



## **PLANNING & ZONING COMMISSION AGENDA**

**October 26, 2023 6:00 pm**

**Abita Springs Town Hall**

TOWN OF ABITA SPRINGS YOU TUBE CHANNEL

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- **Welcome / Introduction**
- **Pledge of Allegiance**
- **Roll Call**
- **Call for Agenda Modifications**
- **Acceptance of Minutes from September 28, 2023 Meeting**

### **PLANNING:**

### **ZONING:**

#### **PUBLIC HEARING:**

- **Amendment of Sec. 9-218.2. – C-2 Highway Commercial District**

#### **DISCUSSION:**

- **Conditional Use Request for 21434 Hwy 36 in the Commercial District**
- **Discussion about the Revocation Ordinance**

- **Public Comments**
- **Announcements**
- **Adjournment**

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The following are minutes from the Planning and Zoning Commission meeting on Thursday, September 28, 2023, in Abita Springs Town Hall. The meeting convened at 6:01 P.M.

Commission Chairman Pierce called the meeting to order, and all stood for the Pledge of Allegiance. Commissioners in attendance included John Pierce, Chad Hall, Lex LeBlanc, and Bryan Gowland. Mike Lanaux was absent. Kristin Tortorich and Heather Hockman were also present.

**Call for Agenda Modifications**

None.

**Acceptance of Minutes**

The Commission reviewed the draft minutes from the August 31, 2023, meeting.

**Commissioner Gowland motioned to accept the minutes of the August 31, 2023, meeting as presented. Commissioner Hall seconded the motion. All voted in favor.**

**PLANNING**

No items were on the agenda.

**ZONING**

**DISCUSSION**

**Amending Sec. 9-218.2. - C-2 Highway Commercial District**

Kristin Tortorich gave a staff report explaining the Master Plan is pending and will bring changes for the ordinances, but the Commission is being asked to address a single change to the C-2 Highway Commercial District Ordinance in the meantime. She explained the Commission is to discuss whether to approve the addition of language to Sec. 9-218.2 (b) that would allow for a Public Hearing before the Planning & Zoning Commission for businesses to seek approval for uses other than the 74 currently listed uses in the zone. Ms. Tortorich stated that she was approached by someone wanting to open an ATV repair shop, and that use is not specifically allowed. The closest listed use is number 74 for automotive service stations. The only way for the property owner to move forward is to request a hearing to state his case, but that option is not currently available in the C-2 zoning, although other zones offer a Public Hearing option. She then reminded the Commission they were only discussing the addition of the language to the ordinance, and not making a decision on the ATV repair shop use.

Commissioner Gowland stated he would like to see the wording reflect the intent of the law. He went on to say that he felt it was important to clarify the intent so that a residence with a business next door is not disrupted by the business activity.

Commission Chairman Pierce stated the language could be a short-term stop gap while the Master Plan is finalized. He also said that he felt the use would be appropriate with the intent of the law.

**Public Comment**

Joseph Celino introduced himself as the property owner of the Car Medics business location. Mr. Celino explained he would like to be able to utilize the neighboring property for an income opportunity and to provide tax revenue. He stated that he was approached by a business owner that runs an ATV and jet ski repair shop that would like access to a larger facility.

Kristin Tortorich stated this discussion could open the door for further approvals. Ms. Tortorich reiterated tonight’s discussion does not approve of the ATV repair shop.

Commissioner LeBlanc stated the Commission cannot predict the future and there is no way to list every possible business use, so this could be a good way to address future requests.

E. J. Boudreaux said Abita needs more areas of commercial business and feels this edit is needed.

Commission Chairman Pierce asked if there were exceptions in other zones which allow for the use to be considered. Kristin Tortorich stated yes in most, if not all, other zones.

**PUBLIC HEARING**

**Short-Term Rentals Ordinance**

Commission Chairman Pierce stated the Commission has reviewed the ordinance changes several times now and asked Kristin Tortorich to give an overview of the current draft being considered.

Kristin Tortorich explained the ordinance was edited to include the Midtown Cultural District and the Residential Commercial Overlay which were previous oversights. Ms. Tortorich also said the Homestead Exemption requirement was being removed due to a legal challenge in New Orleans and finding of unconstitutionality. She described the other changes including an agent address to be included with the application to satisfy the 60 minute response time requirement, the addition of a Welcome Packet in each rental to include important emergency information, and the addition of the language for the existing \$25 application fee, Fire Inspection Report, and Occupational License. A new change Ms. Tortorich added was the restriction of one permittable structure on properties zoned Residential District. For example, if a property has two livable structures (such as a house and mother-in-law house), only one of the structures would be allowed to be a short-term rental. The new dates for the permit period will be April 1- March 31 each year.

Ms. Tortorich also explained the multi-family zoning requirements as follows:

If a multi-family unit property (up to 4 units) is NOT owner occupied, half of the units may be short-term rentals under one permit.

If a multi-family property (up to 4 units) is owner occupied, all of the remaining units may be short-term rentals under the one permit.

Kristin Tortorich also said the number of permits were increased from 10 to 15, an administrative renewal process was added for permit holders without complaints on file, a 300-foot buffer would be used between rentals in the residential zones, and permitted rentals would be given a 60-day window to allow new owners to honor existing reservations while they work on obtaining the appropriate documents to apply for a permit of their own.

Commissioner LeBlanc asked if new owners would be able to auto-renew. Kristin Tortorich said no, they'd have to be a new applicant due to the change of ownership found in the list of exclusions in Sec. 9-231 (3)g.

Commissioner Gowland asked if there have been any complaints about any of the current short-term rentals. Kristin Tortorich informed the Commission there have been zero complaints about the permitted Short-Term Rentals since the creation of the ordinance.

Commission Chairman Pierce opened the Public Comment portion of the Public Hearing.

**Public Comment**

Ken Jordan said he had experience as a Property Manager and had a few questions. He asked:

1. What does "remaining units" mean in the multi-family section?
2. How does the 300-foot buffer work?
3. How would violations be handled?

Kristin Tortorich responded by stating remaining units are the units that are not owner occupied if the owner lives on site, or 50% of the units in a multi-family property where the owner lives off-site. She said the 300-foot buffer is measured using the GIS tool from the current short-term rental parcel. If a structure is inside the buffer or any part is touching the buffer, it would not be allowed to be a short-term rental in a residential zone. She explained any violations would be handled through the Planning & Zoning Office with affidavits being completed and signed by complainants and investigated by the Marshal if needed.

**With no other public comments, Commissioner LeBlanc motioned to close the Public Comment portion of the Public Hearing. Commissioner Gowland seconded the motion. All voted in favor.**

**Commissioner Hall motioned to reopen the Public Hearing discussion among the Commission. Commissioner LeBlanc seconded the motion. All voted in favor.**

Commissioner LeBlanc asked about the legality of the “real property document” language. Kristin Tortorich said when the Town Council gets the ordinance to review, the Town Attorney will review the language.

**Commissioner Gowland motioned to recommend the ordinance to move forward to the Town Council. Commissioner Hall seconded the motion. The vote was unanimous.**

**Commissioner Gowland motioned to close the Public Hearing. Commissioner LeBlanc seconded the motion. All voted in favor.**

**PUBLIC COMMENTS**

None.

**ANNOUNCEMENTS**

Commissioner Gowland reminded everyone of the 50’s Sock Hop and Car Meet Up at the Town Hall Friday, September 29<sup>th</sup> from 5-9 PM and the Abita Opry coming up on October 21<sup>st</sup>.

Kristin Tortorich encouraged anyone interested in helping with the Halloween Trunk or Treat to reach out to volunteer. Ms. Tortorich also announced pictures of the donated care packages with the deployed service men and women that received them would soon be posted, as they were just received.

Jessica Schilling announced Friends of the Park would be hosting a foraging event Saturday, September 30<sup>th</sup> at 10 AM, and encouraged any interested children and adults to check the Facebook page for the location announcement.

Commissioner Gowland commended the Administration for hiring event staff to step up the Town’s offerings and complimented the three employees for doing a great job with growing the Farmer’s Market and organizing Town events.

**ADJOURNMENT**

**Commissioner Hall motioned to adjourn. Commissioner LeBlanc seconded the motion. All Commissioners voted in favor. Meeting Adjourned at 6:37 P.M.**

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Kristin M. Tortorich, Planning & Zoning Director

\_\_\_\_\_  
Date

**PLANNING AND ZONING  
AMENDMENT FOR PUBLIC HEARING**

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

- (a) In the C-2 highway commercial district, no building or premises shall be used and no building shall be hereinafter erected or structurally altered, unless otherwise provided in this chapter, except for one or more of the following uses;
- (1) Any use permitted in residential district.
  - (2) Funeral homes.
  - (3) Interior decorators.
  - (4) Radio and television repair shop.
  - (5) Health spa.
  - (6) Letter shops and printing establishments.
  - (7) Auditoriums, convention centers and community centers.
  - (8) Union hall.
  - (9) Banks and financial institutions.
  - (10) Government buildings such as city halls, police stations, fire stations.
  - (11) Wholesale plant nursery (retail).
  - (12) Antiques.
  - (13) Appliance store.
  - (14) Art supplies.
  - (15) Bakeries.
  - (16) Camera and photographic supplies.
  - (17) Convenience stores.
  - (18) Grocery stores.
  - (19) Hobby shops.
  - (20) Hardware.
  - (21) Florist or gifts.
  - (22) Jewelry.
  - (23) Leather goods and luggage.
  - (24) Musical instruments.
  - (25) Pharmaceuticals.
  - (26) Sporting goods.
  - (27) Toys.
  - (28) Wearing apparel (clothes).
  - (29) Barber and beauty shops.
  - (30) Catering.
  - (31) Dance and musical studios.
  - (32) Delicatessens.
  - (33) Dry cleaning.
  - (34) Photographic studio.

**PLANNING AND ZONING  
AMENDMENT FOR PUBLIC HEARING**

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- (35) Restaurants.
- (36) Shoe repair.
- (37) Small loan agencies, travel agencies, employment offices, newspaper offices (but not printing or circulation).
- (38) Professional/business offices, medical/dental clinics including real estate.
- (39) Private clubs and lodges.
- (40) Schools, libraries.
- (41) House of worship.
- (42) Cluster developments consisting of individual retail stores or other planned unit developments.
- (43) U.S. Post Office substation.
- (44) Child day care facilities.
- (45) Auto parts and accessories.
- (46) Feed.
- (47) Seasonal produce.
- (48) Pest control.
- (49) Public and semi-public utilities offices.
- (50) Art galleries.
- (51) Utility collection offices.
- (52) Ice cream shops.
- (53) Law offices.
- (54) Architecture of engineering offices.
- (55) Accountant offices.
- (56) Insurance offices.
- (57) Other professional offices.
- (58) Inn or guest houses of ten guestrooms or less.
- (59) Dwelling units located above the first floor designed for business use.
- (60) Farmers market.
- (61) Parks and playgrounds.
- (62) Sports and gymnasium.
- (63) Athletic fields.
- (64) Medical clinics.
- (65) Business college or business schools operated as a business enterprise.
- (66) Department store.
- (67) Indoor recreation establishments (bowling alleys, skating rinks and movie theaters, performing theaters).
- (68) Instruction of fine arts.
- (69) Physical culture and health establishments.
- (70) Enclosed plumbing, electrical and home building supply, showrooms and sales centers with associated assembly progress.

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AMENDMENT FOR PUBLIC HEARING**

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- (71) Radio and television studios.
- (72) Snowball stands.
- (73) Mixed-use centers, including residential uses provided they do not exceed 20 percent of the developed floor area of all structures located in the district.
- (74) Automotive service stations, provided there are not more than two pump islands and provided open spaces are not used for storage, display or sale or used or wrecked automobiles or equipment.
- (b) Commercial enterprises not specifically listed or enumerated in the C-2 highway commercial district, must apply for a public hearing before the zoning commission to be held not earlier than the next scheduled zoning commission meeting. The non-listed 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 decide if the use is appropriate within 90 days of the public hearing.
- (c) Approval of the Abita Springs Historical Commission shall be required as provided by the ordinance of the Town of Abita Springs as to compliance with the following:
  - (1) All architectural requirements, rules, regulations and/or ordinances of the residential historical district which shall apply to this district.
  - (2) All landscape requirements as required by the residential commercial overlay ordinance shall also apply to this district.
- (d) The setback requirements provided for in the commercial/residential overlay ordinances shall apply to this district. These requirements may be mitigated by the designation of other green spaces subject to the approval of the Abita Springs Planning Commission.
- (e) No multifamily allowed.
- (f) No mobile home, modular home or trailer shall be located within the C-2 commercial district.
- (g) Drainage study. Property owner/developer may be required by the town engineer, if he determines the volume or velocity of water flow is increased onto adjacent private or town property or a development, to provide a drainage study on property to be developed and present this study for review to the town engineer at the expense of the owner/developer.
- (h) The minimum lot size shall be 90 feet front on a public street by 120 feet deep.
- (i) No building shall be constructed in a commercial area of a height in excess of 35 feet.
- (j) Parking lot areas and landscape requirements.
  - (1) *Parking.*
    - One space for each 300 square feet of building.
    - Handicap spaces are located for convenience near the entrance or handicap ramp. Signs are to be posted for restricted parking.
  - (2) Entrance and parking facility
    - i. Entrance from highway or streets must be asphalt or concrete;
    - ii. Parking lots eight spaces or less may be loose aggregate with asphalt or concrete driveways;
    - iii. Parking lots with over eight spaces must be asphalt or concrete;
    - iv. In that portion of the C-2 district which is described as being 300 feet in depth on each side along the right-of-way line of Harrison Street from its intersection with Abita Louisiana Highway 59 to

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AMENDMENT FOR PUBLIC HEARING**

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its intersection with St. Tammany Trace parking shall only be allowed in the rear of the primary commercial building and along each side thereof. Such parking shall not extend on the sides of the building past the front of the building facing the street. This limitation on parking shall not affect those properties on Harrison Street which are on the corners of either Louisiana Highway 59 or Louisiana Highway 36. An exception of this parking requirement maybe granted by the zoning commission on property situated on the corner of any street and Harrison Street upon a finding that such exception will:

- a. Enhance the safety of traffic at the intersection; or
  - b. Improve the health of trees protected under the ordinances of Abita Springs; or
  - c. Improve the flow of traffic in the area.
  - d. setbacks in front and side will be at ten feet unless adjacent to residential district ~~then~~ **than** 20 feet.
- v. In the instance of commercial buildings with a minimum of three individual units, the planning and zoning commission may permit those building to front a common area, rather than directly on the street. Such may be permitted based on a finding that such development:
- a. Conforms to the aesthetics of the surrounding area; and,
  - b. Does not otherwise cause a detrimental impact on parking safety, drainage or traffic flow; and,
  - c. Improves the health of trees protected under the ordinances of the city.
- (3) *Drainage.* Permanent storm drainage must be provided according to construction specifications, and approved by the town, as not to free-flow onto adjacent properties or public streets.
- (4) *Safety features.*
- Buffers are required at all points which abut or adjoin properties, highway intersections or streets.
- Barriers, protective bumpers, curbing and directional markers are required in lots with more than 20 parking spaces.
- Lighting shall provide for the safety, comfort and convenience of patrons.
- Lighting shall be designed to minimize light spill-over onto adjacent spaces.
- Lights shall be hooded or shielded so the light source is not visible to adjacent, more restrictive, residential districts.
- Lights must dim to half power a maximum of two hours after close of business.
- Fencing between C-2 and residential districts is required and must be wooden fencing at least six feet high, to run the entire length of the property dividing the zones.
- (5) *Maintenance.* All parking and loading facilities shall be maintained to be free of refuse, debris and other accumulated matter.
- (6) *Landscaping.*
- a. *Trees (protected trees).* No base prep within the drip line of the tree. The tree shall be surrounded by curbing. Curbing shall not sever roots greater than two inches in diameter or penetrate natural grade of drip line of tree.
- Type "A" trees* include all hard woods indigenous to the area such as oak, maple, cedar, cypress, birch, pine, pecan, etc.



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

- b. *Buffers; greenbelts.* Buffers or green belt areas (between highway and parking lot, and sideline setbacks) shall require one class "A" tree every 25 feet as well as groundcover such as turf or other vegetative cover. All trees six inches in diameter or larger must be preserved at time of clearing. Also, class "B" trees are to be planted every 25 feet in this area.
- c. *Interior planting.* Interior planting parking areas containing more than eight spaces are required to provide for ground water recharge, water run-off, irrigation, shade, and to reduce heat and glare reflected from paved areas. Also, to help purify the air. These areas must be planted with a minimum of one tree per 2,000 square feet (approx. five spaces) along with vegetative ground cover as well as shrubs and ornamentals.

(Ord. No. 250, 4-14-03; Ord. No. 255, 8-19-03; Ord. No. 318, 3-26-07; Ord. No. 433, 10-16-2012)

# **Commercial Conditional Use Request**

**Discussion**

**10/26/2023**

An Applicant is requesting a public hearing to open EcoView of New Orleans in an existing building on Hwy. 36.

This location on Hwy. 36 is zoned Commercial.

This use of "showroom and storage" is not specifically listed as an allowable use in the Commercial Zone.

***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 non-listed enterprises must submit the 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.***



# ECOVIEW

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# 21434 LA-36





# PLANS FOR THE PROPERTY



- Showroom and windows and doors.
- 99% of business is in home sales.
- 6 employees currently.
- Weekly 18 wheeler deliveries (Tuesday) between 11:00- 3:00PM

## **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) 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 non-listed 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.

(Ord. No. 108, § 19.26, 9-4-79; Ord. No. 156, 8-18-87; Ord. No. 175, 1-28-94; Ord. No. 223, 12-21-99; Ord. No. 318, 3-26-07; Ord. No. 323, 8-21-07; Ord. No. 336, 6-17-2008; Ord. No. 505, 11-19-2019)



# Next Steps

1. Discussion item in Planning and Zoning- 10/26/2023
2. Schedule Public Hearing for next PZ Meeting- 11/30/2023
3. Advertise in Newspaper - The Farmer
4. **Hold Public Hearing on 11/30/2023**

## **Commercial or industrial enterprises not specifically listed or enumerated in the zoning regulations and chapter must:**

1. Apply for a public hearing before the zoning commission to be held not earlier than the next scheduled zoning commission meeting.
2. The nonlisted enterprises must submit the information required by the zoning commission and answer questions for the public and the zoning commission relating to the proposed enterprise.
3. The zoning commission shall make a determination of classification within 90 days of the public hearing.

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## **SEC. 9-128. CRITERIA FOR THE DETERMINATION OF REVOCATIONS, EXCHANGE PUBLIC SALE OR PRIVATE SALE OF PUBLIC STREET RIGHT-OF-WAY.**

In order to approve the revocation, exchange, public sale or private sale of public street rights-of-way the planning commissions must determine that the right-of-way is no longer necessary for public use and will not be necessary for the public use in the foreseeable future.

Additionally it must be determined that the denial by the town for the revocation, public sale, private sale or exchange of the street right-of-way will cause the adjacent property owner unusual and practical difficulties of particular hardship, but only when the zoning commission is satisfied that the granting of such action will not merely serve as a convenience to the adjacent property owner, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant the disposal of public property and at the same time the surrounding property will be protected. Additionally, the action taken in the revocation, public sale, private sale or exchange of property must resolve and settle all claims which the adjacent property owner may have against the Town of Abita Springs.

(Ord. No. 244, 3-19-02)

## **Sec. 9-129. Action by the planning commission.**

After a public hearing held on the matter the planning commission within 60 days of application for revocation, public sale, private sale or exchange shall recommend to the board of aldermen the following:

- (1) Accept the application as presented.
- (2) Accept the application with the recommendation for either a revocation, public sale, private sale, or exchange of the street right-of-way.
- (3) A recommendation of partial disposition of the street right-of-way by any method provided for herein.

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- (4) Recommended the disposition of the street right-of-way, in whole or in part, by any method provided for with the retention of servitudes, which servitudes shall be defined.
  - (5) Deny the application for the disposition and recommend no action to be taken by the Board of Aldermen of the Town of Abita Springs.

(Ord. No. 244, 3-19-02)

### **Sec. 9-130. Referral of recommendation to the board of aldermen.**

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

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

(Ord. No. 244, 3-19-02)

### **Sec. 9-131. Notification to adjacent property owners.**

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

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Aldermen for the Town of Abita Springs of such mailing shall be sufficient for the proof thereof.

(Ord. No. 244, 3-19-02)

### **Sec. 9-132. Consideration by the board of aldermen.**

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

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

Such amendment may provide for a smaller disposition of right-of-way and/or the reservation of certain delineated servitudes or a change in the method of the disposition recommended by the planning commission.

(Ord. No. 244, 3-19-02)

### **Sec. 9-133. Adjacent property owners rights to purchase.**

In the instance of a private sale of a street right-of-way, all adjacent property owners shall have the right to buy to the middle of the right-of-way that is adjacent to purchase at private sale the street right-of-way the adjacent property owner across the street may purchase that portion of the street right-of-way.

(Ord. No. 244, 3-19-02)

### **Sec. 9-134. Terms of disposition.**

The disposition of public right-of-way shall be under the following terms:

- (1) All cash to be paid by the buyer at the act of sale.
- (2) The sale shall be from the Town of Abita Springs without warranty.
- (3) The purchaser of the right-of-way shall pay all expenses incurred by the Town of Abita Springs in the disposition of the property.

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(4) Notwithstanding any ordinances to the contrary the property which is bought shall become a part of the adjacent lot and will be governed by the land use laws of the Town of Abita Springs and particularly with regards to resubdivision of the street right-of-way and the adjacent property which shall become one lot.

(Ord. No. 244, 3-19-02)