



## **PLANNING & ZONING COMMISSION AGENDA**

July 25, 2024, 6:00 pm

Abita Springs Town Hall

TOWN OF ABITA SPRINGS YOUTUBE CHANNEL

- Welcome / Introduction
- Pledge of Allegiance
- Roll Call
- Call for Agenda Modifications
- Acceptance of Minutes from June 27, 2024, meeting
  
- Planning & Zoning Training

### **PLANNING:**

### **ZONING:**

#### **Public Hearing**

- Amendment of the Town of Abita Springs, Code of Ordinances, Sec. 9-801 et seq. relative to Planned Unit Developments, and to provide for related matters

#### **Consider Moratorium Exception**

- *Ordinance No. 544*  
Potential Commercial Development at Longbranch Recovery & Wellness, 21516 Highway 36  
Developmental Permit for Longbranch

#### **Discussion**

- Proposed revocation of Town property located in the 71300 block of St. Charles Street
- Looking Ahead: Desire Line presentation for future planning regarding changes to ordinances and zoning map

- Public Comments
- Announcements
- Adjournment

In accordance with the Americans with Disabilities Act, if you need special assistance, please contact us at (985) 892-0711. Please contact Town Hall at the same number for additional information regarding this agenda.



**Town of Abita Springs  
Planning & Zoning Public Hearing**

**THURSDAY, July 25, 2024**

**Town of Abita Springs Planning & Zoning Public Hearing**

Notice is hereby given that a public hearing will be held by the Town of Abita Springs Planning and Zoning Commission at 6:00 pm on Thursday, July 25, 2024, at Town Hall, 22161 Level St., Abita Springs for the purpose of receiving public comments regarding amendment of the Town of Abita Springs, Code of Ordinances, Sec. 9-801 et seq. relative to Planned Unit Developments, and to provide for related matters. All interested parties shall have the right and opportunity to appear and be heard on the subject.



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## ZONING COMMISSION STAFF REPORT: Planned Unit Development Zoning District Repeal

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### 1. Background.

- a. The Town of Abita Springs established a moratorium prohibiting the classification of additional lands in the corporate limits of Abita Springs as Planned Unit Development (PUD) via Ordinance #526, and further extended this moratorium via Ordinance #543 on February 6, 2024.
- b. In passing and extending the moratorium, the Town acknowledged both the need to limit the development of large tracts of land due to a lack of capacity in the Town’s Wastewater Treatment System and the need to assess the effect and procedures associated with PUDs as part of the ongoing Master Plan process.
- c. The Town of Abita Springs Planning Commission adopted the Town’s Master Plan on March 28, 2024, to guide future growth. The adopted Master Plan speaks to Planned Unit Developments in a very limited sense, only acknowledging that “as you move outside of Town...other special uses such as School and Park Districts, Industrial Districts, and a Planned Urban Development Zone are also part of Abita.”
- d. An early draft of the Master Plan included recommendations in “Appendix C” to improve the regulation of PUDs, including policies and standards on street connectivity, neighborhood design, building frontages, scale of open spaces and streets, building orientation, design of open space, and more.
- e. The Zoning Commission held public meetings on February 29 and March 28, 2024, to invite public comment on proposed PUD amendments included in the draft Master Plan.
- f. While proposed PUD policies were in alignment with the Town’s vision, public input elevated challenges associated with the continued unpredictability of land uses and density that may be proposed within a Planned Unit Development; the limited local administrative capacity to review Planned Unit Developments to ensure consistency with proposed policies, standards and consistency with adjacent land uses; and the potential impact a large, permitted Planned Unit Development could have on the relatively small Town of Abita Springs (4.6 square miles).<sup>1</sup> For this reason, the Master Plan was adopted without the proposed PUD standards to provide for a more focused consideration of PUD implications at a later date. This staff report, associated research, and recommendations are provided to this effect.

### 2. Planning Context, State Law, and Best Practices.

- a. *What is a Planned Unit Development (PUD)?* A PUD is both a physical plan and a legal concept, i.e. both a type of land development and a legal process for approving a development type. In its most general sense, a PUD “is a development that has been approved in a process that requires the comprehensive review of project design and that can include a variety of project types,

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<sup>1</sup> Abita Springs Master Plan. (Adopted March 28, 2024). Page 1.3

including infill developments, housing developments, and mixed-use developments, such as master-planned communities.”<sup>2</sup> There is no recommended size for PUDs made available through a review of best practices.

- b. *What is a Development Agreement?* It is common in many areas for local governments to execute development agreements with developers of PUDs, especially for master-planned communities. This is largely because—unlike a rezoning ordinance or a development plan—a development agreement establishes obligations that cannot be modified unless authorized within the agreement. Development agreements can also give the developer an entitlement, or a vested right, to complete the development under the land-use regulations in effect at the time the development plan was approved, wherein subsequent changes in the regulations would not apply. Development agreements can also establish other obligations, such as developer exactions, allowable uses, and other project elements, the formation of special districts to finance infrastructure, and the preservation of natural resources—to name a few.<sup>3</sup>
- d. *State Law.* Louisiana State Revised Statutes (RS: 33:4780.21) acknowledges “The lack of certainty in the approval of development projects can result in a waste of resources, escalate the cost of housing and other development to the consumer, and discourage investment in and commitment to comprehensive planning which would make maximum efficient utilization of resources at the least economic cost to the public” and authorizes the use of development agreements to provide applicants “assurances...for a development project that upon approval of the project, the applicant may proceed with the project in accordance with ***existing*** policies, rules, and regulations, subject to conditions of approval.” [text bolded and italicized for emphasis]
- e. *Effect of Development Agreements and Vested Rights on Repealing the PUD.* As per LA RS 33:4780.27, state law clearly acknowledges that “A development agreement shall not prevent a municipality or parish, in subsequent actions applicable to the property, from applying new rules, regulations, and policies which do not conflict with those rules, regulations, and policies applicable to the property as set forth herein, nor shall a development agreement prevent a municipality or parish from denying or conditionally approving ***any subsequent development project application*** on the basis of such existing or new rules, regulations, and policies.” [text bolded and italicized for emphasis]

### 3. Existing Regulations.

- a. *Planned Unit Developments.* Planned Unit Developments are currently established in Part 9 – Planning, Zoning and Development, Chapter 2. – Zoning Regulations, Sec. 9-212. Districts Established and regulated in Chapter 8. – Planned Unit Development with the Town’s Code of Ordinances. The Purpose of the PUD district is established in Sec. 9-801. – Purpose and Objectives, which reads:

“The purpose of planned unit development regulations is to allow mixed use and to encourage and allow more creative and imaginative design of land than is possible under district zoning regulations. Mixed use is a requirement of a planned unit development and at least one of the elements must be residential. Planned unit developments are intended to allow ***substantial flexibility*** in

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<sup>2</sup> Mandelker, Daniel R., FAICP (March 2007). Planned Unit Developments. American Planning Association Planning Advisory Service (PAS) Report Number 545. Pg 5.

<sup>3</sup> Ibid. Pg. 47.

planning and designing a proposal. This flexibility *often* accrues in the form of relief from compliance with conventional zoning ordinance site and design requirements. *Ideally*, this flexibility results in a development that is better planned, that contains more amenities, and ultimately a development that is more desirable to live in than one produced in accordance with typical zoning ordinances and subdivision control. An intrinsic, and often neglected, premise upon which the approval of the planned unit development (PUD) must be conditioned, is that while more lenient siting requirements may be granted, the planned unit development *should contain features not normally required of traditional developments*. Inherent to realizing these objectives, is *continuous and in-depth scrutiny of the proposed planned unit development as being adhered to*. Hence, to enable *thorough analysis* of a planned unit development, more information is demanded about the proposal than would be required if development were being pursued under conventional zoning requirements.” [text bolded and italicized for emphasis]

- b. Existing PUD standards directly acknowledge the complexity and increased administrative burden associated with the PUD review and approval process, specifically Sec. 9-803. - Procedure for planned unit development, which reads:

“The *unique character* of planned unit development requires their administrative processing as a special use in this chapter. Planned unit developments are *more complex and of a significantly different character* than other special uses...”. [text bolded and italicized for emphasis]

- c. Current minimum requirements for Planned Unit Developments require the proposed site be at least 30 acres (i.e.; 0.04 square miles or 1% of the town’s total area), unless at least 50% includes proposed commercial development.<sup>4</sup> They also include broad authority to relieve developers of local restrictions, while promoting policies that lack metrics to measure and predictably administer approvals or support the public’s understanding of whether local requirements have been appropriately met.

#### 4. Findings.

- a. Public input received in February and March of 2024 reflects a consistent local desire to promote (1) increased connectivity, (2) improved street and building design, and (3) more pedestrian oriented development patterns in the Town.
- b. Upon conclusion of the master planning process, review of existing PUD regulations, and collaboration with the public, Alderman, and Commissioners; it is clear that the challenges associated with the PUD—i.e. unpredictability of land uses and density; limited local administrative capacity to review a PUD to ensure consistency with existing policies, standards and land uses; and the effect a large, permitted PUD could have on the relatively small Town of Abita Springs—outweigh the benefits of a PUD’s increased flexibility.
- c. To this effect, it is appropriate to repeal the PUD zoning district and alternatively (1) develop subarea plans, (2) update local land use regulations, and (3) amend subdivision regulations over time to more measurably and predictably implement Master Plan goals and objectives associated

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<sup>4</sup> Town of Abita Springs Code of Ordinances, Part 9, Chapter 8. – Planned Unit Development, Sec. 9-802. – Standards for planned unit developments.

with improved street connectivity, pedestrian oriented design, and improved building design and placement within the Town.

- d. As part of the PUD District repeal, the PUD moratorium should also be repealed, and clarification included on how such repeal may or may not impact existing PUDs in the Town, re: mapping, nonconforming uses, and future management of existing PUD districts.

## **5. Recommendations.**

- a. Repeal the Planned Unit Development District (Sec. 9-802. – Standards for planned unit developments) and all associated references to the PUD from the Code of Ordinances.
- b. Acknowledge that any existing PUDs will retain their zoning designation and continue to be labeled as PUD on the Town’s Official Zoning Map.
- c. Acknowledge that the land uses and infrastructure permitted within an existing PUD are permitted in accordance with the original PUD approval.
- d. Repeal the PUD moratorium (Ordinance #526, and further extended via Ordinance #543).
- e. Retain the PUD District regulations within the Code as “REPEALED” so as to continue to provide reference to previous standards in place relevant to the continued management of existing PUDs.



Instrument 2024-**XXX**

**AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE TOWN OF ABITA SPRINGS TO REPEAL THE PLANNED UNIT DEVELOPMENT (PUD) ZONING DISTRICT INCLUDING AMENDMENT OF PART 9 – PLANNING, ZONING AND DEVELOPMENT, CHAPTER 2. – ZONING REGULATIONS, SEC. 9-212. DISTRICTS ESTABLISHED AND CHAPTER 8. – PLANNED UNIT DEVELOPMENT (PUD) DISTRICT; AND TO REPEAL THE MORATORIUM ON CLASSIFICATION OF LAND AS PLANNED UNIT DEVELOPMENT ZONING DISTRICT.**

1 Whereas, the Town of Abita Springs established a moratorium prohibiting the classification of  
2 additional lands in the corporate limits of Abita Springs as Planned Unit Development (PUD)  
3 via Ordinance #526, and further extended this moratorium via Ordinance #543 on February 6,  
4 2024; and  
5

6 Whereas, in passing and extending the moratorium, the Town acknowledged both the need to  
7 limit the future development of large tracts of land due to a lack of capacity in the Town’s  
8 Wastewater Treatment System and the need to assess the effect and procedures associated with  
9 PUDs as part of the ongoing Master Plan process; and  
10

11 Whereas, the Town of Abita Springs Planning Commission adopted the Town’s Master Plan on  
12 March 28, 2024, to guide future growth; and  
13

14 Whereas, public meetings were held on February 29 and March 28, 2024, to invite public  
15 comment on proposed PUD amendments included in the draft Master Plan; and  
16

17 Whereas, upon conclusion of the master planning process, review of existing PUD regulations,  
18 and collaboration with the public, Alderman, and Commissioners; it became clear that the  
19 challenges associated with the PUD District—i.e. unpredictability of land uses and density;  
20 limited local administrative capacity to review a PUD to ensure consistency with existing  
21 policies, standards and land uses; and the impact a large PUD could have on the relatively small  
22 Town of Abita Springs—outweigh the benefits of a PUD’s increased flexibility; and  
23

24 Whereas, it is appropriate to repeal the PUD zoning district and moratorium and alternatively (1)  
25 develop subarea plans, (2) update local land use regulations, and (3) amend subdivision  
26 regulations over time to more measurably and predictably implement Master Plan goals and  
27 objectives associated with improved street connectivity, pedestrian oriented design, and building  
28 design and placement within the Town; and  
29

30 Whereas, Planned Unit Developments are regulated in the Town’s Code of Ordinances in both  
31 Part 9 – Planning, Zoning and Development, Chapter 2. – Zoning Regulations, Sec. 9-212.  
32 Districts Established and in Chapter 8. – Planned Unit Development; and  
33

34 Whereas, amendments included herein repeal the PUD district prospectively, clarify the  
35 treatment of existing PUDs to which this ordinance shall have no effect, and were developed in  
36 coordination with the Town’s Attorney to guide future development and promote the Town’s  
37 health, safety and welfare; and  
38

39 Whereas, the repeal of the PUD District resolves conditions associated with calling the PUD  
40 moratorium approved via Ordinance #526, and further extended via Ordinance #543, and such  
41 the PUD moratorium is also repealed.  
42

43 **THEREFORE, LET IT BE ORDAINED** by the Board of Alderman of the Town of Abita

44 Springs, at its regular session convened, that Chapter 8 - Planned Unit Development (PUD)  
45 zoning district be repealed and that such repeal shall not have a retroactive effect on existing  
46 PUDs in the Town.

47  
48 **LET IT BE FURTHER ORDAINED** by the Board of Alderman of the Town of Abita Springs,  
49 at its regular session convened, that the authorization to approve a new Planned Unit  
50 Development District be repealed in Part 9 – Planning, Zoning and Development of the Code of  
51 Ordinances, Chapter 2. – Zoning Regulations, Sec. 9-212. Districts Established, to wit:

52  
53 **Sec. 9-212. - Districts established.**

54 (a) For the purpose of this chapter all area within the corporate limits is hereby divided  
55 into districts as shown on the map entitled "Town of Abita Springs, Louisiana,  
56 Comprehensive Zoning Plan," followed by the date thereof or the most recent  
57 revision thereto.

58 (b) The districts are designated on the Town of Abita Springs, Louisiana,  
59 Comprehensive Zoning Plan as follows:

60 Commercial District,

61 \* \* \*

62 Parks District,

63 Planned Unit Development District – **REPEALED**,

64 Residential District,

65 \* \* \*

66  
67 **LET IT BE FURTHER ORDAINED** by the Board of Alderman of the Town of Abita Springs,  
68 at its regular session convened, that Chapter 8. – Planned Unit Development of the Code of  
69 ordinances be repealed, wherein: (1) repeal of the PUD District shall not have a retroactive  
70 effect on the treatment of existing PUDs; (2) areas zoned PUD District prior to the effective date  
71 of the PUD District repeal shall continue to be mapped PUD on the official zoning map and  
72 managed in accordance with applicable local laws and land use regulations, including PUD  
73 standards in effect upon original PUD approval (retained in the Code as “Repealed” to support  
74 future Code administration), as well as any lawfully approved development agreement with the  
75 Town; and (3) existing land uses and infrastructure permitted within any existing PUD are not  
76 considered nonconforming and are not required to be changed or amended from the original  
77 PUD approval without Town Council approval and amendment of a development agreement, if  
78 applicable, to wit:

79  
80 **CHAPTER 8. PLANNED UNIT DEVELOPMENT (PUD) – REPEALED and RESERVED.**

81  
82 **Sec. 9-801. Purpose and objectives. – REPEALED.**

83 (a) *Purpose.* The purpose of planned unit development regulations is to allow mixed use and to  
84 encourage and allow more creative and imaginative design of land than is possible under  
85 district zoning regulations. Mixed use is a requirement of a planned unit development and at  
86 least one of the elements must be residential. Planned unit developments are intended to  
87 allow substantial flexibility in planning and designing a proposal. This flexibility often  
88 accrues in the form of relief from compliance with conventional zoning ordinance site and  
89 design requirements. Ideally, this flexibility results in a development that is better planned,  
90 that contains more amenities, and ultimately a development that is more desirable to live in  
91 than one produced in accordance with typical zoning ordinances and subdivision control.  
92 An intrinsic, and often neglected, premise upon which the approval of the planned unit  
93 development (PUD) must be conditioned, is that while more lenient siting requirements may  
94 be granted, the planned unit development should contain features not normally required of  
95 traditional developments. Inherent to realizing these objectives, is continuous and in-depth  
96 scrutiny of the proposed planned unit development as being adhered to. Hence, to enable  
97 thorough analysis of a planned unit development, more information is demanded about the  
98 proposal than would be required if development were being pursued under conventional  
99 zoning requirements.

100 (b) *Objectives.* Through proper planning and design, each planned unit development should  
101 include features which further, and are in compliance with, the following objectives:



- 102 (1) To allow for the design of developments that are architecturally innovative, and that  
 103 achieve better utilization of land than is possible through strict application of standard  
 104 zoning and subdivision control.
- 105 (2) To encourage land development that, to the greatest extent possible, preserves natural  
 106 vegetation, respects natural topographic and geologic conditions, and refrains from  
 107 adversely affective flooding, soil drainage, and other natural ecological conditions.
- 108 (3) To provide accessible property located for public use and recreational space. (Green  
 109 space or public use.)
- 110 (4) To promote the efficient use of land resulting in networks of utilities, streets and other  
 111 infrastructure features that maximize the allocation of fiscal and natural resources.
- 112 (5) To enable land development to be completely congruous with adjacent and nearby land  
 113 developments.
- 114 (6) To ensure that development occurs at proper locations, away from environmentally  
 115 sensitive areas, and on land physically suited to construction.
- 116 (7) To allow unique and unusual land uses to be planned for and located in a manner that  
 117 ensures harmony with the surrounding community.
- 118 (8) A method for the permanent preservation of historic building and/or landmarks.
- 119 (9) Allow for mixed use purpose. Mixed use regulations are governed by the respective  
 120 use ordinances including those provided under each zoning district classification,  
 121 including light industrial, residential, commercial, townhouse/condominiums.
- 122 (Ord. No. 231, 4-18-00; Ord. No. 308, 8-15-06; Ord. No. 329, 12-18-07)

123

124 **Sec. 9-802. Standards for planned unit developments. – REPEALED.**

125 The planned unit development must meet the following standards:

- 126 (1) *Comprehensive plan.* A comprehensive plan must be developed and approved,  
 127 showing maximum square footage for each use. Breakdown by percent of total:  
 128 residential, commercial use, townhouse/condominium, green space (open space) use. A  
 129 planned unit development shall be mixed use and shall include single family, and  
 130 commercial uses and may include townhouse/condominium uses.
- 131 (2) *Site and ownership.* The site of the planned unit development must be under single  
 132 ownership and/or unified control. The size of the planned unit development site shall  
 133 be at least thirty acres unless 50 percent or more of the development is planned for a  
 134 commercial use as defined in the zoning ordinance of the Town of Abita Springs.  
 135 There shall be a minimum of ten percent commercial. This amount may be reduced if it  
 136 is determined by the commission that the commercial development of ten percent of  
 137 the planned unit development is not commercially feasible.
- 138 (3) *Compatibility.* The uses permitted in a planned unit development must be of a type and  
 139 so located as to exercise no undue detrimental influence upon surrounding properties.
- 140 (4) *Need.* Accompanying the recommendation of the Zoning Commission of the Town of  
 141 Abita Springs to rezone a certain site, as planned unit development shall be a  
 142 resolution, which states the findings of the commission of the following:
- 143 (a) The planned unit development proposal provides for the development of the land  
 144 in a manner which is more beneficial to the Town of Abita Springs had the land  
 145 been developed under the strict guidelines of the underlying land use  
 146 classification; or
- 147 (b) That the configuration, or topography, or other geographical characteristics of the  
 148 land creates such an undue hardship on the developer of the site so as to apply the  
 149 strict regulations of the underlying zoning classification would constitute an unfair  
 150 taking of property without due process of law afforded to the developer.
- 151 (5) *Density.* The net density of a planned unit development (either in dwelling units for  
 152 residential uses, or in floor area for all other uses) shall generally correspond to the net  
 153 density regulations imposed by the underlying zoning district.

154 The net density of the planned unit development is not necessarily required to precisely  
155 correspond with the normal net density of the underlying zoning district, but instead  
156 should reflect that district's character through complementary building types and  
157 architectural design. It is required that a zoning amendment request accompany the  
158 planned unit development application if the net density of the proposed development is  
159 greater than 2.2 residential units per acre.

160 (6) *Space between buildings.* The minimum horizontal distance between the buildings  
161 shall be:

162 (a) Ten feet with at least five feet from the respective property line for single family.

163 (b) Fifteen feet between clustered or "zero lot line" single-family detached buildings.

164 (c) Twenty feet between multi-family detached dwellings.

165 (d) Thirty feet between buildings, other than subparagraphs (a), (b), and (c) above.

166 (e) Equal to the height of the taller building in the case of free-standing buildings  
167 greater than two and one-half stories in elevation.

168 (7) *Yards.* The required yards along the periphery of the planned unit development shall be  
169 at least equal in width or depth to that of the adjacent zoning district. Otherwise the  
170 minimum lot size shall be 35 feet front x 70 feet. The planning commission may have  
171 the discretion to approve 30 feet front lots should the developer provide a greater  
172 burden to or amenities for the property than required. Not more than 25% of the lots  
173 may be minimum size. The planning commission shall have discretion as to the sizes  
174 of the remaining lots. The percentage of lots of each lot size shall be noted on the plan.  
175 The minimum side and front setback shall be as follows:

176 *Side:* 5 feet.

177 *Corner:* 10 feet.

178 *Rear:* 10 feet. Unless there is an alley serving the rear of the property then the  
179 minimum rear set back shall be 15 feet.

180 *Front:* 15 feet.

181 (8) *Parking requirements.* Adequate parking shall be provided and shall be in general  
182 conformance with the parking regulations provided for in other sections of this chapter  
183 unless changes are warranted by the particular characteristics of the proposed planned  
184 unit development. Additional parking spaces for guests, customers, the handicapped,  
185 recreational vehicles, and other common storage and/or parking uses in the planned  
186 unit developments, shall be required by the town council, acting upon the  
187 recommendation of the planning commission, if warranted by the particular  
188 characteristics of the proposed planned unit development. Parking for the appropriate  
189 use is the number of required parking spaces as governed by section 9-211 of this code  
190 or its successor. Additional parking spaces shall be required for any swimming pool,  
191 park, other recreational amenity or commercial use as set out in the C Commercial  
192 District.

193 (9) *Traffic.* Adequate provisions shall be made to provide ingress and egress so designed  
194 as to minimize both internal and external hazards and congestion. There should be at  
195 least two means egress and ingress with at least one above the floodplain. There shall  
196 be a minimum of two entrances/exits per development.

197 The planned unit development shall comply with the ordinances of the Town of Abita  
198 Springs, with regards to the grid layout of the streets. There shall be no provisions for a  
199 cul-de-sac in the planned unit development. The requirements of conformance to the  
200 street grid ordinance of the Town of Abita Springs and the provision against cul-de-sac  
201 shall be strictly enforced unless the developer can show an undue hardship by virtue of  
202 geographical features, topography or shape of the site to be developed. In creating any  
203 variance from the above requirements the planning and zoning commission for the  
204 Town of Abita Springs shall adopt a resolution in writing setting out its factual  
205 findings to substantiate such a variance.

206 The Abita Springs Planning and Zoning Commission shall have all authority to require  
207 the configuration of streets, which will run to, so as to connect with, the lands of  
208 adjacent property owners.

- 209 (10) *Performance standards.* The requirements for the underlying zoning district of the  
 210 planned unit development shall, in all instances, be complied with.
- 211 (11) *Green space (open space) requirements.* A minimum of 30 percent green space after  
 212 deduction of the land required for infrastructure to service the development of any  
 213 planned unit development shall be required. This amount may be reduced to 25% by  
 214 the planning commission if it is found that the developer has made enhanced  
 215 contributions or concessions in the planned development. Green space (open space)  
 216 shall be devoted to active and passive recreational purposes only. Examples of green  
 217 space include: playgrounds, swimming pools, club houses, golf courses, walking trails,  
 218 bike trails, tennis courts, picnic areas, and natural green space areas. What is not  
 219 determined as green space [include]: roads/streets, easements, drainage ditches,  
 220 parking areas, non-recreational buildings, limited use land. Limited use land shall  
 221 mean land which is inundated by water for a period of greater than four months within  
 222 each calendar year. Two acres of limited land use are required to satisfy one acre of  
 223 green space (open space).
- 224 (12) *Sidewalks.* Sidewalks are required for each planned unit development as determined by  
 225 Abita Springs engineers. New sidewalks are required connected to any existing  
 226 sidewalks in close proximity to the development.
- 227 (13) The regulations of the historic district shall be applicable to properties situated along  
 228 those corridors as set out in section 9-306 of this Code.
- 229 (14) *Street lighting.* Street lighting shall be required as part of any planned unit  
 230 development as approved by Abita Springs engineers.
- 231 (15) Fire hydrants shall be no more than 300 feet apart.

232 (Ord. No. 231, 4-18-00; Ord. No. 308, 8-15-06; Ord. No. 329, 12-18-07; Ord. No. 469 , 11-17-  
 233 2015; Ord. No. 521 , 7-20-2021)

234

235 **Sec. 9-803. Procedure for planned unit development. – REPEALED.**

236 The unique character of planned unit development requires their administrative processing  
 237 as a special use in this chapter. Planned unit developments are more complex and of a  
 238 significantly different character than other special uses, therefore requiring the establishment  
 239 herein of specific procedures different than those used to process other special uses. The  
 240 procedure, standards, objectives and purposes set forth in this chapter, when in conflict with  
 241 other provisions of this chapter, as they may pertain to the planned unit development, and only  
 242 planned unit developments, shall be superseding.

243 A three-step procedure is prescribed for planned unit development.

244 (1) *Step 1: pre-application procedure.*

245 (a) *Intent.* The intent of the pre-application process is to obtain a general awareness of  
 246 the compatibility of the proposed planned unit development with existing and  
 247 anticipated land uses in the vicinity, and familiarity with the town's planned unit  
 248 development procedures.

249 (b) *Pre-application conference.* Prior to the filing of an application for approval of a  
 250 planned unit development, the prospective applicant may request of the planning  
 251 commission an informal meeting to discuss the development of the proposed  
 252 planned unit development site in conjunction with its compatibility with existing  
 253 and anticipated land uses in the vicinity. The pre-application conference is not  
 254 mandatory nor does it require formal application fee, or filing of a planned unit  
 255 development plat. However, if requested, said meeting should be a part of a  
 256 regular scheduled meeting, shall be opened to the public, and included on their  
 257 agenda in advance of the meeting.

258 (c) *Pre-application document review.* Prior to the filing of an application for approval  
 259 of a planned unit development, either before, after, or in lieu of the pre-application  
 260 conference, all prospective applicants shall review copies of the zoning map, and  
 261 the planned unit development sections of this chapter, which are available for  
 262 inspection at the town hall. The zoning map shall be reviewed to ascertain

263 whether or not the proposal is likely to be compatible with the existing and  
264 anticipated land uses in the vicinity of the proposal.

265 The planned unit development sections of this chapter shall be reviewed to ensure  
266 familiarity with the town's planned unit development procedures.

267 The applicant shall also review the flow chart and fees which sets out the overall  
268 procedure, time line and various requirements of the applicant in the approval  
269 process. The flow chart is as follows: [A copy of flow chart can be found in the  
270 town offices.]

271 (2) *Step 2: preliminary plat procedure.*

272 (a) *Intent.* It is the intent of the preliminary plat submission to obtain tentative  
273 approval from the town for the plans, designs, and programs that the petitioner  
274 contemplates compliance with. If the preliminary plat is approved, the petitioner  
275 can proceed to the final plat stage with reasonable assurance that the final plat will  
276 be approved if substantially in compliance with the preliminary plat. A relatively  
277 detailed submission is required to assure the town that the proposed planned unit  
278 development substantially conforms to the objectives and standards expressed in  
279 this chapter.

280 Each petitioner for preliminary plat approval should be aware that the objectives  
281 and standards for the planned unit development, as expressed in this chapter, must  
282 be clearly integrated into the planned unit development submission. Failure to do  
283 so will result in disapproval.

284 (b) *Procedure.* A request for approval of a preliminary plat as a step in the planned  
285 unit development procedure, shall be submitted to the planning and zoning  
286 commission, for public hearing, review and recommendation. The required  
287 procedure for review of the preliminary plat shall be:

288 1. Submission of the items required of a preliminary plat petitioner as identified  
289 under the "submission requirements" section of this section. Said submission  
290 requirements fall into two general categories:

291 a. Submissions of data required at the time application is made for  
292 preliminary plat approval;

293 b. Submission of data required at the time of the first public hearing  
294 pertaining to the specific preliminary plat.

295 2. The planning commission shall hold a public hearing on the application for a  
296 planned unit development preliminary plat in accord with the procedures  
297 established for special uses in this chapter. At the preliminary plat stage  
298 precise plans and designs are the subject of scrutiny. The public has the right  
299 to witness and voice opinions.

300 3. Following the public hearing and review of the preliminary plat submission,  
301 the planning commission shall within 90 days, unless an extension is  
302 requested by the petitioner, recommend approval, modification, or  
303 disapproval of the preliminary plat, and the reasons therefore, or indicate  
304 why a report and recommendation cannot be rendered to the town council.

305 In its communication to the town council, the planning commission shall set  
306 forth a written report in accordance with the written report section of this  
307 chapter, on which the recommendation is based and describing how the  
308 preliminary plat meets the standards and objectives stated in this chapter.

309 4. The town council, after receipt of the preliminary plat from the planning  
310 commission, shall approve, modify, or disapprove the plat within 90 days,  
311 unless an extension is required by the petitioner. In the case of approval, or  
312 approval with modification, the town council shall authorize the planning  
313 commission to sign the preliminary plat. If the preliminary plat is the first  
314 submission made as part of the planned unit development procedure, the  
315 town council shall pass an ordinance for a change in the official town's  
316 zoning map indicating that the subject site is approved for a planned unit  
317 development and further allowing for any approved zoning amendments,  
318 variations, and/or special uses. The petitioner must submit subsequent final

319 plat data in accordance with the schedule set forth in section 9-806. If same  
320 is not done, all map changes authorized by the town council shall revert back  
321 to the original zoning designation affixed to the subject property in  
322 accordance with same section 9-806. The town council may require such  
323 special conditions as it deems necessary to ensure conformance with the  
324 objectives and standards established in this chapter. In its deliberations the  
325 town officials shall consider the effect the planned unit development shall  
326 have on the utility services provided to the citizens of the town.

327 (3) *Step 3: final plat procedure.*

328 (a) *Intent.* The purpose of the final plat is to designate with particularity the land  
329 subdivided into conventional lots as well as the division of other lands, not so  
330 subdivided, into common open space and building sites. The final plat is intended  
331 as a document to be recorded. The final plat shows the exact location of facilities,  
332 while the preliminary plat shows the general location of the same facilities.

333 (b) *Procedure.* The final plat shall be submitted as a planned unit development plat  
334 and shall conform substantially to the preliminary plat as approved and, if desired  
335 by the petitioner, may be submitted in stages with each stage reflecting the  
336 approved preliminary plat which is proposed to be recorded and developed;  
337 provided, however, that each stage submitted conforms to all requirements of  
338 these regulations. The required procedure for approval of a final plat shall be:

- 339 1. Submission of the items shall be required of a final plat petitioner as  
340 identified under section 9-806. Said submission shall be made to the  
341 planning and zoning commission for certification that the final plat is in  
342 conformance with the planned unit development regulations and in  
343 agreement with the approved preliminary plat.
- 344 2. The planning and zoning commission shall review the final plat data after  
345 submission and after a public hearing. After review of the final plat, the  
346 planning and zoning commission shall, unless an extension is requested by  
347 the petitioner, recommend approval or disapproval, and the reasons therefore  
348 to the town council.
- 349 3. The town council, after receipt of the final plat from the planning  
350 commission, shall approve, or disapprove the final plat, unless an extension  
351 is requested by the petitioner. In the case of approval, the town council shall  
352 authorize the planning and zoning commission to sign the final plat. Permits  
353 are issued only after the final planned unit development plat and any required  
354 supporting data have been recorded with the parish recorder of deeds, and  
355 shall be issued in full conformance with the planned unit development. Proof  
356 of the recording of the final plat shall be provided to the building inspector.  
357 The construction authorized by the building permit shall be in compliance  
358 with the final planned unit development plat, as recorded.

359 (Ord. No. 231, 4-18-00; Ord. No. 469 , 11-17-2015)

360

361 **Sec. 9-804. Submission requirements. – REPEALED.**

362 (1) *Preliminary plat.*

363 (a) At the time the application is made for preliminary plan approval, the following items  
364 must be submitted to the planning and zoning administrator:

365 *Application.* A written application for a planned unit development on forms supplied  
366 by the planning and zoning clerk.

367 *Fee.* A fee, established by the Town of Abita Springs that is suitable to cover the costs  
368 incurred by the town for review of specific proposal. If special planning, engineering,  
369 architectural or other consultants must be retained by the town for review of the  
370 proposed planned unit development, the petitioner shall be notified, and all costs for  
371 said consultants expended by the town, not covered by the filing fee, shall be  
372 reimbursed by the petitioner.

373 *Notification list.* A list of the names and addresses of owners of all property that is  
374 situated within 1,000 feet of the property lines of the subject site. This list shall be  
375 current as of the date of submission. People appearing on said list will be sent notice of  
376 the public hearing in compliance with statutory requirements. Interested community  
377 groups, such as homeowner's associations, may request notification for projects within  
378 adjoining areas. Such notification shall also be sent to the St. Tammany Parish School  
379 District, the St. Tammany Parish Sheriff, or any other law enforcement agency which  
380 is responsible for providing municipal law enforcement, the Eight Fire Protection  
381 District of St. Tammany, the Eleventh Recreation District of St. Tammany Parish and  
382 those entities which are parties to utility franchise agreements with the Town of Abita  
383 Springs. Failure to provide an accurate list of names and addresses of owners of all  
384 property within 1,000 feet of the property of the subject site shall be cause for  
385 immediate dismissal of planned unit development application as well as forfeiture of  
386 all fees and expenses incurred.

387 *Ownership.* A statement of present and proposed ownership of all land within the  
388 development.

389 *Legal description.* A legal description of the subject site.

390 *Taxes.* Proof shall be furnished to indicate that there are no delinquent taxes  
391 constituting a lien on the whole or any part of the property. Such proof may take the  
392 form of paid tax bills to the date of submission of the planned unit development  
393 application and a statement from the title insurance company indicating that no liens  
394 affect the subject site.

395 *Topography.* A topographic map, if possible underlying the plan, at a minimum of one  
396 foot contour intervals. (If located in "X" this is not necessary.)

397 *Floodplain.* Information from the most current source specified by the town indicating  
398 the locations and extent of the regulatory floodplain.

399 *Soils.* Information from the most current U.S. Department of Agriculture-Soil  
400 Conservation Service Soils Catalog indicating the location and species of soils. If said  
401 information is not available, soil boring may be submitted.

402 *Vegetation.* Location and extent of existing vegetation.

403 *Drainage.* A depiction of existing surface drainage patterns and proposed retention and  
404 detention areas.

405 *Utilities.* Statements indicating that sanitary sewer, storm sewer, and water are directly  
406 available to the site, a statement from a licensed professional engineer indicating that  
407 the proposed development can be suitably served by such systems.

408 If utilities are not directly available to the subject site, but can be made available in a  
409 manner consistent with the town's comprehensive plan, prudent engineering principles,  
410 and with utility capacity parameters, then utilities must be permitted to be extended to  
411 the site. The cost of all infrastructure shall be the responsibility of the petitioner unless  
412 otherwise set out in a development agreement. A development agreement between the  
413 town and the developer is required. A statement indicating the improvements and  
414 projected source of funding for the necessary improvements will be required. The  
415 petitioner shall follow all town guidelines and policies with regards to utilities and their  
416 installations.

417 *Traffic analysis.* A study providing information on the existing road network, and  
418 adjunct vehicle volumes, and the effects the proposed planned unit development will  
419 have on the existing (or improved) road network.

420 If traffic or roadway improvements external to the subject site are anticipated as a  
421 result of the proposed development, the petitioner shall submit a statement indicating  
422 the nature and extent of those contemplated improvements. Included in such statement  
423 shall be information pertaining to what portion of the external traffic and roadway  
424 improvements made necessary as a result of the planned unit development, if any, the  
425 developer will pay for. All internal traffic and roadway improvements associated with  
426 the planned unit development shall be paid for by the developer. Analysis will be  
427 required by the planning and zoning commission.

428 *Market analysis.* Depending upon the types of land uses proposed to be included in a

429 planned unit development, information shall be provided from one or more of the  
430 following categories:

431 a. Planned unit developments proposed to contain any residential uses shall require  
432 submission of at least the following market data:

- 433 1. Details about the proposal pertaining to: housing types, floor area of  
434 dwelling, estimated price ranges, number of bedrooms, densities,  
435 amenities included, etc.
- 436 2. An evaluation of the historical market pattern for the types of units  
437 proposed. Building permits issuance trends and/or surveys of existing  
438 recently constructed residential developments shall be used in this  
439 evaluation.
- 440 3. Total anticipated demands in the town for the type of units proposed  
441 shall be estimated for the immediately subsequent five-year period. The  
442 percent of that demand which would be absorbed by the proposed  
443 planned unit development shall be identified. Methods used in  
444 determining the five-year demand shall be indicated.

445 b. Additionally, planned unit developments shall require submission of at least the  
446 following market data:

- 447 1. Details about the proposal pertaining to: number of users, floor areas of  
448 each use area, bulk of buildings, price or rent ranges, floor area ratio,  
449 place of residence of prospective employees, etc.
- 450 2. Trade area which the commercial development is intended to serve.
- 451 3. Location of comparable development within the trade area.
- 452 4. Population and effective per capita buying income of the trade area.
- 453 5. Anticipated sales volume of the commercial development.

454 c. Planned unit development proposed to contain any industrial uses shall require  
455 submission of at least the following market data:

- 456 1. Details about the proposal pertaining to: number of users, floor area of  
457 each use area, bulk of buildings, price or rent ranges, floor area ratio,  
458 approximate number of employees, place of residence of prospective  
459 employees, etc.
- 460 2. Location of other industrial development within the community.
- 461 3. Market area for anticipated industries.

462 (2) *Preliminary plat.*

463 (a) At the time the application is made for the preliminary plat approval, the following  
464 items must be submitted to the office of the planning and zoning administrator:

- 465 1. If the preliminary plat is the first planned unit development submission to be  
466 made all items listed in preliminary plan requirements shall be required.
  - 467 a. A notarized letter submitted by the owners or their agent indicating the intent  
468 to file a preliminary plat as soon as a public hearing can be scheduled by the  
469 planning and zoning commission. Said letter shall serve as a preliminary plat  
470 application.
  - 471 b. A preliminary plat filing fee, established by the town council to cover the  
472 costs incurred by the town for review of the specific proposal. If special  
473 planning, engineering, architectural, or other consultants must be retained by  
474 the town for review of the proposed planned unit development, the petitioner  
475 shall be so notified, and all costs for said consultants expected by the town -  
476 not covered by the filing fee - shall be reimbursed by the petitioner.
  - 477 c. A list of the names and addresses of owners of all property that is situated  
478 within 1,000 feet of the property lines of the subject site. This list shall be  
479 current as of the date of submission. People appearing on said list will be  
480 sent a notice of public hearing in compliance with the statutory requirements.

481 Failure to provide an accurate list of names and addresses of owners of all  
482 property that is situated within 1,000 feet of the property lines of the subject  
483 site shall be cause for immediate dismissal of the planned unit development  
484 application as well as forfeiture of all fees and expenses incurred.

485 (b) At the time of the public hearing on the preliminary plat, ten copies of all subsequent  
486 listed information shall be submitted (with the exception of non-reproducible exhibits).  
487 Failure to submit any of the required information, without a specific written waiver  
488 from the planning and zoning commission, shall constitute grounds for dismissal of the  
489 planned unit development petition. Waiver of specific submission elements may be  
490 requested of the planning and zoning commission, in writing, at the time the planned  
491 unit development preliminary plat application is made. The planning and zoning  
492 commission will decide upon the waiver request at its next regularly scheduled  
493 meeting; the petitioner will be notified of the decision, and the public hearing will then  
494 be scheduled. Specific grounds for waiver must be stated by the petitioner. The  
495 preliminary plat submission shall include the following:

496 1. All items listed in the preliminary plan submission section shall be required to be  
497 submitted at the preliminary plat stage.

498 2. A drawing of the planned unit development shall be prepared at a scale of not less  
499 than one inch = 50 feet unless approved at another scale by the town engineer and  
500 shall show such designations as proposed streets (public and private), all buildings  
501 and their use, common open space, recreation facilities, parking areas, service  
502 areas, and other facilities to indicate the character of the proposed development.  
503 The submission may be composed of one or more sheets and drawings must  
504 include:

505 a. Boundary lines and dimensions of the subject site.

506 b. Existing and proposed easements - general purpose and width.

507 c. Streets on, adjacent, or proposed for the tract.

508 d. Utility extensions of water lines, sanitary sewers, and storm sewers as per  
509 town ordinances.

510 e. Environmental information. Data identifying existing natural and  
511 environmental site conditions, including: (if located in "X" zone = N/A)  
512 topography, floodplain, soils, vegetation and drainage patterns.

513 f. Land use designations for the subject site.

514 g. Retention and detention areas.

515 h. Residential lots (average lot size and minimum lot size shall be specified).

516 i. General location, purpose and height, in feet or stories, of each building other  
517 than single family residences.

518 j. Map data. Name of development, name of site planner, north point, scale,  
519 date of preparation.

520 3. Preliminary architectural plans for all primary buildings shall be submitted in  
521 sufficient detail to permit an understanding of the style of the development, the  
522 design of the buildings, and the manner, size and type of dwelling units. Also  
523 provide a letter from the St. Tammany Parish Sheriff's Office affirming that there  
524 are no delinquent taxes on the property.

525 (c) At the time of the public hearing, ten copies of all subsequent listed information shall  
526 be submitted (with the exception of non-reproducible exhibits). Failure to submit any  
527 of the required information, shall constitute grounds for dismissal of the planned unit  
528 development petition.

529 (3) *Preliminary plan.* A drawing of the planned unit development shall be prepared at a scale  
530 that provides for a clear understanding of the way the property is intended to be developed.  
531 The plan shall indicate a concept of the development with the refinements to indicate the  
532 overall land use pattern, general circulation system, open space or park system, and major  
533 features of the development. This section does not require detailed site buildings, walks, etc.  
534 The plan should include:



- 535 (a) Boundary lines and dimensions of the site.
- 536 (b) Existing and proposed easements - general location and purpose.
- 537 (c) Streets on, adjacent, or proposed for the tract, including all rights-of-way and pavement  
538 widths.
- 539 (d) Land use patterns proposed for the subject site.
- 540 (e) Map data. Name of development, name of site planner, north point, scale and date of  
541 preparation.
- 542 (f) Site data. A list of pertinent site data, including:
- 543 1. Description and quantity of land use.
- 544 2. Acreage of site.
- 545 3. Number of dwelling units proposed and anticipated population.
- 546 4. Area of industrial, commercial, institutional, recreation land uses proposed.
- 547 5. Densities of residential areas.
- 548 6. Bedroom mixes.
- 549 (g) Objectives. A statement indicating how the proposed planned unit development  
550 corresponds to and complies with objectives for planned unit developments as  
551 previously stated in this chapter.
- 552 (h) Schedule. Development scheduled indicating:
- 553 1. States in which projects will be built with emphases on area, density, use and  
554 public facilities such as open spaces to be developed with each stage. Overall  
555 design of each stage shall be shown on the plat and through supporting graphic  
556 material.
- 557 2. Approximate dates for beginning and completion of each stage.
- 558 3. If different land uses types are to be included within the planned unit  
559 development, the schedule must indicate the mix of uses anticipated to be built in  
560 each state.
- 561 (i) Environmental information. Data identifying existing natural and environmental site  
562 conditions, including floor area of building types and total ground coverage of  
563 buildings.
- 564 (j) Adjacent property information. Topography of property within 500 feet of the subject  
565 site, at a minimum of five contour intervals, with natural drainage patterns indicated  
566 and with the subject site's topography and drainage patterns depicted. The location,  
567 size and invert elevation of adjacent, or the closest sanitary sewer, storm sewer, and  
568 water main, as well as documentation of these facilities' points of origin.
- 569 (k) Community benefit statement. A written statement comparing the relative benefits that  
570 will accrue to the community as a result of this site being developed under planned unit  
571 development provisions as opposed to conventional zoning. Specific mention should  
572 be made of open space, natural features, and architectural design. This statement  
573 supplements the "objectives" statement that may be required with the submission of the  
574 preliminary plat. The "objectives" statement differs from this statement, in that each of  
575 the objectives listed previously must be specifically addressed. In contrast, the  
576 "community benefit statement," which accompanies a detailed site plan, provides a  
577 developer to define with particularity why his proposal merits approval and how it will  
578 serve the community better than a conventional development.
- 579 (4) *Final plat stage.* At the time the final plat is filed with the planning and zoning commission  
580 for review and recommendation, the following items must be submitted:
- 581 (a) *Final detailed plan.* A final planned unit development plat, suitable for recording with  
582 the St. Tammany Recorder of Deeds, shall be prepared. The purpose of the final plat is  
583 to designate with particularity the land subdivided into conventional lots as well as the  
584 division of other land, not so treated, into common open areas and building areas. The  
585 final plat shall include:

- 586 1. An accurate legal description of the entire area under immediate development  
587 within the planned development.
- 588 2. A planned unit development plat of all lands which are a part of the final plat  
589 being submitted, and meeting all the requirements for the final plat. If lands which  
590 are a subject of the final plat are to be subdivided, than a subdivision plat is also  
591 required.
- 592 3. An accurate legal description of each separate unsubdivided use area, including  
593 common open space.
- 594 4. Designation of the location of the building pads, or areas, or setback lines  
595 standards for all buildings to be constructed.
- 596 5. Certificates, seals, and signatures required for the dedication of lands and  
597 recording the document.
- 598 6. Tabulation of separate unsubdivided use area, including land area, number of  
599 buildings, number of dwelling units, number of bedrooms, and dwelling units per  
600 acre.
- 601 (b) *Common open space documents.* All common open space shall be either conveyed to a  
602 municipal or public corporation, conveyed to a nonprofit corporation or entity  
603 established by the developer with legally binding guarantees, in a form approved by  
604 the town attorney, verifying that the common space will permanently be preserved as  
605 open space.
- 606 (c) *Final systems plan.* Final systems plan, with all details, shall be submitted, including:  
607 1. Engineering plans showing how the site is to be serviced with sewer and water.  
608 2. Lighting plans.  
609 3. Drainage and storm water retention and detention plans.  
610 4. Road plans, including curbs and gutters, on-site/off-site signalization,  
611 acceleration, deceleration lanes, and any other information deemed necessary  
612 according to the planning and zoning commission.  
613 5. Sidewalks, paths and cycle trails.  
614 6. Landscaping plans showing the type and location of plant material, berms, and  
615 other aesthetics treatments.
- 616 (d) *Construction plans.* Detailed plans shall be submitted for the design, construction, or  
617 installation of site amenities; including buildings, landscaping, lakes and other site  
618 improvements.
- 619 (e) *Construction schedule.* A final construction schedule shall be submitted for that  
620 portion of the planned unit development for which approval is being requested.
- 621 (f) *Guarantee deposit.* A deposit shall be made to the town in cash, or cashier's check  
622 equal to 15-percent of the estimated cost of public facility installations. The deposit  
623 shall be a guarantee of satisfactory performance of the facilities constructed within the  
624 planned unit development and shall be held by the town for a period of 18 months from  
625 the date of acceptance of the facilities by the town. After such 18 months, the deposits  
626 shall be refunded if no defects have developed, then the balance of such deposit shall  
627 be refunded after reimbursement for amounts expended in correcting defective  
628 facilities. In lieu of cash or cashier's check a letter of credit or performance bond,  
629 approved by the town attorney may be posted as a guarantee deposit.
- 630 (g) *Delinquent taxes.* A certificate shall be furnished from the St. Tammany Parish  
631 Sheriff's Office that no delinquent taxes exist and that all special assessments  
632 constituting a lien on the whole or any part of the property of the planned unit  
633 development have been paid.
- 634 (h) *Covenants.* Final agreements, provisions, or covenants which will govern the use,  
635 maintenance and continued protection of the planned unit development shall be  
636 approved by the town and recorded at the same time as the final planned unit  
637 development plat.
- 638 (5) *Submission requirements.* All documents, required by this chapter to be submitted by the  
639 applicant, shall be reviewed for recommendations to the town by a person whose

640 qualifications meet the standards of the American Institute of Certified Planners. The fees of  
641 such person shall be paid by the applicant.

642 (Ord. No. 231, 4-18-00; Ord. No. 469 , 11-17-2015; Ord. No. 512 , 1-21-2020)

643 **Sec. 9-805. Changes in the planned unit development. – REPEALED.**

644 The planned unit development shall be developed only according to the approved and  
645 recorded final plat and all supporting data. The recorded final plat and supporting data together  
646 with all recorded amendments shall be binding on the applicants, their successors, grantees, and  
647 assigns and shall limit control the use of premises and location of structure in the planned unit  
648 development project as set forth therein. Changes to the recorded planned unit development may  
649 be as follows:

650 (1) *Major changes.* Changes which alter the concept or intent of the planned unit  
651 development including increases in density, changes in the height of buildings,  
652 reductions of proposed open space, changes in total bedroom count of more than five  
653 percent, changes in road standards, or changes in the final governing agreements,  
654 provisions, or covenants, may be approved only by submission and reconsideration of  
655 a new preliminary and/or final planned unit development plat and supporting data and  
656 following the preliminary or final plat procedure.

657 If the major change alters data or evidence submitted during the preliminary plan or  
658 preliminary plat stage, then the resubmission must begin at the preliminary plat stage.  
659 If only final plat evidence or data is altered as a result of the major change, then the  
660 resubmission shall begin at the final plat stage.

661 All changes to the "original" final plat shall be recorded with the clerk of court as well  
662 as all amendments to the final plat or reflected in the recording of a new "corrected"  
663 final plat.

664 (2) *Minor changes.* The town may, in accordance with procedures established in their  
665 ordinance, approve minor changes in the planned unit development which do not  
666 change the concept or intent of the development. Minor changes shall be any change  
667 not defined as a major change.

668 (Ord. No. 231, 4-18-00; Ord. No. 469 , 11-17-2015)

669

670 **Sec. 9-806. Revocation and extension. – REPEALED.**

671 A planned unit development special use shall become null and void and the subject property  
672 shall thereupon be rezoned to its most appropriate district classification, as deemed suitable by  
673 the town council acting upon the recommendation of the planning and zoning commission, in  
674 any case where said planned unit development has:

675 (1) Received preliminary plan approval and where the preliminary plat of said planned  
676 unit development, or the first phase of the preliminary plat if construction is to take  
677 place in phases, has not been submitted for approval within two years after the date of  
678 approval of said preliminary plan.

679 (2) Received preliminary plat approval and where the final plat of said planned unit  
680 development, or the first phase of the final plat if construction is to take place in  
681 phases, has not been submitted for approval within one year after the date of approval  
682 of said preliminary plat; or

683 (3) Received final plat approval and where the construction of said planned unit  
684 development, as authorized by the issuance of a building permit, has not begun within  
685 one year after the date of approval of said final plat dealing with such construction.

686 Further, if construction of a planned unit development falls more than two years behind  
687 the building schedule filed with the final plat of said planned unit development, the  
688 town council acting upon the recommendation of the planning and zoning commission  
689 shall either extend said schedule or initiate action to revoke the planned unit  
690 development's special use. In doing so, one year extensions in the building schedule  
691 filed with the final plat of a planned unit development may be granted by the town  
692 council, acting upon the recommendation of the planning and zoning commission. If  
693 the town council so stipulates when acting favorably on a planned unit development,

694 the planning and zoning commission may be delegated the authority of granting such  
695 one year extensions in said building schedule of said planned unit development.

696 (Ord. No. 231, 4-18-00)

697 **Sec. 9-807. Findings of fact. – REPEALED.**

698 The planning and zoning commission shall, after a public hearing, set forth to the town  
699 council the reasons for the recommendation, and said recommendations shall set forth with  
700 particularity what respects the proposal would be in the best interest, including but not limited to  
701 findings of fact on the following:

- 702 (1) In what respects the proposed plan is consistent with the stated purpose of the planned  
703 unit development regulations and with the objectives stated prior.
- 704 (2) The extent to which the proposed plan meets the standards of the planned unit  
705 development regulations as set forth.
- 706 (3) The extent to which the proposed plan departs from the zoning and subdivision  
707 regulations otherwise applicable to the subject property, including but not limited to  
708 density, dimension, areas, bulk, and use, and the reasons why such departures are  
709 deemed to be in the public interest.
- 710 (4) The method by which the proposed plan makes adequate provisions for public services,  
711 provides adequate control over vehicular traffic, provides for and protects designed  
712 common open space, and furthers the amenities of light and air, recreation and visual  
713 enjoyment.
- 714 (5) The relationship and compatibility of the proposed plan to the adjacent properties and  
715 neighborhood.
- 716 (6) The desirability of the proposed plan as regards physical development, tax base and  
717 economic well-being of the town.
- 718 (7) The conformity with the town's objectives.

719 (Ord. No. 231, 4-18-00)

720

721 **Sec. 9-808. Conditions and guarantees. – REPEALED.**

722 Prior to the granting of any planned unit development, the planning and zoning commission  
723 may recommend, and the town council may stipulate, such conditions and restrictions upon the  
724 establishment, location, design, layout, height, density, construction, maintenance, aesthetics,  
725 operation, and other elements of the planned unit development as deemed necessary for the  
726 protection of the public interest, improvements of the development, protection of the adjacent  
727 area and secure compliance with the standards specified previously. In all cases in which planned  
728 unit developments are granted, the town council may require such evidence and guarantees as it  
729 may be deemed necessary as proof that the conditions stipulated in connection with the approval  
730 of the planned unit development are being, and will be, complied with.

731 (Ord. No. 231, 4-18-00)

732

733 **Sec. 9-809. Prohibited uses. – REPEALED.**

734 Modular homes are prohibited in the PUD district.

735 (Ord. No. 323, 8-21-07)

736

737 **Secs. 9-801—9-900. Reserved.**

738

739 Introduced on a motion of \_\_\_\_\_ and seconded by \_\_\_\_\_, on  
740 the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

741

742 Adoption on a motion of \_\_\_\_\_ and seconded by \_\_\_\_\_,  
743 adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

744  
745 The vote was as follows:

746  
747 YAYS:  
748 NAYS:  
749 ABSTAIN:  
750 ABSENT:  
751 ATTEST:

752  
753 \_\_\_\_\_  
754 Janet Dufrene  
755 Town Clerk

\_\_\_\_\_  
Dan J. Curtis  
Mayor