



PLANNING & ZONING COMMISSION AGENDA

January 26, 2023 6:00 pm

Abita Springs Town Hall

- **Welcome / Introduction**
- **Pledge of Allegiance**
- **Roll Call**
- **Acceptance of Minutes from November 17, 2022 Meeting**
- **Election of Chair and Vice Chair for 2023**

PLANNING:

ZONING:

PUBLIC HEARING:

DISCUSSION:

- **Short-Term Rental Applications**
 - 72419 Highway 59
 - 71558 St. James Street
 - 71661 Keller Street
 - 71675 Leveson Street
 - 23046 Brookforest Road
 - 72094 Maple Street
- **Review Draft Amendments to Abita Springs Code of Ordinances:**
 - **Landscaping chapter**
 - **Permitting chapter**
- **Public Comments**
- **Announcements**
- **Adjournment**

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The following are minutes from the Planning and Zoning Commission meeting on Thursday, November 17, 2022, in Abita Springs Town Hall. The meeting convened at 6:00 P.M.

Commission Chair Templet called the meeting to order, and all stood for the Pledge of Allegiance. Commissioners in attendance included Eric Templet, John Pierce, Chad Hall, Mike Lanaux, and Bryan Gowland. Kristin Tortorich, Mark Fancey, and Heather Hockman were also present.

The Commission reviewed the draft minutes from the October 27, 2022 meeting. Commissioner Hall motioned to accept the minutes of the October 27, 2022 meeting. Commissioner Pierce seconded the motion. All voted in favor.

PLANNING:

No items were on the agenda.

ZONING:

Development Clearing Permit- Brighthouse Learning 21464 Clear Creek Drive

Mark Fancey reviewed the staff report.

Commissioner Gowland motioned to approve a Notice to Proceed. Commissioner Pierce seconded the motion. All voted in favor.

PUBLIC HEARINGS:

Variance: 101 Abita Oaks Blvd

Kristin Tortorich explained that the setback for the lot is 25 feet, but due to the irregular shape of the lot, the homeowner was seeking a variance to allow construction of a patio cover at the rear of the property as one corner would fall in the setback area. Commissioner Lanaux asked if trees were in the setback area. Kristin Tortorich said no. Commissioners Templet and Gowland both stated they felt these irregularly shaped lots are the exact reason for variances. Commissioner Gowland added that the house is not any bigger or different than other houses in that neighborhood, the lot just doesn't have right angles making building difficult.

Public Comment

None.

Commission Chair Templet closed the Public Comment section of the hearing for the variance.

Commissioner Gowland motioned to grant the variance. Commissioner Hall seconded the motion. All voted in favor.

Resubdivision: 71103 Highway 59

Commission Chair Templet opened the Public Hearing for this topic and Mark Fancey reviewed the staff report.

Public Comment

Stewart Eastman said he didn't believe the reason for the required 120 feet of highway frontage has anything to do with the septic system, and that it must be for access. He also stated the parcel was essentially inaccessible.

Ryan Murphy stated that there is permanent access to the property on record and was included in an Act of Sale roughly 25 or 30 years ago.

Commissioner Hall motioned to approve the resubdivision of the property. Commissioner Pierce seconded the motion. All voted in favor.

DISCUSSION**Review Draft Amendments to Abita Springs Code of Ordinances: Traffic Impact Analysis Chapter**

Mark Fancey spoke about Traffic Impact Analysis studies.

Mark Fancey said Highways 59 & 36 are most likely areas to require traffic studies based on the geography of the town.

Commission Chair Templet stated the traffic studies would be helpful in taking the guesswork out of the situation when new developments are being proposed. He went on to say that the purpose of the traffic study is not to say that a project could or could not be built, rather if it is built, these are the impacts you could expect. The town codes could then say based on those impacts these are the development requirements. Mark Fancey then added the improvements typically would be additional stop lights, turn lanes, road widening, acceleration/deceleration lanes, etc.

Commissioner Gowland sought clarification on the threshold table showing 50,000 and 75,000 square feet. Mark Fancey stated those numbers were for the building size.

Commissioner Pierce and Commission Chair Templet both stated they thought the code should be more specific for the section giving the Town authority to require a traffic study even if it doesn't meet the threshold. Commissioner Gowland said he thinks the thresholds for traffic impact studies are very reasonable.

Commissioner Hall said he questioned Part B under the Industrial section. He was concerned about lots of big trucks coming in and out of that type of development but thought the language in Part B would cover that. Mark Fancey confirmed that it would. Commissioner Hall also asked what percentage it would be for defraying the cost of the study. Mark Fancey confirmed it would be 100% of the cost.

Public Comment

Stewart Eastman stated he hoped the size of the buildings for the threshold would be lowered.

Commissioner Hall said he thought that the lot size would be a better driver than the building size for the threshold to trigger a traffic study. Commissioner Pierce agreed and added that it would seem as though we would be invoking section B more frequently than intended, although it is a balancing act. Commission Chair Templet stated he also didn't want to seem like it is a punishment to open a business

here. Mark Fancey commented the cost is also something to consider, as traffic studies are very costly and the thresholds were based on the size of the businesses that would likely trigger improvements such as turn lanes, etc. He added he will take another look at that section.

Commission Chair Templet closed the discussion portion of the meeting and opened the Open Comment section.

ANNOUNCEMENTS

Commissioner Gowland wished everyone a Happy Thanksgiving and encouraged everyone to attend the Abita Springs Opry November 19th.

Kristin Tortorich said she would be emailing a set of dates for the Commissioners to review and vote on at the December meeting. The next meeting will be December 22nd.

OPEN COMMENTS

Stewart Eastman said he wanted to address the school development on Clear Creek Drive. He was concerned about the neighbors’ concern about the traffic on their road when it was discussed at previous meetings. He said he feels the ordinances aren’t doing what they are meant to do. He also feels too many parking spaces are being required, especially since the high school students at this school will likely not be driving. He also stated he felt the live oak trees need to be protected.

ADJOURNMENT

Commissioner Gowland motioned to adjourn. Commissioner Pierce seconded the motion. All Commissioners voted in favor. Meeting Adjourned at 6:46 P.M.

Kristin Tortorich, Planning & Zoning Director

Date



January 24, 2023

To: Planning and Zoning Commission

From: Kristin Tortorich, and Mark Fancey

Subject: Draft Zoning Ordinance amendments: Permitting and Landscaping chapters

Attached are the draft Zoning Ordinance chapters regarding permitting and landscaping.

The draft permitting chapter outlines the process for review of Development Permits, Change of Use Permits, and Conditional Use Permits.

A Development Permit would be required prior to development on vacant land for all commercial, industrial, and multifamily developments with four (4) or more units on a single parcel or parcels under common ownership. Development permits require a public hearing before the Planning and Zoning Commission. Other permits such as a Development Clearing Permit and a Conditional Use Permit may also be required and must be obtained prior to issuance of a Development Permit. Those permits may be reviewed concurrently by the Commission as part of the Development Permit review process. If a Certificate of Appropriateness is required from the Historic Commission, that application process will take place after the Development Permit is approved.

A Change of Use Permit would be required for any change of use within an existing building. The review is intended to ensure that the new use complies with all applicable Town codes and ordinances. The Planning Director conducts the review and would issue Change of Use Permits. If the use complies with all requirements then a Certificate of Occupancy is issued.

A Conditional Use Permit would be required for all such uses identified in the Zoning Ordinance. For example, in the draft Commercial District zone that the Commission has reviewed, the following uses require approval of a Conditional Use Permit:

1. Main building larger than 5,000 square feet.
2. Involves the sale or distribution of alcohol.
3. Involves the use of a drive through window.
4. Involves live music;
5. Involves the sale, repair or storage of automobiles, trailers, ATVs, mobile homes or like product; or
6. Gas station having more than two (2) pumps.

Conditional use permits can be approved by the Planning and Zoning Commission after conducting a public hearing. As noted above, the Conditional Use Permit review may be conducted concurrently with the Development Permit review.

The draft landscaping chapter outlines standards and requirements for required landscaping and landscaping plans.

Chapter X – Landscaping

Sec. 9-XXX. Purpose.

The purpose of these provisions is to prescribe standards for landscaping and screening. The existing street trees by the character they give to established streets should be preserved. The general appearance of the community through use of plant material as a unifying element should be improved. Materials should define spaces and articulate the use of specific areas. The effects of climate should be mitigated by the provision of shade and shelter and these materials should also aid the conservation of energy by the provision of shade during the summer months and by buffering winds during the winter.

Sec. 9-XXX. Applicability.

Developers or landowners are responsible for providing and maintaining the landscaping herein required. The provisions of this chapter shall apply to all commercial, industrial, multi-family developments of three units or more, religious, educational, and institutional uses. This division is not applicable to residential clearing permits which are governed by the provisions of Chapter 7 – Tree Removal and Timber Harvesting. All construction, expansion or redevelopment of structures or parking lots for commercial, multifamily, or industrial uses shall be subject to the landscaping requirements of this chapter.

Sec. 9-XXX. General standards for required landscaping.

(a) Plant condition and installation.

- (1) All plant materials shall be alive and in a healthy condition when planted.
- (2) All plant material shall be installed in a fashion that ensures the availability of sufficient soil and water to sustain healthy growth.

(b) Definition of trees and shrubs, native species.

- (1) Class A trees are species which normally grow to an overall height of a minimum of 50 feet, usually with one main stem or trunk although some species may have multiple trunks, and with many branches. A list of Class A native trees can be found in Sec. 9-XXX.
- (2) Class B trees are species which normally grows to an overall height of a minimum of 25 feet, with one or more main stem or trunk and many branches. A list of species considered to be Class B native trees can be found in Sec. 9-XXX.
- (3) Species of trees and shrubs referred to as native species are set forth in Sec. 9-XXX. Native species is a defined term as used in this division, and only those species listed in Sec. 9-XXX shall be deemed to be native species for purposes of the landscape and tree preservation regulations of this division and no species omitted from Sec. 9-XXX shall be deemed to be a native species for purposes of the landscape and tree preservation regulations of this division.

(c) Minimum caliper and height of trees and shrubs.

- (1) All Class A trees, at the time of planting, shall have a minimum caliper of at least 2½ inches, measured six inches above the root ball, and a minimum height of ten to 12 feet, as per the National Nursery Association Standards.

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- (2) All Class B trees and all trees, other than Class A trees, at the time of planting, shall have a minimum caliper of at least 1½ inches, measured six inches above the root ball and a minimum height of eight to ten feet as per the National Nursery Association Standards.
 - (3) All shrubs, at the time of planting, shall have a minimum height of two feet.
- (d) Landscaping design.
- (1) A professionally acceptable composition, spacing and mix of vegetation is required.
 - (2) At least 60 percent, of the aggregate in number, of all required trees and shrubs (the sum of all trees and shrubs required in buffer planting areas, parking areas, building façade planting areas and any other areas where trees and shrubs are required in this division) shall be a native species of trees and shrubs as identified in Sec. 9-XXX. None of the required ground cover need be a native species.
 - (3) With the approval of the Planning and Zoning Commission, the applicant may substitute a Class A tree for a required Class B tree, except that Class A trees shall not be permitted within servitudes with overhead power lines. Among the considerations to be made by the Planning and Zoning Commission in granting such approval is the size of the planting area.
 - (4) With the approval of the Planning and Zoning Commission, the applicant may substitute Class A or Class B trees for shrubs in the building façade planting area; provided that:
 - (i) The trees are sufficiently distant from a building or structure; and
 - (ii) There is a sufficient planting area for a tree.

Sec. 9-XXX. Landscape plan requirements.

- (a) Prior to the issuance of a development permit for a site on which landscaping or tree preservation is required, a landscape plan shall be required to be submitted to, reviewed by, and approved by the Planning and Zoning Commission. The landscape plan shall be accompanied by the required permit fee. If, in addition to the preservation of trees, plant materials are required to be installed the landscape plan shall include or be accompanied by a detailed planting plan.
- (b) The tree plan submitted for an individual single family or duplex residence on its own lot may be a plot plan or drawing prepared by the owner or his agent in conjunction with a tree removal permit or residential clearing permit as provided by Sec. 9-703. **(Tree preservation ordinance)**
- (c) The landscape plan and any additional material required for the development shall be prepared by and bear the seal of a registered landscape architect registered in the State of Louisiana.
- (d) The landscape plan shall be drawn to scale and fully dimensioned and include the following:
 - (1) The location and dimensions of all structures and vehicular use areas and accessways and relative topographic elevations.

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- (2) The dimensions of all planting areas and the location, type and size of all existing vegetation required or proposed to be preserved and all new vegetation proposed to be planted.
- (3) A legend clearly describing the required landscaping in comparison to the proposed landscaping including the number and type of vegetation and square foot area of landscaping areas.
- (4) A detailed planting plan, if additional planting is required or proposed, including the size and type of plant materials proposed to be planted and including specifications and cross sections describing proper planting techniques in accordance with these regulations.
- (5) The name, address, telephone number, and e-mail address of the person who drew the plan and the date, including any revision dates, that the plan was drawn.
- (6) The landscape and/or planting plan shall be sufficient to illustrate compliance with this; the Planning and Zoning Commission may require additional information if needed to document compliance.

Sec. 9-XXX. Buffer planting area requirements.

Buffers are required in conjunction with the issuance of a development clearing permit as provided by **Sec. 9-707(b)(4) – Tree Preservation Ordinance**. The following requirements are mandatory. All buffers required shall be exclusive of all easements, servitudes and/or rights-of-way within the property.

- (a) Roadway buffer. A managed buffer of at least 25 feet in width along improved roadways and dedicated street rights-of-way shall be preserved in accordance with an approved landscape plan. Street access through the buffer shall be as required by Sec. 9-XXX. Driveway Access. **(New offstreet parking chapter)**.
 - (b) Waterway buffer. A minimum uncut vegetation buffer of at least 50 feet in depth from the centerline of the stream channel along both banks of all established natural stream beds, riverbanks and improved drainage canals shall be preserved uncut.
 - (c) Adjacent-use buffer. A managed buffer shall be required when a development site is adjacent to a more restrictive zoning district. A minimum managed buffer of 25 feet or ten percent of the site width or depth, measured from the adjacent more restrictive zoning district, whichever is greatest, shall be required to be preserved. The buffer zone shall contain one Class A or B tree for each ten linear feet of buffer planting area. Understory screening vegetation or hedges (70 percent opaque and six feet in height) shall be required to be planted in adjacent-use buffers not already meeting this minimum standard for vegetation. Plantings shall be a minimum of four feet in height from the ground immediately after planting. Plantings shall contain a minimum of one shrub for every ten linear feet of buffer planting area.
- (1) Standards for managed buffers:
 - (i) No trees greater than two (2) inches dbh are to be removed;
 - (ii) Trees are required to be planted if the buffer area does not meet minimum applicable standards.

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- (iii) Understory trees, groundcover and shrubs are allowed to be managed in accordance with an approved landscape plan.
- (d) Driveways through side buffer planting areas. To provide off-street ingress and egress among adjacent properties, no more than two (2) one-way driveways, a minimum of 12 feet in width and a maximum of 15 feet in width, or one (1) two-way driveway, a minimum of 24 feet in width and a maximum of 35 feet in width, shall be permitted through the side buffer planting area.
- (e) No vehicular parking, utility servitudes containing overhead lines or above-grade equipment, or structures of any kind shall be allowed in the required buffer area.
- (f) Except in accessways, all healthy trees six (6) inches dbh or greater located in the side and rear buffer planting areas shall be preserved regardless of the number of said trees. All trees required to be preserved by this ordinance shall be indicated on the landscape and tree preservation plan.

Sec. 9-XXX. Building façade planting area.

- (a) The building façade planting area occurs when the exterior wall of the building, which contain the primary entrance to the building, faces vehicular access area, and the building façade planting area is the area between such exterior wall and such vehicular access area.
- (b) The building façade area shall be the full length of the building exterior wall facing the vehicular access area. This area shall be no less than four feet in width.
- (c) The following items are allowed in building façade planting areas. Concrete sidewalks not to exceed four (4) feet in width. Trees, shrubs, landscaping, fountains, and any other landscape architectural feature, specifically approved by the Planning and Zoning Commission. Entrances, drainageways, underground utilities, eaves and other building overhangs are allowed in building façade planting areas. Everything not specifically allowed in this subsection is prohibited in building façade planting areas.

Sec. 9-XXX. Parking landscaping requirements.

- (a) Screening for parking areas.
 - (1) Whenever parking or vehicular use areas are located adjacent to a roadway buffer, shrubs shall be planted in the roadway buffer to screen the parking area from view from the street or road.
 - (2) Shrubs shall be located within the roadway buffer in a row (straight or curvilinear) or clusters to achieve screening. Shrubs shall be planted two feet apart or closer, except that if shrubs are planted in clusters, the clusters shall be four feet apart or closer.
 - (3) No shrub shall be planted unless it will reach three feet in height within two years after planting, and, thereafter, shrubs shall be maintained at three feet in height or higher.
- (b) General interior parking landscape requirements.
 - (1) Interior parking landscape shall be provided in the interior of vehicular use areas greater than eight (8) parking spaces or larger than 3,000 square feet.

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- (2) The interior parking landscaped areas shall be curbed with permanently anchored material at least six (6) inches in height. Curb material may be concrete, natural stone, railroad ties or landscape timbers.
 - (3) A required interior parking landscaped area may be connected with a required street or buffer planting area so long as the interior parking landscaped area is in addition to the area of the required buffer areas.
- (c) Specific interior parking landscape requirements.
- (1) No more than 12 parking spaces shall be permitted in a continuous row without being interrupted or terminated by a landscaped island or median of not less than six (6) feet in width (exclusive of curbs) and not less than the length of the parking space.
 - (2) Every parking row shall terminate in a landscaped island of not less than nine feet in width (including the curbs) and not less than the length of the parking space; provided that a landscape island shall not be required at the end of a parking row where the end of the parking row abuts a buffer planting area.
 - (3) Every fourth row of parking shall be separated by a median strip for landscaping of not less than nine feet in width (inclusive of curbs).
 - (4) The landscaped islands shall contain a minimum of one Class A tree. One Class A tree for every 30 linear feet shall be planted in the required median between rows. The surface of the landscaped islands and medians shall be planted in a living vegetative ground cover.
 - (5) If no landscape islands or medians are required in this subsection (c), one (1) Class B tree is required for every four (4) parking spaces. These Class B trees may be planted in any landscaped area.
 - (6) Parking lots shall be designed to drain through landscape filter areas. A filter area shall be provided where double loaded parking rows occur and a median is not required and required medians shall also serve as filter areas. The filter area is to be a minimum of three feet in width and the full length of the parking row. Catch basins should be provided as needed to prevent overflow on the parking surface. The Town engineer shall review all parking lot applications for adherence to stormwater best management practices.
 - (7) A portion of the drainage from the parking area may be drained through the buffer planting areas into grassed drainage swales. Catch basins should be provided as needed to prevent overflow onto the parking surface or sidewalk.
 - (8) Landscape filter areas are to be planted with groundcover and/or landscape material that will achieve 100 percent coverage when mature.

Sec. 9-XXX. Trash and garbage screening requirements.

A fence, seven (7) feet in height, shall enclose all dumpsters located within the town. This fence shall be made of an opaque material such as wood, brick, etc., or any combination thereof. The fence surrounding a dumpster shall always remain closed except for entering and exiting the dumpster area.

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Sec. 9-XXX. Retention/detention planting area requirements.

- (a) Retention/detention pond means any retention or detention pond or basin for water retention, detention, storage or for runoff control.
- (b) The retention/detention pond shall be designed as a visual amenity to the area in which it is situated, and the design shall meet the following requirements:
 - (1) A strip of land, a minimum of five feet in width, shall surround the retention/detention pond on the front, rear, and all sides, which strip shall be at grade level and shall not be excavated or made a part of the slope of the retention/detention pond. This strip of land shall contain the required landscaping for the area in which the retention/detention pond is located. For instance, if the retention/detention pond is in a roadway buffer, the trees and shrubs required in such area shall be planted on such strip.
 - (2) If the banks of the retention/detention pond are sloped, the slope shall be at such a ratio so that vegetation will grow thereon so that it can be maintained. Vegetation is required on such slopes.
- (c) The plan for the retention/detention pond shall be shown on the landscape and tree preservation plan or on a separate plan. This plan shall be submitted to the Planning and Zoning Commission for its review and approval in connection with the issuance of development clearing permit or residential clearing permit.

Sec. 9-XXX. Maintenance and replacement.

- (a) The owner or owner's agent shall be responsible for the maintenance and repair of all landscaping materials and barriers as may be required by the provisions of this division.
 - (1) Planting beds shall be mulched to prevent weed growth and maintain soil moisture.
 - (2) Plant materials shall be pruned as required to maintain good health and character.
 - (3) Turf areas shall be mowed periodically.
 - (4) All roadways, curbs and sidewalks shall be edged when necessary, to prevent encroachment from the adjacent grassed areas.
 - (5) The owner of the property shall be responsible for the provision of adequate water, fertilizer, and nutrients to the required plant materials.
- (b) Trees and plants that die must be replaced within six months of the death of the tree or plant with trees or plants that meet the requirements of this chapter. Barriers and curbs that are damaged or destroyed beyond repair shall be replaced within six months after the damage or destruction.

Sec. 9-XXX. Native trees and shrubs.

- (a) **Sec. 9-XXX. General standards for landscape lans (d)(2)** provides:

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- (1) At least 60 percent, of the aggregate in number, of all required trees and shrubs (the sum of all trees and shrubs required in buffer planting areas, parking areas, building façade planting areas and any other areas where trees and shrubs are required in this division) shall be a native species of trees and shrubs as identified in this section. None of the required ground cover need be a native species.

- (2) The provisions of subsections (b) through (d) of this section set forth trees and shrubs that are considered native species of trees and shrubs for the purpose of **Section 9-XXX. General Standards for Landscape Plans (d)(2)**.

(b) Class A trees are defined in **Sec. 9-XXX**. The following are Class A native tree species:

| Common Name | Scientific Name |
|----------------------|--|
| American beech | <i>Fagus Grandifolia</i> |
| American elm | <i>Ulmus americana</i> |
| American sycamore | <i>Platanus Occidentalis</i> |
| Ash species | <i>Fraxinus Spp.</i> |
| Black cherry | <i>Prunus serotina</i> |
| Blackjack oak | <i>Quercus Marilandica</i> |
| Bald cypress | <i>Taxodium Distichum</i> |
| Blackgum | <i>Nyssa Sylvatica</i> |
| Cherrybark oak | <i>Quercus Falcata (var.) Pagodaefolia</i> |
| Hackberry | <i>Celtis Laevigata</i> |
| Laurel oak | <i>Quercus Laurifolia</i> |
| Loblolly pine | <i>Pinus Taeda</i> |
| Longleaf pine | <i>Pinus Palustris</i> |
| Nuttall oak | <i>Quercus nuttallii</i> |
| Overcup oak | <i>Quercus lyrata</i> |
| Pecan | <i>Carya Illinoensis</i> |
| Pond cypress | <i>Taxodium Ascendens</i> |
| Red maple | <i>Acer rubum L. Var. rubum</i> |
| Red oak | <i>Quercus falcata</i> |
| Slash pine | <i>Pinus Elliottii</i> |
| Shumard oak | <i>Quercus shumardii</i> |
| Southern magnolia | <i>Magnolia Grandiflora</i> |
| Southern live oak | <i>Quercus Virginiana</i> |
| Southern sugar maple | <i>Acer barbatum</i> |
| Spruce pine | <i>Pinus Glabra</i> |
| Swamp red maple | <i>Acer Rubrum Drummond II</i> |
| Swamp chestnut oak | <i>Quercus Michauxii</i> |
| Sweetbay magnolia | <i>Magnolia Virginiana</i> |
| Sweetgum | <i>Liquidambar Styraciflua</i> |
| Tulip poplar | <i>Liriodendron Tulipifera</i> |
| White oak | <i>Quercus Alba</i> |
| Willow oak | <i>Quercus phellos</i> |
| Winged elm | <i>Ulmus Alata</i> |

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(c) Class B trees are defined in **Sec. 9-XXX**. The following are Class B native tree species:

| Common Name | Scientific Name |
|--|---------------------------------|
| American plum | <i>Prunus americana</i> |
| American snowbell | <i>Styrax americana</i> |
| Big leaf snowbell | <i>Styrax grandifolius</i> |
| Big leaf wax myrtle | <i>Myrica heterophylla</i> |
| Black willow | <i>Salix nigra</i> |
| Bottlebrush buckeye | <i>Aesculus parviflorum</i> |
| Cassine or dahoon holly | <i>Ilex cassine</i> |
| Cherry laurel | <i>Prunus caroliniana</i> |
| Deciduous holly | <i>Ilex decidua</i> |
| Dogwood | <i>Cornus florida</i> |
| Fosters holly, greenleaf holly, savannah holly, etc. | <i>Ilex attenuata cultivars</i> |
| Greenhaw | <i>Crataegus viridis</i> |
| Greybeard | <i>Chionanthus virginicus</i> |
| Groundsel bush | <i>Baccharis halimifolia</i> |
| Hop hornbeam | <i>Ostrya virginiana</i> |
| Ironwood or blue beech | <i>Carpinus caroliniana</i> |
| Mayhaw | <i>Crataegus opaca</i> |
| Mexican plum | <i>Prunus mexicana</i> |
| Parsley hawthorn | <i>Crataegus marshallii</i> |
| Persimmon | <i>Diospyros virginiana</i> |
| Possumhaw viburnum | <i>Viburnum nudum</i> |
| Red bay | <i>Persea borbonia</i> |
| Red buckeye | <i>Aesculus pavia</i> |
| Redbud | <i>Cercis canadensis</i> |
| Red mulberry | <i>Morus rubra</i> |
| River birch | <i>Betula nigra</i> |
| Silver bell | <i>Halesia diptera</i> |
| Southern catalpa | <i>Catalpa bignonioides</i> |
| Southern crabapple | <i>Malus angustifolia</i> |
| Shining sumac | <i>Rhus glabra</i> |
| Smooth sumac | <i>Rhus copallina</i> |
| Titi | <i>Cyrilla racemiflora</i> |
| Tree huckleberry | <i>Vaccinium arboreum</i> |
| Walter s viburnum | <i>Viburnum obovatum</i> |
| Wax myrtle | <i>Myrica cerifera</i> |
| Weeping yaupon | <i>Ilex vomitoria pendula</i> |
| Yaupon | <i>Ilex vomitoria</i> |

(d) Native shrubs.

| Common Name | Scientific Name |
|-----------------------|--------------------------|
| Arrowwood | <i>Viburnum dentatum</i> |
| Azalea | <i>Azalea indica</i> |
| Blueberry/huckleberry | <i>Vaccinium species</i> |

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| | |
|-------------------|---|
| Camellia | <i>Camellia susanqua</i> |
| Clethra | <i>Clethra alnifolia</i> |
| Dahoon holly | <i>Ilex myrtifolia</i> |
| Fetterbush | <i>Lyonia spp.</i> |
| French mulberry | <i>Callicarpa americana</i> |
| Gallberry | <i>Ilex glabra</i> |
| Honeybells | <i>Agarista populifolia (dwarf available)</i> |
| Oakleaf hydrangea | <i>Hydrangea quercifolia</i> |
| Palmetto | <i>Sabal minor</i> |
| Southern cane | <i>Arundinaria gigantea</i> |
| Starbush | <i>Illicium floridanum</i> |
| Sweet shrub | <i>Calycanthus floridus</i> |
| Virginia willow | <i>Itea virginica</i> |
| Wild azalea | <i>Rhododendron serrulatum</i> |
| Wild azalea | <i>Rhododendron canescens</i> |
| Wild azalea | <i>Rhododendron austrinum</i> |
| Winterberry | <i>Ilex verticillata</i> |
| Yellow anise | <i>Illicium parviflorum</i> |
| Dwarf yaupon | <i>Ilex vomitoria nona</i> |

Sec. 9-XXX. Compliance with other regulations.

The regulations set forth herein are intended to apply in addition to and not in lieu of any other applicable regulations, including, but not limited to, Chapter 7 – Tree Preservation and Timber Harvesting and Chapter 9 – Stormwater Management.

Sec. 9-XXX. Emergencies.

In the case of emergencies, such as windstorms, ice storms, hurricanes, general pestilence or disease, or other disasters, the requirements of this section may be waived by the Planning Director during the period of such emergencies so as not to hamper private or public work to restore order to the Town. In the event of emergency situations such as hurricanes, thunderstorms, ice storms, tornadoes, work by public utilities on trees endangering electric lines shall not require prior approval.

Chapter X - Permitting

Sec. 9-XXX. Development Permit.

A Development Permit is a permit approved by the Planning and Zoning Commission that specifies how development is to occur on a previously undeveloped parcel of land. A Development Permit is required for commercial, industrial, and multifamily developments with four (4) or more units on a single parcel or parcels under common ownership. Property cannot be subdivided, and buildings or structures cannot be constructed, unless the owner has first obtained a Development Permit.

Sec. 9-XXX. Development Permit procedure.

Applicants should be well informed about Town of Abita Springs policies and procedures before preparing a Development Permit application for submission. Town staff should be consulted regarding permit area guidelines, the application review process, and the time frame involved.

- (a) Before submitting a Development Permit application, a pre-application meeting shall be held with Town staff to review the following:
 - (1) Town of Abita Springs Comprehensive Plan;
 - (2) Zoning regulations pertaining to the subject property;
 - (3) Subdivision guidelines if property will be subdivided;
 - (4) Connectivity to utilities;
 - (5) Environmental conditions and requirements, such as wetlands and flood zone;
 - (6) Design guidelines applicable to the subject property (historic or non-historic); and
 - (7) Connectivity to existing roads, sidewalks, bike paths.
- (b) Before making application for a Development Permit the applicant shall appear before the Planning and Zoning Commission to present the project as a discussion item that is publicly advertised on the meeting agenda, and public comment solicited. The applicant should be prepared to discuss the use and concept plan for the property to be developed. After seeking public comment and feedback from the Planning and Zoning Commission the applicant shall begin the application process.
- (c) An application is made by submitting all required documentation, as described in detail on the Development Permit Application form, to the Planning Department. These requirements may vary based on the parcel being developed, but generally include:
 - (1) Completed Development Permit application form signed by all owners of the property;
 - (2) Application processing fee, as established by the Mayor;
 - (3) Proof of ownership of parcel or signed lease agreement with the owner;
 - (4) Site survey showing the boundaries and dimensions of the parcel(s) involved;

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- (5) Size and location of all existing and proposed buildings, structures, and uses on the site including measurements from all proposed and existing structures to the nearest parcel line (setbacks);
 - (6) Location and name of roads(s) adjacent to the parcel including any roads to be constructed as part of the development;
 - (7) All permits required by the Town of Abita Springs and/or the Louisiana Department of Transportation and Development (DOTD) for access to connecting roads;
 - (8) Existing and proposed parking and driveways including measurements and turn radii;
 - (9) Topographic features, water bodies and waterways including measurements from all proposed and existing structures to the natural boundary, stream center line or top of bank, whichever is applicable including buffers as required, elevations, wetlands, and flood zone determinations;
 - (10) Location and identification of any easements, rights of way, or covenants registered against title to the parcel;
 - (11) Conditional Use Permit application pursuant to **Sec. 9-XXX (new Conditional Use Permit section)**, if applicable;
 - (12) Developmental Clearing Permit application, pursuant to Sec. 9-707, if applicable;
 - (13) Site plan including buildings, landscaping, signage, dumpster placement;
 - (14) Building Plans including State Fire Marshal Approval and Local Fire District Approval;
 - (15) Any permits required by the State of Louisiana;
 - (16) Stormwater management plan;
 - (17) Landscaping plan; and
 - (18) Utility Plan for water, sewer, and gas.
- (d) Once all documents have been submitted and reviewed by the Town Engineer, Town Arborist, Planning Department, and Public Works Department a public hearing shall be scheduled to review the Development Permit. ng on the town Zoning public meeting for approval of the permit by TOAS Zoning Commission and issuance of a Notice to Proceed.
 - (e) If the proposed use requires a Conditional Use Permit, the Conditional Use Permit public hearing and review may be held concurrently with the Development Permit public hearing. The Development Clearing Permit review may also be held concurrently at this time.
 - (f) If the proposed development requires a Certificate of Appropriateness from the Historic Commission, that review shall not occur until the Development Permit is approved.
 - (g) Development shall not commence until the Development Permit, Certificate of Appropriateness where applicable, Developmental Clearing Permit where applicable, Conditional Use Permit where

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applicable, and Notice to Proceed have been approved by the Planning and Zoning Commission and signed by the Commission Chairman, Planning Director, and the Mayor.

Sec. 9-XXX. Public hearing and notice.

Upon receipt of a complete Development Permit application, a public hearing shall be scheduled before the Planning and Zoning Commission.

- (a) Notice of the time and place of the hearing shall be published in the official journal of the town once a week in three different weeks and at least 15 days shall elapse between the first publication and the date of the hearing. This notice shall include a legal description of the property, time, and place of the public hearing, a general description of the property's location and a general description of the proposed use. The Planning Department shall also notice the public hearing by posting the affected site in a conspicuous place at least ten days prior to the intended permit hearing.
- (b) The Planning Commission shall hold a public hearing on each application for a Development Permit. At the public hearing, the Commission shall review the application and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained with respect to the applicable standards prescribed herein. A record of pertinent information presented at the public hearing shall be made and maintained by the Planning Department as part of their permanent record relative to the applicant.
- (c) If a Conditional Use Permit application is submitted concurrently with a Development Permit application, both applications may be reviewed during the same public hearing.

Sec. 9-XXX. Action by the Planning and Zoning Commission.

The Planning and Zoning Commission shall act on the application not more than 45 days following the closing of the public hearing on a Development Permit application. If The Development Permit is approved the Planning and Zoning Commission shall issue a Notice to Proceed.

Sec. 9-XXX. Review and evaluation criteria.

The Planning and Zoning Commission shall review and evaluate the following criteria and make appropriate findings before granting a Development Permit:

- (a) Compliance with applicable regulations and standards established by the Zoning Ordinance applicable to the proposed use and site. This may include compliance with Conditional Use Permit standards from Sec. 9-XXX (**CUP Review and Evaluation Criteria**), if applicable, and the Development Clearing Permit standards from **Sec. 9-707. (Tree Preservation chapter)**
- (b) Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonable and anticipated in the area considering existing zoning and land uses in the area.
- (c) Protection of persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.
- (d) Adequacy of off-street parking and loading facilities and protection of adjacent property from glare of site lighting.

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- (e) Conformity with the objectives of these regulations and the purposes of the zone in which the site is located.

Sec. 9-XXX. Change of Use Permit.

A Change of Use Permit is a permit intended to verify compliance with the applicable ordinances and codes for a new use on a previously developed parcel and to provide a Certificate of Occupancy for new businesses or uses where there is no significant work that would otherwise require a Building Permit.

Sec. 9-XXX. Change of Use Permit procedure.

A Change of Use Permit is required any time there is a proposed change in the use of an existing building or space. The Change of Use Permit requires the submission of documentation to verify compliance with all applicable Town codes and ordinances and results in the issuance of a Certificate of Occupancy.

- (a) Pre-application meeting: Applicants schedule a meeting with Town staff to discuss the parcel to be used and the requirements for the zone, use and location of the parcel.
- (b) An application is made by submitting all required documentation, as described in detail on the Change of Use Permit Application to the Planning Department. These requirements may vary based on the parcel being developed, but generally include:
 - (1) Completed Change of Use Permit application form signed by all owners of the property;
 - (2) Application processing fee, as established by the Mayor;
 - (3) Proof of ownership of parcel or signed lease agreement with the owner of the property;
 - (4) Site survey showing the boundaries and dimensions of the parcel(s) involved;
 - (5) Size and location of all existing and proposed buildings, structures, and uses on the site including measurements from all proposed and existing structures to the nearest parcel line (setbacks);
 - (6) Location and name of roads(s) adjacent to the parcel. All permits required by Town of Abita Springs and/or the Louisiana Department of Transportation and Development (DOTD) for access to connecting roads. Existing and proposed parking and driveways including measurements and turn radii;
 - (7) Topographic features, water bodies and waterways including measurements from all proposed and existing structures to the natural boundary, stream center line or top of bank, whichever is applicable including buffers as required, elevations, wetlands, and flood zone determinations;
 - (8) Location and identification of any easements, rights of way, or covenants registered against title to the parcel;
 - (9) Site plan including buildings, landscaping, signage, dumpster placement;
 - (10) Building Plans if required, including State Fire Marshal Approval and Local Fire District Approval;

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- (11) Any permits required by the State of Louisiana;
 - (12) Parking provisions and details, including bicycle parking, if required;
 - (13) Certificate of Appropriateness from Town of Abita Springs Historic Commission if required
 - (14) Utility Plan for water, sewer, and gas
- (c) Once a completed application is submitted, the Planning & Zoning Department for shall review the submittal regarding compliance with Town codes and ordinances. If further review is required by the Town Engineer, Town Arborist, or Public Works Department, the plans will be sent through for review.
 - (d) The Planning Director shall issue a Building Permit or Certificate of Occupancy after the plan review process is completed and compliance with all applicable regulations is verified.

Sec. 9-XXX Conditional Use Permits.

Sec. 9-XXX. Title and purpose.

The purpose of this procedure is to provide for review and discretionary approval of uses or development sites typically having unusual site development features or unique operating characteristics requiring special consideration so that they may be located, designed, and operated compatibly with uses on surrounding properties and within the town at large. The Conditional Use Permit process is intended to encourage broad public review and evaluation of site development features and operating characteristics, and to ensure adequate mitigation of potentially unfavorable impacts.

Sec. 9-XXX. Jurisdiction.

The Planning and Zoning Commission shall be responsible for review, evaluation, and action on all applications for a Conditional Use Permit.

Sec. 9-XXX. Application and fee.

Conditional Use Permit applications shall be filed with the Planning Director. The application shall include the following:

- (a) Name and address of the owner and applicant and sworn affidavit of ownership.
- (b) Address, legal description, and boundary survey of the property, including any existing structures.
- (c) If the applicant is not the legal owner of the property, a sworn statement by the owner that the applicant is the authorized agent of the owner of the property.
- (d) A statement describing the nature and operating characteristics of the proposed use, including any data pertinent to the findings required for approval of the application. For uses involving public assembly or industrial processing, or uses potentially generating high volumes of vehicular traffic, the Planning Director may require specific information relative to the anticipated peak loads and peak use periods, relative to industrial processes and the ability of the use to meet performance

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standards related to outdoor storage, noise, dust, lighting, fire safety, etc., or substantiating the adequacy of proposed parking, loading, and circulation facilities.

- (e) Site plans, conceptual building elevations, conceptual improvement plans, and such additional maps and drawings, all sufficiently dimensioned as required to illustrate the following:
 - (1) The date, scale, north point, title, name of owner, and name of person preparing the site plan;
 - (2) The location and dimensions of boundary lines, with distances and bearings, easements, and required yards and setbacks, water courses, drainage features and location and size of existing and proposed streets and alleys, 100-year floodplains, as well as areas of periodic inundation;
 - (3) The location, height, bulk, percent of impervious site surface, general appearance, and intended use of existing and proposed buildings on the site;
 - (4) The location of existing and proposed site improvements including parking and loading areas, pedestrian and vehicular access, landscaped areas, utility or service areas, fencing and screening, signs, and lighting;
 - (5) A conceptual landscape plan showing the location and size of the existing and proposed landscaped areas and the number and location of Class A and B trees proposed or required to be preserved. The landscape plan shall conform to the requirements of **Chapter X – Landscaping**;
 - (6) The number of existing and proposed off-street parking and loading spaces, and driveways including measurements and turn radii, and a calculation of applicable minimum requirements;
 - (7) A conceptual drainage plan showing existing and proposed topography and grading and proposed drainage structures, retention ponds or water quality enhancement facilities;
 - (8) The relationship of the site and the proposed use to surrounding uses, including pedestrian and vehicular circulation, current use of nearby parcels, and any proposed off-site improvements to be made; and
 - (9) A representation of the general use and character of land within 200 feet adjacent to the property for the proposed use.
- (f) To initiate any Conditional Use Permit request, the party or parties requesting the Conditional Use approval shall pay an application fee as established by the Mayor. Under no condition shall the fee be refunded for the failure of the requested Conditional Use Permit to be granted or for the withdrawal of the request.

Sec. 9-XXX. Public hearing and notice.

Upon receipt of a complete Conditional Use Permit application, a public hearing shall be scheduled before the Planning and Zoning Commission.

- (a) Notice of the time and place of the hearing shall be published in the official journal of the town once a week in three different weeks and at least 15 days shall elapse between the first publication and the date of the hearing. This notice shall include a legal description of the property, time, and place of the public hearing, a general description of the property's location and a general description of

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the proposed use. The Planning Department shall also notice the public hearing by posting the affected site in a conspicuous place at least ten days prior to the intended permit hearing.

- (b) The Planning and Zoning Commission shall hold a public hearing on each application for a Conditional Use Permit. At the public hearing, the Commission shall review the application and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained, with respect to the findings prescribed herein. A record of pertinent information presented at the public hearing shall be made and maintained by the Planning Department as part of their permanent record relative to the applicant.
- (c) If a Conditional Use Permit application is submitted concurrently with a Development Permit application, both applications may be reviewed during the same public hearing.

Sec. 9-XXX. Action by the Planning and Zoning Commission.

The Planning and Zoning Commission shall act on the application not more than 45 days following the closing of the public hearing on a Conditional Use Permit application. The Commission shall make its findings and the permit decision shall not become effective for 10 working days, during which time an appeal can be made in written form to the clerk of the Board of Aldermen. An appeal of the Planning and Zoning Commission's decision shall stay such action until the appeal has been heard by the Board of Aldermen. The Board of Aldermen may overturn the decision of the Planning and Zoning Commission by vote of four-fifths of the Board of Aldermen.

Sec. 9-XXX. Review and evaluation criteria.

The Planning and Zoning Commission shall review and evaluate the following criteria and make appropriate findings before granting a Conditional Use Permit:

- (a) Compliance with applicable regulations and standards established by the Zoning Ordinance applicable to the proposed use and site.
- (b) Compatibility with existing or permitted uses on abutting sites, in terms of building height, bulk and scale, setbacks and open spaces, landscaping and site development, and access and circulation features.
- (c) Potentially unfavorable effects or impacts on other existing conforming or permitted uses on abutting sites, to the extent such impacts exceed these which reasonably may result from use of the site by a permitted use.
- (d) Modifications to the site plan which would result in increased compatibility, or would mitigate potentially unfavorable impacts, or would be necessary to conform to applicable regulations and standards and to protect the public health, safety, morals, and general welfare.
- (e) Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonable and anticipated in the area considering existing zoning and land uses in the area.
- (f) Protection of persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.

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- (g) Location, lighting, and type of signs; and relation of signs to traffic control and adverse effect on adjacent properties.
- (h) Adequacy and convenience of off-street parking and loading facilities and protection of adjacent property from glare of site lighting.
- (i) Conformity with the objectives of these regulations and the purposes of the zone in which the site is located.
- (j) Compatibility of the proposed use and site development, together with any modifications applicable thereto, with existing or permitted uses in the vicinity.
- (k) That any conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and to ensure compatibility of the proposed use with existing or permitted uses in the same district and the surrounding area.
- (l) That the proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety, or welfare, or community aesthetics, or materially injurious to properties or improvements in the vicinity.

Sec. 9-XXX. Conditions of approval.

The Planning and Zoning Commission may establish conditions of approval. Conditions may include, but shall not be limited to, requirements for special yards, open spaces, buffers, fences, walls, and screening; requirements for installation and maintenance of landscaping and erosion control measures; requirements for street improvements and dedications, regulation of vehicular ingress and egress, and traffic circulation; regulation of signs; regulation of hours or other characteristics of operation; requirements for maintenance of landscaping and other improvements; establishment of development schedules or time limits for performance or completion; and such other conditions as the Commission may deem necessary to insure compatibility with surrounding uses to preserve the public health, safety, and welfare, and to enable the Commission to make the findings required by the preceding **Sec. 9-XXX (Review and evaluation criteria)**. Such conditions shall apply to the applicant for the conditional use and to any purchasers, renters, lessees, or subsequent owners of the subject property. A violation of such conditions shall constitute a violation of this title.

Sec. 9-XXX. Exercise of a Conditional Use Permit.

A Conditional Use Permit granted under the provisions of this title shall be effective only if exercised within 180 days of the effective date. Failure to exercise the conditional use within 180 days of the effective date renders the Conditional Use Permit void. If a Certificate of Appropriateness issued by the Historic Commission is required, the Conditional Use Permit shall be effective only if exercised within 240 days of the effective date.

Exercise of a Conditional Use Permit requires that:

- (a) A Certificate of Occupancy is obtained pursuant to such Conditional Use Permit and the conditional use is established within the six-month period; or
- (b) A Building Permit is obtained pursuant to such Conditional Use Permit and construction work pursuant to such Building Permit is begun within the six-month period, and the construction work is carried on diligently to completion in accordance with such Building Permit.

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Extensions of this 180-day or 240-day period may be granted by a majority vote of the Planning and Zoning Commission. Such extensions shall not exceed 180 days. Requests for such extensions shall be submitted in writing to the Planning Director at least 30 days prior to the expiration of the effective period of the conditional use.

Sec. 9-XXX. Expansion or modification of a conditional use.

Any conditional use granted under the provisions of this title shall be granted only for the use or activity as described in the application for the conditional use or as prescribed by the Planning and Zoning Commission. The enlargement or alteration of a conditional use beyond the size, area, or intensity described in the application or prescribed by the Planning and Zoning Commission shall be permitted only upon the granting of a Conditional Use Permit or an amendment to the Planned District Ordinance as prescribed in these regulations, except for alterations not exceeding \$2,500 in value as determined by the Building Official.

Sec. 9-XXX. Suspension and revocation.

Upon violation of any applicable provision of this Section, or, if granted subject to conditions, upon failure to comply with conditions, a Conditional Use Permit may be suspended upon notification by the Mayor to the owner of the use or property subject to a Conditional Use Permit.

The Planning and Zoning Commission shall hold a public hearing within 45 days of such notification, and upon a finding that the regulation, general provision, or condition may be necessary to ensure compliance with the regulation, general provision, or condition.

The decision of the Planning and Zoning Commission to revoke a Conditional Use Permit shall be effective immediately.

Sec. 9-XXX. Approval to run with the land.

A Conditional Use Permit granted pursuant to these provisions shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the Conditional Use Permit application unless otherwise provided at the time of granting the Conditional Use Permit..

Sec. 9-XXX. Cessation of a conditional use.

The discontinuance of any activity authorized by a Conditional Use Permit for a continuous period exceeding 180 days shall be deemed an abandonment of such conditional use. The property affected by the conditional use shall thereafter be subject to all the applicable provisions and requirements of this title.

Sec. 9-XXX. Reconstruction of a conditional use.

The Planning Director shall authorize restoration or replacement of the building(s) associated with a Conditional Use Permit when restoration or replacement is made necessary by fire, casualty, or natural disaster, provided the physical restoration or replacement is lawfully commenced within one year of the damage or destruction. This includes building(s) listed as a conditional use in this title constructed prior to the adoption of this title.

Any restoration or replacement that includes the enlargement or alteration of a conditional use beyond the size, area, or intensity that existed prior to the fire, casualty, or natural disaster shall be subject to approval by the Planning and Zoning Commission and shall be subject to all provisions of this chapter.