



## **PLANNING & ZONING COMMISSION AGENDA**

**March 30, 2023 6:00 pm**

**Abita Springs Town Hall**

TOWN OF ABITA SPRINGS YOU TUBE CHANNEL

[https://www.youtube.com/channel/UCLYP\\_ekGhQ0tQXThk0gP7-A](https://www.youtube.com/channel/UCLYP_ekGhQ0tQXThk0gP7-A)

- **Welcome / Introduction**
- **Pledge of Allegiance**
- **Roll Call**
- **Call for Agenda Modifications**
- **Acceptance of Minutes from February 23, 2023 Meeting**

### **PLANNING:**

### **ZONING:**

#### **PUBLIC HEARING:**

- **Commercial Conditional Use Request for 21434 Highway 36**

#### **DISCUSSION:**

- **Review Draft Amendment to Abita Springs Code of Ordinances:**
  - **Short Term Rentals**
- **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.

**Commercial  
Conditional Use  
Request**

**Public Hearing  
3/30/2023**

An Applicant is requesting a public hearing to open a Jaguar Repair Shop in an existing building on Hwy. 36.

This location on Hwy. 36 is zoned Commercial.

This use of "car repair" is not specifically listed as an allowable use in the Commercial Zone.

The applicant has a path forward in our Town of Abita Springs Code of Ordinances, as noted here:

***Commercial or industrial enterprises not specifically listed or enumerated in the zoning regulations and chapter must apply for a [public hearing before the zoning commission](#) to be held not earlier than the next scheduled zoning commission meeting.***

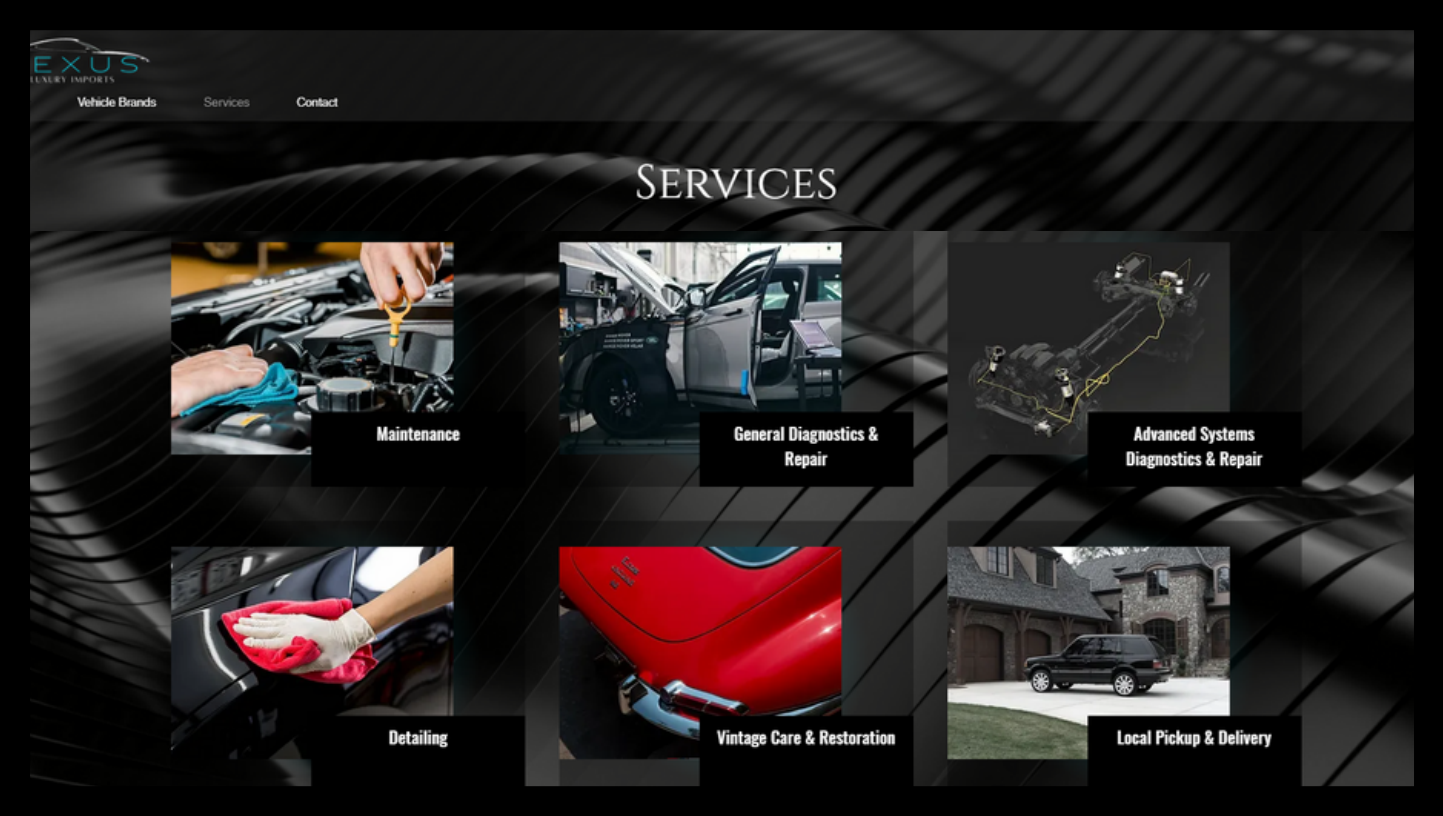
***The [nonlisted enterprises](#) must submit the information required by the zoning commission and answer questions for the public and the zoning commission relating to the proposed enterprise.***

***The zoning commission shall make a determination of classification within 90 days of the public hearing.***

# Nexus Luxury Imports



[www.nexusluxuryimports.com](http://www.nexusluxuryimports.com)



# 21434 LA-36

← 21442 LA-36  
Abita Springs, Louisiana  
Google Street View  
Dec 2022 See more dates



Water Works  
Pump & Well  
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# PLANS FOR THE PROPERTY



- Open a Jaguar Repair Shop
- Customers By Appointment Only
- No wrecked vehicles will be visible
- General clean up of the area:
  - Pressure wash driveway/parking lot and building
  - Trim Tree
  - Go to a Historic Meeting to have a sign approved

## Sec. 9-218. Commercial district.

- (a) In the commercial district, no building or premises shall be used and no building shall be hereinafter erected or structurally altered, unless otherwise provided in this chapter, except for one or more of the following uses:
- (1) Any use permitted in residential district and multifamily district;
  - (2) Bakeries (products sold retail on premises);
  - (3) Banks;
  - (4) Barbershops, beauty parlors, chiropodist and similar personal service shops;
  - (5) Bicycle sales and repair shops;**
  - (6) Camera shops;
  - (7) Clothes pressing and repair;
  - (8) Clothing stores;
  - (9) Delicatessens;
  - (10) Drugstores and pharmacies;
  - (11) Dry cleaning pickup station;
  - (12) Filling stations;**
  - (13) Florists;
  - (14) Garages, parking;**
  - (15) Garages, storage;**
  - (16) Grocery stores, including meats, fruits and vegetables;
  - (17) Hardware stores;
  - (18) Laundromats;
  - (19) Laundry pickup stations;
  - (20) Liquor stores;
  - (21) Locksmith shops;
  - (22) Medical and dental clinics for human patients only;
  - (23) Messenger and telegraph offices;
  - (24) Offices;
  - (25) Parking lots;**
  - (26) Photographers' studios;
  - (27) Restaurants and cafes;
  - (28) Shoe repairing shops;
  - (29) Shops for the repair of radios, televisions, and similar commodities;
  - (30) Shoe stores;
  - (31) Signs and billboards;
  - (32) Stationery and book stores;
  - (33) Tailoring, millinery and custom dress making shops;
  - (34) Theaters (not drive-in);
  - (35) Variety stores;
  - (36) Bowling alleys;
  - (37) Bus depots;
  - (38) Dancing studios;
  - (39) Funeral homes;
  - (40) Garages, public;**
  - (41) Gift shops;
  - (42) Hotels;
  - (43) Nightclubs;
  - (44) Antique shops;

- (45) Art shops;
- (46) Beer gardens;
- (47) Book shops;
- (48) Broadcasting and recording stations;
- (49) Candy stores;
- (50) Caterers;
- (51) Cigar stores;
- (52) Dry good stores;
- (53) Department stores;
- (54) Express offices;
- (55) Fish markets;
- (56) Gyms;
- (57) Hat stores;
- (58) Furniture stores;
- (59) Jewelry stores;
- (60) Leather goods shops;
- (61) Musical instrument shops;
- (62) Newsstands;
- (63) Newspaper and printing offices;
- (64) Pawnbrokers;
- (65) Pool halls;
- (66) Paint stores;
- (67) Shoe shining parlors;
- (68) Appurtenant structures and uses customarily incidental to above listed uses; or
- (69) Mixed use—Multi-family/commercial, must be a two-story structure with residential on the second floor and commercial on the first floor, residential area not to exceed one-half of the total square footage of structure, each apartment must be 600 square feet or larger, and adequate parking as per the parking ordinance.

(b) Commercial growth shall be restricted to new construction on vacant land within the commercial district or to commercial uses in effect at the time of the adoption of this chapter or approved adaptive reuse of existing structures within the commercial district.

(c) No building shall be constructed in a commercial area of a height in excess of 35 feet.

(d) There shall be provided within the commercial district one parking space for each 300 square feet of commercial building.

(e) **Commercial or industrial enterprises not specifically listed or enumerated in the zoning regulations and chapter must apply for a public hearing before the zoning commission to be held not earlier than the next scheduled zoning commission meeting. The non-listed enterprises must submit information required by the zoning commission and answer questions for the public and the zoning commission relating to the proposed enterprise. The zoning commission shall make a determination of classification within 90 days of the public hearing.**

(f) No mobile home, modular home, nor automobile sales business or trailer shall be located within the commercial district.

(g) Modular homes are prohibited in the commercial district.

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





# Next Steps

1. Discussion item in Planning and Zoning- 2/23/2023
2. Schedule Public Hearing for next PZ Meeting- 3/30/2023
3. Advertise in Newspaper - The Farmer
4. **Hold Public Hearing on 3/30/2023**

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

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

Discussion:  
Short Term Rental  
Ordinance Draft Amendment

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.
- (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.~~
    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. 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 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 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 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)

**OPTIONS FOR DISCUSSION- PLEASE VOTE YES OR NO ON EACH ITEM TO BE INCLUDED IN THE NEXT DRAFT. THE CHAIRMAN & STAFF WILL LEAD THIS DISCUSSION.**

**1. DO YOU WANT TO ALLOW RENEWALS TO BE REVIEWED AND PERMITTED INTERNALLY? (In office)**

**-POSSIBLE LANGUAGE**

If your application is a Renewal, it must be submitted by March 31<sup>st</sup>, it will be reviewed internally. The Planning and Zoning Director will issue your permit after your application is processed and your permit fee is paid.

**A permit is ineligible for renewal if:**

- Any complaints were filed in the previous 2 years.
- There are any changes in occupancy, zoning, or ownership.

**2. DO YOU WANT TO REQUIRE ANY OF THE FOLLOWING TO BE POSTED IN THE HOME OR IN A WELCOME BINDER?**

**Minimum Informational Requirements**

The following 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 or the information may be provided to the occupants of the short-term rental electronically.

- 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
- Any Airbnb 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: “You are vacationing in a residential neighborhood. 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. DO YOU WANT TO INCREASE THE NUMBER OF SHORT-TERM RENTAL PERMITS ALLOWED IN ABITA SPRINGS?**

Currently the number allowed is 10. This year so far, we have 6 permits pulled & one application.

**4. DO YOU HAVE A PROCESS IN MIND FOR WHO, AFTER THE RENEWAL PERIOD, GETS ONE OF THE REMAINING PERMITS?**

Complete applications accepted on a first come first serve basis?