



OVERVIEW. The goal of the following staff report and recommendations is to make priority amendments that advance implementation of the Town’s Master Plan and support comprehensive re-zoning efforts underway, regarding:

- **Amendments to the Code of Ordinances**
 - Prohibit commercial uses in areas currently mapped Residential - Historic District.
 - Add definitions, clarify permitted uses, and incorporate Master Plan recommended general development standards in the Commercial districts to improve the interpretation of the Code and the quality of future commercial development in the Town (**Attachment A**).
- **Amendments to the Zoning Map**
 - Clarify the Historic district’s function as an overlay district by separating the overlay from the base commercial and residential zoning districts (**Attachment B**).



ZONING COMMISSION STAFF REPORT: Amendments to the Town of Abita Spring Code of Ordinances and Official Zoning Map to: (1) prohibit commercial uses in areas mapped Residential - Historic District; (2) delete the mapped designations Commercial - Historic and Residential – Historic District, (3) establish base Residential and Commercial zoning districts in these areas, and (4) create a Historic Overlay District in these areas that requires Historic District Commission review in accordance with Exhibits A and B.

1. Background.

- a. The Town established and later extended a moratorium on “the issuance of any permits whatsoever in the furtherance of or uses allowed in the Commercial District of the Town and further any such permits in connection with Commercial and Multifamily uses in certain described property in the Town of Abita Springs” via Ordinance #529 on June 22, 2022, and Ordinance #544 on February 6, 2024.
- b. The Ordinances refer to language and land uses in the Commercial District that require clarification.
- c. Current standards could be interpreted as allowing commercial uses in areas currently mapped Residential-Historic.
- d. On March 28, 2024, the Town of Abita Springs Planning Commission adopted the Abita Springs Master Plan to guide future growth and development, including clarifying the treatment of land uses in commercial uses and enriching the Town’s historic character.

2. Findings.

- a. As part of the Master Plan development by Dover, Kohl & Partners, draft development standards were created to guide future growth in the Town in a way that included site plan review processes and design standards for commercial sites.
- b. The Master Plan also underscores the importance of the Town’s historic character, including the Land Use Chapter Goal #2: Revise Development Regulations and Zoning; B: Protect and Enhance Abita Springs’ historic character utilizing the Unified Development Ordinance.”¹
- c. Currently, the Town has three commercial districts and, per the Code, their general purposes include:
 - Sec. 9-218. – Commercial District: lists allowed lower-intensity commercial uses (such as shops, stores, offices, and banks), provisions for mixed use, multi-family and commercial uses, building heights, parking requirements, and uses not allowed (including modular homes).
 - Sec. 9-218-1 – C-1 Commercial District: allows all uses within Commercial district plus provisions for telecommunication towers and antennas.
 - Sec. 9-218-2 – C-2 Highway Commercial District: allows any use permitted in residential district, lists allowed commercial uses that are both lower-intensity (including duplication of some uses in Commercial) and higher-intensity uses (such as auditoriums, schools, farmer’s market, and automotive service stations), provisions from other districts such as setbacks and landscaping, lot size, parking, buffers, lighting, fencing, and uses not allowed (including multi-family).

¹ Abita Springs Master Plan. (Adopted March 28, 2024). Page 3.31

- d. To implement the Master Plan’s Land Use Chapter Goal #2 and improve Code administration, the following steps are recommended:
 - Clarify the Historic district’s function as an overlay district by separating the overlay from the base commercial and residential zoning districts in both the zoning map and code of ordinances.
 - Prohibit commercial uses in areas currently mapped Residential - Historic District.
 - Add definitions, clarify permitted uses, and incorporate Master Plan recommended general development standards in the Commercial districts, which will improve the interpretation of the Code and the quality of future commercial development in the Town.

3. Recommendation.

- a. Amend the Code of Ordinances Part 9 - Planning, Zoning, and Development; Chapter 2 - Zoning Regulations to:
 - Amend **Sec. 9-222. – Historic District** to clarify the Historic District’s function as an overlay district by renaming this District in the Code to “Historic District Overlay” and removing density requirements and other regulations that are defined in base zoning districts (**ATTACHMENT A**) and mapping separately the overlay and the base commercial and residential zoning districts in official zoning map of the Town. Maps and brief descriptions of the current and proposed zoning changes are included in **ATTACHMENT B**.
 - Add definitions to **Sec. 9-205. – Definitions** to provide context for new terms within the Commercial district amendments. **ATTACHMENT A** (*tracked changes*)
 - Amend permitted use lists and add general development standards in **Sec. 9-218. - Commercial District, Sec. 9-218.1 – C-1 Commercial District, and Sec. 9-218.2.- C-2 Highway Commercial Districts** to clarify permitted uses, incorporate Master Plan recommended general development standards, and to improve the interpretation of the Code and the quality of future commercial development in the Town. **ATTACHMENT A** (*tracked changes*)

ATTACHMENT A

Proposed Commercial District Amendments with Tracked Changes

TRACKED CHANGES KEY:	
•	Blue and bold text (Example): New language
•	Red and strikethrough text (Example): Deleted text
•	Green and underlined text (<u>Example</u>): Moved from a previous location
•	* * * : indicates text skipped and unchanged

CODE OF ORDINANCES OF THE TOWN OF ABITA SPRINGS

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PART 9 – PLANNING, ZONING AND DEVELOPMENT

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CHAPTER 2. - ZONING REGULATIONS

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Sec. 9-205. Definitions.

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

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

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

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Lot is a parcel of land occupied or capable of being occupied by one building and the accessory building or uses customarily incident to it, including the open spaces as are required by this chapter;

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 and which is erected over a doorway or doorways as protection against the weather;

Mobile home is any vehicle or similar portable structure mounted or designed for mounting on wheels, used or intended for use for dwelling, commercial or industrial purposes or uses, including structural additions, except parked and unoccupied camping-type trailers. Any such vehicle or structure shall be deemed to be a mobile home whether or not the wheels have been removed therefrom and whether or not resting upon temporary or permanent foundations;

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Nonconforming use is a building structure or use of land existing at the time of the enactment of this chapter and which does not conform to the regulations of the 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 of public hearing. A notice of public hearing related to planning and zoning matters will be by means of the

following three 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 three different weeks commencing at least 15 days prior to the hearing date.
- (2) An official sign including the date, the location, and the subject of the hearing will be posted on site, at the involved location.
- (3) The date, the location, and the subject of the hearing will be posted on the town's website.

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Public hearing is an official meeting where members of the public hear the facts about a planned road, building, etc. and voice their opinions. A public hearing provides an applicant the opportunity to explain the need for a request and affords the public an opportunity to respond.

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

Primary street is the street immediately abutting the primary building's main entrance, or the front orientation;

Rooming or lodginghouse is any dwelling in which not more than ten persons are housed or lodged for hire, with or without meals pursuant to previous arrangement and not to any one who may apply. A boardinghouse or furnished room house shall be deemed to a "rooming house;"

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Sec. 9-218. Commercial district.

- (a) In the commercial district, no building or premises shall be used and no building shall be hereinafter erected or structurally altered, unless otherwise provided in this chapter, except for one or more of the following uses.
 - (1) **Appliance sales and repair – all inventory must be stored inside.**
 - (2) **Artisan studio – art, dance, music, theater, photography.**
 - (3) **Art gallery, museum, library.**
 - (4) **Animal hospital, veterinarian.**
 - (5) **Auditorium - movie, music, theater, other.**
 - (6) **Bakery, confectionary or candy store (products sold retail on premises).**
 - (7) **Bank/financial institution.**
 - (8) **Barbershop, salon, spa, nail parlor, beauty parlor, massage, and similar personal service requiring a license.**
 - (9) **Bicycle sales and repair shop.**
 - (10) **Boutiques – cultural and artistic products, florist, antiques, photography.**
 - (11) **Clothes cleaning establishment for drop off and pickup only or using nonflammable and nonexplosive cleaning fluids.**
 - (12) **Clothes making, millinery, tailor.**
 - (13) **Drugstore or pharmacy.**
 - (14) **Gym, rehabilitation, or physical therapy.**
 - (15) **Hardware store, locksmith, building supplies/paint store.**
 - (16) **Hobby shop.**
 - (17) **Hotel/motel with less than 10 rooms.**
 - (18) **Indoor entertainment – bowling, skating, axe throwing, virtual golf, and similar establishments.**
 - (19) **Medical or dental clinic.**

- (20) Neighborhood market – groceries, fruits and vegetables, seafood, meat.
- (21) Offices - business and professional including lawyer, interior design, real estate.
- (22) Public facilities including utilities and parks and open space areas.
- (23) Refreshment stand – snowball, ice cream, coffee, etc. with no indoor seating.
- (24) Restaurant, delicatessen, café, coffee shop.
- (26) Specialty retail outlet selling clothes, shoes, accessories, books, stationery, newspapers, furniture, jewelry.
- (27) Bed and breakfasts subject to the requirements of Sec. 9-232.
- (28) Farm stand or farmers' market.
- (29) Gas station including automotive repair, having no more than two (2) pumps.
- (28) Appurtenant structures and uses customarily incidental to above listed uses.
- (29) Mixed use—Multi-family/commercial, must be a two-story structure with residential on the second floor and commercial on the first floor, residential area not to exceed one-half of the total square footage of structure, each apartment must be 600 square feet or larger, and adequate parking as per the parking ordinance.
- (30) One single-family residence per lot subject to the development standards of the Residential District.
- (31) Multi-family residential subject to the development standards of the Multi-family District.
- (32) Townhouse/condominium residential subject to the development standards of the Townhouse/Condominium District.

- ~~(1) — Any use permitted in residential district and multifamily district;~~
- ~~(2) — Bakeries (products sold retail on premises);~~
- ~~(3) — Banks;~~
- ~~(4) — Barbershops, beauty parlors, chiropodist and similar personal service shops;~~
- ~~(5) — Bicycle sales and repair shops;~~
- ~~(6) — Camera shops;~~
- ~~(7) — Clothes pressing and repair;~~
- ~~(8) — Clothing stores;~~
- ~~(9) — Delicatessens;~~
- ~~(10) — Drugstores and pharmacies;~~
- ~~(11) — Dry cleaning pickup station;~~
- ~~(12) — Filling stations;~~
- ~~(13) — Florists;~~
- ~~(14) — Garages, parking;~~
- ~~(15) — Garages, storage;~~
- ~~(16) — Grocery stores, including meats, fruits and vegetables;~~
- ~~(17) — Hardware stores;~~
- ~~(18) — Laundromats;~~
- ~~(19) — Laundry pickup stations;~~
- ~~(20) — Liquor stores;~~
- ~~(21) — Locksmith shops;~~
- ~~(22) — Medical and dental clinics for human patients only;~~
- ~~(23) — Messenger and telegraph offices;~~
- ~~(24) — Offices;~~
- ~~(25) — Parking lots;~~
- ~~(26) — Photographers' studios;~~
- ~~(27) — Restaurants and cafes;~~
- ~~(28) — Shoe repairing shops;~~
- ~~(29) — Shops for the repair of radios, televisions, and similar commodities;~~
- ~~(30) — Shoe stores;~~
- ~~(31) — Signs and billboards;~~
- ~~(32) — Stationery and book stores;~~

- ~~(33) — Tailoring, millinery and custom dress-making shops;~~
- ~~(34) — Theaters (not drive-in);~~
- ~~(35) — Variety stores;~~
- ~~(36) — Bowling alleys;~~
- ~~(37) — Bus depots;~~
- ~~(38) — Dancing studios;~~
- ~~(39) — Funeral homes;~~
- ~~(40) — Garages, public;~~
- ~~(41) — Gift shops;~~
- ~~(42) — Hotels;~~
- ~~(43) — Nightclubs;~~
- ~~(44) — Antique shops;~~
- ~~(45) — Art shops;~~
- ~~(46) — Beer gardens;~~
- ~~(47) — Book shops;~~
- ~~(48) — Broadcasting and recording stations;~~
- ~~(49) — Candy stores;~~
- ~~(50) — Caterers;~~
- ~~(51) — Cigar stores;~~
- ~~(52) — Dry good stores;~~
- ~~(53) — Department stores;~~
- ~~(54) — Express offices;~~
- ~~(55) — Fish markets;~~
- ~~(56) — Gyms;~~
- ~~(57) — Hat stores;~~
- ~~(58) — Furniture stores;~~
- ~~(59) — Jewelry stores;~~
- ~~(60) — Leather goods shops;~~
- ~~(61) — Musical instrument shops;~~
- ~~(62) — Newsstands;~~
- ~~(63) — Newspaper and printing offices;~~
- ~~(64) — Pawnbrokers;~~
- ~~(65) — Pool halls;~~
- ~~(66) — Paint stores;~~
- ~~(67) — Shoe shining parlors;~~
- ~~(68) — Appurtenant structures and uses customarily incidental to above listed uses; or~~
- ~~(69) — Mixed use — Multi-family/commercial, must be a two-story structure with residential on the second floor and commercial on the first floor, residential area not to exceed one-half of the total square footage of structure, each apartment must be 600 square feet or larger, and adequate parking as per the parking ordinance.~~

- (b) Commercial growth shall be restricted to new construction on vacant land within the commercial district or to commercial uses in effect at the time of the adoption of this chapter or approved adaptive reuse of existing structures within the commercial district.
- (c) No building shall be constructed in a commercial area of a height in excess of 35 feet.
- (d) There shall be provided within the commercial district one parking space for each 300 square feet of commercial building.
- (e) Commercial or industrial enterprises not specifically listed or enumerated in the zoning regulations and chapter must apply for a public hearing before the zoning commission to be held not earlier than the next scheduled zoning commission meeting. The nonlisted enterprises must submit information required by the zoning commission and answer questions for the public and the zoning commission relating to the proposed enterprise. The zoning commission shall make a determination of classification within 90 days of the public hearing.
- (f) No mobile home, modular home, nor automobile sales business or trailer shall be located within the commercial district.

~~(g) — Modular homes are prohibited in the commercial district.~~

(g) If located within a Historic District Overlay, development must comply with Sec. 9-222 of this Part.

(h) *Building orientation and primary entrances.*

- (1) Primary façades of every primary building shall be oriented to a front lot line or public space.
- (2) The primary entrance of every principal building must directly face a street or a public space. Public space may include a central garden or courtyard when that public space opens directly onto the primary street.
- (3) Public entry and exit doors that swing outward shall be recessed into the façade at a minimum of three feet where the sidewalk abuts the building.

(i) *Façade material and design.*

- (1) For buildings of three stories or more, the ground floor should be architecturally differentiated from those floors above in order to reinforce the pedestrian space. This may consist of the use of different façade materials, aesthetic treatments, pedestrian overhangs, larger storefront windows, planters or similar treatments.
- (2) Columns and posts shall not be spaced further apart than the height of any individual column or post.
- (3) Appurtenances and encroachments. At least one of the following architectural treatments must be applied to building.

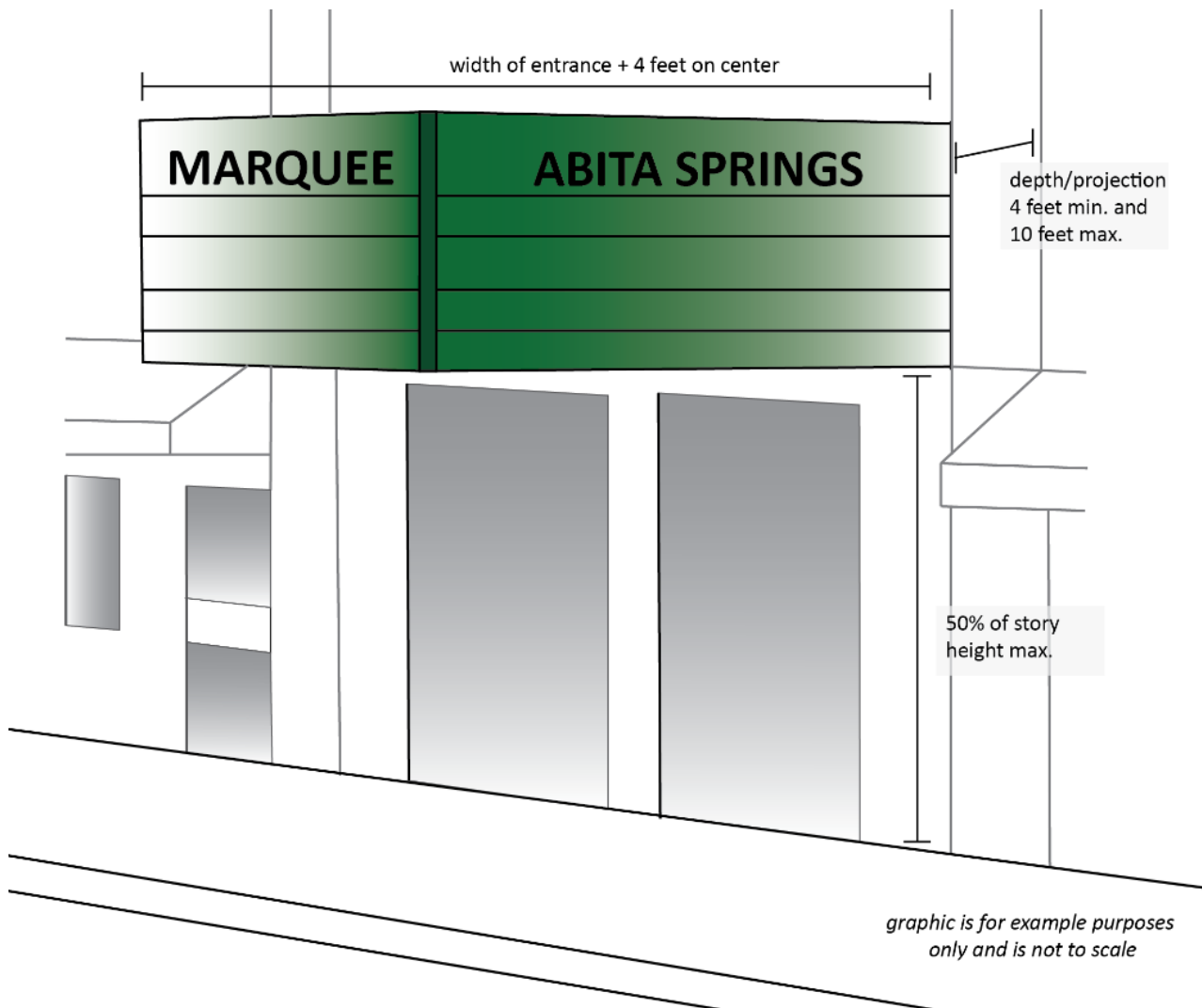
a. *Balconies.* To receive credit for this treatment, all of the following conditions must be met:

- i. Balconies must be provided along all street-facing facades on each story provided.
- ii. Minimum underside clearance is 10 feet.
- iii. Balconies may extend past the build-to line, may encroach within the right-of-way with special easement permission, and must be located at least two feet from the curb line.
- iv. Balconies shall be permitted to have roofs, but are required to be open, unconditioned parts of buildings.
- v. Balconies must be visually supported from below by brackets or another structurally implicit mechanism, from above by suspension cables or chains, or adjacent side walls (if the balcony is set completely within the main body of the building).
- vi. On corners, balconies shall be permitted to wrap around the side of the building facing the adjacent street.

- b. *Awnings or canopies.*** To receive credit for this treatment, all of the following conditions must be met:
- i. Awnings or canopies must be provided for at least 25% of the street-facing façade on each story provided.
 - ii. The minimum awning depth for a first-floor awning is 5 feet measured perpendicular to the wall face.
 - iii. The minimum underside clearance of a first-floor awning is 8 feet above grade or the walkway surface below.
 - iv. Awnings may extend past the build-to line, may encroach within the right-of-way with special easement permission, and must be located at least two feet from the curb line.
 - v. Awnings must be made of durable fabric and may be either fixed or retractable. High-gloss or plasticized fabrics are prohibited. Backlit awnings are also prohibited.

c. Marquees.

- i. For uses such as theaters or hotels where people regularly congregate on the sidewalk, marquees may be applied as an architectural treatment in fulfillment of this requirement.
- ii. Marquees may extend past the build-to line, may encroach within the right-of-way with special easement permission, and must be located at least two feet from the curb line.
- iii. Marquees must meet the following requirements: 1 per business, width of entrance plus 4 feet on center, height 50% of story height max, depth/projection 4 feet minimum and 10 feet maximum. the sign requirements.



(j) Brick and masonry detailing.

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

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

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

Calculating Façade Transparency

