

THE COUNCIL
City of New Orleans

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Councilmember -At-Large

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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.

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."
2. 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."
3. 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.

[...]

- 4. 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.
- 5. 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) Principal Bed and Breakfast, or large one (1) Non-Commercial Short Term Rental** ~~short term rental~~ is permitted per block face.

6. 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.

7. 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.

8. 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.”

9. 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.
10. 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.”
11. 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.”
12. 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.

2. 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."
3. 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."
4. 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.
5. 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."
6. After number 12, add a new amendment to read as follows:
 13. 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).

2. ORDINANCES ON FIRST READING.

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