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**Sec. 9-218. – Commercial District.**

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

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- (21) Offices - business and professional including lawyer, interior design, real estate.
  - (22) Public facilities including utilities and parks and open space areas.
  - (23) Refreshment stand – snowball, ice cream, coffee, etc. with no indoor seating.
  - (24) Restaurant, delicatessen, café, coffee shop.
  - (26) Specialty retail outlet selling clothes, shoes, accessories, books, stationery, newspapers, furniture, jewelry.
  - (27) Bed and breakfasts subject to the requirements of Sec. 9-232.
  - (28) Farm stand or farmers’ market.
  - (29) Gas station including automotive repair, having no more than two (2) pumps.
  - (28) Appurtenant structures and uses customarily incidental to above listed uses.
  - (29) Mixed use—Multi-family/commercial, must be a two-story structure with residential on the second floor and commercial on the first floor, residential area not to exceed one-half of the total square footage of structure, each apartment must be 600 square feet or larger, and adequate parking as per the parking ordinance.
  - (30) One single-family residence per lot subject to the development standards of the Residential District.
  - (31) Multi-family residential subject to the development standards of the Multi-family District.
  - (32) Townhouse/condominium residential subject to the development standards of the Townhouse/Condominium District.
- (b) All new businesses in the commercial district shall require either a Change of Use Permit or a Development Permit as outlined in **Section 9-504 of the Town of Abita Springs Code of Ordinances** prior to operating a business.
- (c) Allowable nonresidential uses with the following characteristics require approval of a **Conditional Use Permit as outlined in Sec. 9-504:**
- 1. Main building larger than 5,000 square feet.
  - 2. Involves the sale or distribution of alcohol.
  - 3. Involves the use of a drive through window.
  - 4. Involves live music;
  - 5. Involves the sale, repair or storage of automobiles, trailers, ATVs, mobile homes or like product; or
  - 6. Gas station having more than two (2) pumps.
- (d) The following shall be prohibited in the Commercial District:
- 1. Structures over 35 feet in height
  - 2. Mobile or modular homes.

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- (d) Parking requirements. **Off-street parking and loading areas shall be provided as required by Sec. 9-XXX.** 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. These areas must be planted with a minimum of one tree per three parking spaces along with vegetative ground cover as well as shrubs and ornamentals. Trees in the parking area 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.
- (e) Fire marshal. Fire marshal approval is required for all new commercial development including construction of building additions larger than 50% of the size of the structure.
- (f) Landscape requirements. **Landscaping requirements for this district shall be in accordance with the provisions of Sec. 9-XXX - Landscaping.** A landscape plan is required for all new commercial development and those building additions larger than 50% of the size of the main structure. A change of building use in the commercial zone may require that the owner upgrade landscaping as determined by the town arborist/landscape architect.
- (g) Tree preservation. Land clearing and tree preservation shall be subject to the provisions of Chapter 7 – Tree Removal and Timber Harvesting. A Development Clearing Permit as outlined in Section 9-707 of the Town of Abita Springs Code of Ordinances shall be required for all new commercial development including construction of building additions larger than 50% of the size of the structure if any trees will be removed or under brushing done.

No base prep will be allowed within the drip line of specifically protected trees as outlined in Section 9-701 in the Town of Abita Springs Code of Ordinances. Protected trees shall be maintained in parking areas and 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.

Managed vegetative buffers shall be provided as outlined in Sec. 9.707(b)(4). A roadway buffer of 25 feet in width shall be required along all improved roadways and dedicated streets. An adjacent use buffer of at least 25 feet shall be provided when a development property abuts residential property.

Within managed buffers, all trees six inches in diameter or larger must be preserved at time of clearing in these buffers. Trees are required to be planted, if the buffer area does not meet minimum applicable standards; and understory trees, groundcover and shrubs are allowed to be managed in accordance with an approved landscape plan.

- (h) Driveways. All driveways connecting to a state highway shall require a DOTD permit. **Driveway design shall comply with the requirements of Sec. 9-XXX – Parking.**
- (i) Traffic impact analysis. **A traffic impact analysis (TIA) shall be required for all developments that meet or exceed the criteria outlined in Sec. 9-XXX – Traffic Impact Analysis.**
- (j) Bicycle Facilities: All new construction and additions and those building additions larger than 50% of the size of the main structure shall be required to include off-street parking facilities for bicycles. Parking facilities **shall comply with the requirements of Sec. 9-XXX – Bicycle Parking.**

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- (k) Flood zones. Construction of any structures or alteration of land which occurs in the 100-year flood zone as established by the Federal Emergency Management Agency shall comply with the requirements of Chapter 4 – Floodplain Management, specifically the requirements of Sec. 9-464. Provisions for Flood Hazard Reduction prior to issuance of a building permit.
- (l) Drainage. Development and use of property must comply with the requirements of Chapter 9 – Storm Water Management. 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. A drainage plan stamped by a licensed engineer shall be required on all new construction and those building additions larger than 50% of the size of the main structure. A drainage study prepared by a licensed engineer may be required if the town engineer determines the volume or velocity of water flow is increased onto adjacent private or town property. A change of use in a commercially zoned structure may require a drainage plan if the town engineer determines that the current drainage is insufficient to handle the current flow of water on the property.
- (m) Sidewalks. A sidewalk plan shall be required by all new construction and on those additions and those building additions larger than 50% of the size of the main structure. A change of use on an existing commercial use may require a sidewalk plan if determined by the planning and zoning department that the use will connect to future sidewalk additions. Width of sidewalks will be determined based upon the location, site plan and use of the property.
- (n) Lighting Plan. An exterior lighting plan shall be required for all new construction and those building additions larger than 50% of the size of the main structure. Lighting shall provide for the safety, comfort and convenience of patrons and employees. Lighting shall be designed to minimize light spill-over onto adjacent properties. Lights shall be hooded or shielded so the light source is not visible to adjacent, more restrictive, or residential districts. Lights must dim to half power a maximum of two hours after close of business. An update to exterior lighting may be required when a change of use will increase nighttime traffic to the property.
- (o) Fencing. Fencing shall be required around all commercial property when the development abuts a residential use. Fencing must be approved as part of the development permit. Those properties under the purview of the Historic Commission shall include their fencing plan in their application for a Certificate of Appropriateness. Wood fences are required. Fences may be up to 7 feet in height or 6 feet with 2-foot framed lattice top.
- (p) Maintenance: All nonresidential development shall include a plan for depositing refuse including location of permanent trash receptables and cigarette debris receptacles. It shall be the duty and responsibility of the owner of commercial premises to see that the commercial premises under the control of the owner are maintained to ensure that there are no nuisances and hazards to the safety of the occupants, customers or other persons utilizing the premises or to pedestrians passing thereby. All non-operative signs shall be repaired or shall, with their supporting members, be removed forthwith. No garbage or solid waste shall be stored or allowed to accumulate on the premises unless contained in trash receptacles.

Where landscaping has been incorporated in the development plan of a commercial business or where landscaping has been required by the town as part of a development plan, including parking plan, the landscaped areas shall be maintained in a manner equal to and reflect the original landscaping approved for the development plan. Dumpster Screening shall be provided for in the Development Permit and maintained according to the Town of Abita Springs Code of Ordinances 3-602(c).

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(q) Merchandise displays: Outdoor displays of merchandise are allowed on a continuous basis when displays:

1. Are located adjacent to a principal structure wall.
2. Are located outside of the public right of way.
3. Do not block windows, entrances, or exits.
4. Do not cover more than one-half (1 / 2) of the width of a pedestrian walkway, leaving a minimum of five feet between the display and the curb, or otherwise impede in any way the ability of pedestrians to access the building

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**Chapter X – Off Street Parking.**

**Sec. 9-XXX. Purpose.**

The regulations in this chapter are established to provide appropriate location and design of parking and loading areas and appropriate location, design, and capacity of accesses. The parking requirements are intended to provide sufficient parking near the various uses for residents, customers, and/or employees; and to maintain traffic carrying capacity of nearby streets. Off-street parking shall be provided in compliance with this section whenever any building is erected, altered, enlarged, converted, or increased in size or capacity. These regulations apply to both motorized vehicles and bicycles.

**Sec. 9-XXX. Applicability.**

- (1) All applicable uses and developments must provide parking (including parking for the disabled) and loading facilities in accordance with this code. Any building constructed, enlarged, altered or subject to a change of use shall establish and maintain parking areas in accordance with the provisions of this chapter unless specified within individual zones.
- (2) No certificate of occupancy shall be issued until these parking requirements have been met.
- (3) These parking regulations do not apply to any structure or use existing at the time of enactment of these regulations. However, existing off-street parking spaces and loading spaces shall not be reduced in number or encroached upon so that the minimum requirements of this article would not be met. A reduction below the existing parking provisions may occur only when a change in use allows a corresponding reduction in the associated parking.
- (4) Any time a use classification is changed or when a building or use is enlarged or increased, the parking and loading requirements of this chapter shall apply to the enlargement or increase. A certificate of occupancy for the new use or area of enlargement shall not be issued until all required parking and loading spaces have been provided.

**Sec. 9-XXX. Parking space requirements.**

The off-street parking spaces required for each use permitted by this Code shall not be less than that found in **Table XXX**, provided that any fractional parking space be computed as a whole for uses not mentioned in this section, the Planning Director or a duly authorized representative shall determine the requirements for off-street parking and loading facilities. The number of parking spaces required for any building or land use shall be determined from the following table:

**Table XXX  
Offstreet Parking Requirements**

Use	Parking Space Required
<b>Residential Uses</b>	
Single-family dwelling	2 spaces per dwelling unit.
Two-family dwelling	2 spaces per dwelling unit. Spaces shall have equal access to street. No stacking is permitted.
Multifamily dwellings and apartments—3 to 12 units	2 spaces per dwelling unit with equal access to streets. No stacking is permitted.

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Accessory dwelling (apartment)	2 spaces per dwelling unit
Boardinghouse	1 space for each 3 bedrooms plus 1 additional space for resident manager.
<b>Commercial Uses</b>	
Bed & Breakfast	1 space for each rentable room
Hotel	1 space for each guest bedroom plus 1 additional space for resident manager.
Medical clinic, gym, rehabilitation, physical therapy	1 space for each 200 square feet of gross floor area.
Hospitals	1 space for each 2 beds plus 1 space for each staff doctor, plus 1 space for each 2 employees including nurses.
Nursing and convalescence homes and institutions	1 space for each 8 beds.
Church, temple, and other places of worship, and mortuary	1 space for each 5 seats in the main auditorium or 64 square feet where there are no seats.
Theater, auditorium, and place of public assembly	1 space for each 5 seats.
Service or repair shop, retail store handling exclusively bulky merchandise such as appliances or furniture	1 space per 650 square feet of gross floor area
Animal hospital, veterinarian	1 space per 250 square feet of gross floor area
Bowling alley	3 spaces per alley.
Day care center, preschool, nursery school	1 space per 200 square feet of gross floor area
School, public or private	Elementary: 2 spaces per classroom, laboratory or manual training shop. Junior high: 4 spaces per classroom, lab or manual training shop. Senior high: 6 spaces per classroom, lab or manual training shop. Colleges, universities, trade, industrial and business schools: 11 spaces per classroom, lab, or other teaching room.
Art gallery, museum, library	1 space per 400 square feet of gross floor area
Artisan studio	1 space per 400 square feet of gross floor area
Banks, business, and professional offices	1 space for each 200 square feet of gross floor area.
Medical office or clinic	1 space per 200 square feet of gross floor area
Automotive repair shop	1 space per each 400 square feet of office/retail floor space, plus 4 spaces per service bay.
Automotive service station	4 spaces per service bay plus 1 space per 200 square feet of gross floor area
Personal service establishment – salon, barbershop, etc.	1 space per each 300 square feet of gross floor area.
Retail sales establishment	1 space per 300 square feet of gross floor area
Restaurant, bar, or night club – sit down	1 space 200 square feet of gross restaurant floor area, or where indoor seating is provided, parking shall be based on interior space for kitchens, lounges, bathrooms, restrooms, and waiting areas plus the larger of the outdoor seating area or the indoor seating area.
Restaurant – fast food	1 space per 150 square feet of gross building area
Refreshment stand – with no indoor seating	1 space per table or 8 feet of bench
Farm stand or farmer’s market	5 spaces for each such establishment.
Mini warehouse	A minimum of 6 spaces for customer parking; no parking shall block storage bays
Mixed Use Development	Sum of the required parking for each residential and commercial use
<b>Industrial Uses</b>	
Storage warehouse	1 space per 1,000 square feet of gross floor area

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Wholesale establishment	1 space per 700 square feet of gross flood area
Manufacturing establishment	1 space per 700 square feet of gross floor area

- (2) In an effort to limit the amount of impervious surface associated with development, the maximum number of parking spaces allowed shall be 125 percent of the number of required parking spaces. Structured parking facilities are exempt from this maximum.
- (3) Expansion of Existing Structures. When an existing structure is expanded, additional vehicle parking shall be provided in accordance with the provisions of this title. If the expansion requires no more than two additional vehicle spaces, no additional parking shall be required.
- (4) Change in Use. No additional parking shall be required when an existing structure is changed from one use type to another, as listed in Table XXX, and the vehicle parking requirements for each use type are the same or require no more than two additional vehicle spaces. If the change in use requires more than two additional vehicle spaces, additional parking shall be provided in accordance with the provisions of this title.
- (5) No owner or occupant of a lot or building shall change the use to which the lot or building is put, thereby increasing parking or loading requirements, until the required increase in off-street parking or loading is provided.

**Sec. 9-XXX Credit for on-street parking.**

- (1) The amount of off-street parking required shall be reduced by the following credit provided for on-street parking: one (1) off-street parking space credit for every two (2) on-street spaces up to four (4) credits, thereafter one space credit for each on-street parking space.
- (2) On-street parking shall follow the established configuration of existing on-street parking, except that 45-degree angle parking may be allowed with the approval of the city engineer and the director of public works, taking into account traffic flows and street design, with the parking spaces designed in accord with the standards on file with the public works department. The following shall constitute one on-street parking space:
  - (a) Parallel parking—Each 24 feet of uninterrupted curb;
  - (b) 45-degree angle parking—Each 17 feet of uninterrupted curb;
  - (c) Curb space—Curb space must be contiguous with the lot that contains the use requiring the parking;
  - (d) Corners and intersections—Parking spaces may not be counted that are within 25 feet measured along the curb of any corner or intersection of an alley or street; nor within ten feet of an intersection of a street or driveway, as measured from the bottom of the apron wing, nor any other parking configuration that violates any law or standard of the ~~City of Covington~~ **Town of Abita Springs** or the State of Louisiana;
  - (e) Arterial or collector streets—Parking spaces located on arterial and/or collector streets may not be used for credited on-street parking, unless part of an adopted corridor plan for that street;



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- (f) Exclusivity—On-street parking spaces credited for a specific use shall not be used exclusively by that use, but shall be available for general public use at all times. No signage or actions limiting general public use of on-street spaces shall be permitted.
- (g) Sidewalks - It shall be unlawful to willfully obstruct the normal use of public sidewalks.

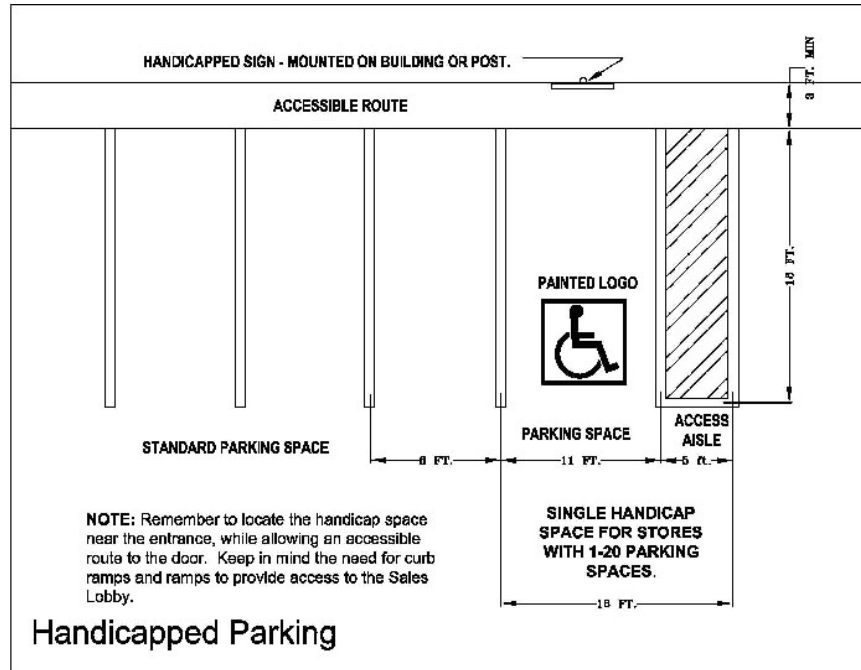
**Sec. 9-XXX. Off-street loading requirements.**

- (1) Every commercial or industrial building or use having a gross floor area in excess of 20,000 square feet and requiring the receipt of distribution by vehicle of material and merchandise shall have at least one permanently maintained off-street loading space and so located as not to hinder the free movement of pedestrians and vehicles over sidewalks, streets, and alleys.
- (2) Retail operations, wholesale operation, and industrial operations with a gross floor area of less than 20,000 square feet shall provide sufficient off-street loading space (not necessarily full berth if shared by an adjacent establishment) so as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street, or alley.
- (3) All required off-street loading spaces shall be at least 12 feet in width and at least 35 feet in length, exclusive of aisles and maneuvering space, and shall have a minimum vertical clearance of at least 14 feet.

**Sec 9-XXX. Accessible parking spaces.**

- (1) Handicap parking shall be provided for all uses in accordance with the standards in Table XXXX); parking spaces used to meet the standards in subsection (6) of this section shall be counted toward meeting off-street parking requirements;
- (2) Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building or buildings with multiple entrances, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility.
- (3) Handicap spaces shall be grouped in pairs where possible;
- (4) Where covered parking is provided, covered handicap spaces shall be provided in the same ratio as covered non-accessible spaces;
- (5) Required handicap parking spaces shall be identified with signs and pavement markings identifying them as reserved for persons with disabilities; signs shall be posted directly in front of the parking space at a height of no less than 42 inches and no more than 72 inches above pavement level. Van spaces shall be specifically identified as such; Accessible parking spaces and passenger loading zones shall be built in accordance with Town of Abita Springs Regulations and Building Codes. See handicap parking design sketch below.

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- (6) The required number of accessible spaces, as defined in the Minimum Number of Accessible Parking Spaces (ADA Standards for Accessible Design 4.1.2(5)), is as shown on the table. Latest revisions of the table will always apply. Handicap parking regulations have been taken from the 2010 ADA-Americans with Disabilities Standards for Accessible Design, which includes all subsequent updates/amendments.

Total Parking Spaces in Lot	Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of total
1,001 and over	20 plus 1 for each 100 over 1,000

- (7) When a combination of uses or mixed uses are involved on a single location or development, and joint use of off-street parking spaces for separate uses is allowed per **Section 9-XXX**, required accessible parking spaces must be provided for each separate use as determined by the total parking spaces required for each separate use.

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**Sec. 9-XXX. - Bicycle Parking.**

Any multiple-family residential structure having more than four dwelling units or more than 12 residents shall provide a parking area for bicycles. Any new retail, office, and institutional development shall provide a parking area for bicycles. Bicycle parking areas shall meet the following requirements:

- (1) Bicycle parking shall be located in a well-lighted, secure and generally visible location having direct access to an adjacent sidewalk or parking area. The bicycle parking area need not be fully enclosed but shall provide shelter from precipitation.
- (2) A parking surface of asphaltic concrete, Portland cement concrete, or a brick paving system.
- (3) Bicycle racks shall be securely anchored. A five-foot aisle for bicycle maneuvering shall be provided and maintained beside or between each row of bicycle parking. Bicycle parking shall not obstruct walkways.
- (4) Bicycle parking facilities shall either be lockable enclosures in which the bicycle is stored, or secure stationary racks which support the frame so the bicycle cannot easily be pushed or fall to one side. Racks that require a user-supplied lock shall accommodate locking the frame and both wheels using either a cable or U-shaped lock.
- (5) Bicycle parking areas incorporating the standard inverted U-shaped bicycle rack, or functionally equivalent structure, shall have the following dimensions:
  - (a) The minimum height of the bicycle rack shall be 36 inches from the base to the top of the rack.
  - (b) The minimum length for the bicycle rack shall be two feet.
  - (c) The exterior surface of bicycle racks shall be nonabrasive, nonmarring, and durable.

**Sec. 9-XXX. – Combination of uses or mixed uses.**

Off-street parking spaces for separate uses on a single location or development may be provided collectively if the aggregate number of spaces provided is not less than the sum of the spaces required for each use separately. No parking or loading space, or portion thereof, shall serve as the required space for more than one use with the exception of the following shared parking arrangement.

- (1) Joint use up to 50 percent of required parking spaces may be permitted for two or more uses, provided that use of such facility by each user does not occur at the same time. No shared use of parking spaces shall be permitted unless:
  - (a) Approval is obtained by the building official that confirms that the use of such facility by each user does not take place at the same hours during the same days of the week;
  - (b) The users of the shared parking shall record an agreement to share parking facilities. A copy of the recorded agreement shall be given to the Planning Director.

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- (c) All location and design requirements of this ordinance are met.
- (d) Any subsequent change in ownership or use shall require proof that the minimum parking requirements, per this ordinance, have been met for each use. The owner of an existing building or use shall have 180 days within which to accommodate all required off-street parking or apply for a variance. If the owner is unable to accommodate the parking or fails to apply for a variance, then the occupancy permit shall be revoked with respect to the use for which the separate parking is required. The occupancy permit shall be reinstated when all applicable provisions of this article are complied with. As an alternative to a variance, a new shared parking agreement may be arranged in accordance with this article.

**Sec. 9-XXX.- Shared and off-site parking.**

The shared and off-site parking provisions of this section are intended to encourage efficient use of land and resources by allowing users to share off-street and off-site parking facilities in situations where the aggregate number of spaces provided is not less than the sum of the spaces required for each use separately and to locate off-street parking facilities on a different site than the uses served by the parking.

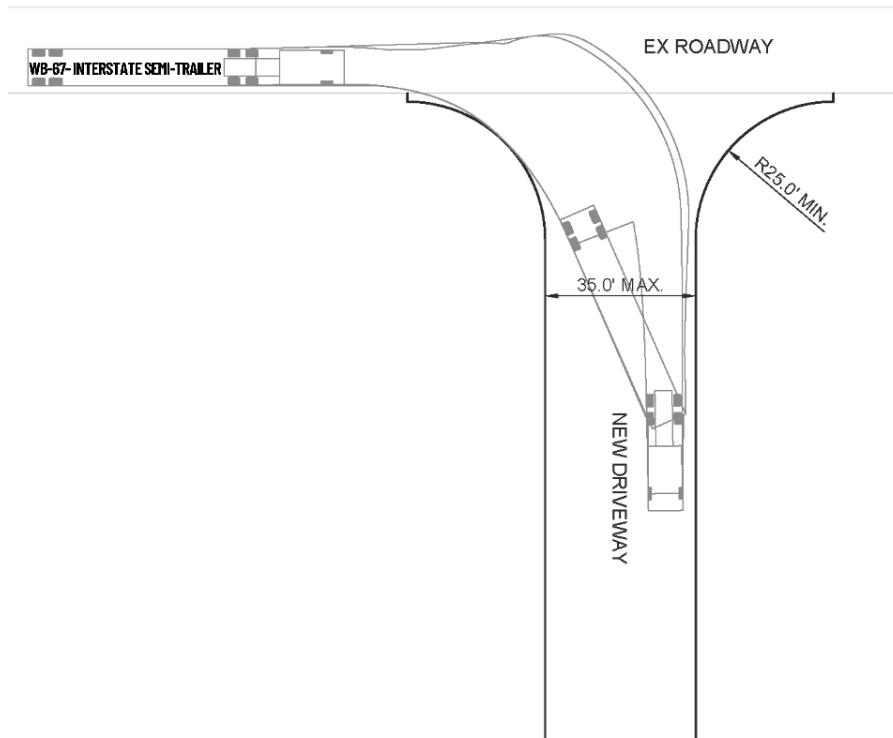
- (1) Shared or off-site parking arrangements require review and approval by the Planning and Zoning Commission.
- (2) All shared or off-site parking spaces must be located no further than 300 feet measured along the nearest pedestrian walkway from the property line or uses they are intended to serve.
- (3) Shared and off-site parking areas require the same or a more intensive zoning classification than that required for the most intensive of the uses served by the shared or off-site parking area.
- (4) For proposed shared parking areas, the applicant must submit a shared parking analysis that clearly demonstrates the feasibility of shared or off-site parking.
  - (a) It must address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.
- (5) The shared or off-site location of required parking must be guaranteed by a legally binding agreement, duly executed and acknowledged, between the owner of the parking area and the owners of all uses that are located on a different lot and served by the parking area.

**Sec. 9-XXX. Driveway access.**

- (1) For residential uses, the minimum driveway width is 12 feet, and the maximum driveway width is 24 feet.
- (3) For commercial and industrial uses, driveway access shall meet the following requirements:
  - (a) Street frontage less than 200 linear feet: No more than one two-way driveway, a minimum of 24 feet in width and a maximum of 35 feet in width with minimum radii of 25 feet, shall be permitted through the street planting area.

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- (b) Street frontage greater than or equal to 200 linear feet but less than 600 linear feet: One additional two-way driveway, a minimum of 24 feet and a maximum of 35 feet in width, is permitted.
- (c) Street frontage greater than or equal to 600 linear feet: One additional two-way driveway, a minimum of 24 feet and a maximum width of 35 feet in width, is permitted for each additional 400 linear feet of frontage.
- (d) Driveway design shall be as shown in the figure below.



- (e) Driveways through side buffer planting areas. In order to provide off-street ingress and egress among adjacent properties, no more than two one-way driveways, a minimum of 12 feet in width and a maximum of 15 feet in width, or one two-way driveway, a minimum of 24 feet in width and a maximum of 35 feet in width, shall be permitted through the side buffer planting area.

**Sec. 9-XXX. Access to state highways.**

Access to state highways is granted by the Louisiana Department of Transportation and Development (DOTD). A valid Right-of-Way Permit is required for access to a state highway prior to issuance of a Development Permit or Building Permit. A change of use for a lot or building may require amending an existing Right-of-Way Permit.

**Sec. 9-XXX. Design of parking facilities.**

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- (1) Surface: Parking spaces shall be surfaced with a minimum of four inches of concrete or similar all-weather surface such as three-inch macadam on a suitable base and such entrances shall be similarly surfaced. The Town Engineer may approve permeable paving materials in lieu of impervious surfaces; however, regular maintenance of the permeable areas that ensure proper function shall be a condition of approval.
- (2) Parking space width: The minimum parking space width is nine (9).
- (3) Parking space length: The minimum parking space length is 18 feet.
- (4) Exceptions:
  - (a) Up to 30 percent of required parking spaces may be designated for use by subcompact automobiles, provided that each space is clearly marked for such use and no space so designated is less than eight feet wide by 16 feet long;
  - (b) Parallel parking stalls shall be permitted to be eight (8) feet wide and no less than 22 feet long;
- (5) Safety Features - Parking and loading facilities shall meet the following standards:
  - (a) Appropriate bumper guards or wheel barriers shall be installed two and one-half feet from a required yard or from a property line and four and one-half feet from any structure excluding a private garage. Curbing, and directional markers shall be provided as needed to assure safety, prevent encroachment onto adjoining public or private property.
  - (b) Visibility of and between pedestrians, bicyclists, and motorists shall be assured when entering individual parking spaces, when circulating within a parking facility, and when entering and exiting a parking facility through compliance with the sight triangle standards established in Sec. 3-409.
  - (c) Internal circulation patterns, and the location and traffic direction of all access drives, shall be designed and maintained in accordance with accepted principles of traffic engineering and traffic safety. For two-way circulation, the minimum aisle width shall be 20 feet
- (6) Lighting - Parking lot lighting shall meet the following standards:
  - (a) Parking lot lighting design shall provide for the reasonable safety, comfort, and convenience of the parking of patrons and use of pedestrians.
  - (b) Parking lot lighting illumination design levels and visibility glare shall in general comply with the latest issue of Illuminating Engineering Society (IES) Lighting Handbook Section on Parking Facilities Lighting.
  - (c) Parking lot and loading space lighting shall be designed to minimize light spill over into adjoining streets and nearby residential areas and shall be directed downward and away from adjoining property and abutting streets by shielding the light source from visibility from adjoining properties or streets in such a way as not to create a nuisance. All exterior lighting shall be

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hooded or shielded so that the light source is not visible from adjacent more restrictive residential districts.

(7) Fencing and Screening

(a) A parking facility in any nonresidential district which adjoins or abuts property in a residential district shall have a wall or fence not less than five (5) feet in height and not more than six (6) feet in height located for the length of the common boundary.

(b) A parking facility in any residential district which has more than 10 spaces and which adjoins or abuts other property in a residential district shall have a wall or fence or landscape screen not less than five (5) feet in height and not more than six (6) feet in height located for the length of the common boundary.

(8) No portion of a parking space or aisle shall be located in a required setback or buffer area.

(9) Parking lots developed on contiguous parcels of property shall be designed to accomplish circulation between and among the parking lots without the use of public streets.

(10) Noise - Areas used for primary circulation, for frequent idling of vehicle engines, or for loading activities shall be designed and located to minimize impacts on adjoining properties, including provisions for screening or sound baffling.

(11) Maintenance - The provision and maintenance of off-street parking and loading space shall be a continuing obligation of the property owner. All parking and loading facilities shall be maintained to assure desirability and usefulness of the facility. Such facilities shall be maintained free of refuse, debris, or other accumulated matter and shall at all times be available for the off-street parking or loading use for which they are required or intended.

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.
- (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.
    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.** Attorney Adam Davis will discuss this at the meeting.
    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 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. 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 units of owner-occupied duplexes, triplexes and four-plexes 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.
- (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 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.
  - b. The permit term for all short-term rental permits shall run from ~~January 15 to January 14~~ April 2 to April 1 of each year, regardless of when issued. All permits must be renewed annually.
  - c. There shall be no more than ten short-term rental permits issued by the town annually.
  - d. 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.
- (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)