

The following are minutes from the Planning and Zoning Commission meeting on Thursday, July 27, 2023, in Abita Springs Town Hall. The meeting convened at 6:00 P.M.

Commission Chairman Pierce called the meeting to order, and all stood for the Pledge of Allegiance. Commissioners in attendance included John Pierce, Chad Hall, Mike Lanaux, and Lex LeBlanc. Bryan Gowland was absent. Kristin Tortorich, Attorney Adam Davis, and Heather Hockman were also present.

Call for Agenda Modifications

None.

The Commission reviewed the draft minutes from the April 27, 2023, meeting. Commissioner Hall motioned to accept the minutes of the April 27, 2023, meeting as presented. Commissioner LeBlanc seconded the motion. All voted in favor.

PLANNING:

No items were on the agenda.

ZONING:

DISCUSSION

Short-Term Rentals Ordinance

Kristin Tortorich explained the following changes to the ordinance draft:

- The ordinance would allow for the two zones previously left out of the ordinance by an oversight to be added.
- Under Section (2)a, 1 and 2 are to be removed due to the removal of the Homestead Exemption requirement.
- The address of a local contact person, now to be called “agent”, was added to confirm that they could reasonably respond within the required timeframe.
- In zones that allow multi-family residences, if a property is owner occupied, you could rent all the remaining units as short-term rentals. If a property is not owner-occupied, only 50% of the units could be rented as short-term rentals. Ms. Tortorich explained that if a person owned a four-unit property and lived on site, the remaining three units would qualify. If the property was instead used as rentals for all units, only two could be short term and the other two must remain longer term rentals.
- For health and safety reasons, the “welcome information” would include the address of the rental, nearest hospital information, garbage pickup details, and gas safety information.
- Section (3)a deletes the Homestead Exemption requirement because it was challenged in New Orleans and found to be unconstitutional due to interstate commerce laws.
- Section (3)a also adds the Occupational License, Fire Marshal Inspection Record, and a Copy of the “Welcome Information” to be submitted with the application packet. The Welcome Information would be submitted to confirm all the content requirements are met.
- Section (3)b would change the permit dates to April 1- March 31 to allow time to acquire the new year’s Occupational License to be submitted with the application.
- Section (3)d adds the Application Fee of \$25, the current cost, that was omitted from the earlier draft.

- Section (3)f allows 60 days for a new owner of property with an existing Short-Term Rental Permit to submit their application for a permit to be issued in their name, thus allowing them to avoid cancellation of bookings between closing and issuance of a permit.
- Section (3)g adds a section for renewals with a March 1st application deadline. There would be an internal renewal process, unless the application was received after the March 1st deadline; any complaints were filed in the previous 2 years; or there are any changes in floorplan, occupancy, zoning, or ownership.

Kristin Tortorich stated that there are only 7 out of the available 10 permits currently pulled. 2 are in residential areas and 5 in other zones. She proposed 3 different options to address the number of permits and stated the Commission could also present other options, as well as that the numbers listed were just examples.

Option A: Keep the number of permits at 10.

Option B: 14 permits allowed, but only 7 in residential zones.

Option C: 15 permits allowed but utilize a 300' buffer using the Town GIS calculation tool for permits in residential zones.

Kristin Tortorich also stated that the permitting process dates for new applications would need to be changed to allow for the Occupational Licenses to be issued and submitted. She stated there could be a window from November 1st- February 15th where new applications would not be accepted and a first come, first served application window would then open.

Commissioner Hall asked if the 300' buffer would be structure to structure or property line to property line. Kristin Tortorich then showed how the GIS tool could be used to show the buffer from property line to structures. If the structure fell in or touched the buffer, it would be excluded, but if the structure was fully outside the buffer, it would be allowable for a Short-Term Rental Permit. Commissioner Hall then stated that basically that would mean no two rentals in the same block. Ms. Tortorich said that New Orleans' ordinance was reviewed, but with our unopened streets and vacant land, a single permit per block would be harder to manage because of the question "What constitutes a block?".

Commissioner LeBlanc asked for clarification on the buffer calculation. Kristin Tortorich confirmed the buffer is based on the edge of the property of the existing permit.

Commissioner Lanaux asked if there have ever been more than seven applicants. Kristin Tortorich said no.

Commissioner Hall sought clarification of the multi-family language. It was confirmed that one permit would be granted for a multi-unit structure, which goes back to the one permit per person rule. Commissioner Lanaux then asked if one person has 4 properties, can the owner have multiple structures on a single block under one permit? Kristin Tortorich said if he had a 4-plex he could have the units under one permit, but not multiple structures, as they would require a permit each and only one permit is allowed per person.

Commission Chairman Pierce asked if the language for non-renewal based on complaints could be strengthened, such as to include “valid” complaints? Kristin Tortorich suggested changing it to violations found to be valid by the Marshal.

Commission Chairman Pierce asked how the Commissioners felt about the number of permits. Commissioner LeBlanc said he felt like the market would dictate the number of rentals in the area, but he likes the idea of a buffer system to avoid having a whole street of short-term rentals. He also stated he was okay with any number the Commission chose. Commissioner Lanaux confirmed the number of rentals could be increased at a later date, if they decided to change the total number of permits. He stated he was on board with keeping the number of permits at ten. Commissioner Hall stated he liked Option C with keeping the permits spread out with the buffer. Kristin Tortorich explained the permits were initially set at ten to see what interest there was and allow for adjustment as needed. She also stated that it would be around a 5-6 month timeframe to change the ordinance in the future to navigate through Planning & Zoning and the Town Council processes. Ms. Tortorich said that buyers and owners should contact the office to do their due diligence prior to making decisions about using a property for short-term rentals. Commissioner LeBlanc asked if the buffer was checked against the current permit holders, and Kristin Tortorich confirmed, but also stated that it only applies to permits in the residential areas. She also stated that if the zone names change with the Master Plan, the ordinance would need to be edited, but that the changes were needed in the meantime. Commission Chairman Pierce stated he was in favor of Option C due to it being less arbitrary and a commonsense option.

Kristin Tortorich stated she was going to clean up the language about complaints and dates for new permits to present at the next meeting, then the Commission would vote the following month to turn it over to the Town Council.

Commissioner LeBlanc asked why February 15th was the date for the new applications. Kristin responded with her concern that someone may buy a property and quickly apply and hold a permit for months while they aren't even ready to rent the property. She went on to say that from the calls and questions she has gotten, she feels the ten permits would probably be surpassed next year. She feels twelve could be likely, so setting the permit number at 15 would give a little bit of a cushion.

Public Comment

Ruth Terry-Sipos said she doesn't think the process is very friendly to owners by having a timeframe they wouldn't be able to apply for permits. Ms. Terry-Sipos said that she doesn't mind the increase of the number of permits and is in favor of limiting the permits in the residential areas. She also made a suggestion to change “your” to “a/an” in section (3)g.

Eric Templet asked if there was a configuration where the buffer may restrict permits and there be permits left unused. Mr. Templet also asked if Attorney Adam Davis was aware of any legal challenges to buffers being used. Attorney Davis stated he was unaware of any challenges, but would look into that, however he didn't see it being a violation specifically of any interstate commerce laws. Mr. Templet stated his concern is that someone may have a property that would be ideal for a short-term rental, but not be allowed for use solely because of the buffer. Kristin Tortorich stated that while that is a possibility, there currently are only 2 permits in a residential area where the buffer would apply. He

stated limiting the number of permits is more valuable than a buffer. Kristin Tortorich stated the Commission could choose to give the residential zones a cap. Mr. Templet stated that he thought the fee was too high. Ms. Tortorich said the fee in Abita Springs is lower than Madisonville and many other cities, and, in many cases, the amount can be recouped in a single night's rental fee.

Ruth Terry-Sipos reiterated her support for the buffer. She then said she thinks the applicants should not be allowed to hold a permit number, instead they can seek approval, but the permit is not issued until paid.

Kristin Tortorich said that she would research other towns regarding how they handle their applications in the event they receive more applications than permits available. Commission Chairman Pierce said if you restrict the number of permits, you must have a way to manage it. Commissioner LeBlanc stated first come, first served works as long as you define it and keep it consistent. Commission Chairman Pierce suggested adding a clause that payment is due in a certain number of days.

OPEN COMMENTS

None.

ANNOUNCEMENTS

None.

ADJOURNMENT

Commissioner Hall motioned to adjourn. Commissioner Lanaux seconded the motion. All Commissioners voted in favor. Meeting Adjourned at 6:37 P.M.

Kristin Tortorich, Planning & Zoning Director

Date