



## PLANNING & ZONING COMMISSION AGENDA

September 28, 2023, 6:00 pm

Abita Springs Town Hall

- Welcome / Introduction
- Pledge of Allegiance
- Roll Call
- Acceptance of Minutes from August 31, 2023, Meeting

### PLANNING:

### ZONING:

- Discussion about amending Sec. 9-218.2. - C-2 highway commercial district.

### PUBLIC HEARING:

- Short Term Rentals Ordinance

### DISCUSSION:

- 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.

**PLANNING AND ZONING**  
**AMENDMENT FOR DISCUSSION: SEPTEMBER 28, 2023**

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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 DISCUSSION: SEPTEMBER 28, 2023**

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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.

**PLANNING AND ZONING**  
**AMENDMENT FOR DISCUSSION: SEPTEMBER 28, 2023**

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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

**PLANNING AND ZONING**  
**AMENDMENT FOR DISCUSSION: SEPTEMBER 28, 2023**

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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.

**PLANNING AND ZONING**  
**AMENDMENT FOR DISCUSSION: SEPTEMBER 28, 2023**

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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)

## **ADVERTISE AS PUBLIC HEARING**



**Public Hearing  
September 28, 2023  
Abita Springs Town Hall**

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, September 28, 2023, at Town Hall, 22161 Level St., Abita Springs for the purpose of receiving public comments regarding amendments to the Town of Abita Springs Short Term Rental Ordinance.

All interested parties shall have the right and opportunity to appear and be heard on the subject.

**PUBLIC HEARING**

The proposed new language is shown blue, bold, and underlined. Language proposed for deletion is shown struck-thru.

**Sec. 9-231. Short term rentals.**

- (1) ***Applicability.*** No person shall use or maintain, nor shall any person advertise the use of any residential dwelling unit on any parcel in this town for short-term rental without a short-term rental permit. Short-term rentals may only be allowed in the following districts:
- a. Residential district, as described in section 9-215 of the Abita Springs Code of Ordinances.
  - b. Historic district, as described in section 9-222 of the Abita Springs Code of Ordinances.
  - c. Commercial districts as defined in section 9-218, 9-218.1, and 9-218.2.
  - d. Low Density Residential as defined in section 9-215.1.
  - e. **Midtown Cultural District as defined in Sec. 9-218.3.**
  - f. **Residential-Commercial Overlay as defined in Sec. 9-229**
- (2) ***Regulations.***
- a. The short-term rental permit shall be in the name of the owner, who shall be an owner of the real property upon which the short-term rental use is to be permitted. **The owner shall provide a real property document, translative of title, recorded in the St. Tammany Parish Clerk of Court's Office.**
    1. ~~For permits issued in residential districts, the Owner shall provide a real property document, translative of title, recorded in the St. Tammany Parish Clerk of Court's Office. and proof of homestead exemption.~~
    2. ~~For permits issued in all remaining eligible districts, the Owner shall provide verification of ownership evidenced by a real property document, translative of title, recorded in the St. Tammany Parish Clerk of Court's Office.~~
  - b. The owner shall keep on file with the town the name, **address**, telephone number, cell phone number, and e-mail address of a local ~~contact person~~ **agent** who shall be responsible for responding to questions or concerns regarding the operation of the short-term rental. This information shall be posted in a conspicuous location within the short-term rental dwelling. The local contact person shall be available 24 hours a day to accept telephone calls and respond physically to the short-term rental within 60 minutes when the short-term rental is rented and occupied.
  - c. One person may hold no more than one short-term rental permit. The permit shall not be transferable. **On property zoned residential, with more than one livable structure, only one will be allowed to be a short-term rental.**
  - d. Short-term rentals shall not be operated outdoors or in a recreational vehicle.
  - e. Short-term rentals use shall be limited to residential dwelling units existing and constructed as of the date of application for the short-term rental permit.
  - f. Short-term rental dwellings shall meet all applicable building, health, fire, and related safety codes at all times and shall be inspected by the fire department before any short-term rental activity can occur. Each bedroom shall contain a smoke detector and a carbon monoxide detector.



**PUBLIC HEARING**

- g. A minimum of one on-site parking space shall be provided for use per bedroom used by the short-term rental occupants. Vehicles shall be parked in the designated area onsite and shall not be parked on the street.
- h. The short-term rental shall appear outwardly to be a residential dwelling. No exterior signage or other exterior evidence that the property is used for short-term rental shall be permitted except for a sign not more than four square feet showing the name of the house.
- i. Use of the short-term rentals for commercial functions, ceremonies, and/or other special events shall be prohibited.
- j. The owner shall ensure that the occupants and/or guests of the short-term rental use do not create unreasonable noise or disturbances, engage in disorderly conduct or violate provisions of this Code or any state law pertaining to noise, disorderly conduct, the consumption of alcohol, or the use of illegal drugs or be subject to fines and penalties levied by the city up to and including revocation of the short-term rental permit.
- k. The owner, upon notification that occupants and/or guests of his or her short-term rental use have created unreasonable noise or disturbances, engaged in disorderly conduct or committed violations of this Code or state law pertaining to noise, disorderly conduct, the excessive consumption of alcohol or the use of illegal drugs, shall prevent a recurrence of such conduct by those occupants or guests or be subject to fines and penalties levied by the town up to and including revocation of the short-term rental permit.
- l. The owner shall maintain an occupational license and pay all occupancy taxes required by law, including but not limited to state sales tax and hotel/motel occupancy tax.
- m. No food service shall be provided by the owner or anyone on his behalf.
- n. In zones that allow multi-family, for properties with more than 1 dwelling unit, only 50% of dwelling units on the property can be used for short-term rentals- up to a maximum of 4. However, all remaining units of owner-occupied multi-family dwelling can be rented as short-term rentals. (If the property owner lives in the four-plex, 3 units can be short term rental. If none of the 4 units are owner occupied, then only 2 can be STR.
- o. The following “welcome information” shall be posted in a conspicuous location on an interior wall inside the short-term rental for the safety and convenience of the occupants. As an alternative to posting, the information may be provided in a “welcome binder” placed on a coffee table, kitchen table, or other prominent location in the short-term rental.
- The address of the short-term rental
  - The location of the nearest hospital
  - The Emergency Number is 911
  - The non-emergency police telephone number is 985-893-3100
  - The dates and approximate times of trash and recycling pick up and procedure.
  - The Emergency Contact: Name and phone number of the designated responsible party
  - Emergency evacuation instructions
  - Floor plan showing emergency exits and shutoff valves
  - Statement of presence of natural gas in the residence if applicable.
  - Any short-term rental located in a residential district requires notice of the need to respect the peace and quiet of the neighborhood residents which shall state as follows: “Please be a good neighbor by not making excessive noise or engaging in

## PUBLIC HEARING

boisterous behavior, especially after 10:00pm. Such behavior can deprive your neighbors of the peaceful enjoyment of their homes”.

- (3) **Permits.** Prospective owner-applicants of short-term rental use shall apply for an annual permit with the Planning Director in accordance with the provisions of this section and on a form provided by the town. The application must be approved by the Zoning Commission. A short-term rental permit is a privilege, not a right, and may be revoked or not renewed based on non-compliance with the requirements provided herein.
- a. The application shall be accompanied by the short-term rental permit application fee as set forth herein to cover the administrative costs of issuing a short-term rental permit and, but not limited to, inspecting the following information:
1. The name, address, and phone number of the applicant, and verification that the applicant is the owner of the property. ~~including proof of homestead exemption for all properties located in eligible residential districts;~~
  2. The assessor's parcel number of the lot on which the short-term rental use is proposed;
  3. A site and floor plan identifying the location of parking on the site and the location of any bedrooms to be used for short-term rental use;
  4. Evidence that the property has current, valid liability insurance of \$500,000.00 or more with proof that such coverage includes use as a short-term rental property; and
  5. Acknowledgment of compliance with all regulations pertaining to the operation of a short-term rental.
  6. Occupational License
  7. Fire Marshal Inspection Report
  8. Copy of the required “Welcome Information”
- b. The permit term for all short-term rental permits shall run from ~~January 15 to January 14~~ April 1 to March 31 of each year, regardless of when issued. All permits must be renewed annually.
- c. There shall be no more than ~~ten~~ fifteen short-term rental permits issued by the town annually. Those in the residential zones are not allowed to be closer than 300’. Buffer will be determined using Town GIS calculation tool. If the property is partially inside the buffer area, permission will be granted if the rentable structure is fully outside of the buffer.
- d. The application fee shall be \$25.00. The annual permit fee for a short-term rental permit shall be \$250.00.
- e. Any fraud, material misrepresentations, or false statements contained in the attestations, required documentation, or correlating application materials shall be grounds for immediate revocation of a short-term rental permit. Furthermore, all requirements herein shall be continuously maintained throughout the duration of the permit.
- f. In the instance that a property with a Short-Term Rental permit is sold, the issued permit will remain active for 60 days to allow the new property owner to apply for a Short-Term Rental permit.

**PUBLIC HEARING**

g. If an application is a renewal, it must be submitted by March 1<sup>st</sup>, and will be reviewed administratively. The Planning and Zoning Director will issue a permit after an application is processed and the permit fee is paid.

A permit is ineligible for renewal if:

- The completed permit packet is submitted after the March 1st deadline.
- There are complaint affidavits on file in the permit office in the previous two years.
- There are changes in floorplan, occupancy, zoning, or ownership.

- (4) **Violations.** Any violation of this section and the correlating provisions in this chapter may subject a violator to any remedy, legal or equitable, available to the town. Violations include but are not limited to: advertisement or rental of a short-term rental without proper permitting, operation outside the scope of any of the applicable short-term rental regulations provided by law and advertising a short-term rental outside the permitted scope of a short-term rental permit. The planning director may suspend, revoke or not renew any permit issued pursuant to this section if the planning director determines that the permit holder has violated any provision of this section, two or more times. Remedies include but are not limited to: revocation of a short-term rental permit, daily fines, and property liens, as more fully provided in section 1-108 of this chapter. Each day of violation shall be considered a separate offense. Nothing contained herein shall be construed to limit the legal remedies available to any other person for the correction of violations of this section.

(Ord. No. 504, 9-17-2019; Ord. No. 522, 7-20-2021)