**THE COUNCIL**

**City of New Orleans**

**HELENA MORENO JP MORRELL**

Councilmember-At-Large Councilmember -At-Large

**JOSEPH I. GIARRUSSO III LESLI D. HARRIS FREDDIE KING III EUGENE J. GREEN, JR. OLIVER M. THOMAS, JR.**

**Councilmember District A Councilmember District B Councilmember District C Councilmember District D Councilmember District E**

**AGENDA**

Special Meeting of the City Council

**to be held in City Council Chamber**

on Wednesday, March 2, 2023 at 10:00 A.M.

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| **PRESIDENT**  **JP MORRELL**  Councilmember-At-Large |  | **VICE PRESIDENT**  **HELENA MORENO**  Councilmember-At-Large |

**PRESIDENT’S CALL**

LORA W. JOHNSON

CLERK OF COUNCIL

**ROLL CALL**

LORA W. JOHNSON

CLERK OF COUNCIL

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**REGULAR AGENDA**

1. **LEGISLATIVE GROUPING**

**1a. Zoning Docket** **NO. 2/23** - **City Council Motion No. M-22-485**

**Brief:**

Requesting a Text Amendment to the Comprehensive Zoning Ordinance to modify the Residential Short Term Rental regulations to bring them into compliance with the decision by the United States Court of Appeals for the Fifth Circuit which determined the homestead exemption requirement to be unconstitutional. The motion includes fourteen (14) items for CPC staff’s consideration:

* Additional/new prohibitions, including capping

Measures such as limiting the number of licenses

held by a property owner, limiting the number of

STRs an operator can operate, or creating

restrictions based on block-face and/or

neighborhood caps, spacing, or census tract;

* Adjusting oversight responsibilities currently

Applicable to owners and operators, including the

possible shift to an on-site host requirement or

allowance for an on-site operator in lieu of owner;

* Applicable regulations that may be available relative

to the internet platforms that provide STR listings,

including platform accountability;

* Changes to the existing STR categories and license

types;

* Compliance standards;
* Requiring platforms to collect data;
* Enforcement mechanisms and penalties including the

revocation of licenses and prevention of applicants’

ability to apply for new licenses due to historical

quality of life violations;

* Mechanisms to leverage STRs to produce and/or maintain

affordable housing units;

* Possible remedies to the illegal operation of STRs;
* Removal of all references to a homestead exemption

requirement for STRs;

* Whether or not all owners and/or operators be natural

persons at least 18 years in age;

* Revisions to zoning districts, definitions, use

permissions, and standards ZD002/23 2 applicable to

traditional bed and breakfasts for consistency with

STRs;

* Revisions to definitions, use permissions, and

Standards applicable to all transient lodging for

consistency with applicable zoning interpretation

memoranda of the Director of the Department of Safety

and Permits;

* Updates to the fee structure, including those fees

applicable to guests and those applicable to STR

owners and operators;

* Whether STRs are fundamentally a commercial use and

Should be treated in zoning as such;

* Zoning districts where STR use is appropriate, and its

designation as a prohibited, permitted, or conditional

use. This includes the possibility of adopting total

bans by zoning district, by neighborhood, or citywide.

The proposed text changes would affect regulations that are applied city-wide. The recommendation of the City Planning Commission being for **“MODIFIED APPROVAL”**.

**Annotation:**

**ELECTRONICALLY SUBMITTED.**

***(All Cms., Citywide, Cn. Deadline 4/3/23).***

**1b. MOTION – NO. M-23-84 – BY: COUNCILMEMBERS HARRIS AND GIARRUSSO**

**Brief:**

Approving the request on ZD NO. 2/23 with the following modifications:

1. In the Article 26 definition of “Short Term Rental,

Non-Commercial” (appearing on page 60 of the CPC Staff Report), delete the sentence “The owner and operator must both be a natural person over the age of 18 years old.” Insert the following in lieu thereof: “The operator and all owners of the property must be natural persons aged 18 years or over.”

1. In the Article 26 definition of “Short Term Rental,

Non-Commercial” (appearing on page 61 of the CPC Staff Report), delete the sentence “Each block face is limited to one (1) non-commercial short term rental permit, unless an exception is provided herein.” Insert the following in lieu thereof: “Each block face is limited to one (1) non-commercial short term rental permit.”

1. Immediately prior to the strike through version of

Section 20.3.LLL.3 (appearing on page 62 of the CPC Staff Report), insert the following:

**20.3.LLL.1 Short Term Rentals General Standards**

[...]

b. All short term rentals shall require a permit.

The permit shall be prominently displayed on the

front facade of the property **at a reasonable**

**height** in a location clearly visible from the

street **and accessible from the public right-of-**

**way** during all periods of occupancy and contain

the permit number, the contact information for

the owner or operator, the permit type (~~Partial~~

~~Unit Residential, Small Residential~~, ~~Large~~

~~Residential~~, **Non-Commercial** or Commercial) and

the bedroom and occupancy limit.

[...]

e. Both Commercial and ~~Residential~~ **Non-Commercial**

short term rentals shall be considered dwelling

units for density purposes and subject to the

minimum lot area per dwelling unit requirement of

the applicable zoning district.

[...]

h. **The rental of kitchens, dining rooms, living**

**rooms, offices, and other common spaces may be**

**used as part of the short term rental but shall**

**not be rented as guest bedrooms**. Only legally

permitted bedrooms shall be used for the purposes

of calculating the maximum number of guests. ~~The~~

~~rental of kitchens, dining rooms, living rooms,~~

~~offices, and other common spaces may be used as~~

~~part of the short term rental but shall not be~~

~~rented as guest bedrooms~~. Studio apartments and

dwelling units shall be considered to have one

(1) guest bedroom and allowed a maximum of two

(2) guests.

[...]

1. In Section 20.3.I.1 (appearing on page 62 of the CPC

Staff Report), insert the following new subsection (h):

h. In residential districts and HU-B1A Neighborhood

Business District, HU-B1 Neighborhood Business

District, HU-MU Neighborhood Mixed-Use District,

S-LM Lake Area Marina District, MU-1 Medium

Intensity Mixed-Use District, and MU-2 High

Intensity Mixed-Use District, only one (1)

Accessory Bed and Breakfast, one (1) Principal

Bed and Breakfast, or one (1) Non-Commercial

Short Term Rental is permitted per block face.

1. In Section 20.3.I.2 (appearing on page 62 of the CPC

Staff Report), amend subsection (g) to read as follows:

g. In residential districts and HU-B1A Neighborhood

Business District, HU-B1 Neighborhood Business

District, HU-MU Neighborhood Mixed-Use District,

S-LM Lake Area Marina District, MU-1 Medium

Intensity Mixed-Use District, and MU-2 High

Intensity Mixed-Use District, only one (1)

**Accessory Bed and Breakfast, one (1)** **P**~~p~~rincipal

B~~b~~ed and **B**reakfast, or ~~large~~ **one (1) Non-**

**Commercial Short Term Rental** ~~short term rental~~ is

permitted per block face.

1. In Section 21.8.C.18 (appearing on page 64 of the CPC

Staff Report), insert the following at the end of subsection (a):

The issuance or renewal of a short term rental

permit is a privilege, not a right, and shall be

subject to the requirements set forth in the City

Code, as well as the City’s authority to regulate

businesses and to regulate, modify, restrict, or

altogether prohibit the issuance or renewal of

any permit required for short term rentals use.

No provision of this ordinance, including without

limitations the non-conforming use provisions set

forth in Article 25, shall be construed to

authorize the continued use of any property as a

short term rental in the event the City modifies

its short term rental permitting regulations in a

manner that limits or prohibits the issuance of a

short term rental permit.

1. In Section 21.8.C.18 (appearing on pages 64 and 65 of

the CPC Staff Report) delete existing subsections (d) and (e) and replace them with the following:

d. The short term rental shall not adversely affect

the residential character of the neighborhood by

generating excessive noise, vibrations, garbage,

odors, or other secondary effects that unreasonably interfere with others’ use and enjoyment of their residences, as more fully set forth in standards set outlined in the City Code.

e. A non-commercial short term rental shall be

governed by both a noise abatement plan and a

sanitation plan.

1. In Section 21.8.C.18 (appearing on page 65 of the CPC

Staff Report) replace existing subsection (i) with the following for clarity: “i. No person may be the operator of more than one (1) non-commercial short term rental.”

1. In Section 21.8.C.18 (appearing on page 65 of the CPC

Staff Report) replace existing subsection (k) with the following for clarity:

k. Only natural persons aged 18 or over may own

property used as a non-commercial short term

rental. Ownership, in whole or in part, by a

business entity, trust, or any other juridical

person is prohibited. No person may own, in whole

or in part, more than one property used as a non-

commercial short term rental.

1. In Section 21.8.C.18 (appearing on page 65 of the CPC

Staff Report) replace existing subsection (m) with the following for clarity: “m. Only one (1) non-commercial short term rental permit may be issued per block face.”

1. In Section 21.8.C.18 (appearing on page 65 of the CPC

Staff Report) revise subsection (o) by adding the following at the end of the subsection: “At least one bedroom on the lot of record containing a non-commercial short term rental shall be reserved exclusively for the operator and shall not be advertised or used as a guest bedroom.”

1. In Section 21.8.C.18 (appearing on pages 65 and 66 of

the CPC Staff Report), amend subsection (q) to as follows:

q. In residential districts and HU-B1A Neighborhood

Business District, HU-B1 Neighborhood Business

District, HU-MU Neighborhood Mixed-Use District,

S-LM Lake Area Marina District, MU-1 Medium

Intensity Mixed-Use District, and MU-2 High

Intensity Mixed-Use District, only one (1)

Accessory Bed and Breakfast, one (1) Principal

Bed and Breakfast, or one (1) Non-Commercial

Short Term Rental is permitted per block face.

**Annotation:**

**ELECTRONICALLY SUBMITTED.**

***(Council Rule 34. Postponement Deadline 6/30/23).***

**1c. AMENDMENTS TO MOTION NO. M-23-84 - BY: COUNCILMEMBER**

**MORRELL**

**Brief:**

In number 3, at the end of subsection (b) insert the

following:

For Non-Commercial short term rental units, in addition to the permit display requirements, the owner or operator must place a sign measuring at least 2 feet by 2 feet on the front façade of the property or in the front yard of the property containing the permit number, the contact information for the owner or operator, the permit type, and the bedroom and occupancy limit. The entirety of the 2 feet by 2 feet sign must be visible from the public right-of-way and all information must be in a legible font that is visible from the public right-of-way.

**Annotation:**

**ELECTRONICALLY SUBMITTED.**

***(Council Rule 34. Postponement Deadline 6/30/23).***

**1d. AMENDMENTS TO MOTION NO. M-23-84 - BY: COUNCILMEMBER MORRELL**

**Brief:**

1. In number 2 remove the text in its entirety and insert

in lieu thereof:

In the Article 26 definition of “Short Term Rental, Non-Commercial” (appearing on page 61 of the CPC Staff Report) delete the following: “Each blockface is limited to one (1) non-commercial short term rental permit, unless an exception is provided herein. Dwelling units located on a corner shall be counted toward the blockface corresponding to its municipal address, as determined by the Department of Safety and Permits.

1. In number 4, delete the following: “only one (1)

Accessory Bed and Breakfast, one (1) Principal Bed and

Breakfast, or one (1) Non-Commercial Short Term Rental

is permitted per block face” and insert in lieu thereof

“only one (1) Accessory Bed and Breakfast or one (1)

Principal Bed and Breakfast is permitted per blockface.”

1. In number 5, delete the following: “only one (1)

Accessory Bed and Breakfast, one (1) Principal Bed and

Breakfast, or one (1) Non-Commercial Short Term Rental

is permitted per block face” and insert in lieu thereof

“only one (1) Accessory Bed and Breakfast or one (1)

Principal Bed and Breakfast is permitted per blockface.”

1. Delete number 10 in its entirety, and insert the

following in lieu thereof:

10. In Section 21.8.C.18 (appearing on

page 65 of the CPC Staff Report)

delete subsection (m) in its

entirety and renumber the

subsequent subsections accordingly.

1. In number 12, delete the following: “only one (1)

Accessory Bed and Breakfast, one (1) Principal Bed and

Breakfast, or one (1) Non-Commercial Short Term Rental

is permitted per block face” and insert in lieu thereof

“only one (1) Accessory Bed and Breakfast or one (1)

Principal Bed and Breakfast is permitted per blockface.”

1. After number 12, add a new amendment to read as follows:

1. In Section 21.8.C.18 (appearing on page

65 of the CPC Staff Report) delete

subsection (n), and renumber the

subsequent subsections accordingly.

**Annotation:**

**ELECTRONICALLY SUBMITTED.**

***(Council Rule 34. Postponement Deadline 6/30/23).***

1. **ORDINANCES ON FIRST READING.**

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