Sec. 9-303.16. – Parking garages.**

2787 A. The perception of the bulk (or mass) of a parking garage as seen from the street must be minimized

2788 by orienting the garage so that its short dimension is along the edge of the street frontage of the lot.

2789 B. The parking garage must include retail or other appropriate uses at the ground level and/or along no

2790 less than 60 percent of the linear frontage abutting a street, parking area, or open space.

2791 Alternatively, the parking garage shall be located behind another principal building.

2792 C. Any remaining portions of the façade not devoted to retail or other appropriate uses shall

2793 incorporate one or more of the following devices to screen the view of parked cars:

- 2794 1. Ornamental grillwork (plain vertical or horizontal bars are not acceptable);

- 2795 2. Decorative artwork, such as metal panels, murals, and mosaics; and/or
2796 3. Display windows for use by nearby merchants.
- 2797 D. Vehicular entrances shall be designed to incorporate architectural elements that frame the opening,
2798 such as an arch, lintels, pilasters, masonry trim, planters, or ornamental lighting.
- 2799 E. Where the dimensions of the parcel proposed for development do not accommodate building
2800 frontage as set out above, parking structures and vehicle entrances shall be designed to minimize
2801 views into the garage from surrounding and adjacent properties, streets, and sidewalks. Methods to
2802 help minimize such views may include, but are not limited to, landscaping, planters, masonry walls
2803 up to 42 inches in height, and decorative grilles and screens. The frontage along the garage shall
2804 include street furniture at intervals of not more than 40 feet.
- 2805 F. Parking structures shall be architecturally consistent with exterior architectural elements of the
2806 principal structure or adjacent traditional buildings, including rooflines, façade design, articulation,
2807 modulation and finish materials.
- 2808 G. Parking structure façades shall have brick cladding or a combination of brick and other masonry
2809 and have regularly spaced square, rectangular, or arched openings.
- 2810 H. Security grilles for parking structures shall be architecturally consistent with and integrated with the
2811 overall design. Chain link fencing is not permitted for parking structure fencing.

2812 **Sec. 9-303.17. – Schools, churches, houses of worship, assembly buildings, and other**
2813 **institutional uses.**

- 2814 A. *Applicability.* The requirements herein shall apply to the new establishment or expansion of any
2815 assembly area within a school, church, house of worship, or other institutional campus with a
2816 seating capacity of 300 people or more.
- 2817 B. *Regulations.*
- 2818 1. The applicant for a permit for construction of an assembly building must submit a traffic
2819 impact analysis by a qualified professional to the Planning and Zoning Department.
- 2820 2. The applicant must show a parking and circulation plan for the building at maximum
2821 capacity.
- 2822 3. The property owner or operator of the assembly building must designate a member of the
2823 staff as an event circulation monitor to ensure that special events or events that generate up to
2824 90% of the maximum capacity of the building do not cause traffic or safety issues in the
2825 nearby streets and properties. Any potential nuisances generated by these events must be
2826 addressed to the event circulation monitor, whose information must be provided to the Town
2827 upon issuance of the building permit for the assembly building.

2828 **Sec. 9-303.18. – Short term rentals.**

- 2829 A. *Applicability.* No person shall use or maintain, nor shall any person advertise the use of any
2830 residential dwelling unit on any parcel in Town for short-term rental without a short-term rental
2831 permit.
- 2832 B. *Regulations.*
- 2833 1. The short-term rental permit shall be in the name of the property owner, or an authorized
2834 representative of the entity owning the property.

- 2835 2. The owner shall keep on file with the Town the name, telephone number, cell phone number,
2836 and e-mail address of a local manager serving as the contact person who shall be responsible
2837 for responding to questions or concerns regarding the operation of the short-term rental. This
2838 information shall be posted in a conspicuous location within the short-term rental dwelling.
2839 The manager must be available 24 hours a day to accept telephone calls and respond
2840 physically to the short-term rental within 60 minutes when the short-term rental is rented and
2841 occupied.
- 2842 3. One person or entity may hold no more than one short-term rental permit in the Town. The
2843 permit shall not be transferable.
- 2844 4. For short-term rental proposals in a multi-unit building, including duplexes, the property
2845 owner or property manager must reside permanently on-site, and only one unit per
2846 development site may be used as a short-term rental. Examples below illustrate how this
2847 requirement should be applied:
- 2848 a. *Example 1:* In a four-plex building, one unit must be occupied by the property owner or
2849 manager and one unit may be used as a short-term rental.
- 2850 b. *Example 2:* A single family home site includes an accessory dwelling unit. The
2851 property owner or manager must live in one unit (either the primary home or the
2852 accessory dwelling unit) and the other unit may be used as a short-term rental.
- 2853 A single-family home without an accessory dwelling unit may be used as a short-term rental
2854 without the requirement that the property owner or manager reside on site.
- 2855 5. Short-term rentals shall not be operated outdoors or in a recreational vehicle.
- 2856 6. Short-term rentals use shall be limited to residential dwelling units existing and constructed
2857 as of the date of application for the short-term rental permit.
- 2858 7. Short-term rental dwellings shall meet all applicable building, health, fire, and related safety
2859 codes at all times and shall be inspected by the fire department before any short-term rental
2860 activity can occur. Each bedroom shall contain a smoke detector and a carbon monoxide
2861 detector.
- 2862 8. A minimum of one on-site parking space shall be provided for use per bedroom used by the
2863 short-term rental occupants. Vehicles shall be parked in the designated area onsite and shall
2864 not be parked on the street.
- 2865 9. The short-term rental shall appear outwardly to be a residential dwelling. No exterior signage
2866 or other exterior evidence that the property is used for short-term rental shall be permitted
2867 except for a sign not more than 4 square feet showing the name of the house.
- 2868 10. Use of the short-term rentals for commercial functions, ceremonies, and/or other special
2869 events shall be prohibited.
- 2870 11. The owner shall ensure that the occupants and/or guests of the short-term rental use do not
2871 create unreasonable noise or disturbances, engage in disorderly conduct or violate provisions
2872 of this Code or any state law pertaining to noise, disorderly conduct, the consumption of
2873 alcohol, or the use of illegal drugs or be subject to fines and penalties levied by the Town up
2874 to and including revocation of the short-term rental permit.
- 2875 12. The owner, upon notification that occupants and/or guests of his or her short-term rental use
2876 have created unreasonable noise or disturbances, engaged in disorderly conduct or committed
2877 violations of this Code or state law pertaining to noise, disorderly conduct, the excessive
2878 consumption of alcohol or the use of illegal drugs, shall prevent a recurrence of such conduct

- 2879 by those occupants or guests or be subject to fines and penalties levied by the Town up to and
2880 including revocation of the short-term rental permit.
- 2881 13. The owner shall maintain an occupational license and pay all occupancy taxes required by
2882 law, including but not limited to state sales tax and hotel/motel occupancy tax.
- 2883 14. No food service shall be provided by the owner or anyone on his behalf.
- 2884 C. *Permits.* Prospective owner-applicants of a short-term rental shall apply for an annual permit with
2885 the Planning Director in accordance with the provisions of this Section and on a form provided by
2886 the Town. The application must be approved by the Zoning Commission. A short-term rental
2887 permit is a privilege, not a right, and may be revoked or not renewed based on non-compliance with
2888 the requirements provided herein.
- 2889 1. The application shall be accompanied by the short-term rental permit fee as set forth herein to
2890 cover the administrative costs of issuing a short-term rental permit and, but not limited to,
2891 inspecting the following information:
- 2892 a. The name, address, and phone number of the applicant, and verification that the
2893 applicant is the owner of the property, including proof of homestead exemption for all
2894 properties located in eligible residential districts;
- 2895 b. The assessor's parcel number of the lot on which the short-term rental use is proposed;
- 2896 c. A site and floor plan identifying the location of parking on the site and the location of
2897 any bedrooms to be used for short-term rental use;
- 2898 d. Evidence that the property has current, valid liability insurance of \$500,000.00 or more
2899 with proof that such coverage includes use as a short-term rental property; and
- 2900 e. Acknowledgment of compliance with all regulations pertaining to the operation of a
2901 short-term rental.
- 2902 2. The permit term for all short-term rental permits shall run from January 15 to January 14 of
2903 each year, regardless of when issued. All permits must be renewed annually.
- 2904 3. There shall be no more than 15 short-term rental permits issued by the Town annually.
- 2905 4. The annual permit fee for a short-term rental permit shall be \$250.00.
- 2906 5. Any fraud, material misrepresentations, or false statements contained in the attestations,
2907 required documentation, or correlating application materials shall be grounds for immediate
2908 revocation of a short-term rental permit. Furthermore, all requirements herein shall be
2909 continuously maintained throughout the duration of the permit.
- 2910 D. *Violations.* Any violation of this Section and the correlating provisions in this Chapter may subject
2911 a violator to any remedy, legal or equitable, available to the Town. Violations include but are not
2912 limited to: advertisement or rental of a short-term rental without proper permitting, operation
2913 outside the scope of any of the applicable short-term rental regulations provided by law and
2914 advertising a short-term rental outside the permitted scope of a short-term rental permit. The
2915 Planning Director may suspend, revoke or not renew any permit issued pursuant to this section if
2916 the he or she determines that the permit holder has violated any provision of this Section, two or
2917 more times. Remedies include but are not limited to: revocation of a short-term rental permit, daily
2918 fines, and property liens, as more fully provided in **Sec. 9-212. - Enforcement** of this Chapter.
2919 Each day of violation shall be considered a separate offense. Nothing contained herein shall be
2920 construed to limit the legal remedies available to any other person for the correction of violations of
2921 this Section.

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

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

Sec. 9-303.20. – Snowball stands.

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

Sec. 9-303.21. – Telecommunication towers.

- A. Wireless facilities are limited to the installation of antennas on existing structures or upon newly-constructed buildings that are not telecommunication towers, and the construction of monopole towers and related antennas and wireless transmission and relay equipment. Self support lattice and guyed towers shall be strictly prohibited in the Town of Abita Springs. In the case of the construction of any new monopole towers, the following requirements shall apply:
1. Monopole towers shall:
 - a. Not exceed 200 feet in tower height.
 - b. Ensure a minimum of 750 feet of separation between towers.
 - c. Ensure a minimum of 500 feet distance from any public street or road of record.
 - d. Ensure a minimum distance from any adjacent residential zoning district to be no less than the height of the tower.
 2. Tower height shall be measured as the distance from the ground elevation from the base of the telecommunication tower to the top of the telecommunication tower or any attached wireless transmission and relay equipment.
 3. All towers shall have the capacity to permit multiple users. At a minimum, monopole towers shall be able to accommodate 2 carriers.
 4. Request for building permits to construct new monopole towers will require the applicant to request a public hearing before the Planning Commission and a final vote of approval by the Town Board of Alderman, and require the applicant to provide the following with its application:

- 2962 a. One copy of the typical specifications for the proposed structure and antenna, including
2963 description of design characteristics and materials.
- 2964 b. A site plan drawn to scale showing property boundaries, tower location, tower height,
2965 existing structures, photographs or elevation drawings depicting the typical design of
2966 proposed structures, parking, fences and landscape plan.
- 2967 c. A survey from a licensed land surveyor or civil engineer indicating the distance from
2968 any existing residential land uses and districts, adjacent property, streets and roads to
2969 the wireless facility.
- 2970 d. A certificate from a licensed engineer of capacity by type and number of the
2971 communication tower, and a certification that the tower is designed to withstand winds
2972 in accordance with ANSI/EIA/TIA 222-F, latest revision, standards.
- 2973 e. Written authorization from the site owner allowing the applicant to submit the
2974 application.
- 2975 f. Certification by the applicant that the proposed activity is in compliance with Federal
2976 Aviation Administration (FAA) requirements.
- 2977 5. The Town Board of Alderman may only approve a new monopole after reviewing a
2978 determination of need and acceptance of the following information and justification provided
2979 by the applicant:
- 2980 a. Propagation study demonstrating the need for the additional monopole tower and
2981 inability to use the following existing sites.
- 2982 i. Existing water towers within the Town limits.
- 2983 ii. Existing telecommunications towers within Town limits; and
- 2984 iii. Other existing structures of sufficient height within the Town limits.
- 2985 b. Existing structures may not be used only if a minimum of 3 of the following criteria are
2986 met.
- 2987 i. Structural capacity of the existing structure;
- 2988 ii. Geographical service area requirements;
- 2989 iii. Radio frequency interference;
- 2990 iv. Mechanical or electrical incompatibility;
- 2991 v. Restrictions or limitations of the Federal Communications Commission that
2992 would preclude the shared use of the structure;
- 2993 vi. Unwilling or unreasonable terms imposed by the owner of the structure; and
- 2994 vii. Any other information that would demonstrate the need for a new monopole
2995 tower.
- 2996 6. The Town may, at its sole discretion and at the expense of the applicant, retain the services of
2997 an independent expert in the field to review the information submitted by the applicant. The
2998 independent expert may request additional information that shall be deemed to be a
2999 requirement of the application and formulate a recommendation to the Town. No hearing or
3000 permit may be issued until such time as the recommendation of the independent expert is
3001 reviewed and accepted by the town.

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

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

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

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

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

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

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

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

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

11. When considering an application for construction of a new monopole tower, the Planning Commission, in making its recommendation and the Town Board of Alderman, in rendering

its decision on the application, shall, on the basis of the site plan and other information submitted, evaluate the impact of the request upon, and the compatibility of the proposed use with, surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. The Planning Commission and the Town Alderman shall consider the extent to which:

- a. The proposed use is consistent with the general purpose and intent of the underlying zoning district regulations, and is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.
- b. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and, as required by particular circumstances, includes improvements or modifications either on site or within public rights-of-way to mitigate development-related adverse impacts, including, but not limited to:
 - i. Adequate ingress and egress to property and proposed structures thereon with particular references to vehicular and pedestrian safety and convenience, and access in case of fire;
 - ii. Off-street parking and loading areas;
 - iii. Refuse and services areas;
 - iv. Utilities with reference to location, availability, and compatibility;
 - v. Screening and buffering, features to minimize visual impacts and/or setbacks from adjacent uses;
 - vi. Control of signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic impact, and compatibility and harmony;
 - vii. Required yards and open space; and
 - viii. Height and bulk of structures.

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

13. In conformity with the authority to the Town Board of Alderman to authorize these permits for new monopole towers the Town Alderman may waive or modify specific standards otherwise made applicable to the use by this ordinance to secure the general objectives of this section.

Sec. 9-303.22. – Temporary seasonal uses.

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

- A. All signs must be approved by the Planning and Zoning Director. If the use is in the Historic Overly (HTO) district, a COA will be required.

- 3091 B. Restroom facilities must be made available to employees. When an RV is located on the site, the
3092 petitioner must provide documentation that restroom facilities shall be provided by either of the
3093 following ways:
- 3094 1. Port-o-lets located on the site; RV facilities shall not be used.
 - 3095 2. Contract between petitioner and a waste disposal company.
 - 3096 3. Letter from adjacent property owners permitting use of restroom facilities and RV.
- 3097 C. No alcoholic beverages shall be permitted.
- 3098 D. The applicant for the temporary seasonal use must have a contract or lease with the property owner
3099 allowing them to operate on the site.
- 3100 E. All structures used in connection with the permit shall be removed 10 days after expiration of the
3101 permit.
- 3102 F. The longest duration a temporary seasonal use shall remain on a site is 3 months. If the Town
3103 receives complaints about a temporary seasonal use the Town may require the use to cease
3104 operations immediately.
- 3105 G. Fireworks sales shall not be permitted as a temporary seasonal use.
- 3106 H. Signage. Any signs proposed for a long-term open-air retail sales site must be submitted through a
3107 separate sign permit request and if they are in the Historic District, such signs must be issued a
3108 COA prior to their installation.

3109 **Sec. 9-303.23. – Temporary retail sales, “pop-up markets,” food sales, and outdoor events.**

3110 This Section sets forth general performance standards for temporary retail sales, food sales, and outdoor
3111 events, for example: fairs, festivals, or artist markets.

- 3112 A. *Permit required.* The organizer of any use specified in this Section must apply for an event permit
3113 with the Planning and Zoning Department. If the permit is not issued prior to the event, the event
3114 must be cancelled. The permit application must include the following:
- 3115 1. Contact information for the responsible party for the event and the property owner where the
3116 event will take place.
 - 3117 2. A site plan showing:
 - 3118 a. All existing parking areas, including any parking areas that will be used by vendor
3119 stands or activities;
 - 3120 b. Proposed location of all tents or structures and signs to be placed on the site for the
3121 event;
 - 3122 c. Location and description of any cooking facilities, open flames, grills, propane tanks,
3123 or other flammable substances proposed for the event;
 - 3124 d. Evacuation path for attendees, including for those attendees with mobility challenges or
3125 disabilities;
 - 3126 3. Occupational license for each vendor;
 - 3127 4. Food safety certificate for each food vendor;
 - 3128 5. A trash and cleanup plan for the event;
 - 3129 6. A security plan for the event, including staffing levels;

- 3130 7. Time, date, staffing plan, and confirmation of sales tax collection for the subject event;
3131 8. Traffic and circulation plan for the subject site; and
3132 9. Temporary permit fees as determined by the Planning and Zoning Department.
- 3133 B. *Lease or contract for use of site.* The applicant for the temporary retail sales must have a contract or
3134 lease with the property owner allowing them to operate on the site.
- 3135 C. The longest duration a temporary retail sales use shall remain on a site is 3 days. If the Town
3136 receives complaints about a temporary retail sales use, the Town may require the use to cease
3137 operations immediately.
- 3138 D. *Noise.* Speakers or amplifiers may not be used during the hours of 9:00 pm and 7:00 am. No noise
3139 shall be audible at a distance of 100 feet from the event. Event organizers must reduce noise if
3140 complaints from any adjacent residents are received by the Town.
- 3141 E. *Signs.* All signs must be approved by the Planning and Zoning Director. If the use is in the Historic
3142 Overlay (HTO) district, a COA will be required.
- 3143 F. *Town exempt.* Events organized by the Town of Abita Springs or civic events approved by the
3144 Town are exempt from the regulations in this Section for temporary retail sales.

3145 **Sec. 9-303.24. – Townhouses.**

- 3146 A. *Dimensional requirements.*
- 3147 1. *Distance between structures.* No portion of a townhouse building or accessory structure in or
3148 related to one townhouse building shall be closer than 25 feet to any portion of another
3149 townhouse building or accessory structure related to another townhouse building or to any
3150 building outside the townhouse site except for between detached single-family homes, which
3151 must be a minimum of 5 feet from each interior property line resulting in 10 feet between
3152 structures.
- 3153 2. There shall be a 20-foot green space setback around the perimeter of the development.
- 3154 3. At least 45 percent of the total area in a townhouse development shall remain unpaved or
3155 covered in natural landscaping after construction is finished. This green space must be
3156 maintained by a homeowner's association, created through a restrictive covenant or another
3157 method approved by the Planning Commission.
- 3158 B. The density of the project shall not be more than 12 units per acre.
- 3159 C. A townhouse building shall not contain more than 4 townhouse units built in a row.
- 3160 D. The facade of each unit shall be different from its adjacent facade with not more than 2 similar
3161 facades appearing in any one townhouse building.
- 3162 E. No more than 2 units in a series of 4 shall have the same front building setback line.
- 3163 F. Townhouse fire walls shall be required:
- 3164 1. *Fire walls between units.* Fire walls between each townhouse unit shall be not less than 2-
3165 hour rating and shall be constructed in conformance to the building codes of the state fire
3166 marshal for structures built on property lines, whichever is more restrictive.
- 3167 2. *Fire walls between groups of units.* Each townhouse development shall be divided into
3168 groups of not more than 4 units each with each group separated by a fire wall of not less than
3169 2-hour rating, constructed in conformance with the building codes of the Town, extending 3
3170 feet above the roof and 18 inches beyond the outside face of the building or 5 feet along the

3171 face of the building each side of the fire wall, except that roof and wall penetration by the fire
3172 wall may be omitted when units are offset by not less than 5 feet in each direction and facing
3173 materials are noncombustible.

3174 G. Utility services shall be made available to each townhouse and shall be installed underground.
3175 Water, electrical, sewerage, storm drainage and telephone shall be considered utility services. In
3176 addition, cable TV and gas may also be provided and shall be required to be installed underground.

3177 H. No townhouse developments existing at the time of the passage of these regulations shall not
3178 qualify for conversion to townhouse conversion and subdivision of townhouse sublots unless
3179 constructed to meet the requirements of these regulations as they apply to required fire walls.

3180 I. All dumpsters and any permanently placed refuse receptacles shall be located a minimum of 50 feet
3181 from any adjacent property zoned or used as residential, townhouse, condominium or multifamily
3182 or used for a purpose permitted in such a district. The location of and access to dumpsters or any
3183 other refuse receptacles shall be reviewed and approved by the Zoning Commission.

3184 **Sec. 9-304. – DEVELOPMENT STANDARDS**

3185 **Sec. 9-304.1. – Site development standards in commercial, mixed-use, and special purpose** 3186 **districts.**

3187 A. *Purpose.* It is the express intent of this Section to advance the development of structures that
3188 promote a human-scale, pedestrian-oriented design appropriate to the Town's character in
3189 commercial, mixed-use, and special purpose districts.

3190 1. *Scale and massing.* In commercial, mixed-use, and special purpose districts, the massing of
3191 building(s) and appropriate scale must be accomplished in at least one of the following ways:
3192 a. Avoid continuous and unbroken wall planes, or
3193 b. Introduce architectural elements or features that create a variety of scale relationship, or
3194 c. Use of materials consistent throughout the project, or
3195 d. Use of architectural elements or details that emphasize a human scale or mimic
3196 structural features on adjoining properties, or
3197 f. Other design techniques or elements of design that reasonably comply with the purpose
3198 stated herein.

3199 B. Development density shall not exceed 1 residential unit per 3,000 square feet or no more than 12
3200 units per acre.

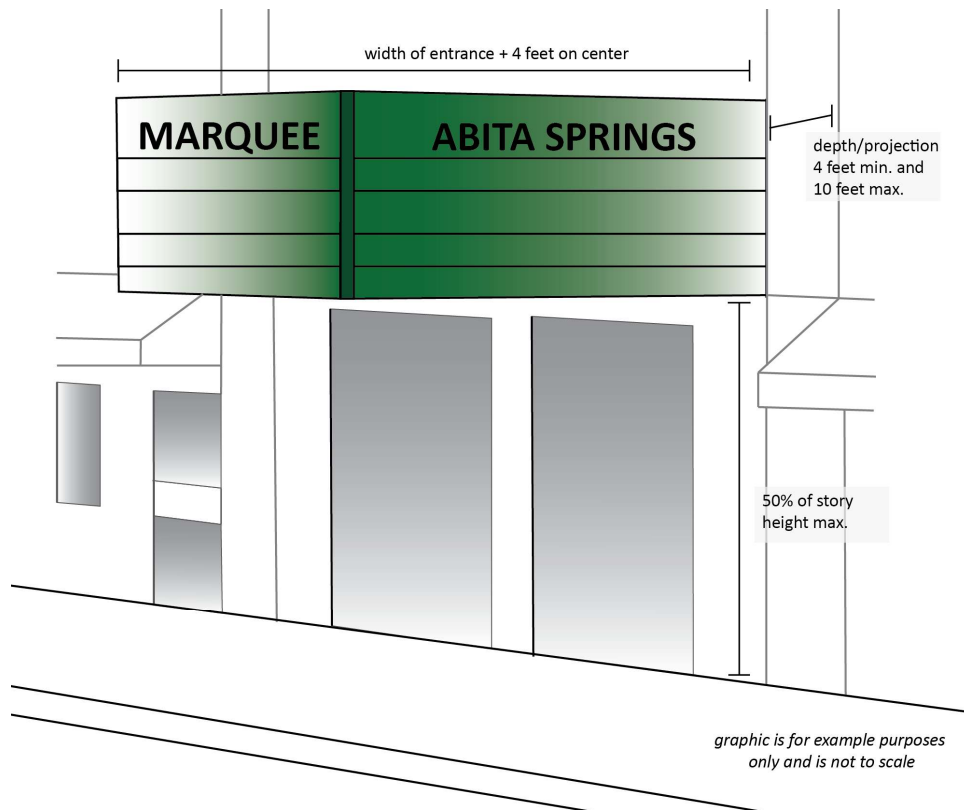
3201 C. *Screening.* Yards, fences, vegetative screening or berms shall be provided to screen adjacent, more
3202 restrictive residential districts from views of off-street parking areas, mechanical equipment,
3203 storage areas and areas for refuse collection. If fences are utilized for screening, fence height must
3204 be at least 8 feet.

3205 D. All dumpsters and any permanently placed refuse receptacles shall be located a minimum of 50 feet
3206 from any adjacent property zoned or used as residential, townhouse, condominium or multifamily
3207 or used for a purpose permitted in such a district. The location of and access to dumpsters or any
3208 other refuse receptacles shall be reviewed and approved by the Zoning Commission.

3209 E. No intensive recreational use (e.g., swimming pool, tennis court, ball court, or playground) shall be
3210 permitted within 50 feet of any adjoining residential, townhouse, condominium or multifamily
3211 district.

- 3212 F. Multiple principal buildings are permitted on a lot provided each building complies with the
3213 maximum building size, required setbacks, parking, landscaping, and pedestrian connectivity
3214 standards. Buildings shall not be artificially separated for the purpose of circumventing the
3215 maximum building area requirements. Buildings connected by enclosed corridors or functioning as
3216 a single tenant space shall be considered one building for purposes of calculating maximum
3217 building area.
- 3218 G. *Pedestrian Connectivity.* Where more than one principal building is located on a lot, an accessible
3219 pedestrian walkway shall connect all principal building entrances to one another, to all required
3220 parking areas, and to any public sidewalk or shared-use path adjacent to the site. Walkways shall be
3221 a minimum of five (5) feet in width and shall be physically separated from vehicle travel lanes by
3222 landscaping, curbing, or other protective features where feasible.
- 3223 H. *Building orientation and primary entrances.*
- 3224 1. Primary façades of every primary building shall be oriented to a front lot line or public space.
- 3225 2. The primary entrance of every principal building must directly face a street or a public space.
3226 Public space may include a central garden or courtyard when that public space opens directly
3227 onto the primary street.
- 3228 3. Public entry and exit doors that swing outward shall be recessed into the façade at a minimum
3229 of 3 feet where the sidewalk abuts the building.
- 3230 4. Buildings on corner lots shall have the building and primary entrance oriented to the corner.
- 3231 I. *Façade material and design.*
- 3232 1. For buildings of 2 stories or more, the ground floor should be architecturally differentiated
3233 from above floors to reinforce the pedestrian space. This may be accomplished through the
3234 application of different façade materials, aesthetic treatments, pedestrian overhangs, larger
3235 storefront windows, planters, or similar treatments.
- 3236 2. Columns and posts shall not be spaced further apart than the height of any individual column
3237 or post.
- 3238 3. At least one of the following architectural treatments must be applied the building.
- 3239 a. *Balconies.* To be considered an architectural treatment that meets this requirement, an
3240 application must demonstrate compliance with all of the following conditions:
- 3241 i. Balconies must be provided along all street-facing facades on each story
3242 provided.
- 3243 ii. Minimum underside clearance is 10 feet.
- 3244 iii. Balconies may extend past the build-to line, may encroach within the right-of-
3245 way with special easement permission, and must be located at least 2 feet from
3246 the curb line.
- 3247 iv. Balconies shall be permitted to have roofs, but are required to be open,
3248 unconditioned parts of buildings.
- 3249 v. Balconies must be visually supported from below by brackets or another
3250 structurally implicit mechanism, from above by suspension cables or chains, or
3251 adjacent side walls (if the balcony is set completely within the main body of the
3252 building).
- 3253 vi. On corners, balconies shall be permitted to wrap around the side of the building
3254 facing the adjacent street.

- b. *Awnings or canopies.* To be considered an architectural treatment that meets this requirement, an application must demonstrate compliance with all of the following conditions:
- i. Awnings or canopies must be provided for at least 25 percent of the street-facing façade on each story provided.
 - ii. The minimum awning depth for a first-floor awning is 5 feet measured perpendicular to the wall face.
 - iii. The minimum underside clearance of a first-floor awning is 8 feet above grade or the walkway surface below.
 - iv. Awnings may extend past the build-to line, may encroach within the right-of-way with special easement permission, and must be located at least 2 feet from the curb line.
 - v. Awnings must be made of durable fabric and may be either fixed or retractable. High-gloss or plasticized fabrics are prohibited. Backlit awnings are also prohibited.
- c. *Marquees.* To be considered an architectural treatment that meets this requirement, an application must demonstrate compliance with all of the following conditions:
- i. For uses such as theaters or hotels where people regularly congregate on the sidewalk, marquees may be applied as an architectural treatment in fulfillment of this requirement.
 - ii. Marquees may extend past the build-to line, may encroach within the right-of-way with special easement permission, and must be located at least 2 feet from the curb line.
 - iii. Marquees must meet the following requirements: 1 per business, width is that of the entrance plus 4 feet on center, height is 50 percent of the story height maximum, depth/projection is 4 feet minimum and 10 feet maximum.



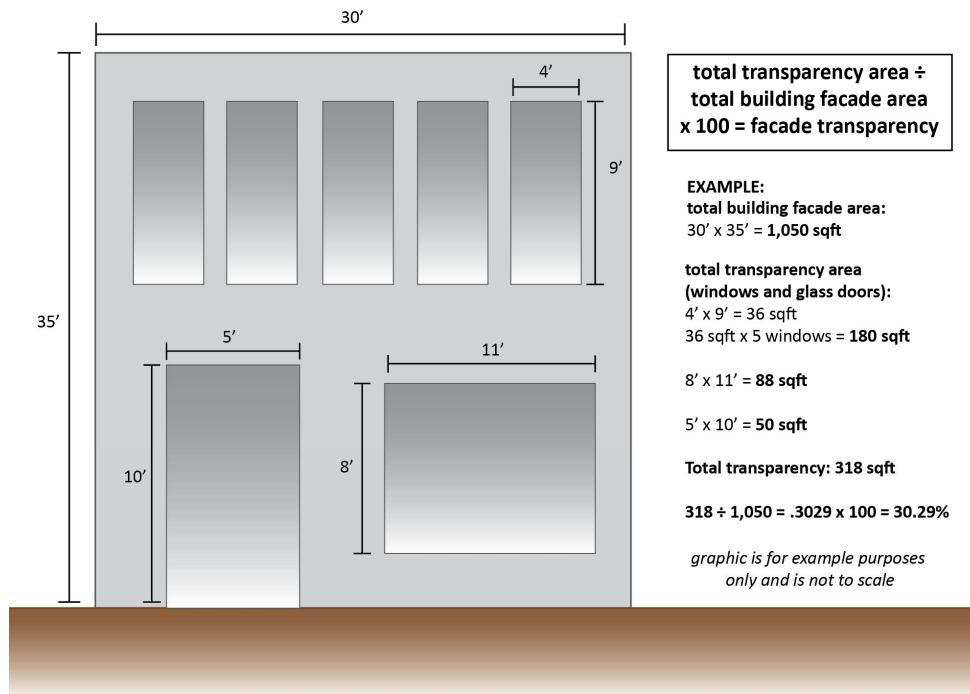
4. *Brick and masonry detailing.*

- a. *Headers.* All openings in masonry construction shall be spanned by a header.
- b. *Sills.* All window and door openings in masonry construction shall have a sill at their base.
- c. *Caps.* A cap shall protect the tops of all masonry structures exposed to the weather, including garden walls, stair treads, planter edges, parapets, and freestanding piers.
 - i. Caps shall be made of stone, cast stone, brick, concrete, or slate.
 - ii. The edges of caps may be rectangular or may be more ornate.
 - iii. Caps shall project past the edge of the masonry structure below by a minimum of one-half inch.

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

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

Calculating Facade Transparency



7. *Lighting.*

- a. Lighting must be energy efficient (LED) and have a color temperature of 2,700 Kelvins maximum.
- b. Private parking lots must have cutoff, downward lighting.
- c. Light fixtures located within the interior area of a parking lot shall not exceed 30 feet in height.
- d. Light fixtures located along the perimeter edge of a parking area within 50 feet of a property line shall not exceed 16 feet in height.
- e. *Pedestrian-scale lighting.* Light fixtures located along pedestrian walkways shall not exceed 10 feet in height.

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

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

- a. A ground-floor shopfront shall face the primary street.
- b. Drive-through windows shall be located on the side or rear of the building.

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

Sec. 9-304.2. – Parking for all uses.

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

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

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

Angle of Parking (Degrees)	Width of Stall (Feet)	Depth of Stall 90° to Aisle (Feet)	Width of Aisle (Feet)	Width of Stall Parallel to Aisle (Feet)	Module Width (Feet)
Standard Parking Spaces					
30	8.5	16.9	12.5	17.0	47
30	9.0	17.3	12.5	18.0	47
30	9.5	17.8	12.5	19.0	48
30	10.0	18.3	12.5	20.0	49
45	8.5	17.5	13.0	12.0	48

45	9.0	17.5	12.5	12.7	48
45	9.5	17.5	12.5	13.4	48
45	10.0	17.5	12.5	14.1	48
60	8.5	19.0	18.0	9.8	56
60	9.0	19.0	16.0	10.4	54
60	9.5	19.0	15.0	11.0	53
60	10.0	19.0	15.0	11.6	53
75	8.5	19.5	25.0	8.8	64
75	9.0	19.5	23.0	9.3	62
75	9.5	19.5	22.0	9.8	61
75	10.0	19.5	22.0	10.3	61
90	8.5	18.5	28.0	8.5	65
90	9.0	18.5	26.0	9.0	63
90	9.5	18.5	25.0	9.5	62
90	10.0	18.5	25.0	10.0	62
Parallel Parking Spaces					
0	8.5	8.5	12.5	22.0	21

B. *Number of required parking spaces for each use.*

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

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

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

3. *Administration of the parking requirements.*

- a. Sites in the Town may not reduce the number of parking spaces below the minimum required.
- b. If the use of a building changes, then the required parking must be recalculated.
- c. No new use may be permitted in a development without sufficient parking consistent with the minimum required. Required parking must be installed prior to the issuance of a Certificate of Occupancy for the use which it serves.
- d. If a “shell” retail building is proposed to be developed and the owner has not determined which tenants will be in the building, the Town shall treat half of the units as retail and half as restaurants, to calculate the required minimum number of parking spaces.
- e. If a use is not listed in **Table 9-304.2.-3**, the Planning and Zoning Director shall determine the required minimum number of parking spaces based on a similar use.
- f. If the applicant for a non-residential permit submits market research or studies indicating that the proposed use will need less than the minimum parking required in **Table 9-304.2.-3**, the Planning and Zoning Director may reduce the required number of parking spaces at their discretion by up to 50 percent of the initial requirement.
- g. When a building or use is enlarged or increased, the parking and loading requirements for this Chapter shall apply to the enlargement or increase.
- h. *Bicycle parking incentive.* Two (2) bicycle parking locations (bicycle racks accommodating 2 bicycles) can replace one required parking space in commercial and industrial uses, up to 5 parking spaces.
- i. *Mixed Use Buildings.* Parking requirements for mixed-use buildings shall be calculated separately for each individual use within the building using the applicable standards. The total required off-street parking required for the development shall be the sum of the parking required for each use. Change of use applications require a parking plan. Off-street parking is mandatory.

3400 **Table 9-304.2.-3. Minimum parking spaces.**

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

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

4. *Use of parking areas.*

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

- 3405 b. Vehicle parking space shall be used for parking only. Any other use of such space,
3406 including for open storage of goods, the storage of vehicles for sale or rent, storage of
3407 inoperable vehicles, repair work or servicing of any kind other than in an emergency, or
3408 the requirement of any payment for the use of such space, shall be deemed to constitute
3409 a separate commercial use in violation of provisions of this Chapter.
- 3410 c. No building of any kind shall be erected in any off-street parking area, except a parking
3411 garage containing parking spaces conforming to the requirements set forth in this
3412 Chapter, or a shelter house for a parking attendant, providing the number of spaces
3413 required is not reduced.
- 3414 d. The required parking area on any lot, as set forth and designated in this Chapter, shall
3415 not be reduced or encroached upon in any manner. No parking shall be allowed in
3416 designated front yard setback areas.
- 3417 e. *Truck parking in residential areas.* No motor vehicle over two-ton capacity or bearing
3418 a commercial license, and no commercially licensed trailer or commercial type truck
3419 trailer shall be parked or stored in a townhouse or condominium district except when
3420 loading, unloading, or rendering a service. This provision shall not apply to vehicles
3421 operated, parked or stored on the site of a legally nonconforming use, to recreational
3422 vehicles and pickups, or to temporary use of rental vehicles for noncommercial
3423 purposes.
- 3424 5. *Design of parking areas.*
- 3425 a. There shall be no off-street parking spaces within 15 feet of any street right-of-way
3426 except as specifically as provided by this Code.
- 3427 b. Access drives shall be no closer than 5 feet to interior property lines and 15 feet to side
3428 street property lines on local streets and shall minimally meet the requirements of the
3429 state department of transportation and development for collector and arterial streets.
- 3430 c. It shall be the joint and solitary responsibility of the operator and owner of the principal
3431 use, uses, and/or buildings to maintain, in a neat and serviceable manner, the parking
3432 spaces, accessways, landscaping, fences and buffering materials serving such use or
3433 building.
- 3434 d. New buildings must have their surface parking lots located on the side or rear of
3435 buildings.
- 3436 e. A maximum of 20 percent of the lot may be devoted to surface parking lots, with no
3437 individual parking lot larger than 2 acres.
- 3438 f. *Parking surfaces and drainage.*
- 3439 i. Parking surfaces can be impervious or pervious material, however loose
3440 aggregate or gravel may not be used for the driveways. Driveways must be
3441 surfaced with asphalt, concrete, or other permanent material. Loose aggregate
3442 surfacing shall be contained by curbing. Curbing shall not sever roots 2 inches in
3443 diameter or greater or penetrate natural grade greater than 3 inches in depth
3444 within the dripline of a tree.
- 3445 ii. No base preparation will be allowed within the dripline of a tree.
- 3446 iii. Parking areas should be designed to drain or retain water in a manner that does
3447 not displace water onto adjacent properties. All parking and loading facilities
3448 shall be graded and provided with permanent storm drainage facilities, according
3449 to construction specifications approved by the Town Engineer pursuant to this

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

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

i. Safety barriers, protective bumpers or curbing, and directional markers shall be provided as needed to assure safety, prevent encroachment onto adjoining public or private property.

ii. Visibility of and between pedestrians, bicyclists and motorists shall be assured when entering individual parking spaces, when circulating within a parking facility and when entering and exiting a parking facility.

A). *Sight triangle at street and accessway intersection.* Where an accessway intersects a street a clear vision area shall be maintained between the height of 3 feet and 7 feet above the centerline grade of the street within a sight triangle measuring 25 feet on the side adjacent to the street and 15 feet on the side adjacent to the accessway.

B). *Sight triangle at accessway intersection.* Where an accessway intersects another accessway, there shall remain a clear vision area between the height of 3 feet and 7 feet from the grade of the accessways within a sight triangle measuring 15 feet along both of its sides adjacent to the intersecting accessways.

C). The Town Engineer is authorized to prepare a diagram in conformity with this subsection, which shall be part of this ordinance.

iii. Internal circulation patterns, and the location and traffic direction of all access drives, shall be designed and maintained in accordance with accepted principles of traffic engineering and traffic safety.

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

i. In all use districts, the lighting, including any permitted illuminated sign, on any parking lot or driveway shall be arranged so that there will be no glare directed or reflected toward residential buildings or districts. If the Town receives a complaint about lighting coming from a specific site, the property owner of the site in question shall be required to submit an analysis or lighting study by a professional with expertise in commercial lighting to verify whether or not the site is in compliance with this Code.

ii. Parking lot lighting design shall provide for the reasonable safety, comfort, and convenience of the parking of patrons and use of pedestrians.

iii. Parking lot lighting illumination design levels and visibility glare shall in general comply with the latest issue of IES Lighting Handbook section on parking facilities lighting.

iv. Parking lot lighting shall be designed to minimize light spillover into adjoining streets and nearby residential areas and shall be directed downward and away from adjoining property and abutting streets by shielding the light source from visibility from adjoining properties or streets in such a way as not to create a nuisance. All exterior lighting shall be hooded or shielded so that the light source is not visible from adjacent more restrictive residential districts adjacent streets or highways.

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

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

A. *Planting requirements for all uses.*

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

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

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

- 3536 f. All new construction sites must include sodded landscape areas.
- 3537 3. *Provisions for planting in parking areas.*
- 3538 a. Interior plantings in parking areas that contain more than 8 spaces are required to be
- 3539 planted with a minimum of the following per 2,000 square feet of parking or paved area
- 3540 (approximately 5 spaces):
- 3541 i. One tree;
- 3542 ii. 40 shrubs (3-gallon sized minimum); and
- 3543 iii. Vegetative ground cover.
- 3544 b. For 10 or more spaces in a row, an island at least 5 feet in width is required.
- 3545 c. All parking lots of 10 or more spaces require a landscape and layout plan, approved by
- 3546 the Director of Planning and Zoning, as a condition of obtaining a building permit.
- 3547 d. For existing parking lots that do not comply with the required parking lot landscape
- 3548 standards, such landscaping shall be provided when any of the following occur:
- 3549 i. A new principal building is constructed.
- 3550 ii. An addition is constructed that expands the building footprint by 30 percent or
- 3551 more.
- 3552 iii. Over 50 percent of the total area of an existing parking lot is reconstructed.
- 3553 4. *Interior planting.* Interior planting parking areas containing more than 8 spaces are required
- 3554 to be planted with a minimum of one tree and 40 shrubs (3-gallon sized minimum) per 2,000
- 3555 square feet of parking area or paved area in the parking lot (approx. 5 spaces) along with
- 3556 vegetative ground cover.
- 3557 C. *Streetscapes.* Each property with a street frontage shall install at least one bench, bicycle rack,
- 3558 planter, or piece of public art per 500 feet of street frontage or part thereof.

3559 **Sec. 9-304.4. – Tree preservation.**

- 3560 A. *Protection of trees.*
- 3561 1. Trees, because of the beneficial services they provide and the character they add to the
- 3562 community, shall be retained and preserved to the maximum extent feasible on all property
- 3563 within the Town limits.
- 3564 2. Nothing herein shall prohibit the use of land for any primary or accessory improvements
- 3565 allowed by this Code.
- 3566 3. In the design of building sites and the development of subdivisions the location of
- 3567 infrastructure, structures and parking areas shall take into consideration, to the maximum
- 3568 extent feasible, the preservation of existing trees.
- 3569 4. The following methods shall be utilized to preserve existing trees:
- 3570 a. Fill shall be avoided in the critical root zones of existing trees being preserved;
- 3571 b. Changes in drainage patterns, which might negatively affect existing trees to be
- 3572 preserved, shall be avoided;
- 3573 c. A protective tree barrier shall be erected beyond the critical root zone of trees to be
- 3574 preserved during building, development, tree clearing or tree removal activities.

- 3575 d. Trenching shall be avoided within the critical root zone of trees to be preserved.
- 3576 e. Clearing of underbrush, within the critical root zone of a tree to be preserved, by use of
- 3577 any motorized vehicle, shall be avoided.
- 3578 f. The failure to utilize any of the above methods shall be considered a violation.
- 3579 B. *Permits required to remove, clear or harvest trees.* Prior to any tree removal, residential clearing,
- 3580 development clearing, or timber harvesting, as defined herein, within the Town of Abita Springs, a
- 3581 tree removal, residential clearing, development clearing or timber harvesting permit shall be
- 3582 obtained for these respective activities.
- 3583 1. *Tree removal permit.*
- 3584 a. A tree removal permit for each tree shall be required to remove any specifically
- 3585 protected tree, unless approved in conjunction with a residential clearing or
- 3586 development clearing permit, in which case all the provisions regulating the removal of
- 3587 specifically protected trees shall apply and the location of the critical root zones of all
- 3588 such trees shall be shown on the development site plan.
- 3589 b. A tree removal permit shall be required to remove in excess of 5 trees from a
- 3590 previously developed site when the removal of such trees is not being done in
- 3591 conjunction with a building or development permit.
- 3592 c. The removal of less than 5 trees on a previously developed site shall not require the
- 3593 issuance of a tree removal permit but shall require the submission to the Town of
- 3594 written documentation of the trees being removed. A file of all such submissions shall
- 3595 be maintained in Town Hall.
- 3596 2. *Residential clearing or development clearing permit.* A residential clearing or development
- 3597 clearing permit shall be required when removing in excess of 5 trees in conjunction with the
- 3598 issuance of a single-family residential building permit or a development permit for
- 3599 multifamily or nonresidential development. The removal of less than 5 trees shall not require
- 3600 a separate clearing permit, however, the species, size and location of the trees to be removed
- 3601 shall be depicted on the site plan for the residential building or development permit.
- 3602 3. *Timber harvesting permit.* A timber harvesting permit shall be required for the harvesting of
- 3603 pine trees (other than specifically protected longleaf pines) only. The harvesting of all other
- 3604 species shall be prohibited except when permitted in conjunction with a residential clearing,
- 3605 development clearing or tree removal permit or when no permit is required for the removal of
- 3606 5 trees or less.
- 3607 4. *Underbrushing permit.* An underbrushing permit is required to clean up a property from
- 3608 vegetative debris or vegetation that is smaller than 5 inches DBH.
- 3609 a. A permit must be requested from the Planning and Zoning Department.
- 3610 b. Prior to issuance of the underbrushing permit, protective fencing must surround all
- 3611 Live Oaks, Longleaf Pines, Magnolias, and Cypress trees.
- 3612 c. The required protective fencing must remain in place and functional until underbrush
- 3613 clearing and building construction is complete.
- 3614 d. Trees that measure 5 inches DBH or smaller may be removed during underbrush
- 3615 clearing, however trees larger than 5 inches DBH may not be removed unless the
- 3616 property owner is granted a separate tree removal permit.
- 3617 C. *Appointment, qualifications and responsibilities of Tree Inspector.*

3618 1. *Appointment of the Tree Inspector.* The Tree Inspector, shall be duly appointed by the Board
3619 of Aldermen upon recommendation by the Mayor. If there is no appointed Tree Inspector, or
3620 if the Tree Inspector is unable to fulfill the obligations with respect to the review of tree
3621 related permit applications and required inspections, the duty shall be assumed by the
3622 Building Inspector. The Tree Inspector position shall report to the Director of Planning and
3623 Zoning.

3624 2. *Qualifications of Tree Inspector.* The Tree Inspector must be an arborist licensed in the State
3625 of Louisiana.

3626 D. *Requirements for removal of specifically protected trees.* In all areas within the Town limits,
3627 whether previously developed or not, specifically protected trees shall be protected and shall not be
3628 removed, except in accordance with the following requirements:

3629 1. A tree removal permit shall be obtained from the Inspector prior to cutting or removing a
3630 specifically protected tree.

3631 2. The applicant must state in writing on the application that such activity will enhance the
3632 health, safety and welfare of the public, or otherwise benefit the public interest, and the
3633 applicant must offer evidence to that effect. An example of an activity for the public interest
3634 would be the removal of a hazardous tree that may fall on a sidewalk or roadway, or a tree
3635 that blocks vision at an intersection.

3636 3. The following facts shall be grounds supporting approval of an application for a tree removal
3637 permit for removal of a specifically protected tree:

3638 a. The tree is a hazard to traffic, public utilities, buildings or structures;

3639 b. The tree is injured, diseased or insect-infested such that it is a hazard to people,
3640 structures or other trees;

3641 c. The tree prevents access to a lot or parcel and no alternative location for access is
3642 feasible; or

3643 d. The tree prevents the placement of a lawfully permitted structure and there is no other
3644 suitable alternative location for the structure on the site.

3645 4. It shall be unlawful for any person to place soil in the critical root zone of a specifically
3646 protected tree such that the roots of the tree(s) may be damaged or the soil may, in any way,
3647 cause the tree to become diseased or die.

3648 5. It shall be unlawful to trim or prune the limbs in an excessive manner or to harm in any
3649 fashion a specifically protected tree in an excessive manner so as to cause it permanent
3650 damage or disfiguration.

3651 6. The Tree Inspector shall require the submission of the opinion of a licensed arborist to
3652 document evidence of the above listed facts.

3653 7. The Tree Inspector is empowered to issue or deny the permit based on the application and the
3654 evidence submitted.

3655 8. On parcels of land where a residential clearing or development clearing permit is being issued
3656 in lieu of an individual permit for specifically protected trees, all the evidence, procedures,
3657 and inspections required for a tree removal permit to remove a specifically protected tree
3658 shall apply and the location, size, species and critical root zones of specifically protected trees
3659 shall be clearly shown on the building or development permit plans.

3660 E. *Requirements for tree removal on previously developed sites.*

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

- 3705 d. *Buffer requirements in conjunction with the issuance of a development clearing permit.*
3706 The following requirements are mandatory. All buffers required shall be exclusive of
3707 all easements, servitudes and/or rights-of-way within the property.
- 3708 i. *Roadway buffer.* A managed buffer of at least 25 feet in width along improved
3709 roadways and dedicated street rights-of-way shall be preserved in accordance
3710 with an approved landscape plan. Access through the buffer shall be limited to
3711 one two-way or two one-way drives per 200 feet of street frontage, in accordance
3712 with section 8.A. of urban forestry Ordinance No. 184.
- 3713 ii. *Waterway buffer.* A minimum uncut vegetation buffer of at least 50 feet in depth
3714 from the centerline of the stream channel along both banks of all established
3715 natural stream beds, riverbanks and improved drainage canals shall be preserved
3716 uncut.
- 3717 iii. *Adjacent-use buffer.* A managed buffer shall be required when a development site
3718 is adjacent to a more restrictive zoning district. A minimum managed buffer of
3719 25 feet or 10 percent of the site width or depth, measured from the adjacent more
3720 restrictive zoning district, whichever is greatest, shall be required to be preserved.
3721 A minimum of one tree per 10 linear feet and understory screening vegetation or
3722 hedges (70 percent opaque and 6 feet in height) shall be required to be planted in
3723 adjacent-use buffers not already meeting this minimum standard for vegetation.
- 3724 iv. *Large site adjacent-use buffer.* An untouched buffer with a depth of 40 feet shall
3725 be required when a development site is adjacent to a more restrictive zoning
3726 district. A minimum of one tree per 10 linear feet and understory screening
3727 vegetation or hedges (70 percent opaque and 6 feet in height) shall be required to
3728 be planted in adjacent-use buffers not already meeting this minimum standard for
3729 vegetation.
- 3730 G. *Procedure for tree removal, residential clearing and development clearing permits.* Prior to the
3731 issuance of a tree removal, residential clearing or development clearing permit, an application shall
3732 be required to be submitted for review by the Tree Inspector. A complete application for a tree
3733 removal, residential clearing or development clearing permit shall include the following items:
- 3734 1. *General information required for tree removal, residential clearing and development*
3735 *clearing permits.*
- 3736 a. A completed application form including the following:
- 3737 i. Name, address, and phone number of contact person;
- 3738 ii. Authorization by the property owner to clear the site, if applicant is other than
3739 owner of the property;
- 3740 iii. Estimated starting date;
- 3741 iv. Estimated completion date;
- 3742 v. Name, address and phone number of applicant;
- 3743 b. Copy of deed to property.
- 3744 c. All required processing and inspection fees.
- 3745 2. *Tree removal permit application requirements.* In addition to all the items listed above, a plan
3746 depicting the location, size (DBH), and species of all trees proposed to be removed shall be
3747 submitted and all trees proposed to be removed shall be marked prior to the request for the
3748 first inspection.

- 3749 3. *Residential clearing permit application requirements.* In addition to all the items listed above,
3750 a plot plan, drawn to scale, which clearly identifies the following shall be required for
3751 consideration of an application for a residential clearing permit:
- 3752 a. The specific location, size and species of specifically protected trees;
 - 3753 b. The location of trees or stands of trees proposed for preservation on the site and the
3754 intended method for marking trees to be preserved.
 - 3755 c. Location of critical root zones of specifically protected trees and all other trees required
3756 or proposed to be preserved.
 - 3757 d. Location of tree barriers to protect trees required or proposed to be protected during
3758 construction.
 - 3759 e. Erosion and sediment control plan to control the runoff of sediment when soil will be
3760 disturbed, except when the disturbed area comprises less than 50 percent of the lot or
3761 parcel and is located at least 10 feet from all property lines.
 - 3762 f. Dimensions and locations of all proposed improvements, such as buildings or
3763 structures, driveways, and paved walkways.
- 3764 4. *Development clearing permit application requirements.* In addition to all the items listed
3765 above, a plot plan, drawn to scale, which clearly identifies the following shall be required for
3766 consideration of an application for a development clearing permit:
- 3767 a. Existing stands of trees on the parcel;
 - 3768 b. The specific location, size and species of specifically protected trees;
 - 3769 c. The location of trees or stands of trees proposed for preservation on the site and the
3770 intended method for marking preserved trees prior to land clearing should be identified
3771 on the application.
 - 3772 d. Location of critical root zones of specifically protected trees and all other trees required
3773 or proposed to be preserved.
 - 3774 e. Location of tree barriers to protect trees required or proposed to be protected during
3775 construction.
 - 3776 f. Erosion and Sediment Control Plan to control the runoff of sediment when soil will be
3777 disturbed.
 - 3778 g. Dimensions and locations of all existing and proposed improvements, such as buildings
3779 or structures, driveways, and paved walkways.
 - 3780 h. Location and dimensions of all required buffers.
- 3781 5. *Decision regarding permit applications.* Within 5 working days after acceptance by the Tree
3782 Inspector of a complete application for a development clearing permit, the Tree Inspector
3783 shall either cause the permit to be issued or provide the applicant in writing with his reasons
3784 for rejecting the application as presented. In making a decision on the permit application, the
3785 Tree Inspector shall take into consideration:
- 3786 a. Applicable land use;
 - 3787 b. Health, safety, and welfare of the public and the applicant;
 - 3788 c. Aesthetic value and landscaping;
 - 3789 d. Possible replacement of removed trees;

- 3790 e. The intent of this Chapter and the goals of the community tree plan; and
3791 f. The facts supporting the approval of tree removal
- 3792 6. *Inspections required for tree removal, residential clearing and development clearing.*
3793 a. *Tree removal permit inspections.*
3794 i. *First inspection.* The applicant shall request an inspection by the Tree Inspector
3795 after marking the trees to be removed and the Tree Inspector shall inspect the
3796 site, within 24 hours of such request, to determine conformance with the permit
3797 application and the provisions of this Chapter prior to issuing a tree removal
3798 permit.
3799 ii. *Final inspection.* Upon completion of the tree removal work, the applicant shall
3800 request an inspection, and the Tree Inspector shall inspect the site to determine
3801 that the work was performed in conformance with the permit and the provisions
3802 of this Chapter.
3803 b. *Residential clearing permit inspections.*
3804 i. *First inspection.* After marking all trees to be preserved and erecting tree
3805 protection barriers around trees to be preserved and any erosion control methods
3806 proposed, the applicant shall request an inspection, and the Tree Inspector shall
3807 inspect the site to determine that the proposed work is in accordance with the
3808 provisions of this Chapter, prior to the issuance of the single-family residential
3809 building permit or the residential clearing permit.
3810 ii. *Final inspection.* Upon completion of all work and clean up of the site, the
3811 applicant shall request a final inspection of the site by the Tree Inspector. The
3812 Tree Inspector shall perform the final inspection and determine that the
3813 conditions of the residential clearing permit have been adhered to prior to issuing
3814 a certificate of occupancy or authorizing permanent utility hookups for the site.
3815 c. *Development clearing permit inspections for multifamily residential, nonresidential,*
3816 *infrastructure improvements or other development applications.*
3817 i. *First inspection.* After marking all trees to be removed and preserved and
3818 erecting tree protection barriers around trees to be preserved and the erosion
3819 control methods proposed, the applicant shall request an inspection and the Tree
3820 Inspector shall inspect the site to determine that the proposed work is in
3821 accordance with the development clearing permit application and the provisions
3822 of this chapter, prior to the issuance of the development clearing permit.
3823 ii. *Second inspection.* After pavement forms are in place but prior to the pouring of
3824 concrete for roadways, driveways, sidewalks, parking or loading areas, the
3825 applicant shall request a second inspection, and an inspection shall be made by
3826 the Tree Inspector to determine that forms have been placed in accordance with
3827 the development clearing permit plans.
3828 iii. *Final inspection.* Upon completion of all work and clean up of the site, the
3829 applicant shall request a final inspection of the site by the Tree Inspector. The
3830 Tree Inspector shall perform the final inspection and determine that the
3831 conditions of the development clearing permit have been adhered to prior to
3832 issuing a certificate of occupancy or authorizing permanent utility hookups for
3833 the site.

3834 H. *Timber harvesting requirements.* The Tree Inspector may issue a timber harvesting permit for the
3835 purpose of commercially harvesting pine trees only (except for longleaf pines which are a
3836 specifically protected tree) on land that has not been subdivided into lots of record and which has a
3837 minimum size of 6 acres. Any other trees meeting the size requirements as defined under "tree
3838 removal" which are damaged or destroyed shall be considered a violation. All timber harvesting
3839 shall be accomplished in accordance with the standards included in "Recommended Forest Best
3840 Management Practices for Louisiana" published in 2000.

3841 1. *Application.* An application for a timber harvesting permit shall include all the items required
3842 for a request for a tree removal, residential clearing, or development clearing permit, and
3843 shall include a plot plan, drawn to scale, depicting the location and dimensions of the
3844 following:

3845 a. *Roadway buffer.* All existing vegetation shall be required to be preserved in an uncut
3846 vegetation buffer at least 25 feet in width along all improved roadways and dedicated
3847 street rights-of-way, except for one 40 foot-wide accessway through the buffer to reach
3848 the interior of the site.

3849 b. *Waterway buffer.* All existing vegetation shall be required to be preserved in an uncut
3850 vegetation buffer of a width in accordance with the "Recommended Forestry Best
3851 Management Practices for Louisiana" Streamside Management Zones (SMZ) as
3852 follows:

3853 i. SMZ widths are measured from the top of each bank and established on each side
3854 of the stream, waterway or drainageway.

3855 ii. The minimum SMZ for ephemeral and intermittent streams and improved
3856 drainage canals shall be 35 feet on each side of the waterway.

3857 iii. The minimum SMZ for perennial streams less than 20 feet wide shall be 50 feet
3858 on each side.

3859 iv. The minimum SMZ for perennial streams more than 20 feet wide shall be 100
3860 feet on each side.

3861 c. *Adjacent-use buffer.* All vegetation shall be required to be preserved in a minimum
3862 uncut vegetation buffer of 50 feet in depth on all sides of the site adjacent to an existing
3863 residential zoning district.

3864 d. *Loading area.* The size and location of the designated loading area, to be located on the
3865 interior of the site beyond any required buffer areas.

3866 e. *Protected trees.* Specifically protected trees and stands of trees required to be
3867 preserved.

3868 2. *Diagram of the routes.* A diagram of the routes on public streets to be used by vehicles
3869 associated with the timber harvesting operation shall also be submitted prior to the issuance
3870 of a timber harvesting permit.

3871 3. *Preservation and restoration of trees.*

3872 a. All timber harvesting operations including skidding, yarding, trimming, loading and
3873 equipment operation or storage shall be on site and shall not intrude into any of the
3874 required buffers. No operation other than hauling shall take place on the Town streets.

3875 b. All parties conducting timber harvesting activities shall exercise due and reasonable
3876 caution when traversing public rights-of-way, public lands and water bodies in order to
3877 minimize disturbance to same. All public rights-of-way, public properties, existing and

3878 recognized natural drainage, and engineered drainageways shall be restored to
3879 preexisting condition with the cessation of the timber harvesting activity.

3880 c. All felled trees and uprooted stumps from the harvesting of trees shall be removed from
3881 the site. Scrapping or bulldozing of the site shall be allowed only for the purpose of
3882 replanting.

3883 d. All buffer zones, stands of protected trees and specifically protected trees shall be
3884 clearly marked prior to the inspection for the issuance of the timber harvesting permit.

3885 4. *Warranty provisions.*

3886 a. Any person who obtains a timber harvesting permit shall post security with the Town in
3887 an amount sufficient, as predetermined by the Tree Inspector, for the repair or
3888 restoration of any streets or bridges, rights-of-way, public lands or water bodies and/or
3889 drainage easements within the Town damaged as a result of timber harvesting
3890 activities.

3891 b. The security required by this Section shall be either a funded letter of credit or a bond
3892 approved by the Town with the town listed as obligee as follows:

3893 i. An annual blanket security of \$10,000.00 due on October 1, 1993, and each
3894 October 1 thereafter.

3895 ii. In the event that the above security has to be called for any reason, a new
3896 security will be established as follows:

3897 A) The security will increase in \$10,000.00 increments for each occurrence of
3898 damage.

3899 B) All existing permits shall be forfeited and no new permits will be issued
3900 until new security is posted and prior damage has been resolved.

3901 c. Applicants shall be responsible only for damage caused directly by their activities on or
3902 use of public streets, roads, bridges or lands.

3903 d. The security required by this Section may be posted by any interested party, including,
3904 but not limited to the land owner, logging contractor or timber purchaser on behalf of
3905 the applicant.

3906 e. The security posted by the applicant shall remain in effect until the issuance of the
3907 certificate of completion. The security posted shall be applied to each permit issued.
3908 Upon notification by the applicant that work is complete, the Tree Inspector shall
3909 inspect the site and, if acceptable, a certificate of completion shall be issued and
3910 recorded accordingly on the security.

3911 5. *Enforcement and inspections.*

3912 a. *First inspection.* The applicant shall mark all pine trees to be harvested and protected,
3913 erect all tree protection barriers and have sediment control mechanisms in place prior to
3914 requesting the first inspection. The Tree Inspector shall inspect and document the
3915 location and condition of all roadways proposed to be used for timber harvesting
3916 operations, all required buffers, specifically protected trees and stands of protected
3917 trees, as shown on the plot plan, and shall verify that all protected trees are clearly
3918 marked for protection, prior to the issuance of a timber harvesting permit.

3919 b. *Monitoring.* The Tree Inspector shall perform regular inspections of the site during the
3920 performance of the timber harvesting work to determine compliance with the timber
3921 harvesting application and the provisions of this Chapter and shall issue written notice

3922 to stop work should the harvesting operations be found to be in violation of the permit
3923 or laws of the Town of Abita Springs.

- 3924 c. *Final inspection and issuance of certificate of completion.* It shall be the responsibility
3925 of the applicant to request an inspection and the Tree Inspector to inspect the site after
3926 completion. Upon completion of all harvesting, cleanup and repairs or restoration
3927 required the applicant shall notify the tree inspector to request a final inspection of the
3928 site and all roadways utilized for timber harvesting activities. In the event that damage
3929 is caused to the right-of-way or Town streets through activity of the applicant or its
3930 agents, the Town shall notify the applicant in writing by certified letter. The cost of
3931 repairing the damage shall be the sole responsibility of the applicant. Approval shall be
3932 required from the Town of all specifications, as well as of the contractor who will
3933 perform the corrective action. A reasonable time frame shall be agreed upon by the
3934 Town and the applicant for corrective work to be completed but in any event no more
3935 than 90 days from notification. The certificate of completion required to release the
3936 security bond shall not be issued by the Town until all repair, restoration or tree
3937 replacement activities required of the applicant have been fulfilled.

- 3938 6. *Procedure for enforcement of security.* In the event an applicant or its agents causes damage
3939 to Town property and fails to correct such damage resulting in the town having to take
3940 corrective action, at the completion of all such corrective work the Town will present the
3941 invoice for said corrective work to the responsible applicant, and the applicant shall have 30
3942 days from its receipt to pay said invoice. In the event that the applicant fails to pay said
3943 invoice within 30 days, the Town may, at its option, take any appropriate action to execute on
3944 the security required herein.

- 3945 7. *Replanting plan.* In order to develop and be issued permits on a parcel of land that has been
3946 commercially harvested and does not have a 50-percent tree cover, the developer must submit
3947 a replanting plan to the Planning Commission. A replanting plan must be reviewed and
3948 approved by the Planning Commission on any development and/or lots within a subdivision.
3949 A certificate of occupancy on any structure within the development will not be issued until
3950 the replanting plan has been enacted and approved by the Tree Inspector. The Planning
3951 Commission may request that the landscape committee review any landscape and replanting
3952 plan and make their recommendation to the Planning Commission.

- 3953 I. *Expiration of permits.* All permits issued under this Chapter shall be valid for a period of one year
3954 after which time the permit automatically expires. After this period of time, all permitted activities
3955 must be complete and a compliance inspection made by the Inspector. In the event all clearing
3956 activities have not been completed during the existence of the permit, a new tree removal,
3957 residential clearing, development clearing, or timber harvesting permit must be obtained.

- 3958 J. *Tree replacement requirements.*

- 3959 1. *General requirements.* When any tree required to be preserved or planted by the provisions of
3960 this Chapter or any other laws of the Town of Abita Springs, dies or is removed, it shall be
3961 replaced with 2 trees of the same species or a species with similar characteristics measuring a
3962 minimum of 2 inches DBH each at the time of planting. If the available planting space on the
3963 site where the tree died or was removed is not adequate for the number of replacement trees
3964 required, the replacement trees unable to be placed on the site shall be donated to the Town
3965 for planting in a location to be determined by the landscape commission.
- 3966 2. *Expiration.* Should a building or development permit or subdivision authorization, which
3967 made possible the issuance of the development clearing permit, expire without the intended
3968 development activity being realized or trees be removed in violation of this Chapter, all trees

3969 removed shall be considered a violation and a replacement plan and schedule for replacement
3970 shall be required to be submitted by the applicant for approval of the Planning Commission.
3971 The landowner shall be required to implement the tree replacement plan within the schedule
3972 approved by the Planning Commission. Said tree replacement plan and schedule must be filed
3973 with the Town Clerk within 30 days of expiration of the building permit or subdivision
3974 authorization time period or, in the case of timber harvesting or other tree removal or clearing
3975 violations, upon notification of a violation by the Tree Inspector. This tree replacement
3976 schedule shall include a time frame for the completion of implementation, not exceeding one
3977 year from the date of the expiration of the permit or notification by the Tree Inspector, and
3978 shall be site specific for the location of both hardwood and softwood species including a
3979 variation in mature heights so as to achieve a revegetation of the cleared area in a reasonable
3980 amount of time.

3981 K. *Permit fees established.* A permit fee sufficient to cover the cost of processing the permit
3982 application and conducting all required inspections shall be paid prior to the issuance of a permit to
3983 remove, clear or harvest trees. The fee schedule shall be set by the Mayor. The amount of such fee
3984 shall be published on the website of the Town and included in a list of such fees made available at
3985 the Office of the Town Clerk.

3986 L. *Removal of hazardous or infested trees.* It shall be the duty of the property owner to remove dead or
3987 hazardous trees. It shall also be the duty of the owner of the property on which trees, that have
3988 become diseased or damaged due to any form of communicable infestation, are located to remove
3989 and properly dispose of such trees before they pose a threat to healthy trees. Inspection shall be
3990 required prior to the removal and upon completion of the removal of trees. If the tree is not an
3991 obvious hazard, the owner is required to submit documentation by a licensed or certified arborist to
3992 support the removal of the tree. However, nothing shall prevent the removal of a hazardous tree in a
3993 timely manner.

3994 M. *Emergencies.* In case of emergencies, such as wind storms, ice storms, hurricanes, general
3995 pestilence or disease, or other disasters, the requirements of this Chapter may be waived by the
3996 Building Inspector during the period of such emergencies so as not to hamper private or public
3997 work to restore order to the Town.

3998 N. *Violations and penalties.*

- 3999 1. Any person violating the provisions of this Chapter shall be guilty of a misdemeanor, and
4000 upon first conviction shall be punished by a fine, not to exceed a maximum of \$500.00 for
4001 each specifically protected tree removed or destroyed and \$250.00 for each other tree
4002 removed or destroyed in violation of this Chapter. Each tree removed or destroyed in
4003 violation of this Chapter shall be considered a separate violation.
- 4004 2. Nothing herein contained shall prevent the Town from taking such other lawful actions as
4005 necessary to prevent or remedy the violation up to and including suspension or revocation of
4006 the violator's building permit and/or tree removal, development clearing, timber harvesting
4007 permit and requiring trees removed to be replaced by the violator.
- 4008 3. *Replacement of trees.* Replacement trees may be accepted by the tree inspector in lieu of a
4009 fine, when approved by the Planning Commission.
- 4010 4. The verdict or order which levies any fines for violating the provisions of this Chapter may
4011 be prepared by the Town Clerk and signed by the Mayor's court judge and recorded in the
4012 office of the Clerk of Court for the Parish of St Tammany. Such recording shall serve as an
4013 incumbrance against the parcel of land upon which the violation occurred.

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

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

CHAPTER 4 – FLOODPLAIN MANAGEMENT

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

Sec. 9-401. Statutory authorization

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

Sec. 9-402. Findings of fact

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

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

Sec. 9-403. Statement of purpose

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

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

Sec. 9-404. Methods of reducing flood losses

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

- A. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;

B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood water;

D. Control filling, grading, dredging and other development which may increase flood damage;

E. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

ARTICLE B. DEFINITIONS

Sec. 9-405. Definitions.

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

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

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

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

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

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

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

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

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

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

4089 BREAKAWAY WALL – means a wall that is not part of the structural support of the building and
4090 is intended through its design and construction to collapse under specific lateral loading forces, without
4091 causing damage to the elevated portion of the building or supporting foundation system.

4092 CRITICAL FEATURE - means an integral and readily identifiable part of a flood protection system,
4093 without which the flood protection provided by the entire system would be compromised.

4094 DEVELOPMENT - means any man-made change to improved and unimproved real estate,
4095 including but not limited to buildings or other structures, mining, dredging, filling, grading, paving,
4096 excavation or drilling operations or storage of equipment or materials.

4097 ELEVATED BUILDING – means, for insurance purposes, a non-basement building, which has its
4098 lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or
4099 columns.

4100 EXISTING CONSTRUCTION - means for the purposes of determining rates, structures for which
4101 the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975,
4102 for FIRMs effective before that date. "Existing construction" may also be referred to as "existing
4103 structures."

4104 EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home
4105 park or subdivision for which the construction of facilities for servicing the lots on which the manufactured
4106 homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets,
4107 and either final site grading or the pouring of concrete pads) is completed before the effective date of the
4108 floodplain management regulations adopted by a community.

4109 EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means
4110 the preparation of additional sites by the construction of facilities for servicing the lots on which the
4111 manufactured homes are to be affixed (including the installation of utilities, the construction of streets,
4112 and either final site grading or the pouring of concrete pads).

4113 FLOOD OR FLOODING - means a general and temporary condition of partial or complete
4114 inundation of normally dry land areas from:

4115 A. the overflow of inland or tidal waters.

4116 B. the unusual and rapid accumulation or runoff of surface waters from any source.

4117 FLOOD ELEVATION STUDY – means an examination, evaluation and determination of flood
4118 hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and
4119 determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

4120 FLOOD INSURANCE RATE MAP (FIRM) - means an official map of a community, on which the
4121 Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk
4122 premium zones applicable to the community.

4123 FLOOD INSURANCE STUDY (FIS) – see Flood Elevation Study

4124 FLOODPLAIN OR FLOOD-PRONE AREA - means any land area susceptible to being inundated
4125 by water from any source (see definition of flooding).

4126 FLOODPLAIN MANAGEMENT - means the operation of an overall program of corrective and
4127 preventive measures for reducing flood damage, including but not limited to emergency preparedness
4128 plans, flood control works and floodplain management regulations.

4129 FLOODPLAIN MANAGEMENT REGULATIONS - means zoning ordinances, subdivision
4130 regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance,
4131 grading ordinance and erosion control ordinance) and other applications of police power. The term
4132 describes such state or local regulations, in any combination thereof, which provide standards for the
4133 purpose of flood damage prevention and reduction.

4134 FLOOD PROTECTION SYSTEM - means those physical structural works for which funds have
4135 been authorized, appropriated, and expended and which have been constructed specifically to modify
4136 flooding in order to reduce the extent of the area within a community subject to a "special flood hazard"
4137 and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal
4138 barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed
4139 in conformance with sound engineering standards.

4140 FLOOD PROOFING - means any combination of structural and non-structural additions, changes,
4141 or adjustments to structures which reduce or eliminate flood damage to real estate or improved real
4142 property, water and sanitary facilities, structures and their contents.

4143 FLOODWAY – see Regulatory Floodway

4144 FUNCTIONALLY DEPENDENT USE - means a use, which cannot perform its intended purpose
4145 unless it is located or carried out in close proximity to water. The term includes only docking facilities,
4146 port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building
4147 and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

4148 HIGHEST ADJACENT GRADE - means the highest natural elevation of the ground surface prior
4149 to construction next to the proposed walls of a structure.

4150 HISTORIC STRUCTURE - means any structure that is:

- 4151 A. Listed individually in the National Register of Historic Places (a listing maintained by the
4152 Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the
4153 requirements for individual listing on the National Register;
- 4154 B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical
4155 significance of a registered historic district or a district preliminarily determined by the Secretary to
4156 qualify as a registered historic district;
- 4157 C. Individually listed on a state inventory of historic places in states with historic preservation
4158 programs which have been approved by the Secretary of Interior; or
- 4159 D. Individually listed on a local inventory of historic places in communities with historic preservation
4160 programs that have been certified either:
- 4161 1. By an approved state program as determined by the Secretary of the Interior or;
- 4162 2. Directly by the Secretary of the Interior in states without approved programs.

4163 LEVEE - means a man-made structure, usually an earthen embankment, designed and constructed
4164 in accordance with sound engineering practices to contain, control, or divert the flow of water so as to
4165 provide protection from temporary flooding.

4166 LEVEE SYSTEM - means a flood protection system which consists of a levee, or levees, and
4167 associated structures, such as closure and drainage devices, which are constructed and operated in
4168 accordance with sound engineering practices.

4169 LOWEST FLOOR - means the lowest floor of the lowest enclosed area (including basement). An
4170 unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in
4171 an area other than a basement area is not considered a building's lowest floor; provided that such enclosure
4172 is not built so as to render the structure in violation of the applicable non-elevation design requirement of
4173 Section 60.3 of the National Flood Insurance Program regulations.

4174 MANUFACTURED HOME - means a structure transportable in one or more sections, which is
4175 built on a permanent chassis and is designed for use with or without a permanent foundation when
4176 connected to the required utilities. The term "manufactured home" does not include a "recreational
4177 vehicle".

4178 MANUFACTURED HOME PARK OR SUBDIVISION - means a parcel (or contiguous parcels)
4179 of land divided into two or more manufactured home lots for rent or sale.

4180 MEAN SEA LEVEL - means, for purposes of the National Flood Insurance Program, the North
4181 American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a
4182 community's Flood Insurance Rate Map are referenced.

4183 NEW CONSTRUCTION - means, for the purpose of determining insurance rates, structures for
4184 which the "start of construction" commenced on or after the effective date of an initial FIRM or after
4185 December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.
4186 For floodplain management purposes, "new construction" means structures for which the "start of
4187 construction" commenced on or after the effective date of a floodplain management regulation adopted
4188 by a community and includes any subsequent improvements to such structures.

4189 NEW MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park
4190 or subdivision for which the construction of facilities for servicing the lots on which the manufactured
4191 homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets,
4192 and either final site grading or the pouring of concrete pads) is completed on or after the effective date of
4193 floodplain management regulations adopted by a community.

4194 RECREATIONAL VEHICLE - means a vehicle which is

- 4195 A. built on a single chassis;
4196 B. 400 square feet or less when measured at the largest horizontal projections;
4197 C. designed to be self-propelled or permanently towable by a light duty truck; and
4198 D. designed primarily not for use as a permanent dwelling but as temporary living quarters for
4199 recreational, camping, travel, or seasonal use.

4200 REGULATORY FLOODWAY - means the channel of a river or other watercourse and the adjacent
4201 land areas that must be reserved in order to discharge the base flood without cumulatively increasing the
4202 water surface elevation more than a designated height.

4203 RIVERINE – means relating to, formed by, or resembling a river (including tributaries), stream,
4204 brook, etc.

4205 SPECIAL FLOOD HAZARD AREA – see Area of Special Flood Hazard

4206 START OF CONSTRUCTION - (for other than new construction or substantial improvements
4207 under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means
4208 the date the building permit was issued, provided the actual start of construction, repair, reconstruction,
4209 rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The
4210 actual start means either the first placement of permanent construction of a structure on a site, such as the

pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

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

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

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

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

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

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

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

ARTICLE C. GENERAL PROVISIONS

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

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

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

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study for Town of Abita Springs, Louisiana, St. Tammany Parish," dated May 17, 1988, with accompanying Flood Insurance Rate Maps

4252 (FIRM) dated May 17, 1988 and any revisions thereto are hereby adopted by reference and declared to be
4253 a part of this ordinance.

4254 **Sec. 9-408. Establishment of development permit.**

4255 A Floodplain Development Permit shall be required to ensure conformance with the provisions of
4256 this ordinance.

4257 **Sec. 9-409. Compliance.**

4258 No structure or land shall hereafter be located, altered, or have its use changed without full
4259 compliance with the terms of this ordinance and other applicable regulations.

4260 **Sec. 9-410. Abrogation and greater restrictions.**

4261 This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or
4262 deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed
4263 restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

4264 **Sec. 9-411. Interpretation.**

4265 In the interpretation and application of this ordinance, all provisions shall be:

- 4266 A. Considered as minimum requirements;
4267 B. Liberally construed in favor of the governing body; and
4268 C. Deemed neither to limit nor repeal any other powers granted under State statutes.

4269 **Sec. 9-412. Warning and disclaimer of liability.**

4270 The degree of flood protection required by this ordinance is considered reasonable for regulatory
4271 purposes and is based on scientific and engineering considerations. On rare occasions greater floods can
4272 and will occur and flood heights may be increased by man-made or natural causes. This ordinance does
4273 not imply that land outside the areas of special flood hazards or uses permitted within such areas will be
4274 free from flooding or flood damages. This ordinance shall not create liability on the part of the community
4275 or any official or employee thereof for any flood damages that result from reliance on this ordinance or
4276 any administrative decision lawfully made hereunder.

4277 **ARTICLE D. ADMINISTRATION**

4278 **Sec. 9-413. Designation of the floodplain administrator.**

4279 The building inspector is hereby appointed the floodplain administrator to administer and implement
4280 the provisions of this ordinance and other appropriate sections of 44 CFR (Emergency Management and
4281 Assistance - National Flood Insurance Program Regulations) pertaining to floodplain management.

4282 **Sec. 9-414. Duties and responsibilities of the floodplain administrator.**

4283 Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the
4284 following:

- 4285 A. Maintain and hold open for public inspection all records pertaining to the provisions of this
4286 ordinance.

- 4287 B. Review permit application to determine whether to ensure that the proposed building site project,
4288 including the placement of manufactured homes, will be reasonably safe from flooding.
- 4289 C. Review, approve or deny all applications for development permits required by adoption of this
4290 ordinance.
- 4291 D. Review permits for proposed development to assure that all necessary permits have been obtained
4292 from those Federal, State or local governmental agencies (including Section 404 of the Federal
4293 Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is
4294 required.
- 4295 E. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood
4296 hazards (for example, where there appears to be a conflict between a mapped boundary and actual
4297 field conditions) the floodplain administrator shall make the necessary interpretation.
- 4298 F. Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the
4299 Department of Transportation and Development, prior to any alteration or relocation of a
4300 watercourse, and submit evidence of such notification to the Federal Emergency Management
4301 Agency.
- 4302 G. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is
4303 maintained.
- 4304 H. When base flood elevation data has not been provided in accordance with section 9-407. Basis for
4305 establishing the areas of special flood hazard, the floodplain administrator shall obtain, review and
4306 reasonably utilize any base flood elevation data and floodway data available from a Federal, State
4307 or other source, in order to administer the provisions of Article E of this Chapter.
- 4308 I. When a regulatory floodway has not been designated the floodplain administrator must require that
4309 no new construction, substantial improvements, or other development (including fill) shall be
4310 permitted within zones A1—30 and AE on the community's FIRM, unless it is demonstrated that
4311 the cumulative effect of the proposed development, when combined with all other existing and
4312 anticipated development, will not increase the water surface elevation of the base flood more than
4313 one foot at any point within the community.
- 4314 J. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program
4315 regulations, a community may approve certain development in zones A1—30, AE, AH, on the
4316 community's FIRM which increases the water surface elevation of the base flood by more than one
4317 foot, provided that the community first completes all of the provisions required by Section 65.12.

4318 **Sec. 9-415. Permit procedures.**

- 4319 A. Application for a development permit shall be presented to the floodplain administrator on forms
4320 furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale
4321 showing the location, dimensions, and elevation of proposed landscape alterations, existing and
4322 proposed structures, including the placement of manufactured homes, and the location of the
4323 foregoing in relation to areas of special flood hazard. Additionally, the following information is
4324 required:
- 4325 1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new
4326 and substantially improved structures;
 - 4327 2. Elevation in relation to mean sea level to which any nonresidential structure shall be
4328 floodproofed;

- 4329 3. A certificate from a registered professional engineer or architect that the nonresidential
4330 floodproofed structure shall meet the floodproofing criteria of Article E, Section 9-418.
4331 Specific Standards for Nonresidential Construction;
- 4332 4. Description of the extent to which any watercourse or natural drainage will be altered or
4333 relocated as a result of proposed development;
- 4334 5. Maintain a record of all such information in accordance with subsection Sec. 9-414. Duties
4335 and responsibilities of the floodplain administrator, subsection A.
- 4336 B. Approval or denial of a development permit by the floodplain administrator shall be based on all of
4337 the provisions of this ordinance and the following relevant factors:
- 4338 1. The danger to life and property due to flooding or erosion damage;
- 4339 2. The susceptibility of the proposed facility and its contents to flood damage and the effect of
4340 such damage on the individual owner;
- 4341 3. The danger that materials may be swept onto other lands to the injury of others;
- 4342 4. The compatibility of the proposed use with existing and anticipated development;
- 4343 5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- 4344 6. The costs of providing governmental services during and after flood conditions including
4345 maintenance and repair of streets and bridges, and public utilities and facilities such as sewer,
4346 gas, electrical and water systems;
- 4347 7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters
4348 and the effects of wave action, if applicable, expected at the site;
- 4349 8. The necessity to the facility of a waterfront location, where applicable;
- 4350 9. The availability of alternative locations, not subject to flooding or erosion damage, for the
4351 proposed use;

4352 **Sec. 9-416. Variance procedures.**

- 4353 A. The appeal board as established by the community shall hear and render judgment on requests for
4354 variances from the requirements of this ordinance.
- 4355 B. The appeal board shall hear and render judgment on an appeal only when it is alleged there is an
4356 error in any requirement, decision, or determination made by the floodplain administrator in the
4357 enforcement or administration of this ordinance.
- 4358 C. Any person or persons aggrieved by the decision of the appeal board may appeal such decision in
4359 the courts of competent jurisdiction.
- 4360 D. The floodplain administrator shall maintain a record of all actions involving an appeal and shall
4361 report variances to the Federal Emergency Management Agency upon request.
- 4362 E. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on
4363 the National Register of Historic Places or the state Inventory of Historic Places, without regard to
4364 the procedures set forth in the remainder of this ordinance.
- 4365 F. Variances may be issued for new construction and substantial improvements to be erected on a lot
4366 of one-half acre or less in size contiguous to and surrounded by lots with existing structures

constructed below the base flood level, providing the relevant factors in subsection 9-415(B) of this article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

G. Upon consideration of the factors noted above and the intent of this article, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance (subsection 9-403. Statement of purpose).

H. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

I. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

J. Prerequisites for granting variances:

1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

2. Variances shall only be issued upon:

a. Showing a good and sufficient cause;

b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

3. Any application to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

K. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

1. The criteria outlined in subsection 9-416 (A) through (I) are met; and

2. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

ARTICLE E. PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 9-417. General standards.

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

A. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

- 4406 B. All new construction or substantial improvements shall be constructed by methods and practices
4407 that minimize flood damage;
- 4408 C. All new construction or substantial improvements shall be constructed with materials resistant to
4409 flood damage;
- 4410 D. All new construction or substantial improvements shall be constructed with electrical, heating,
4411 ventilation, plumbing, and air conditioning equipment and other service facilities that are designed
4412 and/or located so as to prevent water from entering or accumulating within the components during
4413 conditions of flooding.
- 4414 E. All new and replacement water supply systems shall be designed to minimize or eliminate
4415 infiltration of flood waters into the system;
- 4416 F. New and replacement sanitary sewage systems shall be designed to minimize or eliminate
4417 infiltration of flood waters into the system and discharge from the systems into flood waters; and;
- 4418 G. On-site waste disposal systems shall be located to avoid impairment to them or contamination from
4419 them during flooding.
- 4420 H. Encroachments on banks of waterway; compensation. No encroachment upon the present banks of
4421 the waterway shall be allowed without prior compensating improvement in the stream-carrying
4422 capacity of the waterway.

4423 **Sec. 9-418. Specific standards.**

4424 In all areas of special flood hazards where base flood elevation data has been provided as set forth
4425 in section 9-407. Basis for establishing the areas of special flood hazard, subsection 9-414(H), or
4426 subsection 9-419 Standards for subdivision proposals (3), the following provisions are required:

- 4427 A. Residential construction. New construction and substantial improvement of any residential structure
4428 shall have the lowest floor (including basement), elevated to or above the base flood elevation. A
4429 registered professional engineer, architect, or land surveyor shall submit a certification to the
4430 floodplain administrator that the standard of this subsection as proposed in subsection 9-415. Permit
4431 procedures (A)(1), is satisfied.
- 4432 B. Nonresidential construction. New construction and substantial improvements of any commercial,
4433 industrial or other nonresidential structure shall either have the lowest floor (including basement)
4434 elevated to or above the base flood level or together with attendant utility and sanitary facilities, be
4435 designed so that below the base flood level the structure is watertight with walls substantially
4436 impermeable to the passage of water and with structural components having the capability of
4437 resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional
4438 engineer or architect shall develop and/or review structural design, specifications, and plans for the
4439 construction, and shall certify that the design and methods of construction are in accordance with
4440 accepted standards of practice as outlined in this subsection. A record of such certification which
4441 includes the specific elevation (in relation to mean sea level) to which such structures are
4442 floodproofed shall be maintained by the floodplain administrator.
- 4443 C. Enclosures. New construction and substantial improvements, with fully enclosed areas below the
4444 lowest floor that are usable solely for parking of vehicles, building access or storage in an area other
4445 than a basement and which are subject to flooding shall be designed to automatically equalize
4446 hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs
4447 for meeting this requirement must either be certified by a registered professional engineer or
4448 architect or meet or exceed the following minimum criteria:

- 4449 1. A minimum of two openings on separate walls having a total net area of not less than one
4450 square inch for every square foot of enclosed area subject to flooding shall be provided.
- 4451 2. The bottom of all openings shall be no higher than one foot above grade.
- 4452 3. Openings may be equipped with screens, louvers, valves, or other coverings or devices
4453 provided that they permit the automatic entry and exit of floodwater.
- 4454 D. Manufactured homes.
- 4455 1. Require that all manufactured homes to be placed within zone A on a community's FHBM or
4456 FIRM shall be installed using methods and practices which minimize flood damage. For the
4457 purposes of this requirement, manufactured homes must be elevated and anchored to resist
4458 flotation, collapse, or lateral movement. Methods of anchoring may include, but are not
4459 limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition
4460 to applicable State and local anchoring requirements for resisting wind forces.
- 4461 2. Require that manufactured homes that are placed or substantially improved within zones
4462 A1—30, AH, and AE on the community's FIRM on sites:
- 4463 a. Outside of a manufactured home park or subdivision;
- 4464 b. In a new manufactured home park or subdivision;
- 4465 c. In an expansion to an existing manufactured home park or subdivision; or
- 4466 d. In an existing manufactured home park or subdivision on which a manufactured home
4467 has incurred "substantial damage" as a result of a flood, be elevated on a permanent
4468 foundation such that the bottom of the longitudinal structural I beam of the
4469 manufactured home is elevated to or above the base flood elevation and be securely
4470 anchored to an adequately anchored foundation system to resist flotation, collapse, and
4471 lateral movement.
- 4472 3. Require that manufactured homes be placed or substantially improved on sites in an existing
4473 manufactured home park or subdivision within zones A1—30, AH, and AE on the
4474 community's FIRM that are not subject to the provisions of 9-418. Specific standards (D)(2).
4475 of this subsection be elevated so that either:
- 4476 a. The bottom of the longitudinal structural I beam of the manufactured home is at or
4477 above the base flood elevation, or
- 4478 b. the manufactured home chassis is supported by reinforced piers or other foundation
4479 elements of at least equivalent strength that are no less than 36 inches in height above
4480 grade and be securely anchored to an adequately anchored foundation system to resist
4481 flotation, collapse, and lateral movement.
- 4482 E. Recreational vehicles. Require that recreational vehicles placed on sites within Zones A1—30, AH,
4483 and AE on the community's FIRM either:
- 4484 1. Be on the site for fewer than 180 consecutive days, or
- 4485 2. be fully licensed and ready for highway use, or
- 4486 3. Meet the permit requirements of subsection 9-415(A), and the elevation and anchoring
4487 requirements for "manufactured homes" in (D) of this subsection. A recreational vehicle is
4488 ready for highway use if it is on its wheels or jacking system, is attached to the site only by

4489 quick disconnect type utilities and security devices, and has no permanently attached
4490 additions.

4491 **Sec. 9-419. Standards for subdivision proposals.**

4492 A. All subdivision proposals including the placement of manufactured home parks and subdivisions
4493 shall be consistent with subsections 9-402 through 9-404 of this ordinance.

4494 B. All proposals for the development of subdivisions including the placement of manufactured home
4495 parks and subdivisions shall meet development permit requirements of section 9-408; section 9-
4496 415; and the provisions of this article.

4497 C. Base flood elevation data shall be generated for subdivision proposals and other proposed
4498 development including the placement of manufactured home parks and subdivisions which is
4499 greater than 50 lots or five acres, whichever is lesser, if not otherwise provided pursuant to section
4500 9-407 Basis for establishing the areas of special flood hazard or subsection 9-414 Duties and
4501 responsibilities of the floodplain administrator of this ordinance.

4502 D. All subdivision proposals including the placement of manufactured home parks and subdivisions
4503 shall have adequate drainage provided to reduce exposure to flood hazards.

4504 E. All subdivision proposals including the placement of manufactured home parks and subdivisions
4505 shall have public utilities and facilities such as sewer, gas, electrical and water systems located and
4506 constructed to minimize or eliminate flood damage.

4507 **Sec. 9-420. Standards for areas of shallow flooding (AO/AH Zones).**

4508 Located within the areas of special flood hazard established in section 9-407 Basis for establishing
4509 the areas of special flood hazard, are areas designated as shallow flooding. These areas have special flood
4510 hazards associated with base flood depths of one to three feet where a clearly defined channel does not
4511 exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such
4512 flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

4513 A. All new construction and substantial improvements of residential structures have the lowest floor
4514 (including basement) elevated above the base flood elevation or the highest adjacent grade at least
4515 as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth
4516 number is specified), or

4517 B. All new construction and substantial improvements of nonresidential structures;

4518 1. Have the lowest floor (including basement) elevated above the highest adjacent grade at least
4519 as high as the depth number specified in feet on the community's FIRM (at least two feet if
4520 no depth number is specified); or

4521 2. Together with attendant utility and sanitary facilities be designed so that below the base
4522 specified flood depth in an AO Zone, or below the Base Flood Elevation in an AH Zone, level
4523 the structure is watertight with walls substantially impermeable to the passage of water and
4524 with structural components having the capability of resisting hydrostatic and hydrodynamic
4525 loads of effects of buoyancy.

4526 C. A registered professional engineer or architect shall submit a certification to the floodplain
4527 administrator that the standards of this section, as proposed in subsection 9-415, are satisfied.

4528 D. Require within zones AH or AO adequate drainage paths around structures on slopes, to guide flood
4529 waters around and away from proposed structures.

Sec. 9-421. Severability.

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

Sec. 9-422. Penalties for noncompliance.

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

Secs. 9-423—9-450. Reserved.**CHAPTER 5 – BUILDING AND CONSTRUCTION REGULATIONS****ARTICLE A. CONSTRUCTION REGULATIONS****Sec. 9-503. Use of tarpaulins on roofs.**

* * *

Sec. 9-504. Building permits required.

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

Sec. 9-505. Complaints regarding violations.

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

Sec. 9-506. Penalties for violation.

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

violation may each be found guilty of a separate offense and suffer the penalties herein provided for.

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

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

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

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

ARTICLE B. - RECONDITIONING OF STREETS

* * *

CHAPTER 6. - SUBDIVISION, LOT, AND BLOCK STANDARDS

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

- A. *Conformity to the Town Master Plan.* In accordance with Louisiana RS 33:109, the Planning Commission and Board of Alderman shall consider the Master Plan before adopting, approving, or promulgating any local laws, ordinances, or regulations which are inconsistent with the adopted elements of the Master Plan. The Planning Commission shall consider whether subdivision request(s) and associated regulatory amendment(s) are consistent with the Master Plan before adoption or approval. Every plat approved by a Planning Commission is an amendment of or an addition to the Town's official Major Street Plan and a part thereof.
- B. *Lots.*
 - 1. *General.* The minimum width of lots and minimum area shall conform to the requirements of **Chapter 3 – Zoning Regulations** of this Part.
 - 2. *Electrical transmission lines.* In the case of electrical transmission lines where servitude widths are not definitely established, there shall be a minimum building set back line from the center of the transmission lines as follow:

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

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

3. *Floodplain management.* On any proposed subdivision or resubdivision of land, the preliminary and final plats submitted for subdivision consideration shall clearly indicate the areas within the Federal Emergency Management Agency (FEMA)'s Special Flood Hazard Area (SFHA) as determined by the Town of Abita Springs adopted Flood Insurance Study (FIS) dated May 17, 1988, and its accompanying Flood Insurance Rate Map (FIRM). Within these areas the following policies apply:
- a. There will be no improvement of land within the channel needed to convey the stormwater from a 100-year storm event.
 - b. There will be no net increase and fill material used to construct improvements in zones designated A, AE, or B in the FIS and on the FIRM. No net increase means that for every cubic yard of fill material imported to the site, one cubic yard of existing material must be exported from the site. Excavated areas created by soil exportation may not be used as fill ponds. Normally dry retention or detention ponds are acceptable.
 - c. A cut and fill analysis will be required in addition to the comprehensive drainage plan required in this Chapter.
 - d. Any improvements to the land that are performed in a designated flood plain will conform to the related regulations established by the Corps of Engineers, the Parish of St. Tammany, jurisdiction drainage districts, or other municipal regulations governing floodplain management and/or improvements in designated flood plains.
 - e. Compliance with this Section must be determined by the Town Engineer.
4. *Street frontage.*
- a. Requirement to front on a public street. Every lot created in the Town through the subdivision process must directly front on a publicly dedicated street. This means that neither the Town administration nor the Board of Aldermen may approve the creation (subdivision) or resubdivision of any lots lacking frontage on a public street.
 - b. Existing lots lacking street frontage. Existing lots lacking street frontage may not be built upon and the Town may not issue any building permit to develop these sites unless such lots are resubdivided in a manner that provides them with direct access to a public street.
- C. *Blocks.*
- 1. *Requirements.* The widths, lengths, and shapes of blocks shall be determined with due regard to:
 - a. Provision of adequate building sites suitable to the land uses permitted in the zoning districts within the proposed subdivision.
 - b. Lot sizes and dimensions as indicated in **Chapter 3- Zoning Regulations** of this Code.
 - c. Needs for convenient access, circulation, control and safety of street traffic.
 - d. Limitations and opportunities of topography.
 - 2. *Length.* Blocks shall not be more than 300 feet in length.
 - 3. *Widths.* Blocks shall be wide enough to allow 2 rows of lots except where fronting on streets is prevented by topographical conditions or size of property; in which case, the Planning Commission may approve a single row of lots of minimum depth.
 - 4. *Street-facing rear lot lines.* Where topographic conditions or the size of property limit development to a block containing a single row of lots with rear lot lines that face a street,

both a 10-foot easement for landscape buffering shall be provided along the rear lot lines and a minimum 10-foot setback for fence structures constructed along the rear property line shall be indicated on the preliminary and final plats.

D. *Streets.*

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

Approval of the Louisiana Department of Transportation and the Town Engineer is required when the access point to the subdivision adjoins a state highway.

2. *Minor streets.* Minor streets shall be laid out in a grid pattern to disperse traffic and provide a variety of route options for local users.

3. *Marginal access street.* Where a subdivision borders a contained or controlled access highway, the Planning Commission may elect to require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

4. *Tangents.* A tangent of at least 100 feet shall be introduced between reverse curves on major, and collector streets.

5. *Alignments.* The horizontal and vertical alignment for all streets shall be not less than the following except in cases of unusual topographic conditions:

- a. *Horizontal Alignment, Centerline radius.*

- i. Major Streets: 500 feet minimum

- ii. Collector Streets: 300 feet minimum

- iii. Minor Streets: 100 feet minimum

- b. All changes in street grades shall be made with vertical curves that provide minimum sight distances of not less than the following, except in cases of unusual topographic conditions.

- i. Major Streets with median: 500 feet minimum

- ii. Major Streets without median: 800 feet minimum

- iii. Collector Streets: 300 feet minimum

- iv. Minor Streets: 200 feet minimum

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

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

proposed contours at one foot intervals and a detailed design for the intersection may be required by the Planning Commission.

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

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

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

Street Type	Urban Curb & Gutter Pavement	Urban Open Ditch Pavement
Major/Controlled Access	27'	26'
Boulevards (single lane)	18' ea. side	16' ea. side
Major Streets	27'	24'
Collector Streets	23'	22'
Local/Curb & Gutter	23'	20'
Cul-de-Sac	23'	20'
Arterial	26'	24'

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

9. *Curb and gutters.* If curbs and gutters are provided by the subdivision, they shall be a minimum permanent 6-inch concrete curbs with 24-inch integral concrete gutters, standard rolled curb and gutter or other construction approved by the Town's Engineer.
10. *Additional widths on existing streets.* Subdivisions that adjoin existing streets shall dedicate additional right-of-way to meet the above minimum street width requirements. The entire right-of-way shall be provided where any part of a subdivision is on both sides of the existing street. When a subdivision is located on only one side of an existing street, one-half of the required right-of-way measured from the centerline of the existing roadway shall be provided.
11. *Dead end streets.* Dead end streets or cul-de-sacs may be provided under limited circumstances, when no other feasible alternative is possible, upon approval of the Planning Commission, in accordance with the following:
- a. *Limited application.* Subdivision applications with a proposed cul-de-sac shall include demonstrable proof that efforts to align and connect streets in the desired grid pattern have been made and are not possible due to a factor of the natural geography or environment. The factor (or factors) must be specified and supported by evidence from a topographic survey (or similar scientific instrument) or public agency. Should the

4716 factor not be supported by evidence to this effect, the subdivision request shall be
4717 deemed incomplete and not be eligible for consideration by the Planning Commission.

- 4718 b. *Minimum standards.* When approved by the Planning Commission, dead end streets or
4719 cul-de-sacs shall be constructed at the closed end with a turn-around an outside
4720 roadway radius of at least 40 feet and a right-of-way radius of 60 feet. A cul-de-sac
4721 street shall not exceed 300 feet in length, measured from the entrance to the centerline
4722 of the turn-around or end of the street.

- 4723 12. *Private streets and reserve strips.* There shall be no private streets platted in any subdivision.
4724 Every lot in a subdivided property shall be served from a publicly dedicated street.

4725 E. *Alleys.*

- 4726 1. *Locations.* Alleys may be required in residential districts, except that the Planning
4727 Commission may elect to waive this requirement where other definite and assured provisions
4728 are made for service access.
- 4729 2. *Rights-of-ways width.* Alley right-of-way width shall be not less 7 ½ feet for each side in
4730 residential areas when used.
- 4731 3. *Intersections.* Alley intersections and sharp changes in alignment shall be avoided, but, where
4732 necessary, corners shall be cut off sufficiently to permit safe vehicular movement.
- 4733 4. *Dead-end alleys.* Dead-end alleys shall be avoided where possible but if unavoidable, shall be
4734 provided with adequate turn-around facilities at the dead- ends as determined by the Planning
4735 Commission.

4736 F. *Servitudes.*

- 4737 1. *Width.* Except where alleys are provided, servitudes across lots or centered on rear or side lot
4738 lines shall be provided for utilities where necessary and total width shall be at least 15 feet
4739 wide.
- 4740 2. *Intersections.* Where servitudes intersect or sharp changes in alignment are necessary, corners
4741 shall be cut off sufficiently to permit equipment access.
- 4742 3. *Buildings.* No buildings will be permitted within utility servitudes.
- 4743 4. *Overhangs.* Any overhanging limbs, shrubbery, or vegetation of any kind may be removed
4744 from within or above the limits of servitudes at the sole discretion of the utility maintenance
4745 personnel.
- 4746 5. *Lack of access to public street.* Under no circumstances shall a servitude be used to provide
4747 the only access to a lot created using the subdivision process. Existing lots reliant on
4748 servitudes for road access must be resubdivided in a manner that provides direct access to the
4749 lot from a public street, which may result in a flag lot as shown below.

4750 Figure

- 4751 G. *Street names.* Continuation of existing streets shall assume the same name as the existing street.
4752 Proposed street names shall not be used that will duplicate or be confused with the names of
4753 existing streets. Street names shall be subject to the approval of the Planning Commission and the
4754 Board of Alderman.

4755 H. *Drainage.*

- 4756 1. *Drainage courses.* Whenever any stream or improved surface drainage course is in a
4757 proposed subdivision, the Subdivider shall dedicate an adequate servitude along each side of
4758 the stream for the purpose of maintenance, stormwater management or natural riparian

- 4759 protection. The width of said servitude will fully encompass the drainage channel including
4760 natural variations in the channel due to high flows, but in no way shall the servitude be less
4761 than 25 feet in either direction of the drainage centerline.
- 4762 2. *Lots along drainage courses.* Drainage courses that fall within proposed lot lines shall not
4763 count for more than 10 percent of the total minimum lot area as defined by these regulations.
- 4764 I. *Public use.*
- 4765 1. *General.* Developers are required to set aside suitable sites for green spaces, parks,
4766 playgrounds and schools in furtherance of the goals and objectives of the Town's Master
4767 Plan. These areas shall be indicated on the plat. The size and/or quantity of these sites is to be
4768 determined by the Planning Commission and be relative to the size, scale, and density of the
4769 proposed subdivision. Such determination by the Planning Commission shall be applied on a
4770 uniform basis to be established by the Planning Commission.
- 4771 2. *Public uses.* Where a park, neighborhood recreational open space, green space, a school site,
4772 or other areas for public use shown on a plan which previously has been officially adopted by
4773 the Planning Commission is located in whole or in part in the proposed subdivision, the
4774 Planning Commission shall seek to secure the reservation of the additional necessary land for
4775 such use. Special consideration shall be given to schools and parks in subdivisions larger than
4776 40 acres or more, or 100 lots or more.
- 4777 3. *Green space requirement.* There shall be required a 15 foot green space around the perimeter
4778 of each subdivision in which is comprised of land in excess of 5 acres.
- 4779 4. The ownership of sites set aside for parks, neighborhood recreation open space, green space,
4780 school sites, or other area of public use shown on a plat which has been officially adopted by
4781 the Planning Commission will be agreed upon between the subdivider and the Planning
4782 Commission at the time of preliminary approval. Ownership will be by the lot owners of the
4783 subdivision as common ground for the subdivision, or by another group, agency, or
4784 jurisdiction as agreed upon by the Planning Commission, the Town of Abita Springs, and the
4785 subdivider.
- 4786 J. *Deed restriction or covenant.* Deed restrictions or covenants may be placed upon the property to
4787 ensure that the development is of the character and caliber of the Town of Abita Springs as
4788 desired by the subdivider. These restrictions shall not be less than requirements of this Code and
4789 they shall not contain reversionary clauses wherein any lot shall return to the subdivider because of
4790 a violation thereon of the term of the restriction or covenants. Accompanying the final plat for
4791 approval shall be a copy of the deed restriction or covenants.
- 4792 K. *Deviations and variances.*
- 4793 1. Limited deviations may be authorized by the Planning Commission upon formal request of
4794 the Subdivider, and review by the Town Engineer and Senior Planner, only when the
4795 proposed deviation advances the intent of this Code in accordance with best practices and
4796 through established alternative means or methods. It shall be the responsibility of the
4797 Subdivider to demonstrate:
- 4798 a. Compliance with the intent of these regulations;
- 4799 b. that the proposed alternative is established in accordance with best practices;
- 4800 c. will not have adverse effects to the Town and neighboring community; and
- 4801 d. is in compliance with the Town's Code of Ordinances.

- 4802 2. Where a subdivider can show that because of topographical or other conditions peculiar to the
4803 site, unnecessary hardship would result due to strict adherence to the Code, the Subdivider
4804 may request a variance from the Planning Commission.

4805 **Sec. 9-602. – Improvement standards.**

4806 A. *General requirements.*

- 4807 1. *Generally.* In consideration of the acceptance by the Board of Alderman and the assumption
4808 of the responsibility for maintaining the dedicated streets and public utilities constructed
4809 herein, the owner or owners of the subdivision shall cause to be constructed at no expense to
4810 the Town, the following improvements according to the specifications set forth in this
4811 Section.
- 4812 2. All plans and specifications for subdivision construction proposed herein shall be prepared by
4813 a Louisiana licensed and registered professional engineer. All survey work necessary to
4814 establish subdivision corners, street corners, lot corners and elevations shall be performed by
4815 a Louisiana licensed and registered land surveyor. All plans, specifications, and construction
4816 activities will be reviewed by the Town of Abita Springs through its Town Engineer at the
4817 expense of the subdivider.
- 4818 3. *Zoning compliance.* All proposed subdivisions shall be reviewed for compliance with Part 9 –
4819 Planning, Zoning, and Development by the Planning Director.

4820 B. *Required improvements.* Every subdivider shall be required to make such improvements on the land
4821 as outlined within this Section prior to the approval of a final plat and any transfer and ownership of
4822 any part of a proposed subdivision. These improvements shall include, but not be limited to, roads,
4823 streets, alleys, curbs and gutters, water and sewer utility systems, drainage channels and conduits,
4824 stormwater management facilities, natural gas systems, and sidewalks and repairs to Town property
4825 damaged during construction of the project, removal of debris, treatment of soil, erosion control,
4826 seeding and landscaping or any improvements deemed necessary by the Planning Commission. The
4827 required infrastructure will be specifically detailed in the subdivision construction documents
4828 submitted to the Town of Abita Springs and approved, in writing, by the Town Engineer.

4829 C. *Guarantee in lieu of completed improvements.* No final subdivision plat shall be approved by the
4830 Planning Commission or accepted for record by the Clerk of Court of St. Tammany Parish until
4831 either:

- 4832 1. All required improvements, including repair to Town property damaged during construction,
4833 removal of debris, treatment of soil, erosion control, seeding and landscaping have been
4834 constructed in a satisfactory manner and approved in writing by the Town's Engineer; or
- 4835 2. The subdivision has been granted a substantial completion notice, not to be granted unless the
4836 improvements required by the Planning Commission and the Town Engineer are not less than
4837 95 percent complete, by the Town Engineer. Additionally, the estimate of completion cost
4838 must be provided by the developer and approved by the Town, including the Town's
4839 Engineer. This approval must be based on the inspection of the project and validation of the
4840 unit costs for work of this nature. The developer shall then place, on deposit with the Town,
4841 the approved completion cost amount in cash times 3. The deposit will be refunded in full
4842 upon completion of the deficiencies or will be forfeited after 90 days if the deficiencies are
4843 not completed. Upon forfeiture of the deposit, the Town will assume the responsibilities of
4844 project completion. No building permits will be issued for the development until the project is
4845 100 percent completed or as approved by the Town Engineer. The Planning Commission may
4846 accept a performance bond or letter of credit, approved by the Town Attorney, in lieu of a
4847 cash deposit.

3. Additionally, all of the following conditions shall be met:

- a. A maintenance bond in an amount sufficient to cover any costs which might be incurred by the Town for the maintenance or repair of the required improvements for a period of 2 years after completion, must be provided by the developer and accepted by the Planning Commission, subject to approval by the Town Engineer. The bond or letter of credit shall be called by the Town if the required improvements are not completed after 90 days of issuance of said bond or letter of credit. Upon receipt of the proceeds of said bond or letter of credit the Town will assume the responsibility of project completion.
- b. Sale or improvement of lots shall be prohibited until the project is 100 percent complete, or unless approved by the Town Engineer.

D. *Streets.*

1. *General.* All streets shall be paved with hard surface of asphaltic concrete mix or concrete pavement as prescribed herein. Street grades shall be established in such a manner that building slabs will be a minimum of 12 inches above center line of street and provide for a minimum of 100 year flood, except for properties subject to the provisions of the requirements of Federal Emergency Management Administration (FEMA) Flood Insurance Rate Map (FIRM).
2. *Repair of damage to public improvements prior to final subdivision plat.* No subdivision plat shall be approved or filed for record or recorded by the Clerk of Court of the Parish of St. Tammany until such time such as the plat is certified by the Town Engineer that any and all damage caused by the construction of the subdivision project public improvements of the Town of Abita Springs including but not limited to streets, sidewalks, drains, culverts and ditches, have been repaired to the satisfaction of the Town Engineer. The provisions of this Section may be satisfied by posting a cash bond or letter of credit.
3. *Ditches.* If curbs and gutters are not provided, swale ditches shall be provided having at least 3:1 side slopes or side slopes having at least 3 feet horizontal distance for each one foot of vertical drop.
4. *Wearing surfaces and paved streets.* All testing of the subgrade, the roadbed and the wearing surface shall be performed by a reputable testing laboratory, which shall be demonstrated as part of the testing submittal, and at the expense of the Subdivider. All other required testing shall be at the expense of the Subdivider.
5. *Grading.* The full right-of-way shall be graded except where large specimen trees exist in the right-of-way and the grading operation cannot be executed without damage or death to the tree. Significant specimen trees, primarily live oaks (*Quercus virginiana*) shall be protected within a right-of-way.
6. Profiles of all proposed new or redeveloped streets showing natural and finished grades drawn to a scale of not less than one inch equals 100 feet horizontal and one inch equals 20 feet vertical shall be furnished as part of the subdivision improvement construction documents.

E. *Sidewalks.*

1. Sidewalks shall be required for every subdivision of land in the Town of Abita Springs, including administrative, minor, and major subdivisions; this requirement may be waived if the Town Planner determines sidewalks are not part of future planned growth in the area and would be inconsistent with the surrounding development pattern.

- 4892 2. Sidewalks shall be located one foot from the property line to prevent interference or
4893 encroachment by fencing, walls, hedges or other plantings or structures placed on the
4894 property line at a later date. Concrete sidewalks shall be 5 feet wide and 4 inches thick; unless
4895 provided for elsewhere in the Code of Ordinances.

4896 F. *Sewerage.*

- 4897 1. The subdivider shall provide a wastewater collection system for each lot in the proposed
4898 subdivision, and all means and methods employed to determine system capacity by the
4899 Subdivider must be in alignment with those prescriptive methods required by the Town
4900 Engineer. If public sewer system is not within 300 feet of the track being subdivided, the
4901 subdivider shall either 1) connect to the nearest public sewer system, regardless of distance;
4902 2) provide a central treatment plant for the entire subdivision, in which all collection system
4903 requirements apply; or 3)—upon a finding by the Planning Commission that the connection
4904 into the nearest public sewer system or providing of a central treatment plant is not feasible—
4905 then the subdivider shall provide an individual treatment plant for each building which shall
4906 not exceed 12 individual sewer plants per subdivision.
- 4907 2. All sanitary sewer systems shall conform to the following requirements:
- 4908 a. All sewer mains installed within such subdivisions shall be at least 8 inches in diameter
4909 and must be of one of the following materials:
- 4910 i. Truss pipe conforming to ASTM D 2680
4911 ii. Plastic pipe conforming to ASTM D 3034
- 4912 b. Manholes shall be constructed of one of the following materials:
- 4913 i. Pre-cast concrete conforming to ASTM C 478
4914 ii. Brick conforming to ASTM C 32, Grade MA or ASTM C 139
4915 iii. Fiberglass manholes may be approved by Town's Engineer on an individual
4916 project basis.
4917 iv. Manhole castings shall be for roadway traffic, shall have a twenty -two (22) inch
4918 opening and shall match the manhole.
- 4919 c. Force main(s) shall be sized for a minimum velocity of 2 feet per second. Force main
4920 may be cast iron or plastic, designed for 150 psi. Force main shall be tested at a
4921 pressure of 100 psi for two hours. Leakage shall not exceed 10 gpd/in./dia./mile. Plastic
4922 pipe shall meet Class 160 NSF.
- 4923 d. Service pipe shall be 6 inches in diameter and shall be PVC pipe and shall be provided
4924 and installed by the developer to each lot property line.
- 4925 e. Pumping stations shall be designed to provide for the maximum flows under which
4926 they are expected to operate. Individual grinder pumps/wet well units shall not be
4927 permitted. The type of station may be designated by the Town's Engineer.
- 4928 3. Manholes shall be constructed at all intersections of sewer mains, at all changes in direction,
4929 and shall not be more than 300 feet apart.
- 4930 4. Exfiltration tests shall be made on all sections of sewer main laid. Leakage shall not exceed
4931 250 gpd/in./dia./mile. Water level in upper manhole shall be a minimum of one foot above top
4932 of pipe. Other tests acceptable to the Town's Engineers may be used if approved as part of a
4933 requested, written deviation.

- 4934 5. Subdivider shall connect the subdivision sewer system into the Town's sanitary sewer system
4935 at a point designated by the Town's Engineer. Should the Town Engineer advise the Planning
4936 Commission that there is no appropriate connection to the sewer system due to system
4937 capacity constraints, the Planning Commission shall deny the subject subdivision application
4938 due to lack of adequate capacity for sewer connections.

4939 G. *Water supply.*

- 4940 1. The subdivider shall coordinate with the Town Engineer to determine a connection to the
4941 Town water system, if appropriate, and shall provide water service to each lot. All means and
4942 methods employed to determine system capacity by the Subdivider must be in alignment with
4943 those prescriptive methods required by the Town Engineer. Water main shall be a minimum
4944 of 8 inch pipe, as determined by the Town Engineer. The water main shall be looped unless
4945 otherwise approved by the Town Engineer as part of a requested, written deviation.
- 4946 2. Water pipe shall be provided in accordance with the following:
- 4947 a. Cast iron, AWWA approved for 150 psi working pressure test shall be conducted to
4948 determine the necessity of using polyethylene wrap. Where test so indicates,
4949 polyethylene shall be used.
- 4950 b. Polyvinyl Chloride, AWWA approved 150-psi working pressure for 8 inch, and class
4951 160 NSF (National Sanitation Foundation) approved for 4 inch and smaller.
- 4952 c. Service pipe shall be polybutylene and shall meet the stress rating of TB-2110 and shall
4953 have a pressure rating of 160 psi. Pipe shall be furnished in copper tubing sizes.
- 4954 d. Fire hydrants shall be three way, shall be AWWA approved and shall match existing
4955 hydrant hose threads, as indicated by the Fire District having jurisdiction. Hydrants
4956 shall be located not further than 300 feet from the furthestmost fronting corner of any
4957 lot, not more than 600 feet apart, and at all street intersections. However, hydrants will
4958 not be required to be located within 200 feet of another hydrant.
- 4959 e. Fitting for 8 inch main shall be AWWA approved. Smaller fittings shall be NSF
4960 approved.
- 4961 f. Valves shall be AWWA approved.
- 4962 g. Service connection fittings shall be as approved by Town Engineer.
- 4963 3. Water pipe shall be sterilized and shall receive approval from the Louisiana State Board of
4964 Health before connection to the Town water system.
- 4965 4. Water main shall be tested for 150 psi for not less than 4 hours. Leakage shall not exceed then
4966 10 gallons/day/inch dia./mile

4967 H. *Storm drainage.*

- 4968 1. An adequate drainage system including necessary open ditches, pipes, culverts, intersectional
4969 drains, drop inlets, detention ponds, or any other facilities shall be provided by the Subdivider
4970 for the proper management of all surface water.
- 4971 The engineering design of the facilities necessary to perform this task shall be based upon a
4972 drainage study performed by a Louisiana licensed and registered professional engineer. The
4973 drainage study will be executed utilizing a hydraulic methodology to determine the facilities
4974 necessary to meet the goals of these regulations. The drainage study will, at a minimum,
4975 identify the existing runoff characteristics (predevelopment condition) and the post
4976 development condition with consideration to the increase in the impervious area and the
4977 change in the velocity of storm water runoff. For subdivisions involving less than 10 lots, this

- 4978 requirement may be waived by the Planning Commission upon a determination that such a
4979 plan is not necessary. Such a determination shall be made in conjunction with preliminary
4980 approval.
- 4981 a. The minimum design of the interior drainage system to the subdivision or site or tract
4982 proposed for development shall be based on a 10 year use storm frequency of not
4983 greater than one hour duration and the minimum design considerations for the
4984 watershed area will be based on a 25 year use storm frequency of not greater than one
4985 hour duration. The selection of runoff coefficient shall be based on the anticipated
4986 nature of future development in the area and shall be subject to the approval of the
4987 Town Engineer.
- 4988 b. Street drainage and grating shall be addressed on the submitted plans and shall extend
4989 the full width of the right-of-way.
- 4990 c. Preservation of drainage patterns and the drainage basin in which the subdivision is
4991 proposed shall be required by the Planning Commission, except when such
4992 preservation is not in keeping with best practices.
- 4993 d. No alteration of natural drainage channels shall be undertaken by a
4994 developer/subdivider except upon the review and approval of the Planning Commission
4995 after review and advisement from the Town Engineer.
- 4996 e. The drainage facilities proposed for the development will cause, in the post
4997 development condition, a 10 percent reduction in the predevelopment condition with
4998 regard to peak storm water runoff. Facilities to accomplish this reduction shall include
4999 onsite detention ponds or regional detention measures that exist within the same
5000 drainage base. The option of regional detention measures must be approved by the
5001 Town Engineer prior to the execution of the drainage study, design of the drainage
5002 improvements, or both. Any constructed detention ponds must provide for the proper
5003 aeration as approved by the Town Engineer.
- 5004 f. Alternatively, the developer/subdivider may propose to undertake such work or
5005 improvements, at no cost to the Town, to make the downstream drainage system
5006 adequate to handle the anticipated flow resulting from the development of the property
5007 in conformance with these regulations. The Planning Commission may deny any such
5008 proposal to improve downstream drainage if the Planning Commission determines that
5009 the nature or extent of the proposed work or improvements would detrimentally alter
5010 the character or condition of any downstream drainage ways. The Planning
5011 Commission shall not approve any proposal to improve manmade drainage ways until
5012 the proposal is first reviewed by the Town Engineer and has been advised in writing
5013 that he/she has no objection to the proposal.
- 5014 g. All spoil generated by construction on the subdivision project must be treated in a
5015 manner approved by the Town Engineer or removed from the site. This requirement
5016 shall be considered as part of the improvement necessary for final plat approval of the
5017 subdivision.
- 5018 2. Pipe used for subsurface storm drain shall be concrete conforming to ASTM specifications
5019 for the type of pipe used. Reinforced concrete pipe shall be used under roadways. Joints shall
5020 be rubber gaskets, wrapped in filter cloth and grouted. Joints shall be rubber gaskets for
5021 concrete and bands for corrugated metal. Only reinforced concrete pipe is to be used in the
5022 public right-of-way where drainage conduits extend beneath public streets.
- 5023 3. *Surface drains.*

- 5024 a. The grade for open ditch drainage shall be sufficiently designed to prevent ponding or
5025 stagnated water.
- 5026 b. All surface drainage ditches placed alongside streets shall be graded as to prevent
5027 undermining of streets by drainage water.
- 5028 c. All surface drainage courses shall have a minimum of 2:1 side slope or side slopes
5029 having at least 2 foot of horizontal distance for each one foot of vertical drop.
- 5030 d. Drains in ditches under driveways shall extend 3 feet beyond the top edge of the drive
5031 shoulder for each foot elevation of the drive above the ditch bottom.
- 5032 4. *Control of erosion and sedimentation.* Where there is an intention to change the contour of
5033 any land proposed to be subdivided or developed by grading, excavating, removing or
5034 destroying the natural topsoil, trees or other vegetation covering thereon, the same shall only
5035 be accomplished after the Planning Commission has approved a plan for erosion and
5036 sedimentation control submitted by the owner or his agent. Submittal of any plans for erosion
5037 and sedimentation control shall accompany and be considered a part of the documents
5038 required for preliminary approval in the subdivision application process.
- 5039 a. *Requirements for submission.*
- 5040 i. Three sets of plans for control of erosion and sedimentation shall be submitted to
5041 the Planning Commission.
- 5042 ii. The estimated cost of accomplishing such erosion and sedimentation measures
5043 shall be stated in the application and be covered in any required performance
5044 bond and/or letter of credit, including the maintenance thereof.
- 5045 b. *Guidelines for erosion and sedimentation control.*
- 5046 i. Shall be developed to maximize the amount of natural drainage that is percolated
5047 into the soil and to minimize the direct runoff into adjoining streets and
5048 waterways.
- 5049 ii. Sediment basins (debris basins, desilting basins, or silt trap) should be installed to
5050 remove sediment from runoff waters from land undergoing development.
- 5051 iii. The development plan should be fitted to the topography and soil to create the
5052 least erosion potential.
- 5053 iv. Wherever feasible, and in areas required by this Code, natural vegetation should
5054 be retained and protected.
- 5055 v. Provisions should be made to effectively accommodate the increased runoff
5056 caused by the changed soil and surface conditions during and after development.
- 5057 vi. Where necessary, temporary vegetation and/or mulching should be used to
5058 protect areas exposed during development.
- 5059 vii. The permanent final vegetation and structure should be installed within 6 months
5060 of final plat acceptance.
- 5061 viii. When land is exposed during development, only the smallest practical area
5062 should be exposed at one time and the exposure time should be kept the shortest
5063 practical period of time.
- 5064 ix. At the building permit application stage, a review will be conducted by the
5065 Building Inspector to ensure conformance with the plan as approved.

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

- a. *Preservation and final grading.* No certificate of occupancy shall be issued until final grading has been completed in accordance with the approved final subdivision plat and the lot precovered with soil with an average depth of at least 6 inches which shall contain no particles over 2 inches in diameter over the entire area of the lot except that portion covered by buildings or included in streets or where the grade has not been changed or natural vegetation seriously damaged. Topsoil shall be redistributed first to provide at least 6 inches of cover on lots and at least 4 inches of cover between the sidewalks and curbs and shall be stabilized by seeding or planting.
- b. *Lot drainage.* Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed to avoid concentration of storm drainage water to flow from any lot to any adjacent lots.
- c. *Lawn, grass, seed and sod (lawn).* Grass seed shall be sown at not less than 4 pounds to each 1,000 square feet of open land areas. The width of the right of way (excluding roadways) shall be seeded. Sod may be used to comply with any requirements of seeding set forth herein, if approved in advance by the Town Engineer.
- d. *Debris and waste.* No cut trees, timber, junk, rubbish or other waste materials of any kind shall be buried in any land, or left deposited on any lot or street adjacent to a lot for which there is sought to be the issuances of a certificate of occupancy in the subdivision nor shall any be left or deposited in any area of the subdivision at the time of expiration of the performance bond and/or letter of credit, or dedication of public improvements, whichever is sooner.
- e. The requirements of this Section shall be considered part of the required improvements necessary for final approval of a subdivision plat.

I. *Natural gas.* If available, natural gas will be installed by the owner at the subdividers expense, including all engineering and construction costs.

J. *Construction inspection.* For all improvements required for final plat approval, as depicted on the construction documents approved by the Town Engineer, including but not limited to roadways, drainage facilities, water and sewer utilities, gas utilities, stormwater management infrastructure, sidewalks, repair to Town property damaged during the construction of the project, removal of debris, treatment of soil, erosion control, seeding and landscaping, the work will be inspected by the Town Engineer at the expense of the developer and prior to site development.

K. *Permanent markers.*

1. Permanent monuments consisting of a metal pipe 3/4 inch in diameter and 3 feet long shall be set at all street corners, at all points where the street lines intersect the exterior boundaries of the subdivision, and at angle points and points of curve in each street. The top of the monuments shall be set flush with the finished grade. All survey work shall be done by a Louisiana licensed Registered Professional Land Surveyor. All development corners shall be marked with a 4" by 4" by 3" concrete markers.
2. For all subdivisions of 25 lots or more, a permanent benchmark shall be accessibly placed. The elevation of which shall be based on Mean Sea Level Datum as determined by the U.S. Geological Survey and accurately noted on the subdivision plat. Such permanent benchmarks shall be concrete with a minimum dimension of 4 inches square, 3 feet long, with a flat top. The top of the monument shall have an indented cross to identify properly the location and shall be set flush with the finished grade.

- 5112 3. All other lot corners shall be marked with an iron pipe, not less than three fourths (3/4) inch
5113 in diameter and (2) feet long driven so as to be flush with the finished grade.
- 5114 L. *Street name signs.* Street name signs shall be located at all street intersections and shall be of a
5115 design approved by the Town Board of Aldermen.
- 5116 M. *Street lights.* All subdivisions shall have streetlights. Street lighting plans shall be submitted to the
5117 Planning Commission for approval. Such plans shall provide for the subdivider or property owners
5118 to pay for the installation, use and maintenance of the street lighting system.
- 5119 N. *Power poles.* The Planning Commission may require the subdivision to provide servitudes for
5120 power poles in the rear of lots. When located on street right-of-way, power poles shall be located
5121 adjacent to the property line. All major subdivisions shall have underground utility lines. Minor
5122 subdivisions may have utility lines above ground on power poles, unless previously installed
5123 underground, in which case underground utilities should be maintained and improved without
5124 exception.