

CITY PLANNING COMMISSION
CITY OF NEW ORLEANS

LATOYA CANTRELL
MAYOR

ROBERT D. RIVERS
EXECUTIVE DIRECTOR

LARRY W. MASSEY
DEPUTY DIRECTOR

City Planning Commission Staff Report

Executive Summary

Zoning Docket 002/23

Applicant: City Council Motion No. M-22-485

Request: Request by City Council Motion M-22-485 for 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

- 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.

Location: The proposed text changes would affect regulations that are applied city-wide.

Summary of Proposal:

Zoning Docket 002/23 is a request by City Council Motion M-22-485 is a request for City Planning Commission to consider major modifications to the short term rental regulations. The request was submitted in response to a decision by the United States Court of Appeals for the Fifth Circuit that deemed the homestead exemption requirement for residential short term rental permits unconstitutional. The City Council responded by establishing an Interim Zoning District (ZD095-22) to prevent any new residential short term rental licenses from being granted, and by making a request of CPC to modify the short term rental regulations which is the subject of this zoning docket.

Bringing the CZO into compliance with the court's decision requires the removal of references to the homestead exemption language, and City Council asked CPC to consider additional restrictions that could establish limitations for residential STRs. The City Council's motion reaches beyond the decision by the Fifth Circuit Court of Appeals and refers to major reconsiderations of many aspects of the STR regulations. After conversations with the City Council, it was agreed for the scope to be limited to the provisions related to the court's decision. Of the fourteen (14) originally requested items, the relevant seven (7) sections of the motion related to the Court's decision are as follows:

- 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;
- ...
- Changes to the existing STR categories and license types;

- ...
- 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;
- ...
- 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 City implemented the homestead exemption requirement to preserve neighborhood character through on-site owner management and to benefit individual homewoners who may need this option to afford their ownership. As a substitute for the owner occupancy requirement, staff recommends an operator occupancy requirement and limiting residential short term rentals to one (1) permit per blockface. Discussion of these recommendations, and of the other requests from the City Council, fall under the Analysis section.

In summary, staff recommends:

- Replacing the owner occupancy requirement for Residential Short Term Rentals and Bed and Breakfasts to operator occupancy.
- Changing the use type of RSTRs to a temporary use which can be issued for a one (1) year term.
- Consolidating the Partial-Unit, Small and Large permit types into one (1) Non-Commercial STR permit limited to five (5) guest bedrooms and ten (10) guests.
- Adding a blockface limitation for Non-Commercial Short Term Rentals of one (1) permit per blockface.
- Limiting each lot to only one (1) Non-Commercial permit.
- Requiring that both the property owner and the operator be a natural person.
- Limiting the operator to only one (1) Non-Commercial Short Term Rental permit.
- Removing all Short Term Rental Residential uses from the use tables and adding the zoning districts to the new temporary use category.

The staff finds that the proposed text amendment, as modified by staff, is consistent with the Master Plan and meets the approval standards for text amendments of **Article 4, Section 4.2.E** of the Comprehensive Zoning Ordinance. Therefore, the staff recommends modified approval of Zoning Docket 002/23.

Master Plan:

The proposal is consistent with the Master Plan.

Recommendation:

The staff recommends **MODIFIED APPROVAL**.

Reasons for Recommendation:

1. The requested amendment provides a remedy for the Court's decision that the homestead exemption requirement for residential short term rental permits is unconstitutional and develops mechanisms to prevent the negative impact of residential STRs in residential neighborhoods.
2. The requested text amendment is compatible with the approval standards and is consistent with the Master Plan.

City Planning Commission Meeting
Tuesday, January 24, 2023

CPC Deadline: 05/11/19
CC Deadline: 60 Days from Receipt
City Council Districts: All

PRELIMINARY STAFF REPORT

Zoning Docket: 002/23

To: City Planning Commission

From: Robert Rivers, Executive Director
Paul Cramer, Planning Administrator

Prepared by: Laura Bryan, Paul Cramer

Date: January 18, 2023

I. GENERAL INFORMATION

Applicant: City Council Motion No. M-22-485

Request: Request by City Council Motion M-22-485 for 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 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.

Location: The proposed text changes would affect regulations that are applied city-wide.

Description: Zoning Docket 002/23 considers a text amendment to the Comprehensive Zoning Ordinance to consider and adopt certain changes to Short Term Rental regulations. Particularly, the Motion directs staff to remove references to the homestead exemption requirement which the recent court decision has deemed unconstitutional, and to consider other restrictions in lieu of homestead exemption.

Why is City Planning Commission action required?

The City Planning Commission is required to make a recommendation on all amendments to the text of the Comprehensive Zoning Ordinance prior to City Council action, in accordance with **Article 4, Section 4.2.D.3 Action by City Planning Commission** of the Comprehensive Zoning Ordinance.

II. ANALYSIS

A. What is the reason for the text amendment? What area would be affected by the text amendment?

Reason for text amendment

The request from City Council Motion M-22-485 is to consider a text amendment to modify the regulations for Residential Short Term Rentals to bring them into compliance with the recent court decision that rendered the homestead exemption requirement unconstitutional. The Motion includes additional considerations for CPC to review, however not all are germane to the court case.

B. What is the existing language of the Comprehensive Zoning Ordinance?

The scope of the Council Motion included Short Term Rental regulations as well other lodging and similar uses. The Comprehensive Zoning Ordinance regulates the uses of all short term rentals in the *Zoning District Use Permissions (Articles 7 to 17)*, the *Use Standards (Article 20)*, the *Off-Street Parking and Loading Standards (Article 22)*, and the *Definitions (Article 26)*.

Definitions (Article 26)

The current definitions for Short Term Rentals in the Comprehensive Zoning Ordinance are as follows:

Short Term Rental. Short Term Rental. The use and enjoyment by guests of a Dwelling Unit, or any portion thereof, for a period of less than thirty (30) consecutive days, in exchange for money, commodities, fruits, services, or other performances. Hotels, motels, bed and breakfasts, and other land uses explicitly defined and regulated in the CZO 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, Residential.** A short term rental where the owner has their permanent primary residential dwelling unit onsite and is present during the guest's stay. Proof of ownership shall be established by submission of proof of a homestead exemption submitted to the Department of Safety and Permits. Only one type of residential short term rental is allowed per lot, with the exception that than an owner may obtain one Partial-Unit and one Small Residential Short Term Rental Permits on the same lot.
 - **Partial-Unit Residential Short Term Rental.** Rental of a portion of an owner-occupied dwelling unit with a principal use as a permanent dwelling unit with no more than five (5) guest bedrooms and ten (10) total guests, for overnight paid occupancy as an accessory use.
 - **Small Residential Short Term Rental.** An owner-occupied lot with no more than four (4) dwelling units where one (1) unit is the owner's permanent residential dwelling unit and where only one (1) dwelling unit per lot is rented with no more than five (5) guest bedrooms and ten (10) total guests for overnight paid occupancy as an accessory use.
 - **Large Residential Short Term Rental.** An owner-occupied residential structure that provides rental of up to three (3) dwelling units for paid occupancy, with no more than six (6) guest bedrooms total.
- B. **Short Term Rental, Commercial.** An establishment providing rental of one (1) or more dwelling units for overnight paid occupancy. Each dwelling unit is limited to five (5) guest bedrooms and no more than ten (10) occupants.

As part of this text amendment, the City Council motion requested that the staff reconcile provisions of the Comprehensive Zoning Ordinance regarding lodging and similar uses,

definitions for those similar uses are provided below:

Bed and Breakfast. A single-family dwelling, or other structure that has been legally converted to a single-family dwelling, that provides sleeping rooms for overnight paid occupancy. Bed and breakfast is further defined as follows:

A. Bed and Breakfast, Accessory. An owner-occupied single-family dwelling, which provides no more than five (5) guest bedrooms for overnight paid occupancy of up to thirty (30) nights. Common bathroom facilities may be provided rather than private baths for each guest bedroom.

B. Bed and Breakfast, Principal. An owner- or operator-occupied single-family dwelling that provides no more than nine (9) guest bedrooms for overnight paid occupancy of up to thirty (30) nights. Common bathroom facilities may be provided rather than private baths for each guest bedroom.

Hotel/Motel. An establishment providing a private room for sleeping accommodations for a fee with private bathroom facilities and customary lodging services. Related ancillary uses may include, but are not limited to conference and meeting rooms, restaurants, sale of convenience items, bars, and recreational facilities. Hotels shall be permitted to include units for sale designed or used exclusively for permanent residential use in all districts except in Light Industrial (LI), Heavy Industrial (HI), and Business Industrial Park (BIP) districts.

Use Standards (Article 20)

The use standards for Short Term Rentals are found in **Article 20** and listed below.

20.3.LLL.1 Short Term Rentals General Standards

- a. In addition to the use standards below, all short term rentals shall comply with the regulations of the Department of Safety and Permits and the Department of Finance, Bureau of Revenue.
- b. All short term rentals shall require a permit. 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 or operator, the permit type (Partial Unit Residential, Small Residential, Large Residential, or Commercial) and the bedroom and occupancy limit.
- c. Short term rentals shall not be operated outdoors, in an accessory structure, or in a recreational vehicle.
- d. Only one party of guests shall be permitted per short term rental unit.
- e. Both Commercial and Residential 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.

- f. A short term rental permit shall be secured prior to operation; and short term rental operators shall comply with all applicable permit requirements provided in the Code of the City of New Orleans.
- h. Only legally permitted guest 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 a 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.
- i. Notwithstanding anything else herein to the contrary, no Short Term Rental or Bed and Breakfast shall be permitted within the boundaries of the Garden District, which for purposes of this subsection shall be defined as follows: the center line of St. Charles Avenue, downriver side of Jackson Avenue, center line of Magazine Street, and downriver side of Louisiana Avenue. This provision shall not be waived.

20.3.LLL.2 Short Term Rental, Commercial Standards

- a. The permit shall be prominently displayed on the front facade of the property in a location clearly visible from the street or on the exterior of the front door of the dwelling unit being rented for multi-family dwellings, during all periods of occupancy and contain the permit number, the contact information for the permitted operator, the permit type (Commercial) and the unit, guest bedroom and occupancy limit.
- b. Up to five (5) guest bedrooms may be rented to guests in each unit and occupancy shall be limited to two (2) guests per guest bedroom with a maximum ten (10) guests.
- c. Commercial Short Term Rentals shall be prohibited on the first floor of a multi-story structure that contains or can contain residential uses on subsequent floors, but (1) does not apply to buildings that are single- or two-family dwellings; (2) does not apply to single-story structures; (3) does not apply to the CBD Central Business Districts, except when the structure is a new construction or a substantial improvement, EC Education Campus, MC Medical Campus, LS Life Science, and M-MU Maritime Mixed Use Districts, nor the MI Maritime Industrial Commercial and Recreational Subdistrict.
- d. A Commercial Short Term Rental shall submit the following impact management plans, to be reviewed by the Director of Safety and Permits, and all other relevant City agencies:
 - i. Noise abatement plan;
 - ii. A security and operation plan; and
 - iii. A sanitation plan.
- e. No more than one (1) unit or twenty-five (25) percent of total units on a lot or a single building constructed across lot lines, whichever is greater, shall be permitted as a Commercial Short Term Rental. This cap shall not apply to the VCE Vieux Carré Entertainment District, to structures which front on

Canal Street between the Mississippi River and Rampart Street, the EC Educational Campus District, MC Medical Campus District, LS Life Science District, or the MI Maritime Industrial District Commercial and Recreational Subdistrict.

- f. Any structure that contains 10 or more dwelling units that are used as short term rentals shall have a designated and permitted Operator as required by the Code of the City of New Orleans.

20.3.LLL.3 Short Term Rental, Residential Standards (All Types)

- a. A short term rental permit shall be secured prior to operation; and short term rental operators shall comply with all applicable permit requirements provided in the Code of the City of New Orleans.
- b. The short term rental shall appear outwardly to be a residential dwelling.
- c. Use of the short term rental for commercial or social events shall be prohibited.
- d. The short term rental shall not adversely affect the residential character of the neighborhood.
- e. The short term rental shall not generate noise, vibration, glare, odors, or other effects that unreasonably interfere with any person's enjoyment of their residence.
- f. No signs are allowed for a Residential Short Term Rental.
- g. 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 permit type (Partial, Small, or Large Residential) and the bedroom and occupancy limit.
- h. Proof of owner occupancy shall be established by submission of proof of a homestead exemption submitted to the Department of Safety and Permits. The owner-occupant's ownership interest must be at least fifty percent (50%).

20.3.LLL.4 Short Term Rental, Partial-Unit Residential Standards

- a. Only a portion of the dwelling may be rented, which shall be limited to five (5) guest bedrooms, and occupancy shall be limited to two (2) guests per bedroom or ten (10) guests total. There shall be at least one bedroom for the fulltime owner-occupant.
- b. No Partial-Unit Residential Short-Term Rentals shall be permitted in the area bounded by the Mississippi River, Iberville Street, N. Rampart Street, and Esplanade Avenue, unless specifically authorized herein. This provision shall not be waived.

20.3.LLL.5 Short Term Rental, Small Residential Standards

- a. If more than one (1) principal building exists on a lot, or two (2) or more contiguous lots have been historically acquired together and the second building was originally constructed and has been used for habitable space,

as defined by the Building Code, at least five (5) years prior to the establishment of the short term rental, it may be included in the operation of the short term rental.

- b. Up to five (5) guest bedrooms may be rented to guests, and occupancy shall be limited to two (2) guests per guest bedroom with a maximum ten (10) guests.

20.3.LLL.6 Short Term Rental, Large Residential Standards

- a. If more than one (1) principal building exists on a lot, or two (2) or more contiguous lots have been historically acquired together and the second building was originally constructed and has been used for habitable space, as defined by the Building Code, at least five (5) years prior to the establishment of the short term rental, it may be included in the operation of the short term rental.
- b. Large Residential Short Term Rentals are limited to a maximum of three (3) dwelling units containing no more than six (6) total guest bedrooms. Occupancy shall be limited to two (2) guests per bedroom with a maximum twelve (12) guests.
- c. 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) principal bed and breakfast or large residential short term rental is permitted per block-face.

The standards for bed and breakfasts, both principal and accessory are also located in **Article 20.**

20.3.I BED AND BREAKFAST

In addition to the regulations below, all bed and breakfasts shall comply with the regulations of the Department of Safety and Permits and the Department of Finance, Bureau of Revenue.

20.3.I.1 Bed and Breakfast Accessory Standards

- a. Proof of owner occupancy shall be established by submission of proof of a homestead exemption submitted to the Department of Safety and Permits. The owner-occupant's ownership interest must be at least fifty percent (50%).
- b. The bed and breakfast shall appear outwardly to be a single-family dwelling, giving no appearance of a business use other than a permitted sign.
- c. The bed and breakfast may have one (1) attached projecting sign not to exceed four (4) square feet in area. The sign shall complement the architecture of the structure.
- d. The bed and breakfast is limited to a maximum of five (5) units for overnight accommodation.

- e. Cooking facilities are prohibited in individual guest rooms.
- f. If meals are provided, only registered guests may be served.
- g. Leasing of a common dining area for social events is prohibited.

20.3.I.2 Bed and Breakfast Principal Standards

- a. Proof of owner or operator occupancy shall be established by submission of proof of a homestead exemption (owner) or legal leasing agreement (operator) submitted to the Department of Safety and Permits.
- b. All signs shall comply with applicable sign regulations for the zoning district.
- c. The bed and breakfast is limited to a maximum of nine (9) units for overnight accommodation.
- d. Cooking facilities are prohibited in individual guest rooms.
- e. If the zoning district allows restaurants, meals may be served to guests other than those registered with the bed and breakfast, provided the facility meets all other applicable city and state codes for food service.
- f. Leasing of common areas for social events shall be allowed, provided the facility meets all applicable off-street parking requirements and complies with the noise ordinance and all other provisions of the City Code.
- 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) principal bed and breakfast or large residential short term rental is permitted per block-face.

Off-Street Parking and Loading (Article 22)

The parking requirements for short term rentals depend on the type. Commercial Short Term Rentals are required to have one parking space per 2 guest rooms, which is equivalent to the parking requirement for a bed and breakfast and hotel/motel. Residential Short Term Rental, Large licenses are required to provide 1 space for 2 guest bedrooms which is the same as Commercial STRs. Residential Short Term Rental, Small, are required to have the same number of parking spaces as the applicable dwelling type. In districts where parking is not required for any use, no off-street parking is required for the short term rental.

22.4 Required Off-Street Vehicle Parking Spaces

22.4.A General Requirements

[...]

Table 22-1: Off-Street Vehicle and Bicycle Parking Requirements			
Use	Minimum Required Vehicle Spaces	Minimum Required Bicycle Spaces	
		Required Short-Term Bicycle Spaces	Percentage of Long-Term Bicycle Spaces

[...]			
Bed and Breakfast	1 per 2 guest bedrooms		
Hotel/Motel/Hostel	1 per 2 guest bedrooms	1 per 10 guest bedrooms	
Short Term Rental, Commercial	1 space per 2 guest bedrooms	1 per 5 rooms	25%
Short Term Rental, Large Residential	1 per 2 guest bedrooms	1 per 5 rooms	25%
Short Term Rental, Partial-Unit and Small Residential	see applicable dwelling type		
[...]			

Permitted and Conditional Uses (Articles 7 to 17)

Below are the use tables that show the zoning districts where Commercial Short Term Rentals, and other lodging uses are permitted (“P”), conditional (“C”), and prohibited uses (blank space).

Article 7 – Open Space District

7.2 Uses

Table 7-1: Permitted and Conditional Uses								
Uses	District							Use Standards
	OS-N	OS-G	OS-R	NA	GPD	OS-CBD	OS-AR	
COMMERCIAL USE								
[...]								
Short Term Rental, Commercial					C			Section 20.3.LLL
Hotel/Motel					C			
[...]								

[...]

Article 8 – Rural Development Districts

8.2 Uses

Table 8-1: Permitted and Conditional Uses			
Uses	Districts		Use Standards
	R-RE	M-MU	
RESIDENTIAL USES			
[...]			
Bed and Breakfast, Accessory	P	P	Section 20.3.I
Bed and Breakfast, Principal		P	Section 20.3.I
Short Term Rental, Large		P	Section 20.3.LLL
Short Term Rental, Small	P	P	Section 20.3.LLL
[...]			
COMMERCIAL USE			
[...]			
Short Term Rental, Commercial		P	Section 20.3.LLL

[...]

[...]

Article 9 – Historic Core Neighborhoods Residential Districts

9.2 Uses

Table 9-1: Permitted and Conditional Uses						
Use	District					Use Standards
	VCR-1	VCR-2	HMR-1	HMR-2	HMR-3	
RESIDENTIAL USES						
[...]						
Bed and Breakfast, Accessory			P	P	P	Section 20.3.I
Bed and Breakfast, Principal			C	C	C	Section 20.3.I
Short Term Rental, Large			C	C	C	Section 20.3.LLL
Short Term Rental, Small			P	P	P	Section 20.3.LLL
[...]						

[...]

Article 10 – Historic Core Neighborhoods Non-Residential Districts

10.2 Uses

Table 10-1: Permitted and Conditional Uses											
Uses	District										Use Standards
	VCC-1	VCC-2	VCE	VCE-1	VCS	VCS-1	VCP	HMC-1	HMC-2	HM-MU	
RESIDENTIAL USE											
[...]											
Bed and Breakfast, Accessory			P					P	P	P	Section 20.3.I
Bed and Breakfast, Principal			P					P	P	P	Section 20.3.I
Short Term Rental, Large			P					P	P	P	Section 20.3.LLL
Short Term Rental, Small			P					P	P	P	Section 20.3.LLL
COMMERCIAL USE											
[...]											
Hotel/Motel									P	C	Section 20.3.I
Short Term Rental, Commercial			P					C	P	P	Section 20.3.LLL
[...]											

[...]

Article 11 – Historic Urban Neighborhood Residential Districts

11.2 Uses

Table 11-1: Permitted and Conditional Uses						
Uses	Districts					Use Standards
	HU-RS	HU-RD1	HU-RD2	HU-RM1	HU-RM2	
RESIDENTIAL USE						
[...]						
Bed and Breakfast, Accessory	P	P	P	P	P	Section 20.3.I
Bed and Breakfast, Principal				C	C	Section 20.3.I
Short Term Rental, Large				P	P	Section 20.3.LLL
Short Term Rental, Small	P	P	P	P	P	Section 20.3.LLL
[...]						

[...]

Article 12 – Historic Urban Neighborhoods Non-Residential Districts

12.2 Uses

Table 12-1: Permitted and Conditional Uses				
Uses	Districts			Use Standards
	HU-B1A	HU-B1	HU-MU	
RESIDENTIAL USE				
[...]				
Bed and Breakfast, Accessory	P	P	P	Section 20.3.I
Bed and Breakfast, Principal	P	P	P	Section 20.3.I
Short Term Rental, Large	P	P	P	Section 20.3.LLL
Short Term Rental, Small	P	P	P	Section 20.3.LLL
COMMERCIAL USE				
[...]				
Hotel/Motel			C	
Short Term Rental, Commercial			P	Section 20.3.LLL
[...]				

[...]

Article 13 – Suburban Neighborhoods Residential Districts

13.2 Uses

Table 13-1: Permitted and Conditional Uses					
Uses	Districts				Use Standards
	S-RS	S-RD	S-RM1	S-RM2	
RESIDENTIAL USE					

[...]					
Bed and Breakfast, Accessory	P	P	P	P	Section 20.3.I
Short Term Rental, Small	P	P	P	P	Section 20.3.LLL
[...]					

Table 13-1: Permitted and Conditional Uses								
Uses	Districts							Use Standards
	S-LRS1	S-LRS2	S-LRS3	S-LRD1	S-LRD2	S-LRM1	S-LRM2	
RESIDENTIAL USE								
[...]								
Bed and Breakfast, Accessory	P				C	C	C	Section 20.3.I
Short Term Rental, Small	P				C	C	C	Section 20.3.LLL
[...]								

[...]

Article 14 – Suburban Neighborhoods Non-Residential Districts

14.2 Uses

Table 14-1: Permitted and Conditional Uses									
Uses	Districts								Use Standards
	S-B1	S-B2	S-LB1	S-LB2	S-LC	S-MU	S-LP	S-LM	
RESIDENTIAL USE									
[...]									
Bed and Breakfast, Accessory			P	P	P	C			Section 20.3.I
Bed and Breakfast, Principal			P	P	P				Section 20.3.I
Short Term Rental, Large			P	P	P				Section 20.3.LLL
Short Term Rental, Small			P	P	P	P			Section 20.3.LLL
COMMERCIAL USE									
[...]									
Hotel/Motel					C			C	
Short Term Rental, Commercial		P		P	P			P	Section 20.3.LLL
[...]									

[...]

Article 15 – Commercial Center & Institutional Campus Districts

15.2 Uses

Table 15-1: Permitted and Conditional Uses										
Uses	Districts									Use Standards
	C-1	C-2	C-3	MU-1	MU-2	EC3	MC	MS	LS	
RESIDENTIAL USE										
[...]										
Bed and Breakfast, Accessory				P	P	P				Section 20.3.I
Bed and Breakfast, Principal				P	P					Section 20.3.I
Short Term Rental, Large				P	P					Section 20.3.LLL
Short Term Rental, Small				P	P	P				Section 20.3.LLL
COMMERCIAL USE										
[...]										
Hotel/Motel	P	P	P	P	P	P	P	P	P	
Short Term Rental, Commercial	P	P	P	P	P	P	P	P	P	Section 20.3.LLL
[...]										

[...]

Article 16 – Centers for Industry

16.2 Uses

Table 16-1: Permitted and Conditional Uses					
Uses	Districts				Use Standards
	LI	HI	MI	BIP	
RESIDENTIAL USE					
[...]					
COMMERCIAL USE					
[...]					
Hotel/Motel	P	C	P	P	Section 20.3.LLL
Short Term Rental, Commercial	P	C	C ⁶	P	
[...]					

⁶ Commercial Short Term Rentals are only permitted in the Commercial and Recreational Sub-District in accordance with Section 16.4.B.

[...]

Article 17 – Central Business Districts

17.3 Uses

Table 17-1: Permitted and Conditional Uses								
Uses	Districts							Use Standards
	CBD-1	CBD-2	CBD-3	CBD-4	CBD-5	CBD-6	CBD-7	
RESIDENTIAL USE								
[...]								
Bed and Breakfast, Accessory	P	P	P		P	P		Section 20.3.I
Bed and Breakfast, Principal	P	P	P		P	P		Section 20.3.I
Short Term Rental, Large	P	P	P		P	P		Section 20.3.LLL
Short Term Rental, Small	P	P	P		P	P		Section 20.3.LLL
COMMERCIAL USE								
[...]								
Hotel/Motel	P	P	P	P	C	P	P	
Short Term Rental, Commercial	P	P	P	P	P	P	P	Section 20.3.LLL
[...]								

[...]

Temporary Provisions (Article 19)

19.4.A.1.1 Small Multi-Family Affordable Short Term Rental Interim Zoning District

A. Intent of the District

The intent of the Small Multi-Family Affordable Short Term Rental Interim Zoning District is to prohibit all short-term rentals in the "Small Multi-Family Affordable" dwelling units.

B. Location

The following zoning districts shall be included in the Small Multi-Family Affordable Short-Term Rental Interim Zoning District:

HMR-3 – Historic Marigny/Tremé/Bywater Residential District

HMC-1 - Historic Marigny/Tremé/Bywater Commercial District
 HMC-2 - Historic Marigny/Tremé/Bywater Commercial District
 HM-MU - Historic Marigny/Tremé/Bywater Mixed-Use District
 HU-RD1 – Historic Urban Two-Family Residential District
 HU-RD2 – Historic Urban Two-Family Residential District
 HU-RM1 – Historic Urban Multi-Family Residential District
 HU-RM2 – Historic Urban Multi-Family Residential District
 HU-B1A – Historic Urban Neighborhood Business District
 HU-B1 – Historic Urban Neighborhood Business District
 HU-MU – Historic Urban Neighborhood Mixed-Use District
 S-RD – Suburban Two-Family Residential District
 S-RM1 – Suburban Multi-Family Residential District
 S-RM2 – Suburban Multi-Family Residential District
 S-LRD1 – Suburban Lake Vista Two-Family Residential District
 S-LRD2 – Suburban Lakewood/Parkview Two-Family Residential District
 S-LRM1 – Suburban Lake Area Low-Rise Multi-Family Residential District
 S-LRM2 – Suburban Lake Area High-Rise Multi-Family Residential District
 S-LC – Suburban Lake Area General Commercial District
 S-MU – Suburban Neighborhood Mixed-Use District
 S-LM – Suburban Lake Area Marina District
 MU-1 – Medium Intensity Mixed-Use District
 MU-2 – High Intensity Mixed-Use District

C. Prohibited Uses

If within the Small Multi-Family Affordable Use, the following are prohibited:

1. Any issuance or renewal of a Residential Short Term Rental permit or license.
2. Any issuance or renewal of a Commercial Short Term Rental permit.

D. Appeal Procedure

Appeals shall be submitted to the Executive Director of the City Planning Commission, whose staff shall review and make recommendations relative to the appeal within sixty (60) days of receipt, utilizing the following standards and criteria:

1. Is the requested appeal compatible with the surrounding land uses and structures?
2. Does the property owner have proof of owner-occupancy?

[...]

C. What is the proposed language for amendment?

Motion M-22-485 states its purpose is for the City Planning Commission to conduct a public hearing to consider amending the Comprehensive Zoning Ordinance “to update any and all relevant Articles governing the zoning and use standards for short-term rentals (both

commercial and residential) in a manner that is both compliant with the holding of the U.S. Court of Appeals for the Fifth Circuit in *Hignell-Stark v. City of New Orleans*, Case No. 21-30643, and continues to safeguard the City’s health, safety and welfare.” And to, “consider the Council’s desire to continue its efforts to prevent nuisances, promote affordable housing, and protect neighborhoods’ residential character...”. The motion asks the City Planning Commission to “...review data, including but not limited to, data on the administration, use, and impacts of the STR program, both citywide and by neighborhood, and regulations from both New Orleans and similarly situated cities to guide potential amendments...”. The motion asks CPC to consider:

- 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 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 City Council Motion lists fourteen (14) requests, though they are not in a format that would immediately translate into language for amendment to the CZO.

C. Does the text amendment adequately answer the problem that is being addressed; if not, are other modifications necessary?

Previous Short Term Rental Studies

CPC staff has conducted considerable analysis on short term rentals. The first comprehensive study, [Short Term Rental Study](#), was conducted in 2015, released in early 2016, and included all aspects of land use implementation and administration of short term rentals. The Commission's recommendations were ultimately adopted by the Council in December of 2016 (ZD061-16) constituting the first short term rental permitting regime. The new framework allowed for three (3) permit types and took effect in April 2017.

In 2018, CPC was directed by City Council to take another look at STR regulations with a focus on practices in other cities. That resulted in the [Short Term Rental Study – 2018 Edition](#), which recommended the creation of two permit types, Residential (Partial or Whole Unit) and Commercial. The City Council enacted the recommendations of the 2018 study, with some modifications, in May 2019, constituting the second permitting regime ([ZD026/19](#) and [ZD027/19](#)).

Shortly after, CPC was directed to study short term rentals again specifically for their ability to incentivize economic development in certain areas of the City. That study is titled the [Short Term Rental Study – 2019 Edition](#).

Implications of Hignell-Stark v. City of New Orleans

One tool established in the previous permitting regimes is the homestead exemption requirement for residential short term rentals. This ensured that property owners are full time residents of the permitted structure and are onsite during a guest's stay to mitigate the negative impacts such as noise, trash, crime, etc. The U.S. Court of Appeals for the Fifth Circuit in the *Hignell-Stark v. City of New Orleans* case deemed that provision unconstitutional, holding that it violated the Dormant Commerce Clause of the Constitution by differentially treating properties based on homestead exemption status and discriminating against interstate commerce.¹

The request by City Council, while to consider general modifications to STR regulations, is focused on solving for the discrepancy created by the court's decision. The purpose of the staff's report is to propose modifications to the regulations that bring the Comprehensive Zoning Ordinance into compliance with the court and add other means of regulatory controls as necessary.

¹ United States Court of Appeals for the Fifth Circuit. *Hignell-Stark v. City of New Orleans*. No 21-30643. [21-30643-CV0.pdf \(uscourts.gov\)](#)

Current STR Licenses

The City has a total of 2,340 active Short Term Rental licenses. Commercial licenses account for 1,111 licenses and Residential licenses total 1,229. Currently, the City offers three residential permit types: Large, Small, and Partial Unit. The majority of the residential licenses are Small Residential STRs, totaling 621 licenses, followed by Partial Unit with 576 licenses. Large Residential STRs account for 32 licenses.

Table 1: Issued STR Permits

Permit Type	Issued
Short Term Rental Commercial	1,111
Short Term Rental Residential	1,229
<i>Residential Large Unit</i>	32
<i>Residential Partial Unit</i>	576
<i>Residential Small Unit</i>	621
Grand Total	2,340

Source: Short Term Rental Permit Applications, Department of Safety and Permits, City of New Orleans, LAMA, Pulled January 6, 2023, Updated January 5, 2023. <https://data.nola.gov/Housing-Land-Use-and-Blight/Short-Term-Rental-Permit-Applications/en36-xvvg>

The STR Administration, under the Department of Safety & Permits, administers all STR permits, monitors complaints, manages violations, and conducts enforcement. The approved budget for 2023 was \$1,347,152 for a total of 17 employees, and in 2022 the entity assessed \$261,410 in fines. That number is expected to climb quickly in 2023 with their adoption of a new enforcement platform. The STR Administration is open to the public during business hours, employs after-hours inspectors, and provides a 24/7 complaint hotline. All STR licenses and the accompanying contact information can be found on the City's online STR map, nola.gov/strmap.

Request from Council (M-22-485)

The section below contains each bullet point in City Council Motion M-22-485, and a determination if the point is directly related to the Court's decision and subject to review by staff. A discussion follows regarding the points that remedy the Court's decision.

- **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;**

This is related to the court decision; see discussion below.

- **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;

This point is related to the court's decision; see discussion below.

- **Applicable regulations that may be available relative to the internet platforms that provide STR listings, including platform accountability;**

This point is not related to the Court's decision; staff has no new recommendations.

The STR Administration coordinates frequently with the platforms licensed with the City. Because this point is not relevant to the court case the staff has no new recommendations. However, the CPC's 2015 study included some suggestions to improve platform accountability, most of which seem to be in practice already. The text from those recommendations is pasted below for reference, and staff recommends further study for any new recommendations.

"In addition to collecting and remitting taxes, the City should work with the platforms to get their cooperation on certain aspects of short term rental enforcement. One thing the platforms could do is to require their users to post their license number in their listing or advertising on their site. In addition, if there are any listings that have been found to not have a license or have a violation judgement against them, the City can request that the platforms remove or modify those listings. Finally, there should be a process by which the City can request data on a specific listing with substantial evidence of a violation.⁶⁴ Cooperation from the platforms on these particular issues will ensure these short term rental regulations will work for all parties involved. The City should negotiate agreements with one or more of the platforms on the following items:

- Work cooperatively with platforms that are willing to collect and remit all applicable taxes or inform their user of their responsibility to pay the appropriate taxes.
- Provide a license number to post a listing.
- Upon notification from the City that a listing is in violation of a City Ordinance, remove the listing or modify the listing to come into compliance.
- Upon receipt of sufficient evidence of a violation, establish a process where the City can request specific data on a particular listing."²

- **Changes to the existing STR categories and license types;**

This point is related to the court case. See further information on license types in the discussion below.

2 Short Term Rental Study, City Planning Commission. January 28, 2016. Pg. 89-90. [Commission-Approved-STR-Study-02-01-16.pdf \(nola.gov\)](#)

- **Compliance standards;**

This point is not related to the Fifth Circuit’s decision and the staff does not have any new recommendations; however, the 2015 Short Term Rental Study included recommendations for enforcement which the STR Administration seems to have implemented. Those recommendations are as follows:

“In order to effectively regulate short term rentals, the Department of Safety and Permits may follow these recommendations:

- Develop an administrative adjudication process for zoning-related short term rental violations;
- Develop a civil citation mechanism for City Code-related short term rental violations;
- Receive complaints 24/7 by allowing complaints to be filed online; and
- Develop standards for when short term rental licenses shall be revoked and/or not renewed (number and/or type of violations).
- Dedicate staff and sufficient funding to license, regulate, and enforce the short term rental regulations.”³

CPC Staff recommends additional study for any further changes.

- **Requiring platforms to collect data;**

This point is not related to the Fifth Circuit’s decision and any changes would be most appropriate in the City code instead of the CZO. Staff recommends further study in collaboration with the STR Administration for any future changes to data collection and platform requirements. The STR Administration works closely with the registered platforms to monitor and enforce STRs. Recently, the STR Administration engaged a new software platform to better monitor STRs on all platforms. This tool is providing the STR Administration with helpful enforcement information.

- **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;**

This point is not related to the court case; staff has no new specific recommendations. The STR Administration manages enforcement and recently acquired a new software system to assist in the enforcement process. Last year in 2022, the STR Administration was able to assess \$261,410 in fines, that number is expected to climb in 2023.

3 Short Term Rental Study. City Planning Commission. January 28, 2016. Pg. 108. [Commission-Approved-STR-Study-02-01-16.pdf \(nola.gov\)](#)

Currently, STRs can be fined up to \$500 per violation for illegal operation, which is the maximum fine allowed by state law. The CPC Short Term Rental Study from 2015 recommended a progressive fine structure that increased significantly after multiples offenses to punish repeat offenders, but the implementation of that structure requires changes to state law.⁴

The CPC's 2015 Short Term Rental Study provided a list of recommendations for enforcement of Short Term Rentals most of which the STR Administration has adopted. That list is provided below:

- “• Develop an administrative adjudication process for zoning-related short term rental violations;
- Develop a civil citation mechanism for City Code-related short term rental violations;
- Develop a website with listings of licensed short term rentals for visitors and neighbors;
- Allow for complaints to be filed online;
- Incentivize operators to get a permit and license
- Hire and schedule enforcement officers;
- Include a use standard requiring a permit number to be included in any advertisement;
 - Increase violation fines to be higher than permit and license fees;
 - Have an annual renewal subject to review and reinspection;
 - Develop standards for when short term rental licenses shall be revoked and/or not renewed (number and/or type of violations);”⁵

CPC Staff recommends future study of enforcement mechanisms and penalties in collaboration with STR Administration for further recommendations.

- **Mechanisms to leverage STRs to produce and/or maintain affordable housing units;**

This topic is not related to the court case, but has been the subject of significant study. Future recommendations on the utilization of short term rentals as a tool for housing affordability will be forthcoming in the CPC's Housing Study.

There has been significant interest in the utilizing STRs to incentivize affordable housing development. In January of 2022, the new use category, Small Multi-Family Affordable, allows for the utilization of one unit to be used

4 Short Term Rental Study. City Planning Commission. January 28, 2016. Pg. 84. [Commission-Approved-STR-Study-02-01-16.pdf \(nola.gov\)](#)

5 Short Term Rental Study. City Planning Commission. January 28, 2016. Pg. 86. [Commission-Approved-STR-Study-02-01-16.pdf \(nola.gov\)](#)

as a short term rental to off-set the costs of construction. However, The Small Multi-Family Affordable STR IZD, which was adopted after the initial use category was created, prohibits the utilization of STR's in Small Multi-Family Affordable developments in certain districts. The IZD is set to expire in July 2023.

Recently, a text amendment was adopted that established a relationship between the utilization of Commercial STRs and affordable housing. The change allows Commercial Short Term Rentals in the CBD-5 District as a permitted use only when the building has over 10 units and triggers the Mandatory Inclusionary Zoning (MIZ) requirements of Article 28.

- **Possible remedies to the illegal operation of STRs;**

This point is not related to the court case and any changes would be made to the City Code. Staff recommends further study and coordination with STR Administration for any future changes. The STR Administration's new online platform allows for greater tracking of illegal operators, resulting in increased enforcement action. Staff previously recommended creating a graduating fine structure for illegal operators, but that requires modifications to the state code.

- **Removal of all references to a homestead exemption requirement for STRs;**

This point is related to the court case; see the discussion below.

- **Whether or not all owners and/or operators be natural persons at least 18 years in age;**

This is related to the court decision; see discussion below.

- **Revisions to zoning districts, definitions, use permissions, and standards applicable to traditional bed and breakfasts for consistency with STRs;**

This is related to the court case; see discussion below.

- **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;**

This is not related to the court case and the staff does not recommend any changes for transient lodging at this time. Staff believes it may be appropriate to revisit this later.

- **Updates to the fee structure, including those fees applicable to guests and those applicable to STR owners and operators;**

The Permit Fees currently in place in the City Code Sec. 26-616: Short Term Rental Permit Fees are as follows:

Table 2: STR Permit Fees

Permit Type	Fee
Commercial Owner Permit	\$1,000
Residential Owner Permit	-
<i>Partial Unit</i>	<i>\$250</i>
<i>Small</i>	<i>\$500</i>
<i>Large</i>	<i>\$500</i>
Commercial Operator Permit	\$1,000
Residential Operator Permit	-
<i>1 Permit</i>	<i>\$150</i>
<i>2+ Permits</i>	<i>\$1,000</i>
STR Platform Providers	\$10,000

*Source: City of New Orleans, City Code. Section 26-616: Short Term Rental Permit Fee.
https://library.municode.com/la/new_orleans/codes/code_of_ordinances?nodeId=PTIICO_CH26BUBUREHOS_T_ARTXISTSHRMRE_DIVIINGE_S26-616SHRMREPEFE*

In addition, the owner shall remit to the city a \$5.00 fee for each night of occupancy of a dwelling unit used as a Short Term Rental, Residential, and a \$12.00 fee for each night for Commercial Short Term Rental.

Safety and Permits released a policy memorandum on December 19, 2022, which included a recommendation to establish an application fee of even a nominal amount of \$50.00. But because the fees do not directly relate to the Court decision and would require a change to City Code instead of the CZO, staff recommends further study for a future fee structure analysis in consultation with Safety and Permits and STR Administration.

- **Whether STRs are fundamentally a commercial use and should be treated in zoning as such;**

This is related to the court decision; see discussion below.

- **Zoning districts where STR use is appropriate, and its designation as a prohibited, permitted, or conditional use, including the possibility of adopting total bans by zoning district, by neighborhood, or citywide.**

This is related to the court decision; see discussion below.

Discussion

General Categorization of Short Term Rental Use

Short Term Rentals are residential uses in nature with commercial-like impacts⁶. In CPC's 2015 Short Term Rental report, staff documented the quality of life concerns voiced by public opponents of short term rentals:

“Short term rentals reduce the quality of life of neighborhoods because of an increase in late night activity, partying, noise, crime, litter, property damage, fire danger, loitering, public urination, vehicles parked on the street, and other issues that harm the quality of life of these residential areas. These quality of life issues are made worse because there is not a property owner, full time resident, or staff member onsite to regulate the activities of guests. There are additional concerns in multiple family dwelling structures where short term renters cause problems in common spaces and represent a security concern because they are strangers who have not been vetted. All of these quality of life issues may reduce the property values for neighboring properties. In addition to the quality of life concerns, opponents are concerned that the short term rental concentration is changing the character of neighborhoods. As homes are converted to short term rentals, there are less full-time residents in the community. This reduces the cohesion in the neighborhood, reduces the number of people who are invested in the neighborhood, and damages businesses that serve the local population. This changes the neighborhood from one that serves residents to one that serves tourists. This is especially a problem in neighborhoods with and near tourist destinations because of the high concentration of short term rentals.” (pg. 31)

The City has a history of permitting commercial-like uses in residential neighborhoods that have little impact on the neighborhood, like home offices. While the City freely allows for dwelling units to be rented to long-term renters, the impact of those renters is generally less on the surrounding community than that of short term rental guests, primarily because of the frequency by which groups change and increased activity at a particular dwelling unit increasing noise, trash, etc.

But short term rentals also can provide a benefit. There are some cases in which old housing stock is renovated and now well-maintained to allow for STR. Some residents may believe the increase in activity can be a benefit to neighborhoods. The guests also bring additional tax dollars to local businesses, and the operation as a STR brings additional revenue to the City. Short term rentals can also help some people achieve and maintain homeownership.

While the Short Term Rental use type is residential in nature, there are significant commercial impacts that can negatively impact quality of life in residential neighborhoods if the use is not controlled.

6 Short Term Rental Study. City Planning Commission. January 28, 2016. Pg. 54. [Commission-Approved-STR-Study-02-01-16.pdf \(nola.gov\)](#)

Short Term Rental Use Type

Because the basis of the *Hignell-Stark* decision is that the homestead exemption requirement is unconstitutional, any entitlement, benefit or privilege accruing to those operating under the prior regulations may be unconstitutional as well. Permitting legal non-conforming use status to attach to STRs authorized under the previous regulations, and thus allowing them to continue operating outside of the new regulatory structure, may perpetuate the unconstitutional regulatory regime struck down by the 5th Circuit.

Any use within the CZO that is permitted, unless it is a temporary use, provides a right to the property owner to maintain that use on the property. The staff recommends moving the residential short term rental use to the temporary status regulated by Article 21 which is more consistent with the nature of the use itself and prevents any future vesting of the use to a particular piece of property.

Operator Occupancy Requirement

The Court found the STR homestead exemption requirement to be unconstitutional. In place of this requirement, staff recommends an operator occupancy requirement whereby the operator (which can be the owner) has a permanent residence at the STR. The operator's occupancy could be allowed as either a bedroom within the dwelling unit (at a minimum) or a dwelling unit within the same structure. Staff recommends that the operator prove residency to the STR Administration by providing at least three (3) pieces of proof of residence including a valid lease agreement. Other forms of proof of residency could include a Louisiana State Driver's License or ID card, bank statements, IRS statements, pay stubs, or other means deemed appropriate by the STR Administration. The staff also recommends adding additional provisions that require the operator to respond to complaints within one hour of their being made by the STR Administration, and to subject the license to revocation for failure to comply.

Capping Measures

To ensure that commercial repercussions do not proliferate and create an undue burden on neighbors in residential zoning districts, guardrails must be in place to limit instances of oversaturation. Staff recommends limiting the number of residential STRs to one (1) per blockface.

The City has a history of utilizing blockface limitations to manage density of uses (first floor use types in CBD-5, Bars, Live Entertainment Uses, etc.). Currently, blockface limits are used to regulate the number of Large Residential STRs and Principal Bed and Breakfasts in residential and some mixed-use districts ([Article 20.3.LLL.6.c](#)). The language sets a limit of one (1) of either a Large Residential STR or a Principal B&B per blockface. Staff considered caps based on neighborhood, census tract, or percentage of livable units in any geographical area, but discovered that the data required to establish these types of mechanisms does not yet exist. Collecting and maintaining the data to

support these types of caps would take staff time and resources and may be difficult to manage on an ongoing basis.

Staff analyzed the number of blocks which contain greater than one residential STR permit and found at least 128 blockfaces in which that condition exists. A total of 288 residential STR permits fall on those blockfaces, whereas 941 (77% of RSTRs) permits exist on blockfaces with only one (1) permit.

The majority of blockfaces with multiple permits are in neighborhoods surrounding the French Quarter, including Marigny, Bywater, Tremé, Mid-City, and in neighborhoods surrounding the Garden District including Central City, Lower Garden District and Irish Channel. The more historically suburban neighborhoods (New Orleans East, Gentilly, Lakeview, Algiers, etc.) have few, if any, cases of multiple permits per blockface.

Staff recommends utilizing a standard limitation of one (1) residential short term rental per blockface. Based on the court decision, current STR permit holders may be unable to maintain that entitlement; therefore, the Department of Safety and Permits will design a lottery system that ensures an equitable distribution of permits per blockface.

Staff also recommends that dwelling units in the Small Multi-Family Affordable Dwelling use category be exempt from the blockface restriction after the Small Multi-Family Affordable Short Term Rental IZD expires in July.

Parties for Licensure

The *Short Term Rental Study* notes that STRs are likely to negatively impact quality of life when there is a proliferation or over concentration of STRs in a particular neighborhood. In addition to density restrictions, another mechanism to limit residential STRs is by setting limits on the parties that can receive STR permits.

Staff recommends that the operator permanently occupy an STR unit as a full-time residence and that the operator prove residency in order for the STR permit to be granted. This requirement would restrict an operator to only one (1) short term rental license and requires that the entity is a natural person.

Similarly, the staff recommends that the property owner of a residential STR be a natural person of at least 18 years of age, and to prohibit any companies from obtaining a residential STR license. As discussed earlier, the use is residential in nature but has commercial-like impacts. Mechanisms to limit the expansion of the use throughout residential neighborhoods is critical to preserving the character of residential neighborhoods.

Short Term Rental Definitions

The existing Residential Short Term Rental category includes three (3) license types: Large, Small and Partial-Unit. All permit types require an owner to have the primary residence at the property and to be present during the guest's stay. The homestead exemption requirement provided the assurance that the owner had a permanent residence at the location, and while it is required for the owner to be present for a guest's stay, that provision is difficult for the STR Administration to regulate.

The Partial-Unit permit type allows a homeowner to rent a room or multiple rooms in their dwelling for STR. The Small permit type allows an owner to rent one unit on their property of no more than five (5) bedrooms out to guests. The Large permit type allows the property owner to rent up to three dwelling units within the permitted structure.

The types are described in *Article 26- Definitions* of the CZO, and copied below for reference:

- A. **Short Term Rental, Residential.** A short term rental where the owner has their permanent primary residential dwelling unit onsite and is present during the guest's stay. Proof of ownership shall be established by submission of proof of a homestead exemption submitted to the Department of Safety and Permits. Only one type of residential short term rental is allowed per lot, with the exception that an owner may obtain one Partial-Unit and one Small Residential Short Term Rental Permits on the same lot.
 - **Partial-Unit Residential Short Term Rental.** Rental of a portion of an owner-occupied dwelling unit with a principal use as a permanent dwelling unit with no more than five (5) guest bedrooms and ten (10) total guests, for overnight paid occupancy as an accessory use.
 - **Small Residential Short Term Rental.** An owner-occupied lot with no more than four (4) dwelling units where one (1) unit is the owner's permanent residential dwelling unit and where only one (1) dwelling unit per lot is rented with no more than five (5) guest bedrooms and ten (10) total guests for overnight paid occupancy as an accessory use.
 - **Large Residential Short Term Rental.** An owner-occupied residential structure that provides rental of up to three (3) dwelling units for paid occupancy, with no more than six (6) guest bedrooms total.

Both the partial-unit and the small permit types have the same limits on guest bedrooms (5) and total guests (10). The distinction between the two is the location of the owner's lodging. For a partial unit, the owner must reside in at least a bedroom within the dwelling being rented, while the small type requires the owner to reside in another dwelling unit on the property. These lodging requirements ensure that an owner is within the structure when a unit is rented to guests, but this can be difficult to prove. The Large permit type allows up to three (3) dwelling units to be rented within one structure for a total of six (6) guest bedrooms.

Staff recommends consolidating the three types into one, named “Non- Commercial Short Term Rental.” Staff recommends that the new Non-Commercial Short Term Rental category utilize the existing guest bedroom and occupancy limits as provided for both the Small and Partial-Unit STRs which would allow five (5) guest bedrooms and a total of ten (10) guests.

Staff analyzed the impact this change impact would have on the Large STR category. Of the districts where Large STRs are permitted there are five (5) districts which do not also permit Commercial STR, which include: HU-RM1, HU-RM2, HU-B1A, HU-B1 and S-LB1. The number of permits granted within those districts are nine (9): two (2) are granted in HU-B1 and seven (7) are granted in HU-RM1. While in those districts the property owner would not be able to receive a Commercial Short Term Rental license, they would be able to hold a regular Non-Commercial STR license and offer one (1) unit for short term rental as long as it conforms to the blockface limitation.

As discussed previously, staff recommends replacing the owner occupancy requirement with an operator occupancy requirement and limiting each blockface to only one (1) residential permit. Staff recommends maintaining the restriction of one (1) permit per lot, and recommends eliminating the provision allowing for Small and Partial Unit on the same property.

Bed and Breakfast Definitions

Consistent with the recommendations for Residential Short Term Rentals as described above and consistent with the Court’s ruling, staff recommends changes to the Definitions in Article 20, and Use Standards in Article 26, for Bed and Breakfasts. Specifically, staff recommends the replacement of the requirement for an owner occupant to an operator-occupant, and the subsequent removal of the homestead exemption provisions. The staff does not recommend any changes to the use permissions.

Zoning District Permissions

Staff does not recommend any major changes to use permissions of Residential and Commercial STRs or Bed and Breakfasts across zoning districts, or the implementation or expansion of neighborhood exclusions. This was studied previously, and ultimately the City Council adopted exemptions for the Garden District and the French Quarter neighborhoods for Residential STRs. To thoroughly consider an expansion of any neighborhood prohibitions or expanded use of CSTRs staff recommends further study.

However, because staff is recommending the transference of the residential short term rental use type to a temporary use which requires the removal of all residential short term rental permit types from the use tables in Articles 7-17. The permitted districts will instead be listed in in the Temporary Use table (Article 21, Section 21.8.C) and will mirror the permitted districts for the existing Small and Partial-Unit permit types. In districts where RSTR Large, Small or Partial-Unit is conditional, STR use will be prohibited under the

temporary use scheme.

Table 3: Residential STR Zoning District Permissions

Place Designation	District	Short Term Rental - Residential	
		Small and Partial Unit	Large
Article 8: Rural Development Districts	R-RE	P	
	M-MU	P	P
Article 9: Historic Core Neighborhoods Residential Districts	HMR-1	P	C
	HMR-2	P	C
	HMR-3	P	C
Article 10: Historic Core Neighborhoods Non-Residential Districts	VCE	P	P
	HMC-1	P	P
	HMC-2	P	P
	HM-MU	P	P
Article 11: Historic Urban Neighborhood Residential Districts	HU-RS	P	
	HU-RD1	P	
	HU-RD2	P	
	HU-RM1	P	P
	HU-RM2	P	P
Article 12: Historic Urban Neighborhoods Non-Residential Districts	HU-B1A	P	P
	HU-B1	P	P
	HU-MU	P	P
Article 13: Suburban Neighborhoods Residential Districts	S-RS	P	
	S-RD	P	
	S-RM1	P	
	S-RM2	P	
	S-LRD2	C	
	S-LRM1	C	
	S-LRM2	C	
Article 14: Suburban Neighborhoods Non-Residential Districts	S-LB1	P	P
	S-LB2	P	P
	S-LC	P	P
	S-MU	P	
Article 15: Commercial Center & Institutional Campus Districts	MU-1	P	P
	MU-2	P	P
	EC3	P	
Article 17: Central Business Districts	CBD-1	P	P
	CBD-2	P	P
	CBD-3	P	P
	CBD-5	P	P
	CBD-6	P	P

Source: Comprehensive Zoning Ordinance, Staff Analysis.

Summary

As discussed above, staff recommends:

- Replacing the owner occupancy requirement for Residential Short Term Rentals and Bed and Breakfasts to operator occupancy.
- Changing the use type of RSTRs to a temporary use which can be issued for a one (1) year term.
- Consolidating the Partial-Unit, Small and Large permit types into one (1) Non-Commercial STR permit limited to five (5) guest bedrooms and ten (10) guests.
- Adding a blockface limitation for Non-Commercial Short Term Rentals of one (1) permit per blockface.
- Limiting each lot to only one (1) Non-Commercial permit.
- Requiring that both the property owner and the operator be a natural person.
- Limiting the operator to only one (1) Non-Commercial Short Term Rental permit.
- Removing all Short Term Rental Residential uses from the use tables and adding the zoning districts to the new temporary use category.

The recommendations require changes to: *Article 26 - Definitions*, *Article 20 - Use Standards*, *Article 21 - Onsite Development Standards*, and the zoning district use tables in *Articles 8, 9, 10, 11, 12, 13, 14, 15, 17*.

Suggested language

Based on the discussion above, the suggested language for the text amendment is shown below with proposed language shown in **underlined, bold** text, and the deletions are indicated by ~~striktthrough~~ text.

Article 26 – Definitions

[...]

A. Bed and Breakfast, Accessory. An ~~owner~~ **operator**-occupied single-family dwelling, which provides no more than five (5) guest bedrooms for overnight paid occupancy of up to thirty (30) nights. Common bathroom facilities may be provided rather than private baths for each guest bedroom.

B. Bed and Breakfast, Principal. An ~~owner~~ ~~or~~ operator-occupied single-family dwelling that provides no more than nine (9) guest bedrooms for overnight paid occupancy of up to thirty (30) nights. Common bathroom facilities may be provided rather than private baths for each guest

[...]

- A. **A. Short Term Rental, Residential Non-Commercial.** A short term rental where the **operator**-~~owner~~ has their permanent primary residential dwelling unit ~~onsite~~ **on the same lot** and is present during the guest's stay. **In some cases, the operator-occupant may be the property owner. The owner and operator must both be a natural person over the**

age of 18 years old. Proof of residence ownership shall be established by submission of proof of a homestead exemption no less than three (3) pieces of personally identifiable information submitted to the Department of Safety and Permits. Non-Commercial Short Term Rental is a temporary use as described in Article 21. Only one (1) type of residential Non-Commercial short term rental license is allowed per lot, and each permit shall provide no more than five (5) guest bedrooms and ten (10) total guests for overnight paid occupancy as a temporary use. 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., with the exception that than an owner may obtain one Partial Unit and one Small Residential Short Term Rental Permits on the same lot.

- ~~Partial Unit Residential Short Term Rental.~~ Rental of a portion of an owner occupied dwelling unit with a principal use as a permanent dwelling unit with no more than five (5) guest bedrooms and ten (10) total guests, for overnight paid occupancy as an accessory use.
- ~~Small Residential Short Term Rental.~~ An owner occupied lot with no more than four (4) dwelling units where one (1) unit is the owner's permanent residential dwelling unit and where only one (1) dwelling unit per lot is rented with no more than five (5) guest bedrooms and ten (10) total guests for overnight paid occupancy as an accessory use.
- ~~Large Residential Short Term Rental.~~ An owner occupied residential structure that provides rental of up to three (3) dwelling units for paid occupancy, with no more than six (6) guest bedrooms total.

[...]

Proof of residence. For operator-occupied permits, the operator must show three (3) forms of proof of residence including a valid lease agreement. Other forms of proof of residency could include a Louisiana State Driver's License or ID card, bank statements, IRS statements, pay stubs, or other means as deemed appropriate by Safety and Permits.

[...]

Article 20 – Use Standards

[...]

20.3.I BED AND BREAKFAST

In addition to the regulations below, all bed and breakfasts shall comply with the regulations of the Department of Safety and Permits and the Department of Finance, Bureau of Revenue.

20.3.I.1 Bed and Breakfast Accessory Standards

- a. Proof of ~~owner~~ operator occupancy shall be established by submission of

at least three (3) pieces of proof of residence ~~a homestead exemption submitted to the Department of Safety and Permits. The owner-occupant's ownership interest must be at least fifty percent (50%).~~

- b. The bed and breakfast shall appear outwardly to be a single-family dwelling, giving no appearance of a business use other than a permitted sign.
- c. The bed and breakfast may have one (1) attached projecting sign not to exceed four (4) square feet in area. The sign shall complement the architecture of the structure.
- d. The bed and breakfast is limited to a maximum of five (5) units for overnight accommodation.
- e. Cooking facilities are prohibited in individual guest rooms.
- f. If meals are provided, only registered guests may be served.
- g. Leasing of a common dining area for social events is prohibited.

20.3.I.2 Bed and Breakfast Principal Standards

- a. Proof of ~~owner or operator~~ occupancy shall be established by submission of at least three (3) pieces of proof of residence ~~a homestead exemption (owner) or legal leasing agreement (operator)~~ submitted to the Department of Safety and Permits.
- b. All signs shall comply with applicable sign regulations for the zoning district.
- c. The bed and breakfast is limited to a maximum of nine (9) units for overnight accommodation.
- d. Cooking facilities are prohibited in individual guest rooms.
- e. If the zoning district allows restaurants, meals may be served to guests other than those registered with the bed and breakfast, provided the facility meets all other applicable city and state codes for food service.
- f. Leasing of common areas for social events shall be allowed, provided the facility meets all applicable off-street parking requirements and complies with the noise ordinance and all other provisions of the City Code.
- 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) Principal Bbed and Bbreakfast or large Non-Commercial Short Term Rental ~~short term rental~~, is permitted per blockface ~~block face~~.

[...]

20.3.LLL.3 Short Term Rental, Residential Standards (All Types)

- a. ~~A short term rental permit shall be secured prior to operation; and short term rental operators shall comply with all applicable permit requirements provided in the Code of the City of New Orleans.~~

- ~~b. — The short term rental shall appear outwardly to be a residential dwelling.~~
- ~~c. — Use of the short term rental for commercial or social events shall be prohibited.~~
- ~~d. — The short term rental shall not adversely affect the residential character of the neighborhood.~~
- ~~e. — The short term rental shall not generate noise, vibration, glare, odors, or other effects that unreasonably interfere with any person's enjoyment of their residence.~~
- ~~f. — No signs are allowed for a Residential Short Term Rental.~~
- ~~g. — 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 permit type (Partial, Small, or Large Residential) and the bedroom and occupancy limit.~~
- ~~h. — Proof of owner occupancy shall be established by submission of proof of a homestead exemption submitted to the Department of Safety and Permits. The owner occupant's ownership interest must be at least fifty percent (50%).~~

~~20.3.LLL.4 Short Term Rental, Partial Unit Residential Standards~~

- ~~a. — Only a portion of the dwelling may be rented, which shall be limited to five (5) guest bedrooms, and occupancy shall be limited to two (2) guests per bedroom or ten (10) guests total. There shall be at least one bedroom for the fulltime owner occupant.~~
- ~~b. — No Partial Unit Residential Short Term Rentals shall be permitted in the area bounded by the Mississippi River, Iberville Street, N. Rampart Street, and Esplanade Avenue, unless specifically authorized herein. This provision shall not be waived.~~

~~20.3.LLL.5 Short Term Rental, Small Residential Standards~~

- ~~a. — If more than one (1) principal building exists on a lot, or two (2) or more contiguous lots have been historically acquired together and the second building was originally constructed and has been used for habitable space, as defined by the Building Code, at least five (5) years prior to the establishment of the short term rental, it may be included in the operation of the short term rental.~~
- ~~b. — Up to five (5) guest bedrooms may be rented to guests, and occupancy shall be limited to two (2) guests per guest bedroom with a maximum ten (10) guests.~~

~~20.3.LLL.6 Short Term Rental, Large Residential Standards~~

- ~~a. — If more than one (1) principal building exists on a lot, or two (2) or more contiguous lots have been historically acquired together and the second building was originally constructed and has been used for habitable space, as defined by the Building Code, at least five (5) years prior to the~~

establishment of the short term rental, it may be included in the operation of the short term rental.

- b. ~~Large Residential Short Term Rentals are limited to a maximum of three (3) dwelling units containing no more than six (6) total guest bedrooms. Occupancy shall be limited to two (2) guests per bedroom with a maximum twelve (12) guests.~~
- e. ~~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) principal bed and breakfast or large residential short term rental is permitted per block face.~~

[...]

Article 21 – On-Site Development Standards

[...]

21.8.C Permitted Temporary Uses

Table 21-3: Permitted Temporary Uses				
Permitted Temporary Use	District	Timeframe	Hours of Operation	Temporary Use Standards
[...]				
<u>Short Term Rental, Non-Commercial</u>	<u>Non-Commercial Short Term Rental permits are permitted in the following districts: R-RE, M-MU, HMR-1, HMR-2, HMR-3, VCE, HMC-1, HMC-2, HM-MU, HU-RS, HU-RD1, HU-RD2, HU-RM1, HU-RM2, HU-B1A, HU-B1, HU-MU, S-RS, S-RD, S-RM, S-RM2, S-LB1, S-LB2, S-LC, S-MU, MU-1, MU-2, EC, CBD-1, CBD-2, CBD-3, CBD-5, CBD-6.</u>	<u>Valid one (1) year; may be renewed annually.</u>		<u>21.8.C.18</u>
[...]				

[...]

21.8.C.18 Short Term Rental, Non-Commercial

- a. **A short term rental permit shall be secured prior to operation; and short term rental operators shall comply with all applicable permit requirements provided in the Code of the City of New Orleans.**
- b. **The short term rental shall appear outwardly to be a residential dwelling.**
- c. **Use of the short term rental for commercial or social events shall be prohibited.**
- d. **The short term rental shall not adversely affect the residential character of the neighborhood.**
- e. **The short term rental shall not generate noise, vibration, glare, odors, or other effects that unreasonably interfere with any person's**

- enjoyment of their residence.
- f. No signs are allowed for a Non-Commercial Short Term Rental.
 - g. 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 operator, the permit type and the bedroom and occupancy limit.
 - h. The operator for the short term rental must have a primary residence on the lot. Proof of operator occupancy shall be established by submission of at least three (3) documents establishing proof of residence to the Department of Safety and Permits. Such documentation must include a valid lease agreement. Other forms of proof of residence may include a Louisiana State Driver's License or ID card, Orleans Parish voter registration card, pay stub, work ID or badge, bank statement, or other documents deemed acceptable by the Department of Safety and Permits.
 - i. Operators are limited to one (1) non-commercial short term rental per natural person.
 - j. The registered operator must be onsite during a guest's stay and must respond to a complaint from the City within one (1) hour of the complaint being made. Failure to comply can lead to license revocation.
 - k. The property owner of a non-commercial short term rental must be a natural person, and not a business or any other type of commercial entity.
 - l. Only one (1) non-commercial short term rental permit shall be issued for each lot.
 - m. Only one (1) non-commercial short term rental permit may be issued per blockface.
 - n. Small Multi-Family Affordable Dwellings as authorized in the base zoning district shall be exempted from the blockface limitation provided that they are compliant with all affordability monitoring requirements and other laws.
 - o. Up to five (5) guest bedrooms may be rented to guests, and occupancy shall be limited to two (2) guests per guest bedroom with a maximum of ten (10) guests.
 - p. If more than one (1) principal building exists on a lot, or two (2) or more contiguous lots have been historically acquired together and the second building was originally constructed and has been used for habitable space as defined by the Building Code, at least five (5) years prior to the establishment of the short term rental, it may be included in the operation of the short term rental.
 - 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) Principal Bed and Breakfast or Non-Commercial

Short Term Rental is permitted per block-face.

[...]

Article 22- Off-Street Parking and Loading

[...]

22.4 Required Off-Street Vehicle Parking Spaces

[...]

22.4.A General Requirements

[...]

Table 22-1: Off-Street Vehicle and Bicycle Parking Requirements			
Use	Minimum Required Vehicle Spaces	Minimum Required Bicycle Spaces	
		Required Short-Term Bicycle Spaces	Percentage of Long-Term Bicycle Spaces
[...]			
Bed and Breakfast	1 per 2 guest bedrooms		
Hotel/Motel/Hostel	1 per 2 guest bedrooms	1 per 10 guest bedrooms	
Short Term Rental, Commercial	1 space per 2 guest bedrooms	1 per 5 rooms	25%
Short Term Rental, Large	1 per 2 guest bedrooms	1 per 5 rooms	25%
Short Term Rental, Partial Unit and Small Residential Non-Commercial	see applicable dwelling type		
[...]			

[...]

Article 8 – Rural Development Districts

8.2 Uses

Table 8-1: Permitted and Conditional Uses			
Uses	Districts		Use Standards
	R-RE	M-MU	
RESIDENTIAL USES			
[...]			
Bed and Breakfast, Accessory	P	P	Section 20.3.I
Bed and Breakfast, Principal		P	Section 20.3.I
Short Term Rental, Large	-	P	Section 20.3.LLL
Short Term Rental, Small	P	P	Section 20.3.LLL
[...]			

[...]

Article 9 – Historic Core Neighborhoods Residential Districts

9.2 Uses

Table 9-1: Permitted and Conditional Uses						
Use	District					Use Standards
	VCR-1	VCR-2	HMR-1	HMR-2	HMR-3	
RESIDENTIAL USES						
[...]						
Bed and Breakfast, Accessory			P	P	P	Section 20.3.I
Bed and Breakfast, Principal			C	C	C	Section 20.3.I
Short Term Rental, Large		-	€	€	€	Section 20.3.LLL
Short Term Rental, Small		-	P	P	P	Section 20.3.LLL
[...]						

[...]

Article 10 – Historic Core Neighborhoods Non-Residential Districts

10.2 Uses

Table 10-1: Permitted and Conditional Uses											
Uses	District										Use Standards
	VCC-1	VCC-2	VCE	VCE-1	VCS	VCS-1	VCP	HMC-1	HMC-2	HM-MU	
RESIDENTIAL USE											
[...]											
Bed and Breakfast, Accessory			P					P	P	P	Section 20.3.I
Bed and Breakfast, Principal			P					P	P	P	Section 20.3.I
Short Term Rental, Large	-	-	P	-	-	-	-	P	P	P	Section 20.3.LLL
Short Term Rental, Small	-	-	P	-	-	-	-	P	P	P	Section 20.3.LLL
[...]											

[...]

Article 11 – Historic Urban Neighborhood Residential Districts

11.2 Uses

Table 11-1: Permitted and Conditional Uses						
Uses	Districts					Use Standards
	HU-RS	HU-RD1	HU-RD2	HU-RM1	HU-RM2	
RESIDENTIAL USE						
[...]						
Bed and Breakfast, Accessory	P	P	P	P	P	Section 20.3.I
Bed and Breakfast, Principal				C	C	Section 20.3.I
Short Term Rental, Large	-	-	-	P	P	Section 20.3.LLL
Short Term Rental, Small	P	P	P	P	P	Section 20.3.LLL
[...]						

[...]

Article 12 – Historic Urban Neighborhoods Non-Residential Districts

12.2 Uses

Table 12-1: Permitted and Conditional Uses				
Uses	Districts			Use Standards
	HU-B1A	HU-B1	HU-MU	
RESIDENTIAL USE				
[...]				
Bed and Breakfast, Accessory	P	P	P	Section 20.3.I
Bed and Breakfast, Principal	P	P	P	Section 20.3.I
Short Term Rental, Large	P	P	P	Section 20.3.LLL
Short Term Rental, Small	P	P	P	Section 20.3.LLL
COMMERCIAL USE				
[...]				
Hotel/Motel			C	
Short Term Rental, Commercial			P	Section 20.3.LLL
[...]				

[...]

Article 13 – Suburban Neighborhoods Residential Districts

13.2 Uses

Table 13-1: Permitted and Conditional Uses					
Uses	Districts				Use Standards
	S-RS	S-RD	S-RM1	S-RM2	
RESIDENTIAL USE					
[...]					

Bed and Breakfast, Accessory	P	P	P	P	Section 20.3.I
Short Term Rental, Small	P	P	P	P	Section 20.3.LLL
[...]					

Table 13-1: Permitted and Conditional Uses								
Uses	Districts							Use Standards
	S-LRS1	S-LRS2	S-LRS3	S-LRD1	S-LRD2	S-LRM1	S-LRM2	
RESIDENTIAL USE								
[...]								
Bed and Breakfast, Accessory	P				C	C	C	Section 20.3.I
Short Term Rental, Small	P	-	-	-	C	C	C	Section 20.3.LLL
[...]								

[...]

Article 14 – Suburban Neighborhoods Non-Residential Districts

14.2 Uses

Table 14-1: Permitted and Conditional Uses									
Uses	Districts								Use Standards
	S-B1	S-B2	S-LB1	S-LB2	S-LC	S-MU	S-LP	S-LM	
RESIDENTIAL USE									
[...]									
Bed and Breakfast, Accessory			P	P	P	C			Section 20.3.I
Bed and Breakfast, Principal			P	P	P				Section 20.3.I
Short Term Rental, Large	-	-	P	P	P	-	-	-	Section 20.3.LLL
Short Term Rental, Small	-	-	P	P	P	P	-	-	Section 20.3.LLL
[...]									

[...]

Article 15 – Commercial Center & Institutional Campus Districts

15.2 Uses

Table 15-1: Permitted and Conditional Uses										
Uses	Districts									Use Standards
	C-1	C-2	C-3	MU-1	MU-2	EC3	MC	MS	LS	
RESIDENTIAL USE										
[...]										
Bed and Breakfast, Accessory				P	P	P				Section 20.3.I
Bed and Breakfast, Principal				P	P					Section 20.3.I
Short Term Rental, Large	-	-	-	P	P	-	-	-	-	Section 20.3.LLL
Short Term Rental, Small	-	-	-	P	P	P	-	-	-	Section 20.3.LLL
[...]										

[...]

Article 17 – Central Business Districts

17.3 Uses

Table 17-1: Permitted and Conditional Uses								
Uses	Districts							Use Standards
	CBD-1	CBD-2	CBD-3	CBD-4	CBD-5	CBD-6	CBD-7	
RESIDENTIAL USE								
[...]								
Bed and Breakfast, Accessory	P	P	P		P	P		Section 20.3.I
Bed and Breakfast, Principal	P	P	P		P	P		Section 20.3.I
Short Term Rental, Large	P	P	P	-	P	P	-	Section 20.3.LLL
Short Term Rental, Small	P	P	P	-	P	P	-	Section 20.3.LLL
[...]								

[...]

E. Compliance with approval standards

The City Planning Commission recommendation and the City Council decision on any zoning text amendment are matters of legislative discretion. In making their recommendation and decision, the City Planning Commission and the City Council are

required to consider the standards in **Table 4-1 Standards for Zoning Amendments** of the Comprehensive Zoning Ordinance. In this section, the staff evaluates the application using those standards.

The proposed amendment is compatible with the Master Plan and Future Land Use Map.

This standard is met. All land use actions must be consistent with, or at a minimum, not interfere with, the goals, policies and strategies of the Master Plan.⁷ The existing short term rental uses have been found to be consistent with the Master Plan. The operations of the temporary use category will be the same as the existing uses, which were found to be compatible with the Master Plan, *Plan for the 21st Century: New Orleans 2030*.

The proposed amendment is compatible with the place designations of this Ordinance.

This standard is met. The proposed amendment authorizes short term rentals in zoning districts throughout the City with consideration given to the respective place designations. District permissions and standards consider the place types of the Comprehensive Zoning Ordinance.

The proposed amendment promotes the public health, safety and welfare of the City.

This standard is met. The proposed text amendment would not negatively impact the public health, safety and welfare of the City since the text amendment provides a regulatory mechanism to manage and enforce residential short term rentals in light of the recent court decision. The text amendment establishing the regulations for short term rentals would require operators to comply with all regulations of the Department of Safety and Permits, which should ensure the public health, safety, and welfare.

The proposed amendment is compatible with the intent and general regulations of this Ordinance.

This standard is met. The proposed text amendment is compatible with the intent of the Comprehensive Zoning Ordinance. The Ordinance is intended to preserve and enhance the neighborhoods that constitute the city and to provide for the appropriate use of land. The Comprehensive Zoning Ordinance was developed with consideration of the character of the districts and the suitability for particular uses. The recommended use standards, zoning districts, and density limitations for short term rentals are meant to ensure the character of the City's neighborhoods remain stable and are not compromised by allowing excessive or unregulated residential short term rentals.

The proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy.

⁷ Master Plan, Volume 2, Chapter 14, p.14.2.
ZD002/23

This standard is met. The proposed amendment both adds clarification to terms in the Comprehensive Zoning Ordinance and reflects a change in policy that short term rentals in residential district are appropriate in operator-occupied dwellings with a density limitation of one (1) per blockface.

The proposed amendment benefits the citizens of the City as a whole.

This standard is met. The proposed amendment would establish short term rental regulations that are designed to maintain the benefits of RSTRs but also to mitigate impacts where residential short term rentals are allowed. The regulations would benefit the city since they are designed to protect neighborhood character and minimize impacts to residential areas while ensuring the safety of visitors staying in New Orleans.

The proposed amendment provides a more workable way to achieve the intent and purposes of this Ordinance and the Master Plan.

The proposed amendment addresses an issue with this Ordinance in a manner that is consistent with the intent and the purpose of the Comprehensive Zoning Ordinance and the Master Plan.

The proposed amendment does not create a significant number of nonconformities.

This standard is met. The proposed amendment modifies the use type for residential short term rental but does not change use permissions to prohibit residential short term rentals in areas where they are currently permitted. The staff believes the proposed changes would not create a significant number of nonconformities.

III. SUMMARY

Zoning Docket 002/23 is a request by City Council Motion M-22-485 for a text amendment to the Comprehensive Zoning Ordinance to consider modifications to the short term rental regulations. The intent of the request is to remedy a conflict that arose after the United States Court of Appeals for the Fifth Circuit deemed the homestead exemption requirement for residential short term rentals unconstitutional. The staff's goal is to remedy this discrepancy and replace the homestead exemption requirement with other requirements and limitations on residential short term rentals that protect neighborhoods from an oversaturation of the STR use.

The staff recommends modifying the residential short term rental regulations to make residential short term rentals a temporary use, and to restrict the use such that an operator be required to live onsite, in either one bedroom of a dwelling unit, or a neighboring dwelling unit in the same structure, and that the operator prove residency to achieve the permit. The staff recommends limiting the number of residential short term rental licenses to one (1) permit per blockface in residential zoning districts and limiting the number of

permits to one (1) permit per lot. The staff also recommends the operator be limited to one (1) residential short term rental permit and that the property owner be a natural person.

The staff finds the proposed text amendment, as modified by staff, is consistent with the Master Plan and meets the approval standards for text amendments of **Article 4, Section 4.2.E** of the Comprehensive Zoning Ordinance. Therefore, the staff recommends modified approval of Zoning Docket 002/23.

IV. PRELIMINARY STAFF RECOMMENDATION⁸

The staff recommends **MODIFIED APPROVAL** of Zoning Docket 002/23 with the following zoning text change. New language is indicated by **underlined, bold** text and deletions by ~~strikethrough~~ text.

[...]

A. Bed and Breakfast, Accessory. An ~~owner~~ **operator**-occupied single-family dwelling, which provides no more than five (5) guest bedrooms for overnight paid occupancy of up to thirty (30) nights. Common bathroom facilities may be provided rather than private baths for each guest bedroom.

B. Bed and Breakfast, Principal. An ~~owner or~~ operator-occupied single-family dwelling that provides no more than nine (9) guest bedrooms for overnight paid occupancy of up to thirty (30) nights. Common bathroom facilities may be provided rather than private baths for each guest

[...]

A. Short Term Rental, Residential Non-Commercial. A short term rental where the ~~operator-owner~~ has their permanent primary residential dwelling unit ~~onsite~~ **on the same lot** and is present during the guest's stay. **In some cases, the operator-occupant may be the property owner. The owner and operator must both be a natural person over the age of 18 years old.** Proof of ~~residence ownership~~ **no less than three (3) pieces of personally identifiable information** submitted to the Department of Safety and Permits. **Non-Commercial Short Term Rental is a temporary use as described in Article 21.** Only one ~~(1) type of residential~~ **Non-Commercial** short term rental license is allowed per lot, **and each permit shall provide no more than five (5) guest bedrooms and ten (10) total guests for overnight paid occupancy as a temporary use. 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**

⁸ Subject to modification by the City Planning Commission

and Permits., with the exception that than an owner may obtain one Partial Unit and one Small Residential Short Term Rental Permits on the same lot.

- ~~Partial Unit Residential Short Term Rental.~~ Rental of a portion of an owner-occupied dwelling unit with a principal use as a permanent dwelling unit with no more than five (5) guest bedrooms and ten (10) total guests, for overnight paid occupancy as an accessory use.
- ~~Small Residential Short Term Rental.~~ An owner-occupied lot with no more than four (4) dwelling units where one (1) unit is the owner's permanent residential dwelling unit and where only one (1) dwelling unit per lot is rented with no more than five (5) guest bedrooms and ten (10) total guests for overnight paid occupancy as an accessory use.
- ~~Large Residential Short Term Rental.~~ An owner-occupied residential structure that provides rental of up to three (3) dwelling units for paid occupancy, with no more than six (6) guest bedrooms total.

[...]

Proof of residence. For operator-occupied permits, the operator must show three (3) forms of proof of residence including a valid lease agreement. Other forms of proof of residency could include a Louisiana State Driver's License or ID card, bank statements, IRS statements, pay stubs, or other means as deemed appropriate by the Department of Safety and Permits.

[...]

Article 20 – Use Standards

[...]

20.3.I BED AND BREAKFAST

In addition to the regulations below, all bed and breakfasts shall comply with the regulations of the Department of Safety and Permits and the Department of Finance, Bureau of Revenue.

20.3.I.1 Bed and Breakfast Accessory Standards

- a. Proof of ~~owner~~ **operator** occupancy shall be established by submission of **at least three (3) pieces** of proof of **residence** ~~a homestead exemption submitted to the Department of Safety and Permits. The owner-occupant's ownership interest must be at least fifty percent (50%).~~
- b. The bed and breakfast shall appear outwardly to be a single-family dwelling, giving no appearance of a business use other than a permitted sign.
- c. The bed and breakfast may have one (1) attached projecting sign not to exceed four (4) square feet in area. The sign shall complement the architecture of the structure.

- d. The bed and breakfast is limited to a maximum of five (5) units for overnight accommodation.
- e. Cooking facilities are prohibited in individual guest rooms.
- f. If meals are provided, only registered guests may be served.
- g. Leasing of a common dining area for social events is prohibited.

20.3.I.2 Bed and Breakfast Principal Standards

- a. Proof of ~~owner or~~ operator occupancy shall be established by submission of **at least three (3) pieces** of proof of **residence** ~~a homestead exemption (owner) or legal leasing agreement (operator)~~ submitted to the Department of Safety and Permits.
- b. All signs shall comply with applicable sign regulations for the zoning district.
- c. The bed and breakfast is limited to a maximum of nine (9) units for overnight accommodation.
- d. Cooking facilities are prohibited in individual guest rooms.
- e. If the zoning district allows restaurants, meals may be served to guests other than those registered with the bed and breakfast, provided the facility meets all other applicable city and state codes for food service.
- f. Leasing of common areas for social events shall be allowed, provided the facility meets all applicable off-street parking requirements and complies with the noise ordinance and all other provisions of the City Code.
- 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) **Principal Bbed and Bbreakfast or large Non-Commercial Short Term Rental** ~~short term rental~~, is permitted per **blockface** ~~block face~~.

[...]

20.3.LLL.3 Short Term Rental, Residential Standards (All Types)

- a. ~~A short term rental permit shall be secured prior to operation; and short term rental operators shall comply with all applicable permit requirements provided in the Code of the City of New Orleans.~~
- b. ~~The short term rental shall appear outwardly to be a residential dwelling.~~
- c. ~~Use of the short term rental for commercial or social events shall be prohibited.~~
- d. ~~The short term rental shall not adversely affect the residential character of the neighborhood.~~
- e. ~~The short term rental shall not generate noise, vibration, glare, odors, or other effects that unreasonably interfere with any person's enjoyment of their residence.~~
- f. ~~No signs are allowed for a Residential Short Term Rental.~~

- ~~g. 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 permit type (Partial, Small, or Large Residential) and the bedroom and occupancy limit.~~
- ~~h. Proof of owner occupancy shall be established by submission of proof of a homestead exemption submitted to the Department of Safety and Permits. The owner occupant's ownership interest must be at least fifty percent (50%).~~

~~20.3.LLL.4 Short Term Rental, Partial Unit Residential Standards~~

- ~~a. Only a portion of the dwelling may be rented, which shall be limited to five (5) guest bedrooms, and occupancy shall be limited to two (2) guests per bedroom or ten (10) guests total. There shall be at least one bedroom for the fulltime owner-occupant.~~
- ~~b. No Partial Unit Residential Short Term Rentals shall be permitted in the area bounded by the Mississippi River, Iberville Street, N. Rampart Street, and Esplanade Avenue, unless specifically authorized herein. This provision shall not be waived.~~

~~20.3.LLL.5 Short Term Rental, Small Residential Standards~~

- ~~a. If more than one (1) principal building exists on a lot, or two (2) or more contiguous lots have been historically acquired together and the second building was originally constructed and has been used for habitable space, as defined by the Building Code, at least five (5) years prior to the establishment of the short term rental, it may be included in the operation of the short term rental.~~
- ~~b. Up to five (5) guest bedrooms may be rented to guests, and occupancy shall be limited to two (2) guests per guest bedroom with a maximum ten (10) guests.~~

~~20.3.LLL.6 Short Term Rental, Large Residential Standards~~

- ~~a. If more than one (1) principal building exists on a lot, or two (2) or more contiguous lots have been historically acquired together and the second building was originally constructed and has been used for habitable space, as defined by the Building Code, at least five (5) years prior to the establishment of the short term rental, it may be included in the operation of the short term rental.~~
- ~~b. Large Residential Short Term Rentals are limited to a maximum of three (3) dwelling units containing no more than six (6) total guest bedrooms. Occupancy shall be limited to two (2) guests per bedroom with a maximum twelve (12) guests.~~
- ~~c. 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) principal bed and breakfast or large residential short term rental is permitted per block face.~~

[...]

Article 21 – On-Site Development Standards

[...]

21.8.C Permitted Temporary Uses

Table 21-3: Permitted Temporary Uses				
Permitted Temporary Use	District	Timeframe	Hours of Operation	Temporary Use Standards
[...]				
<u>Short Term Rental, Non-Commercial</u>	<u>Non-Commercial Short Term Rental permits are permitted in the following districts: R-RE, M-MU, HMR-1, HMR-2, HMR-3, VCE, HMC-1, HMC-2, HM-MU, HU-RS, HU-RD1, HU-RD2, HU-RM1, HU-RM2, HU-B1A, HU-B1, HU-MU, S-RS, S-RD, S-RM, S-RM2, S-LB1, S-LB2, S-LC, S-MU, MU-1, MU-2, EC, CBD-1, CBD-2, CBD-3, CBD-5, CBD-6.</u>	<u>Valid one (1) year; may be renewed annually.</u>		<u>21.8.C.18</u>
[...]				

[...]

21.8.C.18 Short Term Rental, Non-Commercial

- a. **A short term rental permit shall be secured prior to operation; and short term rental operators shall comply with all applicable permit requirements provided in the Code of the City of New Orleans.**
- b. **The short term rental shall appear outwardly to be a residential dwelling.**
- c. **Use of the short term rental for commercial or social events shall be prohibited.**
- d. **The short term rental shall not adversely affect the residential character of the neighborhood.**
- e. **The short term rental shall not generate noise, vibration, glare, odors, or other effects that unreasonably interfere with any person's enjoyment of their residence.**
- f. **No signs are allowed for a Non-Commercial Short Term Rental.**
- g. **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 operator, the permit type and the bedroom and occupancy limit.**
- h. **The operator for the short term rental must have a primary residence on the lot. Proof of operator occupancy shall be established by submission of at least three (3) documents establishing proof of**

residence to the Department of Safety and Permits. Such documentation must include a valid lease agreement. Other forms of proof of residence may include a Louisiana State Driver's License or ID card, Orleans Parish voter registration card, pay stub, work ID or badge, bank statement, or other documents deemed acceptable by the Department of Safety and Permits.

- i. Operators are limited to one (1) non-commercial short term rental per natural person.
- j. The registered operator must be onsite during a guest's stay and must respond to a complaint from the City within one (1) hour of the complaint being made. Failure to comply can lead to license revocation.
- k. The property owner of a non-commercial short term rental must be a natural person, and not a business or any other type of commercial entity.
- l. Only one (1) non-commercial short term rental permit shall be issued for each lot.
- m. Only one (1) non-commercial short term rental permit may be issued per blockface.
- n. Small Multi-Family Affordable Dwellings as authorized in the base zoning district shall be exempted from the blockface limitation provided that they are compliant with all affordability monitoring requirements and other laws.
- o. Up to five (5) guest bedrooms may be rented to guests, and occupancy shall be limited to two (2) guests per guest bedroom with a maximum of ten (10) guests.
- p. If more than one (1) principal building exists on a lot, or two (2) or more contiguous lots have been historically acquired together and the second building was originally constructed and has been used for habitable space as defined by the Building Code, at least five (5) years prior to the establishment of the short term rental, it may be included in the operation of the short term rental.
- 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) Principal Bed and Breakfast or Non-Commercial Short Term Rental is permitted per block-face.

[...]

Article 22- Off-Street Parking and Loading

[...]

22.4 Required Off-Street Vehicle Parking Spaces

[...]

22.4.A General Requirements

[...]

Table 22-1: Off-Street Vehicle and Bicycle Parking Requirements			
Use	Minimum Required Vehicle Spaces	Minimum Required Bicycle Spaces	
		Required Short-Term Bicycle Spaces	Percentage of Long-Term Bicycle Spaces
[...]			
Bed and Breakfast	1 per 2 guest bedrooms		
Hotel/Motel/Hostel	1 per 2 guest bedrooms	1 per 10 guest bedrooms	
Short Term Rental, Commercial	1 space per 2 guest bedrooms	1 per 5 rooms	25%
Short Term Rental, Large	1 per 2 guest bedrooms	1 per 5 rooms	25%
Short Term Rental, Partial Unit and Small Residential Non-Commercial	see applicable dwelling type		
[...]			

[...]

Article 8 – Rural Development Districts

8.2 Uses

Table 8-1: Permitted and Conditional Uses			
Uses	Districts		Use Standards
	R-RE	M-MU	
RESIDENTIAL USES			
[...]			
Bed and Breakfast, Accessory	P	P	Section 20.3.I
Bed and Breakfast, Principal		P	Section 20.3.I
Short Term Rental, Large	-	P	Section 20.3.LLL
Short Term Rental, Small	P	P	Section 20.3.LLL
[...]			

[...]

Article 9 – Historic Core Neighborhoods Residential Districts

9.2 Uses

Table 9-1: Permitted and Conditional Uses

Use	District					Use Standards
	VCR-1	VCR-2	HMR-1	HMR-2	HMR-3	
RESIDENTIAL USES						
[...]						
Bed and Breakfast, Accessory			P	P	P	Section 20.3.I
Bed and Breakfast, Principal			C	C	C	Section 20.3.I
Short Term Rental, Large		-	€	€	€	Section 20.3.LLL
Short Term Rental, Small		-	P	P	P	Section 20.3.LLL
[...]						

[...]

Article 10 – Historic Core Neighborhoods Non-Residential Districts

10.2 Uses

Table 10-1: Permitted and Conditional Uses											
Uses	District										Use Standards
	VCC-1	VCC-2	VCE	VCE-1	VCS	VCS-1	VCP	HMC-1	HMC-2	HM-MU	
RESIDENTIAL USE											
[...]											
Bed and Breakfast, Accessory			P					P	P	P	Section 20.3.I
Bed and Breakfast, Principal			P					P	P	P	Section 20.3.I
Short Term Rental, Large	-	-	P	-	-	-	-	P	P	P	Section 20.3.LLL
Short Term Rental, Small	-	-	P	-	-	-	-	P	P	P	Section 20.3.LLL
[...]											

[...]

Article 11 – Historic Urban Neighborhood Residential Districts

11.2 Uses

Table 11-1: Permitted and Conditional Uses						
Uses	Districts					Use Standards
	HU-RS	HU-RD1	HU-RD2	HU-RM1	HU-RM2	
RESIDENTIAL USE						
[...]						
Bed and Breakfast, Accessory	P	P	P	P	P	Section 20.3.I

Bed and Breakfast, Principal				C	C	Section 20.3.I
Short Term Rental, Large	-	-	-	P	P	Section 20.3.LLL
Short Term Rental, Small	P	P	P	P	P	Section 20.3.LLL
[...]						

[...]

Article 12 – Historic Urban Neighborhoods Non-Residential Districts

12.2 Uses

Table 12-1: Permitted and Conditional Uses				
Uses	Districts			Use Standards
	HU-B1A	HU-B1	HU-MU	
RESIDENTIAL USE				
[...]				
Bed and Breakfast, Accessory	P	P	P	Section 20.3.I
Bed and Breakfast, Principal	P	P	P	Section 20.3.I
Short Term Rental, Large	P	P	P	Section 20.3.LLL
Short Term Rental, Small	P	P	P	Section 20.3.LLL
COMMERCIAL USE				
[...]				
Hotel/Motel			C	
Short Term Rental, Commercial			P	Section 20.3.LLL
[...]				

[...]

Article 13 – Suburban Neighborhoods Residential Districts

13.2 Uses

Table 13-1: Permitted and Conditional Uses					
Uses	Districts				Use Standards
	S-RS	S-RD	S-RM1	S-RM2	
RESIDENTIAL USE					
[...]					
Bed and Breakfast, Accessory	P	P	P	P	Section 20.3.I
Short Term Rental, Small	P	P	P	P	Section 20.3.LLL
[...]					

Table 13-1: Permitted and Conditional Uses		
Uses	Districts	Use Standards

	S-LRS1	S-LRS2	S-LRS3	S-LRD1	S-LRD2	S-LRM1	S-LRM2	
RESIDENTIAL USE								
[...]								
Bed and Breakfast, Accessory	P				C	C	C	Section 20.3.I
Short Term Rental, Small	P	-	-	-	C	C	C	Section 20.3.LLL
[...]								

[...]

Article 14 – Suburban Neighborhoods Non-Residential Districts

14.2 Uses

Table 14-1: Permitted and Conditional Uses									
Uses	Districts								Use Standards
	S-B1	S-B2	S-LB1	S-LB2	S-LC	S-MU	S-LP	S-LM	
RESIDENTIAL USE									
[...]									
Bed and Breakfast, Accessory			P	P	P	C			Section 20.3.I
Bed and Breakfast, Principal			P	P	P				Section 20.3.I
Short Term Rental, Large	-	-	P	P	P	-	-	-	Section 20.3.LLL
Short Term Rental, Small	-	-	P	P	P	P	-	-	Section 20.3.LLL
[...]									

[...]

Article 15 – Commercial Center & Institutional Campus Districts

15.2 Uses

Table 15-1: Permitted and Conditional Uses										
Uses	Districts									Use Standards
	C-1	C-2	C-3	MU-1	MU-2	EC3	MC	MS	LS	
RESIDENTIAL USE										
[...]										
Bed and Breakfast, Accessory				P	P	P				Section 20.3.I

Bed and Breakfast, Principal				P	P					Section 20.3.I
Short Term Rental, Large	-	-	-	P	P	-	-	-	-	Section 20.3.LLL
Short Term Rental, Small	-	-	-	P	P	P	-	-	-	Section 20.3.LLL
[...]										

[...]

Article 17 – Central Business Districts

17.3 Uses

Table 17-1: Permitted and Conditional Uses								
Uses	Districts							Use Standards
	CBD-1	CBD-2	CBD-3	CBD-4	CBD-5	CBD-6	CBD-7	
RESIDENTIAL USE								
[...]								
Bed and Breakfast, Accessory	P	P	P		P	P		Section 20.3.I
Bed and Breakfast, Principal	P	P	P		P	P		Section 20.3.I
Short Term Rental, Large	P	P	P	-	P	P	-	Section 20.3.LLL
Short Term Rental, Small	P	P	P	-	P	P	-	Section 20.3.LLL
[...]								

[...]

V. REASONS FOR RECOMMENDATION

1. The requested amendment provides a remedy for the Court’s decision that the homestead exemption requirement for residential short term rental permits is unconstitutional and develops mechanisms to prevent the negative impact of residential STRs in residential neighborhoods.
2. The requested text amendment is compatible with the approval standards and is consistent with the Master Plan.

VI. CITY PLANNING COMMISSION MEETING (January 10, 2023)

The City Planning Commission hosted a meeting in City Council Chambers on January 10, 2023. Staff presented the case to the commission. There were three speakers “for

information only”. Commissioner Brown made a motion for deferral, seconded by Joshi-Gupta and was unanimously adopted.

MOTION:

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 002\23 IS HEREBY RECOMMENDED FOR DEFERRAL TO THE JANUARY 24, 2023 CITY PLANNING COMMISSION MEETING.

YEAS: Brown, Joshi-Gupta, Alexander, Flick, Jordan, Lunn, Steeg, Stewart, Witry.

NAYS: None

ABSENT: None