



**TOWN COUNCIL MEETING
TUESDAY, OCTOBER 3, 2023, 6:00PM
ABITA SPRINGS TOWN HALL
22161 LEVEL ST., ABITA SPRINGS, LA 70420**

Posted: October 2, 2023 4pm

CALL TO ORDER: Mayor Curtis
INVOCATION: Alderman Templet
PLEDGE OF ALLEGIANCE: Alderman Patterson

MAYOR'S ANNOUNCEMENTS: 1.) John Catalanotto, Fairway - Wastewater Treatment Update

ROLL CALL:

Call for Agenda Modifications
Accept September 5, 2023, Town Council Meeting Minutes

CHAIRMEN UPDATES

OLD BUSINESS:

1.) NONE

NEW BUSINESS:

1) DISCUSSION: Zoning Recommendations for changes to the Short -Term Rental Ordinance

OPEN/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.



October 2, 2023

To: Town Council

From: Kristin Tortorich

Subject: Proposed amendments to Code of Ordinances Sec. 9-231 regarding short term rentals

At the September 28, 2023, Planning & Zoning Commission meeting, the Commission unanimously voted to recommend amendments to Code of Ordinances Sec. 9-231 to move forward to the Town Council for consideration. The amendments are shown below.

PROPOSED AMENDMENTS TO CODE OF ORDINANCES SEC. 9-231:

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 the 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.
- 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 have been 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)

WELCOME TO Abita Springs

YOU ARE HERE:

22500 MAIN STREET, ABITA SPRINGS, LA 70420

NEAREST HOSPITAL(S):

St. Tammany Parish Hospital
1202 S. Tyler St. Covington, LA 70433
(985) 898-4000

Covington Trace ER & Hospital
4107 Hwy. 59, Mandeville, LA 70471
(985) 951-3650

EMERGENCY NUMBER IS 911

Non-emergency police telephone number is **(985) 893-3100**

TRASH AND RECYCLING

Recycling Pick-Up is Monday morning, please put recycling cans out Sunday night
Garbage Pick-Up is Tuesday morning, please put garbage cans out Monday night.

EMERGENCY CONTACTS

Jane Doe, (985) 892-0711 and Mark Doe (985) 892-0712

EMERGENCY INFORMATION

This house has Natural Gas. Please read the Gas notice below/in the binder.

THE FOLLOWING ARE AVAILABLE FOR LOCAL NEWS:



www.wwltv.com
Local Channel 4



www.wdsu.com
Local Channel 6



www.fox8live.com
Local Channel 8



www.wgno.com
Local Channel 26

Notice: 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.

Sample

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UTILITY INFORMATION

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Sample

DETECTING A NATURAL GAS LEAK USING YOUR SENSES

(985) 892-0711

SMELL

NATURAL GAS DOESN'T HAVE AN ODOR, SO YOU CAN'T RELY ON YOUR SENSE OF SMELL ALONE TO DETECT IT.

The Town of Abita Springs Gas Department has taken steps to protect customers from natural gas leaks by adding an **odorant**, called **mercaptan**, that smells like **rotting eggs or an unpleasant skunk smell**.



SIGHT

Natural gas may blow dirt, make bubbles, kill vegetation or create an area of frost on the ground in warm weather when it leaks from an underground pipe.



SOUND

A natural gas leak can be a quiet hiss or a loud roar.



3 STEPS TO TAKE IF YOU SUSPECT A GAS LEAK

- Do not attempt to locate the leak. Leave the area immediately and do not touch anything that could cause a spark.
- Call the Town of Abita Springs (985) 892-0711 and 911 from another location at a safe distance.
- The Town of Abita Springs Gas Department will investigate the situation at no cost. Do not re-enter the area until you have been advised that it is safe.

HEALTH

Symptoms of a natural gas leak include headache, dizziness, loss of coordination, irritation, drowsiness, or unconsciousness. Extremely high concentrations of natural gas can cause suffocation from a lack of oxygen.

WHAT TO DO IF YOU SMELL NATURAL GAS

IMMEDIATE RESPONSE TO GAS LEAKS IS ESSENTIAL TO ENSURE THAT PUBLIC SAFETY IS MAINTAINED.

DO NOT DELAY. DO NOT IGNORE GAS ODORS. USING THE GUIDELINES BELOW CAN HELP YOU DEAL WITH ANY POTENTIAL GAS LEAKS. CALL THE GAS COMPANY (985) 892-0711 OR 911 FOR HELP.

WHO TO CALL IN AN EMERGENCY

CALL THE GAS COMPANY (985) 892-0711 OR 911 FOR HELP

Natural gas has no odor. Gas companies add a harmless chemical called mercaptan to give it its distinctive “rotten egg” smell. All natural gas and propane pipeline gas in Louisiana is odorized.

IF YOU SMELL GAS INSIDE:

- Go to a phone that is not near the smell and call the local gas company right away. (If the smell is strong or you are unsure, leave the house and then call.) They will come and make the area safe at no charge to you.
- Keep everyone away from the area of the odor.
- Don't smoke or strike any matches.
- Don't light any candles.
- Don't flip light switches on or off.
- Don't use a telephone.
- Don't use any electrical equipment or lights that might create a spark in the area of the odor.
- Don't use the doorbell.
- Don't adjust thermostats or appliance controls.
- Put out all open flames.
- If the odor is strong, leave the premises immediately and tell others to leave. Then, call your local gas company from a neighbor's home.

OUTSIDE GAS ODORS SHOULD BE REPORTED RIGHT AWAY - DO NOT TRY TO LOCATE THE SOURCE YOURSELF, IF YOU SMELL OR HEAR ESCAPING GAS:

- Telephone your local gas company immediately from a neighbor's phone.
- Don't go back inside your home until your local gas company says it is safe.
- Keep others away from the area.

The Town of Abita Springs provides 24-hour emergency service every day of the year to provide immediate response to emergencies such as natural gas leaks.

There is no charge to stop gas leaks. (985) 892-0711

(AFTER HOURS EMERGENCY SERVICE COMPANY WILL ANSWER)

All repairs to gas lines on your premises must be made in accordance with local regulations, by a licensed plumber where required or by your local gas company.