



PLANNING & ZONING COMMISSION AGENDA

August 31, 2023 6:00 pm

Abita Springs Town Hall

TOWN OF ABITA SPRINGS YOU TUBE CHANNEL

https://www.youtube.com/channel/UCLYP_ekGhQ0tQXThk0gP7-A

- **Welcome / Introduction**
- **Pledge of Allegiance**
- **Roll Call**
- **Call for Agenda Modifications**
- **Acceptance of Minutes from July 27, 2023 Meeting**

PLANNING:

ZONING:

DISCUSSION:

- **Millar Street Property Exchange**
 - **Short Term Rentals Ordinance**
-
- **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.

**Evette Randolph
Greg Penton**

P.O. Box 575 | Abita Springs, LA 70420 | 504.252.2161 (ER) | 985.273.1920 (GP)

Thomas Penton

500 8th Ave SE | Minot, ND 58701 | 701.641.0163

June 28, 2023

Town of Abita Springs
P.O. Box 461
Abita Springs, LA 70420
985.892.0711

To Whom It May Concern:

The Town of Abita Springs has requested a twenty-foot servitude along our (Evette Randolph and Gregory Penton) southern property line (described as 6.46 ACS SEC 1 7 11 CB 797 285 INST NO 937597 INST) to maintain the drainage ditch along this property line. We understand this ditch to be a valuable tool in preventing flooding in Southwind Estates and other neighborhoods bordering our property.

We request the following right of ways in exchange for the servitude:

- South Street
- Haynes Street
- Gordon Street

These are all right ways that no longer benefit the Town and are an appropriate exchange for the much-needed servitude which will help to reduce flooding in our town.

Best,

Evette Randolph
Greg Penton
Thomas Penton



STAFF REPORT

August 30, 2023

To: Planning and Zoning Commission

From: Kristin Tortorich

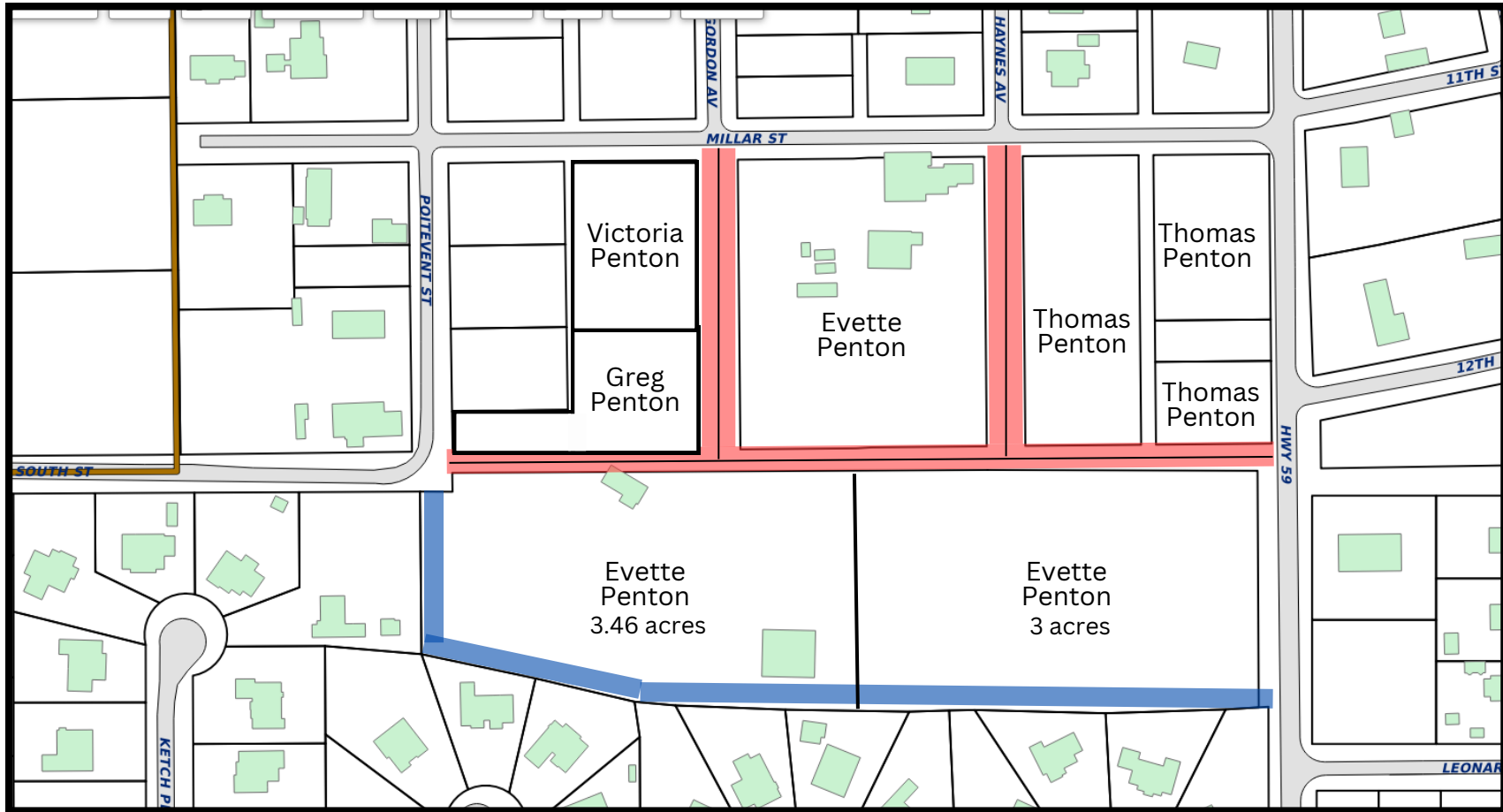
Subject: Request for property in exchange for a drainage servitude

The Town received a letter of intent from Evette Randolph, Greg Penton and Thomas Penton regarding the exchange of a twenty-foot servitude for unopened South Street, Haynes Street and Gordon Street.

After a preliminary review, Town Staff has observed the following:

- The requested unopened streets are approximately 63,000 square feet of property.
- The exchange of a 20' wide servitude is not comparable coming in at 35,800 square feet.
- The exchange would need to be land for land instead of a servitude.
- The Town would like to discuss exchanging unopened South Street and Haynes for ownership of a 30' wide tract of land.
- The revocation would divide the streets in half between the property owners on both sides. *Example: If the street is 30' wide, 15' feet would go to each property owner on each side.*
- Appraisals will need to be completed of all property. This will help assess the value of the property which will no longer be available to serve as dedicated streets, in exchange for land that can only be used for drainage.
- The value of owning this property for drainage improvements will be assessed in a hydrologist study.

INITIAL REQUEST

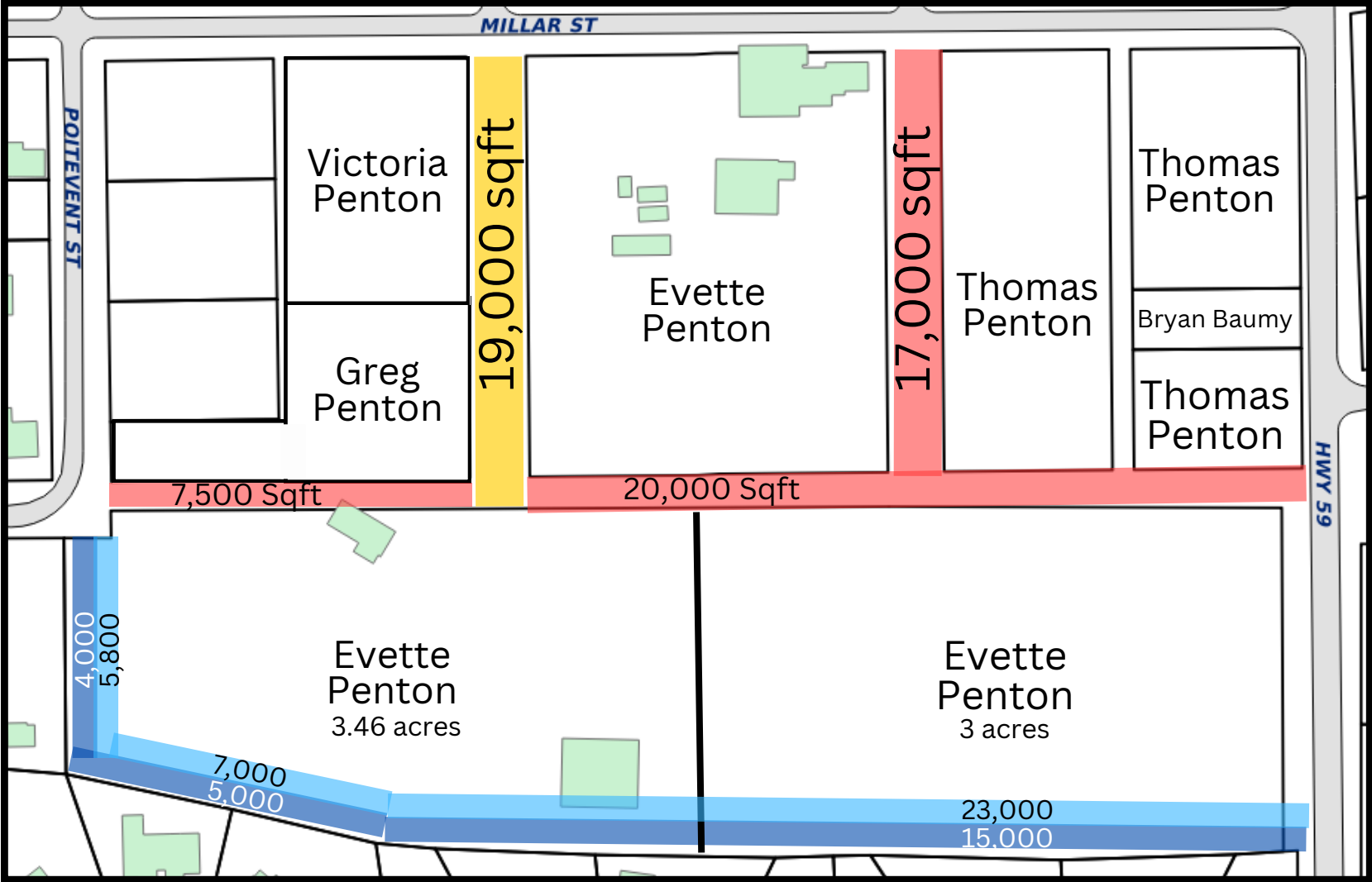


Requesting exchange for Drainage Servitude

Drainage Servitude

Town Owned Property		Penton Property		
Gordon	19,000		20' Wide	30' Wide
Haynes	17,000	Near Poitevent	4,000	5,800
South St. E	20,000	Behind Southwind	5,000	7,000
South St. W	7,500	Behind Southwind	15,000	23,000
Total	63,500	Total	24,000	35,800

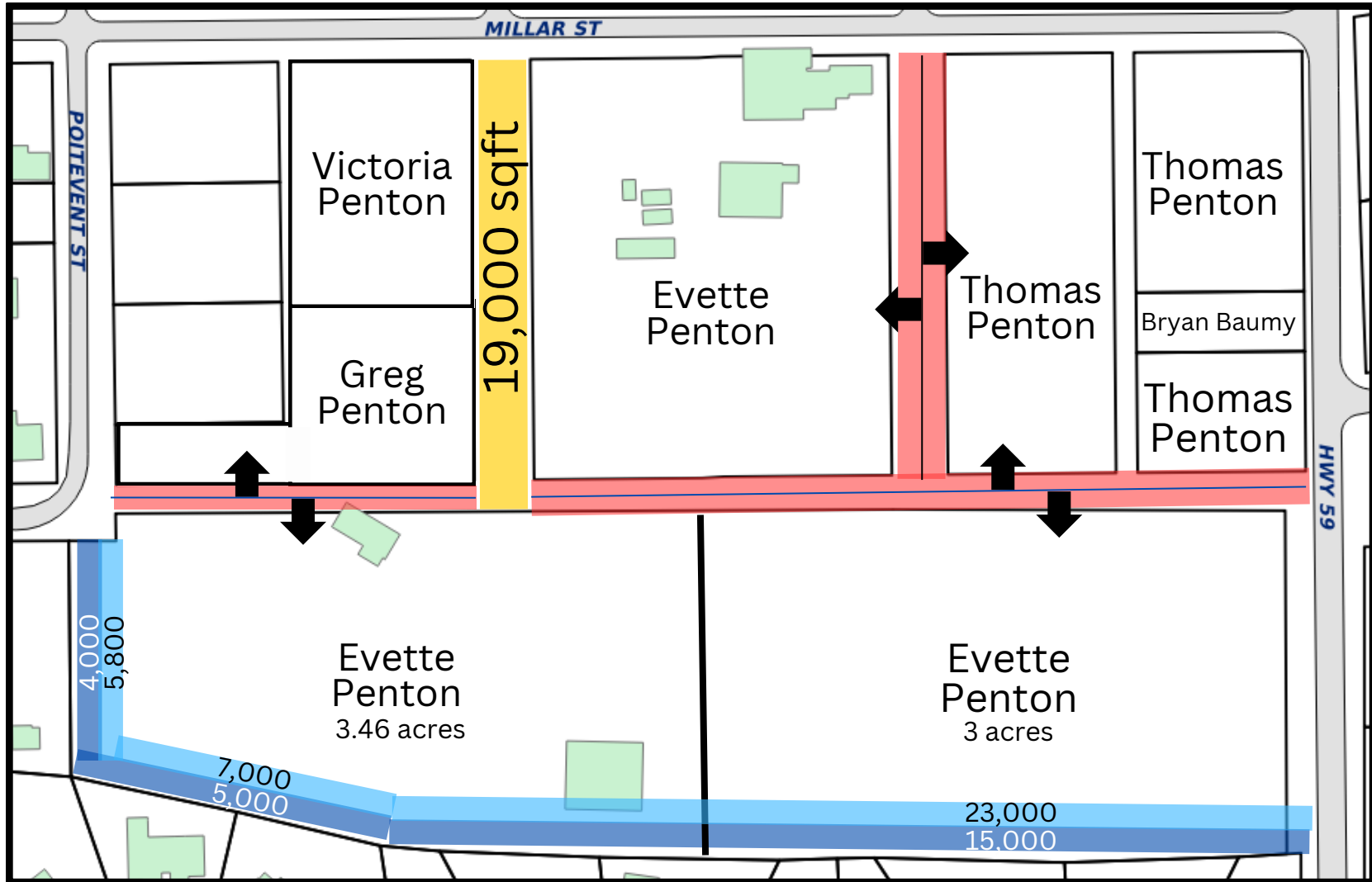
SHOWING APPROXIMATE SQUARE FOOTAGE



- Requesting exchange for Drainage
- Town will retain for access
- 20' Drainage
- 30' Drainage

To Penton Family		Drainage Path To Town		
Gordon	0		20' Wide	30' Wide
Haynes	17,000	Near Poitevent	4,000	5,800
South St. E	20,000	Behind Southwind	5,000	7,000
South St. W	7,500	Behind Southwind	15,000	23,000
Total	44,500	Total	24,000	35,800

SHOWING DIVISION OF PROPERTY 50/50 SPLIT



- Requesting exchange for Drainage
- Town will retain for access
- 20' Drainage
- 30' Drainage

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.
 - 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.
 - 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 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.](#)
 - g. [If an application is a renewal, it must be submitted by March 1st, 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.](#)
 - [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)