

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. _____ ORDINANCE COUNCIL SERIES NO. _____

COUNCIL SPONSOR _____ PROVIDED BY: CIVIL DIVISION ADA

INTRODUCED BY: _____ SECONDED BY: _____

ON THE 4 DAY OF APRIL, 2019

An Ordinance to Amend and Reenact the St. Tammany Parish Code of Ordinances, Chapter 22 Licenses, and Chapter 130 Unified Development Code, to provide definitions and regulations regarding short term rentals, to add short term rentals as a permitted use in certain commercial and mixed use zoning districts within unincorporated St. Tammany Parish, and to provide for penalties and fines for violations. (2019-1451-ZC)

WHEREAS, a short term rental is commonly defined as a dwelling unit rented for a period of less than thirty (30) days for lodging and boarding of transient guests; and

WHEREAS, the growth and popularity of short term rentals in unincorporated St. Tammany Parish has resulted in a need to better define and establish uniformity for their permitting and use; and

WHEREAS, short term rental involves the business of lodging accommodation that caters to travelers and tourists, thus making it more similar to other lodging and accommodation uses (hotels, motels, bed and breakfasts, and similar venues) and less similar to long term residential rentals and home office uses; and

WHEREAS, short term rentals are not compatible with the uses of residentially zoned districts, including Estate Districts, Suburban Districts, and Residential Districts, except in certain, limited situations; and

WHEREAS, short term rentals are more compatible with mixed-use and commercially zoned districts where residential and commercial uses are allowed to co-exist; and

WHEREAS, nothing in this ordinance shall be construed to ratify any attempts to circumvent Parish ordinances through the use of short term rental contracts to otherwise violate any St. Tammany Parish Government ordinance or regulation, including but not limited to the use of short term rental contract to accept payment for other commercial uses outside of lodging which are not otherwise permitted; and

WHEREAS, nothing in this ordinance shall have any affect on any private restrictive covenants between private parties, including but not limited to private deed restrictions or restrictive covenants enforced by Home Owners Associations, nor shall it ratify past, current, or future violations of private deed restrictions or restrictive covenants; and

WHEREAS, to promote the health, safety and welfare of citizens, the St. Tammany Parish Government considers it necessary to amend the St. Tammany Parish Code of Ordinances and its Unified Development Code to provide definitions and regulations regarding short term rentals in unincorporated St. Tammany Parish.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that it amends the St. Tammany Parish Code of Ordinances, Chapter 22 Licenses, Taxation, Regulations, and Chapter 130 Unified Development Code to provide definitions and regulations regarding short term rentals, to add short term rentals as a permitted use in certain commercial and mixed use zoning

districts within unincorporated St. Tammany Parish, and to provide for penalties and fines for violations as follows:

Amend Sec. 22-41. – Retail dealers in merchandise, services and rentals, to add:

(2) jji. Short term rentals

Amend Sec. 22-116. – Definitions, to add short term rentals to the definition of hotels subject to the hotel tax:

Sec. 22-116. - Definitions.

As used in this article, the following words, terms and phrases have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

Hotel, as used herein, means and include any establishment, including short term rentals, both public and private, engaged in the business of furnishing or providing rooms and overnight camping facilities intended or designed for dwelling, lodging or sleeping purposes to transient guests where such establishment consists of two or more guest rooms and does not encompass any hospital, convalescent or nursing home or sanitarium, or any hotel-like facility operated by or in connection with a hospital or medical clinic providing rooms exclusively for patients and their families. Motels and tourist camps and overnight camping facilities are included within the definition in this subsection and shall specifically include establishments providing campgrounds and hook-ups or connection facilities for transient or overnight campers who travel or provide their own camping equipment but pay fees and consideration for the location and placement and various services for such campers. The term "hotel" used herein shall not include camp and retreat facilities owned and operated by nonprofit organizations exempt from federal income tax under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3) of the Internal Revenue Code provided that the net revenue derived from the organization's property is devoted wholly to the nonprofit organization's purposes.

Amend Chapter 22 – Licenses, Taxation and Regulations to add a new Article XII – SHORT TERM RENTALS:

Sec. 22-587. - Definitions.

As used in this article, the following words, terms and phrases have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

Short Term Rental – A dwelling unit, whether single family or multi-family, rented for a period of less than thirty (30) days. “Short term rental” means and includes any establishment or person engaged in the business of furnishing sleeping rooms, cottages, cabins, or any other similar lodging to transient guests in a residential location including but not limited to a house, apartment, condominium, camp, cabin, or other building structure used as a residence.

Sec. 22-588. – Imposition and Levy.

There is hereby levied and imposed within the unincorporated areas of the parish an annual license in the amount of one thousand dollars (\$1000.00) for all short term rentals operating in the unincorporated areas of the parish, for the purposes of monitoring and enforcing the provisions of this code related to short term rentals.

Sec. 22-589. – Disbursement.

The proceeds of the annual license shall be utilized for enforcement.

Sec. 22-590. - Failure to pay tax—Court action.

Failure to pay any tax due as provided in this article shall ipso facto, without demand or putting in default, cause said tax, interest, penalties and costs to become immediately delinquent, and the parish council is hereby vested with authority, on motion in a court of competent jurisdiction, to

take a rule on the said dealers or operators of the facilities for which this occupancy tax is imposed to show cause in not less than two or more than ten days, exclusive of holidays, after the service thereof, which may be tried out of term and in chambers, and shall always be tried by preference, why said dealer or person should not be ordered to cease from further pursuit of business as a dealer, and in case said rule is made absolute, the order thereon rendered shall be considered a judgment in favor of the governing authority, prohibiting such dealer from the further pursuit of said business until such time as he has paid the said delinquent tax, interest, penalties and costs, and every violation of the injunction shall be considered as a contempt of court, and punished according to law.

Amend Sec 130-5 Definitions, to insert the following in alphabetical order:

Residence means a home, abode or place where an individual is actively living at a specific point in time, other than one being used as a short term rental as defined herein.

Short Term Rental – A dwelling unit, whether single family or multi-family, rented for a period of less than thirty (30) days. “Short term rental” means and includes any establishment or person engaged in the business of furnishing sleeping rooms, cottages, cabins, or any other similar lodging to transient guests in a residential location including but not limited to a house, apartment, condominium, camp, cabin, or other building structure used as a residence.

Amend Article III of Chapter 130 to add a new Sec. 130-89. – Violations of Short Term Rental Provisions.:

Advertising a residence as a short term rental in any district other than those in which short term rentals are permitted creates a presumption that a short term rental is being operated in violation of this code.

Amend Article III of Chapter 130 to add a new Sec. 130-164. – Legal nonconforming short term rental.:

(a) A legal nonconforming short term rental is a short term rental legally operating at the time of the adoption of this ordinance. Legally operating shall mean a short term rental which was in existence and registered with the St. Tammany Parish Sheriff’s Office for the collection of hotel/motel taxes as prescribed by law, or proof of the payment of hotel/motel tax on past rentals to the St. Tammany Parish Sheriff’s Office ~~on or~~ before ~~December 31, 2018~~ the effective date of this ordinance.

(b) Legal nonconforming Short Term Rentals are subject to the following restrictions:

(1) Legal nonconforming Short Term Rentals shall conform to all provisions of the use district in which it is located in addition to all standards related to Short Term Rentals.

(2) No building or structure within where a legal nonconforming Short Term Rental use has ceased for reasons other than those stated in Section 130-195 for a period of more than six months or has changed to a permitted or conforming use, shall again be used as a legal nonconforming use. Failure to maintain all necessary licenses, abide by the standards related to Short Term Rentals, and/or remit all legally due hotel/motel taxes shall constitute a cease in legal conforming use.

Amend E-1 Estate District, specifically Sec. 130-267. – Permitted Uses, to add a new:

(17) Short Term Rental

Amend E-2 Estate District, specifically Sec. 130-293. – Administrative Permits, to add a new:

(17) Short Term Rental

Amend E-3 Estate District, specifically Sec. 130-328. – Administrative Permits, to add a

new:

(17) Short Term Rental

Amend E-4 Estate District, specifically Sec. 130-353. – Administrative Permits, to add a new:

(17) Short Term Rental

Amend A-1(D) Suburban District, specifically Sec. 130-388. – Administrative Permits, to add a new:

(17) Short Term Rental

Amend A-1A(D) Suburban District, specifically Sec. 130-413. – Administrative Permits, to add a new:

(17) Short Term Rental

Amend A-2(D) Suburban District, specifically Sec. 130-448. – Administrative Permits, to add a new:

(17) Short Term Rental

Amend A-3(D) Suburban District, specifically Sec. 130-473. – Administrative Permits, to add a new:

(17) Short Term Rental

Amend A-4(D) Single-Family Residential District, specifically Sec. 130-508. – Administrative Permits, to add a new:

(15) Short Term Rental

Amend A-4A(D) Single-Family Residential District, specifically Sec. 130-533. – Administrative Permits, to add a new:

(15) Short Term Rental

Amend A-5(D) Two-Family Residential District, specifically Sec. 130-568. – Administrative Permits, to add a new:

(15) Short Term Rental

Amend A-6(D) Multiple-Family Residential District, specifically Sec. 130-593. – Administrative Permits, to add a new:

(15) Short Term Rental

Amend A-7(D) Multiple-Family Residential District, specifically Sec. 130-628. – Administrative Permits, to add a new:

(15) Short Term Rental

Amend A-8(D) Multiple-Family Residential District, specifically Sec. 130-653. – Administrative Permits, to add a new:

(15) Short Term Rental

Amend NC-3 Lodging District, specifically Sec. 130-736. – Administrative Permits, to add a

new:

(4) Short Term Rental

Amend NC-4 Neighborhood Institutional District, specifically Sec. 130-760. – Administrative Permits, to add a new:

(4) Short Term Rental

Amend NC-5 Retail and Service District, specifically Sec. 130-792. – Administrative Permits, to add a new:

(6) Short Term Rental

Amend NC-6 Public, Cultural and Recreational District, specifically Sec. 130-814. – Administrative Permits, to add a new:

(4) Short Term Rental

Amend HC-1 Highway Commercial District, specifically Sec. 130-898. – Administrative Permits, to add a new:

(9) Short Term Rental

Amend HC-2 Highway Commercial District, specifically Sec. 130-898. – Administrative Permits, to add a new:

(18) Short Term Rental

Amend HC-2A Highway Commercial District, specifically Sec. 130-946. – Administrative Permits, to add a new:

(9) Short Term Rental

Amend HC-3 Highway Commercial District, specifically Sec. 130-970. – Administrative Permits, to add a new:

(9) Short Term Rental

Amend HC-4 Highway Commercial District, specifically Sec. 130-1003. – Administrative Permits, to add a new:

(9) Short Term Rental

Amend HC-5 Highway Commercial District, specifically Sec. 130-898. – Administrative Permits, to add a new:

(9) Short Term Rental

Amend TND-1 Traditional Neighborhood Development District, specifically Sec. 130-1459. – Overview, to add short term rentals:

(d) A "mixed residential area" includes a variety of residential land uses, including single-family residential, duplex, townhome, and multi-family. Residential scale retail and commercial uses are permitted within a mixed residential area with strict architectural and land use controls. Retail and commercial uses in a mixed residential area are required to blend into the residential character of the neighborhood. A mixed residential area includes open spaces including small squares, pocket parks, community parks, and greenbelts. A mixed residential area promotes pedestrian activity through well designed and varied streetscapes that also provide for the safe and efficient movement of vehicular traffic. Mixed residential area uses include single-family homes, condominiums, townhomes, apartments, short term rentals, offices, restaurants, neighborhood scale retail, and civic uses. Mixed residential areas often utilize alleys.

Amend TND-2 Traditional Neighborhood Development District, specifically Sec. 130-1510. – Overview, to add short term rentals:

(d) A "mixed residential area" includes a variety of residential land uses, including single-family residential, duplex, townhome, and multi-family. Residential scale retail and commercial uses are permitted within a mixed residential area with strict architectural and land use controls. Retail and commercial uses in a mixed residential area are required to blend into the residential character of the neighborhood. A mixed residential area includes open spaces including small squares, pocket parks, community parks, and greenbelts. A mixed residential area promotes pedestrian activity through well designed and varied streetscapes that also provide for the safe and efficient movement of vehicular traffic. Mixed residential area uses include single-family homes, condominiums, townhomes, apartments, offices, short term rentals, restaurants, neighborhood scale retail, and civic uses. Mixed residential areas often utilize alleys.

Amend Article V, Division 7 – RO Rural Overlay, specifically Sec. 130-1836. – Administrative Permits, to add a new:

(12) Short Term Rental

Amend Sec. 130-2213 Minimum standards, to add a new:

(57) Short Term Rental.

A. Where a short term rental is allowed, the proposed use shall meet the following criteria:

1. One off street parking space will be required for each rented bedroom. A floor plan must be submitted at the time of application to determine the number of parking spaces required.

2. The owner or operator of a short term rental is not required to be present during the duration of a short term rental guest's visit, except as provided for in Sec. 130-2213(57)(A)(5), but when the owner or operator is off premises a designated local party, which may be the owner or operator, must be available to respond to complaints from either guests or neighbors and shall be available to appear on the premises to address any issues. A letter detailing the name and contact information of the owner, operator or designated local party, including phone number(s), address, and email address if available, must be provided to the Department of Planning and Development at the time of application. The owner or operator is responsible for updating said designated local party and contact information anytime such information changes.

3. Proof of occupational license is required at time of application.

4. An annual license must be obtained at the time of application and renewed each year in accordance with Chapter 22 of the St. Tammany Parish Code of Ordinances.

5. The owner of a short term rental operating in a residential zoning classification, other than an Estate District, a Rural Overlay, or those operating under the provisions of 130-164, must have a valid homestead exemption and must be present for the duration of a short term rental guest's visit. A letter detailing the name and contact information of the owner, including phone number(s), address, and email if available, along with proof of a valid homestead exemption on

the property to be used as a short term rental must be provided to the Department of Planning and Development at the time of application.

6. Auctions, weddings, commercial functions, and any other similar events which have the potential to cause traffic, parking, noise or other problems in the neighborhood are prohibited from occurring at the short term rental as a component of short term rental activities.

B. Nothing in this section is intended to apply to or prohibit the long-term rental of a dwelling unit for thirty (30) consecutive days or more and where typically the method of rental involves an extended period of time.

C. Nothing in this section is intended to apply to or prohibit the lease, rental, occupancy, or use of a property that is under a pending contract for sale, where the lessee(s) and lessor(s) are parties to the pending sale of said property.

REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinance are hereby declared to be severable.

EFFECTIVE DATE: This Ordinance shall become effective ~~fifteen (15) days~~ six months after adoption.

MOVED FOR ADOPTION BY: _____, SECONDED BY: _____

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS:

NAYS:

ABSTAIN:

ABSENT:

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE ____ DAY OF _____, 2019; AND BECOMES ORDINANCE COUNCIL SERIES NO. 19-_____.

MICHAEL LORINO JR., COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

PATRICIA P. BRISTER, PARISH PRESIDENT

Published Adoption: _____, 2019

Delivered to Parish President: _____, 2019 at

Returned to Council Clerk: _____, 2019 at

WORKING DRAFT