

**Planning Commission  
Public Hearing  
February 26, 2019**

The meeting was called to order by Chairwoman Rebecca Bush and the secretary called the roll.

Present: Nixon Adams, Ren Clark, Simmie Fairley, Michael Blache, Rebecca Bush, Jeff Lahasky and Bill Sones

Absent: None

Also Present: Louise Scott, Director, Planning Department; deShea Richardson, City Attorney, Council Member David Ellis

Mr. Blache moved to adopt the minutes of February 12, 2019, seconded by Ms. Bush and was unanimously approved.

*Public comment*

Rhonda Alleman, 1413 Rue Bayonne, asked when did the commission first approve the Master Plan for a bike path on the north side of West Causeway Approach. Ms. Scott said the 2008 Master Bike and Pedestrian Plan included a path on the north side of West Causeway Approach. In 2012, there was a Refinement Plan that further addressed the north side path and connection point issues. The meeting was more of the nuts and bolts of the challenges of the connection points. It was conceptual of the connecting points with maps. Mr. Adams said it about connections to work and where people lived and shopped. Ms. Scott said the plan was conceptual and then it moved into implementation. Ms. Alleman asked if the commission had seen the drawings since that time and it was answered no.

Ms. Alleman said there were concerns in the permitting process with the Planning Commission requiring property owners with new development to leave or plant trees for certain infrastructure. The Fontainebleau Subdivision did not have a lot of real estate between the personal properties and the right-of-way unlike the south side. The north side was lacking 30-35' of land to accommodate the path. Some of the required trees were now to be removed. Mr. Adams said the bike path was not on private property. Highway 190 was an exception by allowing trees to be planted in the right-of-way because there was no other room. Normally the commission did not control the right of way.

Glenda Nanz, owned Fontainebleau and Stirling Place office parks, said when they constructed they were required to place barriers around the preserved trees. Many of the trees would be removed. She was concerned that the asphalt would kill the trees. The live oak tree by Mary, Queen of Peace might die a slow death. There were also a couple of trees in the Mary, Queen of Peace private property that will die. The trees would die because the oil leached over time and by covering the roots it would choke the tree off. The planted trees would be removed even on personal property because the path would be 10' and asphalt whereas the south side was 6' wide and concrete. She felt the path would be ugly. There would be 50' of property between the street and the path that would be 10' wide.

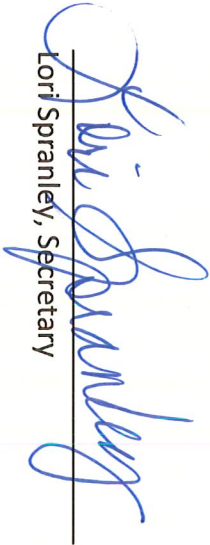
Mr. Blache said this topic would be better discussed with the City Council as this commission was only accepting public comment. The commission could not act on the issue. Ms. Nanz said she met with Council Member Ellis. Ms. Richardson said the bike path was on Thursday's City Council agenda. The commission has no authority over the bike path.

Donna Hoblack, 1101 Rue Chinon, said the path would impact where she worked and lived. She thought there would be too many trees removed and she was worried about drainage. The Fontainebleau Subdivision drained to West Causeway and asphalt could back up the water. She was worried that this would be building a dam and with the drainage work in


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Fontainebleau the streets still flooded. There was no traffic or drainage study done on this project. When it was discussed, it was conceptual until the plan was presented three weeks ago. Ms. Bush said these were issues for the City Council.

Mr. Fairley moved to adjourn the meeting, seconded by Mr. Blache and was unanimously approved.



Lori Spranley, Secretary



Rebecca Bush, Chairwoman  
Planning Commission

**Zoning Commission  
Public Hearing  
February 26, 2019**

The meeting was called to order by Chairwoman Rebecca Bush and the secretary called the roll.

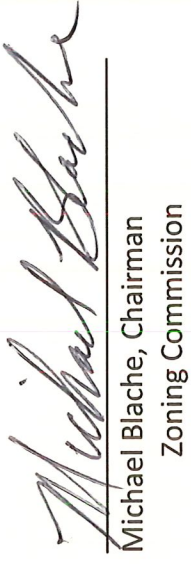
Present: Nixon Adams, Ren Clark, Simmie Fairley, Michael Blache, Rebecca Bush, Jeff Lahasky and Bill Sones

Absent: None

Also Present: Louise Scott, Director, Planning Department; deShea Richardson, City Attorney, Council Member David Ellis

Mr. Blache moved to adopt the minutes of February 12, 2019, seconded by Ms. Bush and was unanimously approved.

  
Lori Spranley, Secretary

  
Michael Blache, Chairman  
Zoning Commission



**Planning Commission  
Work Session  
February 26, 2019**

The meeting was called to order by Chairwoman Rebecca Bush and the secretary called the roll.

Present: Nixon Adams, Ren Clark, Simmie Fairley, Michael Blache, Rebecca Bush, Jeff Lahasky and Bill Sones

Absent: None

Also Present: Louise Scott, Director, Planning Department; deshea Richardson, City Attorney, Council Member David Ellis

Ms. Bush announced that any additional information determined to be needed by the Commission in order to make a decision regarding a case shall be required to be submitted to the Planning Department by the end of business on the Friday following the meeting at which the additional information was requested or the case will automatically be tabled at the next meeting.

The only case discussed was P19-03-03 Recommendation to the City Council regarding Ordinance 19-03 amending the City of Mandeville's CLURO, Ordinance 15-11, to provide definitions and regulations regarding Short Term Rentals, to add Short Term Rental as a Permitted Use in the B-3, Old Mandeville Zoning District, and to provide for penalties and fines for violations and providing for other matters in connection therewith

Ms. Scott presented that the City did not regulate Short Term Rental which presented some challenges with advertising on some of the platforms. There were regulations for bed and breakfast uses. The City had received comments from potential Short Term Rental establishments and those running bed and breakfast establishments. The bed and breakfast only allowed the rental of two bedrooms where the short term rental was a whole house rental.

**Definition –**

**6.4 COMMERCIAL USE CLASSIFICATIONS**

**6.4.72 Short-term Rental** – Rental of all or any portion thereof of a residential dwelling unit for dwelling, lodging or sleeping purposes to one party with duration of occupancy of less than thirty (30) consecutive days. Hotels, motels, bed and breakfasts, and other land uses explicitly defined and regulated in this ordinance separately from short-term rentals are not considered to be short-term rentals. A short-term rental is further defined as follows:

A. **Short-term Rental, Partial Unit.** Either (i) an owner occupied dwelling with a principal use as a permanent dwelling unit and which rents no more than three (3) guest rooms and six (6) total guests for overnight paid occupancy as an accessory use, or (ii) an owner-occupied two-family dwelling in which one unit of the two-family dwelling is occupied by the owner with a principal use as the owner's permanent residential dwelling unit and which the other unit of the two-family dwelling is rented with no more than three (3) guests rooms and six (6) total guests as an accessory use. Only one partial unit short-term rental shall be permitted in any two-family dwelling. For either type of partial unit short-term rental, the owner shall occupy the unit and be present during the guest's stay.

B. **Short-term Rental, Whole Unit.** A residential dwelling which rents the entire unit with no more than (5) five guest rooms for overnight paid occupancy as a temporary use not to exceed ninety (90) days per year. No owner or resident is required to be present during the guest's stay.



Mr. Adams asked what was the problem the City was trying to cure. Ms. Scott said there were not many bed and breakfast establishments operating without a special use permit, but there were several short term rentals. Mr. Clark asked what was the difference between a bed and breakfast and a partial unit short term rental since he thought a bed and breakfast was similar to an old boarding house. A whole unit could have many people partying all night with no supervision. Ms. Scott said there were requests about whole unit rentals which are not defined or regulated. Mr. Clark said the City needed to regulate it by a human. Ms. Bush said the use would require a permit. Ms. Scott said the ordinance would allow short term rental permitted by right in the B-3 zoning district for a consistency with the Bed and Breakfast Inn. She suggested rather than a permitted use, it could require a special use permit. There were some situations in Old Mandeville with a Special Use Permit where there were problems. The only way to know of difficulties for enforcement was by complaints.

Mr. Clark said Portland told the reservation sites if they took payment on a reservation by credit card, they were responsible to remit the taxes due to the City. He asked if it did not benefit Mandeville, why do it. This would become a few oligarchs buying up cottages in Old Mandeville and having a manager. This had gutted part of the community in Charleston. Ms. Richardson said this was a national issue. The staff had incorporated many ordinances to determine what was best for Mandeville. Mr. Clark said it was all about the money for the entrepreneurs so it should be about the money for Mandeville.

Table of Permitted Uses

7.7 TABLE OF PERMITTED USES BY ZONING DISTRICT	
Use Classification	B.3
6.4.72 Short-term Rental	Permitted

Ms. Richardson said the difference was this was restricted to one party of guests where the bed and breakfast could fill a number of rooms with more parties. Ms. Scott said the City needed to understand how to enforce the regulations.

Article 8 contains the supplement regulations which guided the uses. The definitions were repeated in this section.

8.6 SHORT-TERM RENTALS

8.6.1 DEFINITIONS

“Short-term Rental” means rental of all or any portion thereof of a residential dwelling unit for dwelling, lodging or sleeping purposes to one party with duration of occupancy of less than thirty (30) consecutive days. Hotels, motels, bed and breakfasts, and other land uses explicitly defined and regulated in this ordinance separately from short-term rentals are not considered to be short-term rentals. A short-term rental is further defined as follows:

A. **Short-term Rental, Partial Unit.** Either (i) an owner occupied dwelling with a principal use as a permanent dwelling unit and which rents no more than three (3) guest rooms and six (6) total guests for overnight paid occupancy as an accessory use, or (ii) an owner-occupied two-family dwelling in which one unit of the two-family dwelling is occupied by the owner with a principal use as the owner’s permanent residential dwelling unit and which the other unit of the two-family dwelling is rented with no more than three (3) guests rooms and six (6) total guests as an accessory use. Only one partial unit short-term rental shall be permitted in any two-family dwelling. For either type of partial unit short-term rental, the owner shall occupy the unit and be present during the guest’s stay.

B. **Short-term Rental, Whole Unit.** A residential dwelling which rents the entire unit with no more than (5) five guest rooms for overnight paid occupancy as a temporary use not to exceed ninety (90) days per year. No owner or resident is required to be present during the guest’s stay.



“Owner” means the person who possesses ownership of the real property containing a residential dwelling unit subject to a short-term rental as evidenced by a deed.

#### **8.6.2 APPLICABILITY**

No person shall use or maintain, nor shall any person advertise the use of any residential dwelling unit on any parcel in this city for short-term rental without a short-term rental permit. Short-term rentals may be allowed in accordance with the Table of Permitted Uses, B3 Old Mandeville Business District. Outside of the B3 Old Mandeville Business District, all Short-term rentals are prohibited in this city.

#### **8.6.3 SHORT-TERM RENTALS GENERAL STANDARDS**

- A. All short-term rentals shall require a permit. 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. The permit shall be prominently displayed on the front facade of the property in a location clearly visible from the street during all period of occupancy and contain the permit number, the contact information for the Owner, the license type (Partial Unit, Whole Unit, or Commercial) and the bedroom and occupancy limit.
- B. One person may hold no more than one short-term rental permit. The permit shall not be transferable.
- C. Short-term rentals shall not be operated outdoors, in an accessory structure, or in a recreational vehicle.
- D. Short-term rentals uses shall be limited to residential dwelling units existing and constructed as of the date of application for the short-term rental permit.
- E. Only one party of guests shall be permitted per short-term rental unit. A “party” shall mean one or more persons who as a single group rent a short term partial unit or short term whole unit pursuant to a single reservation and payment.
- 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 two on-site parking spaces shall be provided for use by the short-term rental occupants, in accordance with Article 9, shall be provided in side or rear yards and shall not be located in front yards.
- H. The Owner shall keep on file with the city the name, telephone number, cell phone number, and email 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 twenty-four (24) hours a day to accept telephone calls and respond physically to the short-term rental within a reasonable time period, not to exceed three (3) hours when the short-term rental is rented and occupied. The City shall post the name and contact information of the local contact person associated with each short-term rental on the city’s webpage.
- I. The short-term rental shall appear outwardly to be a residential dwelling.
- J. Use of the short-term rentals for commercial or social events shall be prohibited.
- K. The Owner shall post “House Policies” within each guest bedroom. The house policies shall be included in the rental agreement, which must be signed by the renter and shall be enforced by the Owner or the Owner’s designated contact person. The house policies at a minimum shall include the following provisions:
  - 1. Quiet hours shall be maintained from 10:00 p.m. to 7:00 a.m. during which noise within or outside the short-term rental dwelling shall not disturb anyone on a neighboring property.
  - 2. Amplified sound that is audible beyond the property boundaries of the short-term rental dwelling is prohibited.
  - 3. Except as permitted by the planning director, vehicles shall be parked in the designated on-site parking area and there shall not be parking on the street overnight.



4. Parties or group gatherings which exceed the maximum number of guests and/or which have the potential to cause traffic, parking, noise or other problems in the neighborhood are prohibited from occurring at the short-term rental property, as a component of short-term rental activities.

L. 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.

M. 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 City up to and including revocation of the short-term rental permit.

N. All advertising for any short-term rental, including electronic advertising on short-term rental websites, shall include the number of the short-term rental permit granted to the owner-applicant.

O. The Owner shall maintain a city occupational license and pay all occupancy taxes required by law.

P. No exterior signage or other exterior evidence that the property is used for short-term rental is permitted.

Q. No food service shall be provided by the Owner or anyone on his behalf.

#### **8.6.4 SHORT-TERM RENTAL, PARTIAL UNIT STANDARDS**

In addition to the General Standards outlined above, the following standards apply to partial unit short-term rentals:

A. For partial unit short-term rentals, only a portion of the dwelling shall be rented, which shall be limited to three (3) guest bedrooms, and occupancy shall be limited to two (2) guests per bedroom or six (6) guests total. There shall be at least one bedroom for the fulltime owner-occupant.

B. For partial unit short-term rentals, the owner shall occupy the unit and be present during the party's stay.

C. Where the partial short-term rental occupies one unit of a two-family dwelling, occupancy shall be limited to two (2) guests per bedroom for a total of up to six (6) guests.

#### **8.6.5 SHORT-TERM RENTAL, WHOLE UNIT STANDARDS**

In addition to the General Standards outlined above, the following standards apply to whole unit short-term rentals:

A. Rentals are limited to a maximum of ninety (90) days per year.

B. Up to five (5) bedrooms may be rented to guests.

C. Occupancy shall be limited to two (2) guests per bedroom or ten (10) guests total, whichever is less.

D. The entire dwelling can be rented, and the permanent resident is not required to be present during the party's stay.

#### **8.6.6 SHORT-TERM RENTAL PERMIT**

A. Prospective owner-applicants of a short-term rental use shall apply for an annual permit with the planning director in accordance with the provisions of this chapter and on a form provided by the City. 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. There shall be two (2) permit categories, as defined herein:

1. Type P Permit for Partial Unit Short-term Rentals; and,
2. Type W Permit for Whole Short-term Rentals;

B. No property shall be utilized as a short-term rental, as defined herein, without an authorized short-term rental permit.

C. Any holder of a short-term rental permit issued pursuant to this article shall maintain on file with the City a current address of a natural person in the City of Mandeville on whom service may be made, including without limitation the service of legal notices and lawsuits related to the operation of short-term rentals and/or compliance with this article and/or applicable provisions of the Comprehensive Land Use Regulations Ordinance. Service upon the person on file shall be deemed effective service upon the holder of the short-term rental permit. Any juridical person holding a short-term rental permit shall be qualified to do business in the State of Louisiana. Failure to comply with this provision or to keep current the agent for service shall be grounds for revocation of the short-term rental permit.

D. An applicant for a short-term rental permit shall submit to the following requirements and documentation:

1. Attest to the following and furnish the necessary documentation upon request of the planning director:

a. 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;

b. That each short-term rental unit has working smoke detectors and carbon monoxide detectors in every bedroom, outside sleeping area, and on all habitable floors;

c. That each short-term rental unit has a properly maintained and charged fire extinguisher in each short-term rental unit;

d. That in each short-term rental unit there is a posting that provides the name, telephone number, cell phone number, and email address of a local contact person who shall be responsible for responding to questions or concerns regarding the operation of the short-term rental, as well as a floor plan indicating fire exits and escape routes. Posting shall be displayed in a prominent location;

e. That the property is in compliance with applicable provisions of the City's minimum property maintenance, building, electrical, mechanical and plumbing codes;

f. That the owner, or operator if applicable, has made best efforts to notify the properties immediately adjacent to the desired short-term rental of the permit application; and

g. That the property has no outstanding taxes or municipal code violation liens.

2. Furnish the following documentation upon request of the City's Planning Director:

a. A floor and/or site plan that indicates the location of the required smoke detectors, fire extinguisher, and emergency contact/fire-exit posting, as attested to in subsection (1);

b. The contact information for the owner of the short-term rental unit, which included the owner's primary physical mailing address, cell phone number, and email address. Additionally, the same contact information for the operator, or a local contact person, that is able to respond on premises to complaints.

c. For a Type P permit, proof of ownership via a valid homestead exemption or deed.

d. A list of the short-term rental hosting platform(s) that will be utilized to advertise or solicit the property for use as a short-term rental.

e. Verification that the property has no outstanding taxes or property liens.



f. A current address of a natural person in the City of Mandeville upon whom service may be made.

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.

E. Permit Issuance

1. Upon satisfactory submission of the required attestations and requested documentation herein, the Planning Director may issue an annual short-term rental permit. Said permit shall contain:

- a. The address of the short-term rental;
- b. The permit holder's name;
- c. The type of permit, permit number, and rental limitations, including bedroom limit and guest occupancy limit;
- d. Contact information (name, cell phone and e-mail) for complaints by guests or neighbors, of a local contact person who shall be available twenty-four (24) hours a day to accept telephone calls and respond physically to the short-term rental within a reasonable time period, not to exceed three (3) hours when the short-term rental is rented and occupied;

e. Dates the permit is valid.

2. The permit holder shall prominently display the permit on the front facade of the property, in a location clearly visible from the street;

3. The permit holder shall provide the valid permit number on any listing advertising or soliciting the property for use as a short-term rental.

4. The permit holder shall post the following information in a prominent location in the interior, clearly visible to guests:

- a. The permit number;
- b. The name and contact information of the owner/operator;
- c. The name and contact information of the local contact person, if applicable;
- d. Occupancy limit;
- e. Trash and recycling collection rules and dates; and
- f. Additional short-term rental rules and operational standards as provided herein, including but not limited to "House Policies" and prohibition on the use of the rental for commercial or social events.

5. The short-term rental permit shall be valid one year from the date of issuance. Renewal permits shall be issued in the same manner as initial permits, and requires:

- a. Providing the Planning Director an updated copy of any of the documents required in Section 8.6.7(D), if applicable;
- b. A revised attestation, indicating continued compliance with the requirements in Section 8.6.7.(D);
- c. A revised list of short-term rental platforms that will be utilized to advertise or solicit the property for use as a short-term rental; and
- d. Proof of payment of all applicable taxes and fees as required by law.

F. Permit Fees

1. Fees for the initial issuance and renewal thereof shall be as follows:

- a. Type P permit for Partial Unit Short-term Rentals: \$200.00
- b. Type W permit for Whole Unit Short-term Rentals: \$200.00

**8.6.7 VIOLATIONS**

Any violation of this article and the correlating provisions in the Comprehensive Land Use Regulations Ordinance may subject a violator to any remedy, legal or equitable, available to the City. 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, failure to include the permit number or property address of a short-term rental unit in any advertisement 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 Article if the Planning Director determines that the permit holder has violated any provision of this Article, two (2) 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 1.9 of this code. 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 article and the correlating provisions in the Comprehensive Land Use Regulations Ordinance.

Ms. Scott said at the special meeting this section could be further discussed whether this would become an administrative function or require a Special Use Permit. Short term rental would be restricted to the B-3 zoning district. Mr. Adams asked for real life situations in the special meeting. Ms. Richardson said for a whole unit, it could not be rented for more than 90 days per year. Ms. Scott said it would still need to be a principal dwelling. Mr. Blache said most short term rental was the problem. Ms. Richardson said Mr. Clark was concerned about purchasing houses and renting them all year.

Mr. Adams said the commission's recommendation could be to include a method of hiring staff to handle the enforcement. Ms. Scott said she received an email from a company that specialized in enforcement. Mr. Blache said through a Special Use Permit the activity could be tracked. Mr. Clark said (a) was a bed and breakfast. If it was required to have a homestead exemption then would prevent an entrepreneur from buying all of the cottages.

Mr. Clark asked if the property could be owned by Northshore Hospitality LLC. Mr. Lahasky asked if they would file a permit an LLC should be allowed for liability purposes. Mr. Clark asked if an LLC could have a homestead exemptions which was answered no. Ms. Richardson said the owner must be the applicant. Mr. Lahasky said if the owner was the applicant then it opened them up to personal liability. Ms. Richardson said insurance was addressed in the ordinance.

Ms. Scott said it had been discussed to change two parking spaces to one per unit. Mr. Clark said there would parking demands in the B-3 district with the "b" type units. Ms. Scott said the "b" type was restricted to no more than five bedrooms requiring one parking space per unit and two spaces for the owners. The bed and breakfast required one space per unit. Ms. Scott said the Special Use Permit would allow a review of on-site parking, pervious/impervious coverage and landscaping. Mr. Clark said it should not be allowed by right.

Under (i) the City would not want to permit an interior reconfiguration. The intent was that the house did not look like a hotel and appeared to be a house.

Under (j) Mr. Clark asked if a wedding was a social event and how would it be vetted. It was decided that the wedding could not be on the site. It was only for occupancy and not commercial or social events.

Under (k) generally it would be about complaints and if there were numerous complaints then the permit could be pulled. Ms. Scott said under the Special Use Permit there would be a review. She did not know how to handle it administratively, and there must be a way to measure it. Much of this would be applicable to the whole house rental. Mr. Clark asked where the pressure was coming from. Ms. Richardson said she was requested by Council Member Madden to prepare the ordinance.



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There must be proof of insurance and a rider for a short term rental with limits of \$500,000. Ms. Bush would prefer \$1M. Ms. Scott said it was the owner's liability and the City had been asked why the City was addressing it. There was not a similar requirement for the bed and breakfast. The standard commercial insurance was \$1M, but this was stating it was a residence.

Mr. Clark said this was important because it was the whole center of Mandeville that would be affected. He would like to bring friends from New Orleans to share their fight with New Orleans. Ms. Richardson had spoken in length with the owner of the Southern Hotel who had provided much of the information. She recommended if there were friends or acquaintances in Covington to talk to them.

Mr. Adams asked why was the use restricted to the B-3 zoning district. He said the same argument could be made for any part of the City. Ms. Scott said there was no enforcement mechanism. Ms. Richardson suggested speaking with Council Member Madden.

Rhonda Alleman, 1413 Rue Bayonne, said she thought the intent was the restriction for the R-1 district being the primary reason. This use was not what R-1 zoning was intended to allow. This was commercial activity with a transaction on the property. There was a discussion to contain it to the historic district where it was more feasible with shops and the area being walkable. It would hurt the bed and breakfast establishment because they were paying the fees with the Short Term Rental units paying nothing. There was not much code enforcement and with 11 pages of rules, it was a joke that it would be enforced. Ms. Scott said there were some issues that would difficult to enforce. The ordinance must be functionally enforceable.

Mr. Clark said this was about a person or company renting rooms in houses, and houses were found in the R-1 district. To exclude the "uber of beds" from R-1 was counterintuitive. Ms. Alleman asked what would Mandeville look like in ten years and no one knew. It was a nationwide problem.

Mr. Lahasky said there were companies evolving around this use purchasing whole buildings. Mr. Adams said the complaints were now covered by the nuisance law. Mr. Clark said there was also a complaint of a loss of income.

Rick Dennie, 536 Lafitte Street, said he lived and worked in the B-3 district. Since his office was located in the same building, the Parish changed his tax structure. He now received two tax bills and two commercial insurance bills. The bed and breakfast people were getting railroaded with many of them were using their 401k investments to open their business while many of the short term rentals were going under the radar to generate income. He requested to make capitalism fair. He asked to check into the hotel motel tax structure. There are clauses in some of the AirBnB contracts that state if you were violating any City rules they could not be covered.

Peggy Boettner spoke on behalf of short term rental. There were some opinions that it would be a house full of sororities and large parties and agreed the police would be called with neighbor complaints. She said when there was a couple with small children they would not be in a bed and breakfast, but in a house where they would be safe. Her family rented a house for four days and being responsible people there were no wild parties but good family time that would not take place in a hotel or a bed and breakfast. There was a need because Mandeville did not have a hotel. The visitors were eating at the restaurants, shopping, enjoying the lake, and spending their money. If they were renting a house in Covington, they were spending their money in Covington. She agreed there should be a registration and access to call the owner if the neighbors had a problem. Limiting the amount of time to 90 days was not enough time and



she would not want someone in her personal home. The number of houses owned for this purpose could be restricted. She suggested requiring the owner to be a local resident.

Ms. Bush asked if there was an ownership provision. Ms. Boettner said she did not want to see investors overrun the area. She understood incorporating the use into the B-3 district, but visitors want to know the area as a resident and their activities. Mr. Clark asked if she would allow it in Golden Shores Subdivision. Ms. Boettner said as long as it was not a problem with the neighbors or the covenants. Mr. Clark said the area needed hospitality with control, but this was not controllable. Ms. Boettner said it could be controlled through registration.

Mr. Lahasky said the commission was listening to one side of the story in the ordinance and it was valid to protect the community. There was another side of the story that Ms. Boettner presented. There should be regulations, a way to monitor it, a fee should be charged, and the neighborhoods if they did not want it could change the covenants to prohibit it. The commission was trying to protect the areas that were not governed by Homeowner Associations. The commission should also be careful how and to the extent that it was controlled. He had mixed opinions as he had been on a family vacation of 17 people and his children would never have had the same experience in a hotel room. The commission must be careful with its decisions to consider both sides.

Susan Cazaux, East Street, said Mandeville was different from New Orleans. The renters were more family oriented. Many of the renters were visiting grandparents or to attend weddings.

Mr. Clark said there were a lot of technologies in commerce structurally changing how the world worked. The regulatory process did not keep pace with technology. He wanted to protect the bed and breakfasts. It must be understood that technology of delivery outstripped regulation. Mr. Lahasky agreed, but he was not sure to what extent there should be regulation.


Stephen Federer, 510 Girod Street, Blue Heron Bed and Breakfast, said there was a need for more rooms but the visitors were staying on the weekends. The 90 days would only be the weekends. If it was not enforceable, it did not matter. He requested everyone be applied to the same rules to be fair. He had forwarded to the City Council information about a company, hostcompliance.com, that helped draft ordinances that could be as strict as the community wanted it. He was living on his site and he would like to own another bed and breakfast, but he could not live on that site. Mr. Clark asked what tax was collected. Mr. Federer said they collected a hotel occupancy, state, and parish taxes. They live on site so there were multiple insurance policies for residential and commercial with a standard \$1M policy. At a 42% occupancy, they needed more than the 90 days. Mr. Clark asked if more business in the B-3 district would be good. Mr. Federer said it depended on the day of the week. Mr. Clark how much competition could he tolerate. Mr. Federer said there were six bed and breakfast in Old Mandeville and they stay busy on the weekends. Mr. Federer said there were certain times where it would be helpful as the ordinance allowed for seasonal permits. He also suggested putting a cap on the rentals. There were 124 sites listed in Mandeville on Airbnb although they are not all in the City limits. Enforcement was handled by complaints or violations and people would take it off the site.

Ms. Richardson asked what rules were not compliant. Mr. Federer stated parking, living on site, and there many hoops they went through to get open. It might be easier to open a bed and breakfast rather than permitting as a short term rentals.



Mr. Fairley moved to adjourn the meeting, seconded by Mr. Blache and was unanimously approved.

  
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Lori Spranley, Secretary

  
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Rebecca Bush, Chairwoman  
Planning Commission



**Zoning Commission  
Work Session  
February 26, 2019**

The meeting was called to order by Zoning Chairman Michael Blache and the secretary called the roll.

Present: Nixon Adams, Ren Clark, Simmie Fairley, Michael Blache, Rebecca Bush, Jeff Lahasky and Bill Sones

Absent: None

Also Present: Louisette Scott, Director, Planning Department and deshea Richardson, City Attorney

The first case discussed was V19-03-06 John Hance and Ginelle LeBlanc request an exception to Section 4.2.4.5, Provisions for Legally Non-Conforming Lots of Record and Section 7.5.1.3, R-1 Site Development Regulations, square B, lots 27, 28 and 29, Pine Place Subdivision, 500 Carondelet Street, zoned R-1

Ms. Scott presented the applicant purchased lots 27, 28 and 29, Sq. B in Pine Place Subdivision, with the municipal number of 500 Carondelet Street. The property was purchased by the applicant in 2018 from her brother. The structure was damaged during Hurricane Katrina and the brother could not afford the repairs. Consequently, the house fell into disrepair and was demolished in April, 2018.

lots 27, 28 and 29 each measured 50' frontage (Carondelet) by a depth of 200'. The property was zoned R-1, Single Family Residential and required a minimum lot frontage of 90', depth of 120' and square footage of 10,800 square feet.

The applicant was requesting an Exception to allow the reduction of the required minimum lot frontage of 90' to 75' (15' reduction), to allow the re-subdivision of the property into two lots, each measuring 75' x 200' containing 15,000 square feet each. An exception was being requested to allow the frontage to be reduced by 15'. The minimum depth and square footage exceeded the R-1 Site development regulations.

The letter stating the hardship reads:

*The property at 500 Carondelet was purchased to help out my brother, Terrelle Leblanc (the previous owner). He was living in a home that was on the property that had been badly damaged by Hurricane Katrina and could never get ahead of the repairs.*

*At the time we purchased the property, the house was no longer habitable. It was disintegrating with a rotting roof and part of the back wall of the house missing and covered with tar paper. Additionally, the house was being overtaken by black mold. My brother could not afford to move and could not afford to fix the house. We purchased it from him to help him move on. This was accomplished. The house was torn down due to the irreparable damage and the land now just remains.*

*However, we used the money ear marked for our own home purchase for the property hoping to re-sell the property as quickly as possible. It has been almost a year and the property hasn't sold. We hear from most potential buyers that the lot size is too large. We tried to sell the lot ourselves. After 6 months of not being able to sell it, we listed with a realtor. Our realtor, a seasoned professional in the Old Mandeville area, tells us our price point is accurate and fair. However, she also agreed from feedback that potential buyers that if the lot was subdivided it would sell quickly.*

*My husband is going to retire this year. We are living in an apartment with the hopes of buying our retirement home this year. We are unable to buy a home until the lot sells. The expense of*



**Zoning Commission  
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*the land note, property taxes and upkeep on the land as well as the money we put down on the loan are necessary for us to use for our own home. Please consider this hardship by allowing us to subdivide the lot. We wish to divide the empty lot into two equal 75' x 200' lots.*

Ms. Scott stated the applicant was proposing a resubdivision of the three 50' lots into two lots each containing 15,000 square feet. When these requests were reviewed, the neighborhood was also reviewed for lot sizes and was in the character of the neighborhood. Along Carondelet Street within the two blocks there were eight 75' lots, five 80', one 90', one 100' and one 113'. The 75' lot was in keeping with the character of the neighborhood.

Mr. Blache noted that monetary considerations were not a consideration. Ms. Scott said there was an exception process, and the commission usually looked at the neighborhood.

John Hance, 7956 Jefferson Place Boulevard, Baton Rouge and Ginelle LeBlanc, applicants, said his wife's family owned the house and land for many years. His brother-in-law was living in a place that was not habitable. Mr. Hance said he would retire this year and he wanted his own home since they used their money for this property.

Nancy Hall, 530 Carondelet Street, was concerned about a shared drainage ditch of which the bulk was located on her property. The two ditch intersection was often plugged up and the City did not maintain it. The ditch ran into Unnamed Bayou to the lake. When there was a storm there was a lot of water and at times the ditch overtopped with heavy rains. She did not want a culvert installed because it was pouring water in a funnel. Another issue was she had talked with the Public Works Department about maintenance and it had not been resolved. If the property was resubdivided, the purchaser close to her needed to be aware that maintenance would come from their side of the ditch as access point and the driveway would not impede drainage. Mr. Clark said the state was creating an initiative for watershed management. Ms. Scott said she would ask Andre Monnot, City Engineer, to look at the outfall. There would need to have ground elevations. Mr. Blache said it should be noted before permitting. Ms. Scott said the staff would review the contours and the ground was above the 5'.

Sarah Williams, 550 Carondelet Street, said she had the same concerns. She asked with the ditch if the owner would have to set the house back further and then she would be looking at them from their rear yards.

The next case discussed was V19-03-07 Thelma Clementine etal/Emile and Laura Wagner request an exception to Section 4.2.4.5, Provisions for Legally Non-Conforming Lots of Record and Section 7.5.1.3, R-1 Site Development Regulations, four lots of ground in square 71, zoned R-1

Ms. Scott presented that the applicant had a purchase agreement for parcels of land as shown on the survey prepared by J. V. Burkes & Associates, Inc., dated May 15, 2017 located in the NW portion of Square 71 (converted from French measure). These properties have been further described as four lots of ground in Sq. 71, three lots having a frontage of 60' on Clausel Street by a depth of 190' on Madison Street forming the corner of Madison and Clausel Streets, and one lot having a frontage of 60' on Madison Street by a depth of 250'. (French measure) Currently, Clausel Street was dedicated but unimproved. Madison Street was improved.

The total property has a frontage on Madison Street of 266.45' and a depth of 191.85' on unimproved Clausel Street, and the center lot having a depth of 255.8' (both exceeding the minimum depth of 120'). These parcels can be resubdivided into two parcels through the administrative resubdivision process (provided they front on Madison Street, since it was



already improved). The resubdivision into two lots with minimum of 90' frontage could create two lots conforming to the R-1 site development criteria.

The resubdivision of these parcels into three lots, fronting on Madison Street, required approval by the Zoning Commission, for an exception to lot frontage. The applicant was requesting an exception to the R-1, Single Family site development regulations to Minimum Lot Width as set forth in the requested options:

The applicant desires to resubdivide these (4) four lots into (3) three lots, 9A1, 9A2, and 9A3, all fronting on Madison Street. The applicant was proposing the following configurations:

- First option: (2) two lots with frontage of 90' x 192' depth containing 17,280 square feet each and (1) one lot measuring 85'10" with a depth of 192' (contained a jog in of 22.5') and 254' for a total of 26,120 square feet. The applicant was requesting a variance to the R-1, Site development regulations for lot frontage for the 3<sup>rd</sup> proposed lot with 85' 10" of an exception of 4' 2". All other site development for lot frontage, depth and square footage were met or exceeded. The 3<sup>rd</sup> lot (variance requested) proposed 26,120 square feet or 15,320 square feet greater than the minimum 10,800 square feet required.
- Second Option: Entire frontage (266.05') on Madison Street be subdivided into 3 equal lot frontages, 88.68'. The total square footage proposed would be 17,057.42 square feet, 17,057.42 square feet, and 21,147.45 square feet, all greater than 1.5x the minimum area of 10,800 square feet. This proposed option would require an exception to each proposed lot frontage of 1.32'.

Mr. Blache said the proposals met two of the three requirements for consideration. Mr. Clark said with the proportional setbacks, if the lots measured 90', 95' and 80' the deforestation would be relatively less since this was a totally forested lot.

Ms. Scott said if the lots were between 76' and 80' frontage the setbacks would be 15'. Mr. Clark said at 95', there would be 16' setbacks. With two 15' setbacks on the edges and one 16' setback in the middle, it would be larger proportionately.

Emile and Laura Wagner, 1623 Claiborne Street, applicants, said they had the property under contract and would like to build three houses.

Patrick Clementine, applicant said he was speaking on behalf of his mother Thelma, said the property was in the family over 100 years. With his mother on a fixed income, it difficult to pay the taxes. All of this time there was a legal description of four lots and they were requesting to be allowed to create three lots.

The next case discussed was V19-03-08 Ryan Rouse requests a variance to Section 5.2.3.4(2)(a), Foundation for Habitable Areas, Parcel 3-B-2, 1540 West Causeway Approach, zoned B-2

Ms. Scott presented that the applicant purchased this property in February, 2019 and was in the process of developing construction drawings for permitting (office building) on the site. In preparing the construction plans, the architect encountered a hardship in meeting CLURO Section 5.2.3.4 (2) (a), requiring FFE to be 12" above the crown of the road. A variance of 12" is being requested to allow the FFE to be at 19.16' msl which is the existing height of the crown of the road, West Causeway Approach.



The application outlined the conditions of the site, the adjacent roadway and the hardship, as follows:

The variance request stated:

*This letter is to request a variance from the provisions in Article 6, Land Use Classifications, section 5.2.3.4(2)(a), Foundations for Habitable Areas under the City of Mandeville CLURO.*

*Section 5.2.3.4(2)(a) states that the foundation must be at 12 inches above the crown of the road, or meet the current FEMA requirement, whichever is greater. Following this requirement will substantially elevate the proposed building between 3 to 4 feet above the ground, thus generating aggressive design strategies on the site, increasing the building's structural cost, and reducing the aesthetics of the overall layout of the building. The site is currently in Flood Zone X, which is an area of minimal flood hazard and does not have a BFE requirement.*

*The topography of the site varies in elevations ranging from 15 feet at its lowest point at the rear, about 17.3 feet in the area where the building will be constructed, and 17.94 feet at the front of the property.*

*With the implementation of drainage to the back of the property, the lowest finished floor of the proposed building does not need to be substantially elevated. It can easily conform with the adjacent property elevations. The finished floor of the building on the adjacent Property, Parcel 3-A (South) is at 18.3 feet. Parcel 2- (North) is at 19.1 feet. The street elevation (West Causeway approach) is currently at 19.16 feet. If we were to elevate the building 12 inches above the crown of the street, then the current buildings on these adjacent sites will be at a much lower elevation than the new development.*

*Taking into consideration how much fill is required to elevate the building higher than the buildings on the adjacent properties, and that the property is not in a flood zone, we request a variance to be equal to the crown of the street, at 19.16, rather than 12 inches higher than the crown of the road. We also note that the right of way and the roadway of West Causeway Approach are significantly larger than many other streets, such as smaller residential streets, with the crown raised much higher than the adjacent land in this location in particular.*

*Allowing this variance will not constitute a grant of special privileges. We are asking to avoid the additional financial burden and reduced building accessibility caused by elevating an establishment in a zone that is already designated as a minimal flood hazard zone. Granting this variance will insure the future development will be consistent in height with the existing neighboring buildings.*

In discussions with the architect, Ms. Scott spoke with the City Engineer who looked at the drainage plan and the finished floor and did not see an adverse impact to the building. The applicant wanted to assure there would be no flooding issues for the building. This area was in the Flood Zone X with no requirement and would fall back to elevation of the street.

Shiloh Moates, architect, said in design they noticed elevating to 1' above the crown from the Causeway to the property edge the land dropped substantially. If elevated, it would require a ramp and have an institutional look. With the variance there would only be one step up with a more gentle look and easier access.

Mr. Clark asked how many elevations were taken on the property. Ms. Moates said she did not order the survey, but she thought it was a 50' grid. Mr. Clark said he had spoken with a professor at ULL who said Lafayette had created a no net fill regulation and a particular grid size



for a sample and also required adjacent samples. He asked Ms. Moates to impress on the City the need for that sample. Ms. Moates said on this site, it dropped substantially from the crown of street and across the property that it did not work on this site. Ms. Scott said the lot frontage 122'. Mr. Clark asked about the correlations with LIDAR, but Ms. Moates had not.

The last case discussed was Z19-03-04 Recommendation to the City Council regarding Ordinance 19-06 to rezone a parcel of land being a portion of double square 40, from R-1, Single Family Residential, to B-2, Highway Business District, City of Mandeville, St. Tammany Parish, Louisiana and providing for other matters in connection therewith

Ms. Scott presented that KWKP Properties, LLC purchased this described parcel of ground situated in double Square 40 in August, 2018. KWKP Properties, LLC, owned and operated Keith's Towing Service, Inc. located at 801 Ramon Street, which was a contiguous parcel to the land requested to be rezoned. KWKP Properties, LLC had requested to rezone the property from the existing R-1, Single Family Residential zoning to B-2, Highway Business District zoning to allow for the use of this property as part of the towing operations. Keith's Towing was classified under the CLURO in Section 6.4.19, A & E Storage, which was a permitted use within the B-2, Hwy Business District zoning district. The rezoning was being requested in accordance with the survey prepared by Randall Brown & Associates dated November 14, 2018.

A portion of this property was currently zoned B-2, Hwy Business District. This portion is on Ramon St adjacent to the property currently owned by KWKP. The remaining portion of this property fronted on Lafayette Street and was adjacent to the B-2, Highway Business District zoning to the north. The property contiguous to the south was an existing 4-plex. This property was zoned R-1, Single family residential, and the 4-plex was a legally non-conforming use in the R-1 zoning district. Rezoning this parcel would be consistent with existing land uses within the block.

There was one building that a four plex zoned R-1 legally non-conforming. Ms. Scott said Mark Watson had discussed a land swap because of the encroachment which was now worked out and the applicant was waiting on a revised survey that would be inserted into the ordinance.

Mr. Blache asked if there would be a problem if the survey was not complete. Ms. Scott said at the time of the application, the applicant did not know if land swap could be accomplished. A resolution to encroachment has been worked out.

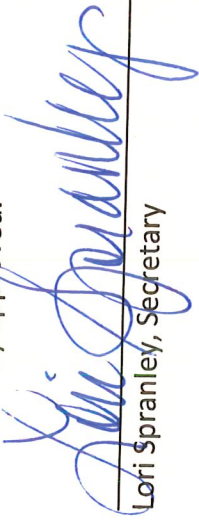
Mark Watson, 1635 Lamarque Street, said the four plex was 9' onto their property. It would not go away and they were making it work. The owners were not helpful in making this happen, but they were doing an even swap to meet the setbacks. The use of the property would be for parking. They did not have a salvage yard or sell parts. They would store the vehicle for a short time and then the insurance company towed away. They needed parking for their drivers and the trucks.

Mr. Adams said Keith's Towing was a good neighbor for 30 years. Mr. Watson said the land would be well groomed and quiet.

Mr. Lahasky asked if the commission would have a copy of the document agreement. Mr. Watson said it would probably be an act of donation and they had an attorney to draw it up. Ms. Scott suggested administratively resubdividing the properties.



Mr. Fairley moved to adjourn the meeting, seconded by Mr. Blache and was unanimously approved.

  
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Lori Spranley, Secretary  
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Michael Blache, Chairman  
Zoning Commission



