**ORDINANCE**

**CITY OF NEW ORLEANS**

 **CITY HALL: March 2, 2023**

**CALENDAR NO. 34,083**

**NO**. \_\_\_\_\_\_\_\_\_\_\_\_\_\_ **MAYOR COUNCIL SERIES**

**BY: COUNCILMEMBERS HARRIS AND GIARRUSSO**

 **AN ORDINANCE** to amend and reordain Articles 8, 9, 10, 11, 12, 13, 14, 15, 17, 20, 21, 22, and 26 of the Comprehensive Zoning Ordinance (Ordinance No. 4264 M.C.S., as amended by Ordinance No. 26,413 M.C.S. and subsequent amendments), to modify the Residential Short Term Rentals 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; and otherwise to provide with respect thereto.

 **WHEREAS, Zoning Docket Number 2/23** was initiated by City Council Motion M-22-485 and referred to the City Planning Commission; and

 **WHEREAS,** the City Planning Commission held a public hearing on this zoning petition and recommended modified approval of a text amendment in its report to the City Council dated January 30, 2023, presented in **Zoning Docket Number 2/23**; and

 **WHEREAS,** the recommendation of the City Planning Commission was upheld and the changes were deemed necessary and in the best interest of the City of New Orleans and were granted approval, as stated in Motion Number M-23-84 of the Council of the City of New Orleans on March 2, 2023.

 **SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS**, That Article 8 of the Comprehensive Zoning Ordinance (Ordinance No. 4264 M.C.S., as amended by Ordinance No. 26,413 M.C.S. and subsequent amendments), be, and is hereby amended and reordained to read as follows:

**“ARTICLE 8. RURAL DEVELOPMENT DISTRICTS**

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**8.2 USES**

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| 9 | **Table 8-1: Permitted and Conditional Uses** |
| 10 | **Use1** | **Districts** | **Use Standards** |
| 11 | **R-RE** | **M-MU** |
| 12 | RESIDENTIAL USE |
| 13 | Artist Community | P | P | Section 20.3.F |
| 14 | Bed and Breakfast, Accessory | **C** | **C** | Section 20.3.I |
| 15 | Bed and Breakfast, Principal |  | **C** | Section 20.3.I |
| 16 | Boathouse |   | P |   |
| 17 | Day Care Home, Adult - Small | C | C | Section 20.3.T |
| 18 | Dwelling, Single-Family | P | P |   |
| 19 | Group Home, Small | P | P | Section 20.3.GG |
| 20 | Home Based Child Care, Small | P | P | Section 20.3.T |
| 21 | Home Based Child Care, Large | P | P | Section 20.3.T |
| 22 | COMMERCIAL USE |
| 23 | \* \* \* |

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 **SECTION 2. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS**, That Article 9 of the Comprehensive Zoning Ordinance (Ordinance No. 4264 M.C.S., as amended by Ordinance No. 26,413 M.C.S. and subsequent amendments), be, and is hereby amended and reordained to read as follows:

**“ARTICLE 9.** **HISTORIC CORE NEIGHBORHOODS RESIDENTIAL DISTRICTS**

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**9.2 USES**

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| 9 | **Table 9-1: Permitted and Conditional Uses** |
| 10 | **Use1** | **District** | **Use****Standard** |
| 11 | **VCR-1** | **VCR-2** | **HMR-1** | **HMR-2** | **HMR-3** |
| 12 | RESIDENTIAL USE |
| 13 | Bed and Breakfast, Accessory |  |  | **C** | **C** | **C** | Section 20.3.1 |
| 14 | Bed and Breakfast, Principal |  |  | C | C | C | Section 20.3.1 |
| 1516 | Day Care Home, Adult – Small | P | P | P | P | P | Section 20.3.T |
| 1718 | Day Care Home, Adult - Large | C | C | C | C | C | Section 20.3.T |
| 1920 | Dwelling, Established Multi-Family |  |  |  |  | P, C4 | Section 20.3.W |
| 21 | Dwelling, Single-Family | P | P | P | P | P |   |
| 22 | Dwelling, Two-Family | P | P | P | P | P | Section 20.3.Y |
| 23 | Dwelling, Multi-Family | P | P | P | P |  |   |
| 2425 | Dwelling, Multi-Family – Limited to 4 Units Maximum |  |  |  |  | C |   |
| 2627 | Dwelling, Small Multi-Family Affordable |  |  |  |  | P | Section 20.3.SSS |
| 28 | Group Home, Small | P | P | P | P | P | Section 20.3.GG |
| 29 | Group Home, Large | P | P | P | P | P | Section 20.3.GG |
| 3031 | Home Based Child Care, Small | P | P | P | P | P | Section 20.3.T |
| 3233 | Home Based Child Care, Large | P | P | P | P | P | Section 20.3.T |
| 34 | Group Home, Congregate | C | C | C | C | C | Section 20.3.GG |
| 3536 | Permanent Supportive Housing | P | P | P | P | C3 | Section 20.3.PP |
| 37 | Residential Care Facility | P | P | P | P | P | Section 20.3.YY |
| 3839 | Day Care Home, Adult – Small | P | P | P | P | P | Section 20.3.T |
| 40 | COMMERCIAL USE |
| 41 | \* \* \*  |

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**SECTION 3. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS**, That Article 10 of the Comprehensive Zoning Ordinance (Ordinance No. 4264 M.C.S., as amended by Ordinance No. 26,413 M.C.S. and subsequent amendments), be, and is hereby amended and reordained to read as follows:

**“ARTICLE 10. HISTORIC CORE NEIGHBORHOODS NON-RESIDENTIAL DISTRICTS**

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**10.2 USES**

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| 10 | **Table 10-1: Permitted and Conditional Uses** |
| 11 | **Use1** | **District** | **Use****Standard** |
| 12 | **VCC-1** | **VCC-2** | **VCE** | **VCE-1** | **VCS** | **VCS-1** | **VCP** | **HMC-1** | **HMC-2** | **HM-MU** |
| 13 | RESIDENTIAL USE |
| 141516 | Bed and Breakfast, Accessory |  |  | **C** |  |  |  |  | **C** | **C** | **C** | Section 20.3.I |
| 171819 | Bed and Breakfast, Principal |  |  | **C** |  |  |  |  | **C** | **C** | **C** | Section 20.3.I |
| 20212223 | Day Care Home, Adult – Small | P | P |  |  | P | P |  | P | P | P | Section 20.3.T |
| 24252627 | Day Care Home, Adult – Large | C | C |  |  | C | C |  | C | C | C | Section 20.3.T |
| 28293031 | Dwelling, Above the Ground Floor | P | P | P | P | P | P |  | P | P | P |   |
| 323334 | Dwelling, Single-Family | P | P |  |  | P | P |  | P | P | P |   |
| 3536 | Dwelling, Two-Family | P | P |  |  | P | P |  | P | P | P | Section 20.3.Y |
| 373839 | Dwelling, Multi-Family | P | P |  |  | P | P |  | P | P | P |   |
| 40414243 | Dwelling, Small Multi-Family Affordable |  |  |  |  |  |  |  | P | P | P | Section 20.3.SSS |
| 444546 | Group Home, Small | P | P |  |  | P | P |  | P | P | P | Section 20.3.GG |
| 474849 | Group Home, Large | P | P |  |  | P | P |  | P | P | P | Section 20.3.GG |
| 505152 | Group Home,Congregate | C | C |  |  | C | C |  | P | P | P | Section 20.3.GG |
| 535455 | Home Based Child Care, Small | P | P |  |  | P | P |  | P | P | P | Section 20.3.T |
| 565758 | Home Based Child Care, Large | C | C |  |  | P | P |  | P | P | P | Section 20.3.T |
| 596061 | Permanent Supportive Housing | P | P |  |  | P | P |  | P | P | P | Section 20.3. PP |
| 6263 | Residential Care Facility | P | P |  |  | P | P |  | P | P | P | Section 20.3.YY |
| 64 | COMMERCIAL USE |
| 65 | \* \* \* |

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**SECTION 4. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS**, That Article 11 of the Comprehensive Zoning Ordinance (Ordinance No. 4264 M.C.S., as amended by Ordinance No. 26,413 M.C.S. and subsequent amendments), be, and is hereby amended and reordained to read as follows:

**“ARTICLE 11. HISTORIC URBAN NEIGHBORHOOD RESIDENTIAL DISTRICTS**

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**11.2 USES**

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| 9 | **Table 11-1**: **Permitted and Conditional Uses** |
| 10 | **Use1** | **District** | **Use****Standards** |
| 11 | **HU-RS** | **HU-RD1** | **HU-RD2** | **HU-RM1** | **HU-RM2** |
| 12 | RESIDENTIAL USE |
| 13 | Artist Community |  | C |  |  | P | Section 20.3.F |
| 14 | Bed and Breakfast, Accessory | **C** | **C** | **C** | **C** | **C** | Section 20.3.I |
| 15 | Bed and Breakfast, Principal |  |  |  | C | C | Section 20.3.I |
| 16 | Day Care Home, Adult – Small | C | P | P | P | P | Section 20.3.T |
| 17 | Day Care Home, Adult – Large |  |  |  | C | C | Section 20.3.T |
| 18 | Dwelling, Established Two-Family | P |  |  |  |  | Section 20.3.W |
| 19 | Dwelling, Single-Family | P | P | P | P | P |   |
| 20 | Dwelling, Two-Family |  | P | P | P | P | Section 20.3.Y |
| 21 | Dwelling, Townhouse |  |  | C | P | P | Section 20.3.X |
| 22 | Dwelling, Multi-Family |  |  |  | P | P |   |
| 23 | Dwelling, Established Multi-Family | P,C4 | P,C4 | P,C4 |  |  | Section 20.3.W |
| 2425 | Dwelling, Small Multi-Family Affordable |  | P | P | P | P | Section 20.3.SSS |
| 26 | Group Home, Small | P | P | P | P | P | Section 20.3.GG |
| 27 | Group Home, Large |  |  |  | P | P | Section 20.3.GG |
| 28 | Group Home, Congregate |  |  |  | C | C | Section 20.3.GG |
| 29 | Home Based Child Care, Small | P | P | P | P | P | Section 20.3.T |
| 30 | Home Based Child Care, Large | C | C | C | P | P | Section 20.3.T |
| 31 | Permanent Supportive Housing |  |  |  | P | P | Section 20.3.PP |
| 32 | Residential Care Facility |  | P | P | P | P | Section 20.3.YY |
| 33 | COMMERCIAL USE |
| 34 | \* \* \* |

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**SECTION 5. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS**, That Article 12 of the Comprehensive Zoning Ordinance (Ordinance No. 4264 M.C.S., as amended by Ordinance No. 26,413 M.C.S. and subsequent amendments), be, and is hereby amended and reordained to read as follows:

**“ARTICLE 12. HISTORIC URBAN NEIGHBORHOODS NON-RESIDENTIAL DISTRICTS**

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**12.2 USES**

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| 10 | **Table 12-1**: **Permitted and Conditional Uses** |
| 11 | **Use1** | **District** | **Use****Standards** |
| 12 | **HU-B1A** | **HU-B1** | **HU-MU** |
| 13 | RESIDENTIAL USE |
| 14 | Bed and Breakfast, Accessory | **C** | **C** | **C** | Section 20.3.I |
| 15 | Bed and Breakfast, Principal | **C** | **C** | **C** | Section 20.3.I |
| 16 | Day Care Home, Adult – Small | P | P | P | Section 20.3.T |
| 17 | Day Care Home, Adult – Large |  | P | P | Section 20.3.T |
| 18 | Dwelling, Above the Ground Floor | P | P | P |   |
| 19 | Dwelling, Single-Family | P | P | P |   |
| 20 | Dwelling, Two-Family | P | P | P | Section 20.3.Y |
| 21 | Dwelling, Townhouse |  |  | P | Section 20.3.X |
| 22 | Dwelling, Multi-Family |  |  | P |   |
| 23 | Dwelling, Established Multi-Family | P,C8 | P9 |  | Section 20.3.W |
| 2425 | Dwelling, Multi-Family - Limited to 4 Units Maximum | P | P |  |   |
| 26 | Dwelling, Small Multi-Family Affordable | P | P | P | Section 20.3.SSS |
| 27 | Group Home, Small | P | P | P | Section 20.3.GG |
| 28 | Group Home, Large | P2 | P2 | P | Section 20.3.GG |
| 29 | Group Home, Congregate |  |  | C | Section 20.3.GG |
| 30 | Home Based Child Care, Small | P | P | P | Section 20.3.T |
| 31 | Home Based Child Care, Large | P | P | P | Section 20.3.T |
| 32 | Permanent Supportive Housing | P2 | P2 | P | Section 20.3.PP |
| 33 | Residential Care Facility | P | P | P | Section 20.3.YY |
| 34 | COMMERCIAL USE |
| 35 | \* \* \* |

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**SECTION 6. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS**, That Article 13 of the Comprehensive Zoning Ordinance (Ordinance No. 4264 M.C.S., as amended by Ordinance No. 26,413 M.C.S. and subsequent amendments), be, and is hereby amended and reordained to read as follows:

**“ARTICLE 13. SUBURBAN NEIGHBORHOODS RESIDENTIAL DISTRICTS**

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**13.2 USES**

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| 9 | **Table 13-1**: **Permitted and Conditional Uses** |
| 10 | **Use1** | **District** | **Use****Standards** |
| 11 | **S-RS** | **S-RD** | **S-RM1** | **S-RM2** |
| 12 | RESIDENTIAL USE |
| 13 | Artist Community |  |  | P | P | Section 20.3.F |
| 1415 | Bed and Breakfast, Accessory | **C** | **C** | **C** | **C** | Section 20.3.I |
| 1617 | Day Care Home, Adult – Small |  | P | P | P | Section 20.3.T |
| 1819 | Day Care Home, Adult – Large |  |  | C | C | Section 20.3.T |
| 2021 | Dwelling, Established Two-Family | P |  |  |  | Section 20.3.W |
| 22 | Dwelling, Single-Family | P | P | P | P |   |
| 23 | Dwelling, Two-Family |  | P | P | P | Section 20.3.Y |
| 24 | Dwelling, Townhouse |  | C | P | P |   |
| 25 | Dwelling, Multi-Family |  |  | P | P |   |
| 2627 | Dwelling, Small Multi-Family Affordable |  | P | P | P | Section 20.3.SSS |
| 28 | Group Home, Small | P | P | P | P | Section 20.3.GG |
| 29 | Group Home, Large |  |  | P | P | Section 20.3.GG |
| 30 | Group Home, Congregate |  |  | C | C | Section 20.3.GG |
| 3132 | Home Based Child Care Center, Small | P | P | P | P | Section 20.3.T |
| 3334 | Home Based Child Care Center, Large | C | C | C | C | Section 20.3.T |
| 3536 | Permanent Supportive Housing |  |  | P | P | Section 20.3.PP |
| 37 | Residential Care Facility |  | P | P | P | Section 20.3.YY |
| 38 | COMMERCIAL USE |
| 39 | \* \* \*  |

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| 40 | **Table 13-1**: **Permitted and Conditional Uses** |
| 41 | **Use1** | **District** | **Use****Standards** |
| 42 | **S-LRS1** | **S-LRS2** | **S-LRS3** | **S-LDR1** | **S-LDR2** | **S-LRM1** | **S-LRM2** |
| 43 | RESIDENTIAL USE |
| 444545 | Bed and Breakfast, Accessory | **C** |  |  |  | C | C | C | Section 20.3.I |
| 47484950 | Day Care Home, Adult – Small | P | P | P | P | P | P | P | Section 20.3.T |
| 51525354 | Day Care Home, Adult - Large |  |  |  |  |  | C | C | Section 20.3.T |
| 555657 | Dwelling, Established Two-Family | P,C4 |  |  |  |  |  |  | Section 20.3.W |
| 58596061 | Dwelling, Established Multi-Family | P,C4 |  |  |  |  |  |  | Section 20.3.W |
| 565758 | Dwelling, Single-Family | P | P | P | P | P | P | P |   |
| 5960 | Dwelling, Two-Family |  |  |  | P | P | P | P |   |
| 6162 | Dwelling, Townhouse |  |  |  |  | C | P | P |   |
| 636465 | Dwelling, Multi-Family |  |  |  |  |  | P | P |   |
| 66676869 | Dwelling, Small Multi-Family Affordable |  |  |  | P | P | P | P | Section 20.3.SSS |
| 707172 | Group Home, Small | P | P | P | P | P | P | P | Section 20.3.GG |
| 737475 | Group Home, Large |  |  |  |  |  | P | P | Section 20.3.GG |
| 767778 | Group Home, Congregate |  |  |  |  |  | C | C | Section 20.3.GG |
| 798081 | Home Based Child Care, Small | P | P | P | P | P | P | P | Section 20.3.T |
| 828384 | Home Based Child Care, Large | C | C | C | C | C | P | P | Section 20.3.T |
| 858687 | Permanent Supportive Housing |  |  |  |  |  | P | P | Section 20.3.PP |
| 888990 | Residential Care Facility |  |  |  | P | P | P | P | Section 20.3.YY |
| 91 | COMMERCIAL USE |
| 92 | \* \* \*  |

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**SECTION 7. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS**, That Article 14 of the Comprehensive Zoning Ordinance (Ordinance No. 4264 M.C.S., as amended by Ordinance No. 26,413 M.C.S. and subsequent amendments), be, and is hereby amended and reordained to read as follows:

**“ARTICLE 14. SUBURBAN NEIGHBORHOODS NON-RESIDENTIAL DISTRICTS**

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**14.2 USES**

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| 9 | **Table 14-1**: **Permitted and Conditional Uses** |
| 10 | **Use1** | **District** | **Use****Standards** |
| 11 | **S-B15** | **S-B26** | **S-LB15&7** | **S-LB25&8** | **S-LC9** | **S-MU** |
| 12 | RESIDENTIAL USE |
| 1314 | Artist Community |  |  |  |  |  | P |  Section 20.3.F |
| 151617 | Bed and Breakfast,Accessory |  |  | **C** | **C** | **C** | C | Section 20.3.I |
| 181920 | Bed and Breakfast,Principal |  |  | **C** | **C** | **C** |  | Section 20.3.I |
| 2122 | Day Care Home, Adult – Small |  |  | P | P | P | P | Section 20.3.T |
| 2324 | Day Care Home, Adult – Large |  |  | C | C | C | C | Section 20.3.T |
| 2526 | Dwelling, Above the Ground Floor | C | C | P | P | P | P |   |
| 272829 | Dwelling, Established Two-Family |  |  |  |  |  | P,C4 | Section 20.3.W |
| 3031 | Dwelling, Single-Family |  |  | P | P | P | P |   |
| 3233 | Dwelling, Two-Family |  |  | P | P | P | P | Section 20.3.Y |
| 3435 | Dwelling, Townhouse |  |  |  |  |  | P |   |
| 3637 | Dwelling, Multi-Family |  |  |  | C | P | P |   |
| 383940 | Dwelling, Small Multi-Family Affordable |  |  |  |  | P | P | Section 20.3.SSS |
| 4142 | Group Home, Small |  |  | P | P | P | P | Section 20.3.GG |
| 4344 | Group Home, Large |  |  |  | C | P | P | Section 20.3.GG |
| 4546 | Group Home, Congregate |  |  |  |  | C | C | Section 20.3.GG |
| 4748 | Home Based Child Care, Small |  |  | P | P | P | P | Section 20.3.T |
| 4950 | Home Based Child Care, Large |  |  | C | C | C | C | Section 20.3.T |
| 515253 | Permanent Supportive Housing |  | C |  | C | P | P | Section 20.3.PP |
| 5455 | Residential Care Facility | C | C | P | P | P | P | Section 20.3.YY |
| 56 | Timeshare |  |  |  |  | P |  |   |
| 57 | COMMERCIAL USE |
| 58 | \* \* \*  |

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**SECTION 8. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS**, That Article 15 of the Comprehensive Zoning Ordinance (Ordinance No. 4264 M.C.S., as amended by Ordinance No. 26,413 M.C.S. and subsequent amendments), be, and is hereby amended and reordained to read as follows:

**“ARTICLE 15. COMMERCIAL CENTER & INSTITUTIONAL CAMPUS DISTRICTS**

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**15.2 USES**

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| 9 | **Table 15-1: Permitted and Conditional Uses** |
| 10 | **Use1** | **District** | **Use****Standards** |
| 11 | **C-1** | **C-2** | **C-3** | **MU-1** | **MU-2** | **EC-33** | **MC** | **MS** | **LS** |
| 12 | RESIDENTIAL USE |
| 1314 | Bed and Breakfast, Accessory |  |  |  | **C** | **C** | **C** |  |  |  | Section 20.3.I |
| 1516 | Bed and Breakfast, Principal |  |  |  | **C** | **C** |  |  |  |  | Section 20.3.I |
| 1718 | Day Care Home, Adult – Small |  |  |  | P | P |  |  |  |  | Section 20.3.T |
| 1920 | Day Care Home, Adult - Large |  |  |  | P | P |  |  |  |  | Section 20.3.T |
| 21 | Dormitory |  |  |  |  |  | P | P | P | P |  |
| 2223 | Dwelling, Above the Ground Floor | C | C | C | P | P |  |  |  | P |   |
| 24 | Dwelling, Single-Family |  |  |  | P | P | P |  |  |  |   |
| 25 | Dwelling, Two-Family |  |  |  | P | P | P |  |  |  | Section 20.3.Y |
| 26 | Dwelling, Townhouse |  |  |  | P | P |  |  |  |  | Section 20.3.X |
| 27 | Dwelling, Multi-Family |  |  |  | P | P | P | P |  | P |   |
| 2829 | Dwelling, Small Multi-Family Affordable |  |  |  | P | P |  |  |  |  | Section 20.3.SSS |
| 3031 | Dwelling, Existing Single-Family | P | P | P |  |  |  |  | P |  |   |
| 3233 | Dwelling, Established Two-Family | P/C7 | P/C7 | P/C7 |  |  |  |  | P |  | Section 20.3.W |
| 3435 | Dwelling, Established Multi-Family | P/C7 | P/C7 | P/C7 |  |  |  |  | P |  | Section 20.3.W |
| 3637 | Fraternity/Sorority |  |  |  |  |  | P |  |  |  | Section 20.3.DD |
| 38 | Group Home, Small |  |  |  | P | P |  | P |  |  | Section 20.3.GG |
| 39 | Group Home, Large |  |  |  | P | P |  | P |  | P | Section 20.3.GG |
| 40 | Group Home, Congregate |  |  |  | C | C |  | P |  |  | Section 20.3.GG |
| 4142 | Home Based Child Care, Small |  |  |  | P | P |  |  |  |  | Section 20.3.T |
| 4344 | Home Based Child Care, Large |  |  |  | P | P |  |  |  |  | Section 20.3.T |
| 4546 | Permanent Supportive Housing |  |  |  | P | P | P | P |  | P | Section 20.3.PP |
| 4748 | Residential Care Facility | P | P |  | P | P |  | P | P | P | Section 20.3.YY |
| 4950 | Timeshare |  | C |  | C |  |  | C | C | C |   |
| 51 | COMMERCIAL USE |
| 52 | \* \* \* |

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**SECTION 9. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS**, That Article 17 of the Comprehensive Zoning Ordinance (Ordinance No. 4264 M.C.S., as amended by Ordinance No. 26,413 M.C.S. and subsequent amendments), be, and is hereby amended and reordained to read as follows:

**“ARTICLE 17. CENTRAL BUSINESS DISTRICTS**

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**17.2 USES**

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| 9 | **Table 17-1**: **Permitted and Conditional Uses** |
| 10 | **Use1** | **District** | **Use****Standards** |
| 11 | **CBD-1** | **CBD-2** | **CBD-3** | **CBD-4** | **CBD-5** | **CBD-6** | **CBD-7** |
| 12 | RESIDENTIAL USE |
| 1314 | Bed and Breakfast,Accessory | **C** | **C** | **C** |  | **C** | **C** |  | Section 20.3.I |
| 1516 | Bed and Breakfast,Principal | **C** | **C** | **C** |  | **C** | **C** |  | Section 20.3.I |
| 1718 | Home Based Child Care, Small |  |  |  |  | P | P | P | Section 20.3.T |
| 1920 | Home Based Child Care, Large |  |  |  |  | P | P | P | Section 20.3.T |
| 21 | Dormitory | P | P |  |  |  |  | P |   |
| 2223 | Dwelling, Above the Ground Floor | P | P | P |  | P | P | P |   |
| 23 | Dwelling, Single-Family |  |  |  |  | P | P |  |   |
| 24 | Dwelling, Two-Family |  |  |  |  | P | P |  | Section 20.3.Y |
| 25 | Dwelling, Townhouse |  |  |  |  | P | P |  |   |
| 26 | Dwelling, Multi-Family | P | P | P | P | P | P | P |   |
| 2728 | Group Home, Small | P | P | P |  | P | P | P | Section 0.3.GG |
| 2930 | Group Home, Large | P | P | P |  | P | P | P | Section 0.3.GG |
| 3132 | Group Home, Congregate | P | P | P |  | P | P | P | Section 0.3.GG |
| 3334 | Permanent Supportive Housing | P | P | P |  | P | P | P | Section 0.3.PP |
| 3536 | Residential Care Facility | P | P | P |  | P | P | P | Section 0.3.YY |
| 37 | Timeshare | P | P | P | P |   |   | P |   |
| 38 | COMMERCIAL USE |
| 39 | \* \* \*  |

\* \* \*”

**SECTION 10. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS**, That Article 20 of the Comprehensive Zoning Ordinance (Ordinance No. 4264 M.C.S., as amended by Ordinance No. 26,413 M.C.S. and subsequent amendments), be, and is hereby amended and reordained to read as follows:

**“ARTICLE 20.** **USE STANDARDS**

**\* \* \***

**20.3 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 **operator** occupancy shall be established by submission of **at least three (3) pieces** of proof of **residence** to the Department of Safety and Permits.

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.

**h. In residential districts and HU-B1A Neighborhood Business District, HU-B1 Neighborhood Business District, HU-MU Neighborhood Mixed-Use District, S-LM Lake Area Marina District, MU-1 Medium Intensity Mixed-Use District, and MU-2 High Intensity Mixed-Use District, only one (1) Accessory Bed and Breakfast, one (1) Principal Bed and Breakfast, or one (1) Non-Commercial Short Term Rental is permitted within each city block, inclusive of all lots fronting any exterior boundary of said block and all interior lots not fronting the public right of way, may be permitted for use as a non-commercial short term rental..**

**20.3.I.2 BED AND BREAKFAST PRINCIPAL STANDARDS**

a. Proof of operator occupancy shall be established by submission of **at least three (3) pieces** of proof of **residence** 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) **Accessory Bed and Breakfast, one (1)** **P**rincipal **B**ed and **B**reakfast**,** or **one (1) Non-Commercial Short Term Rental** is permitted **within each city block, inclusive of all lots fronting any exterior boundary of said block and all interior lots not fronting the public right of way.**

**\* \* \***

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

**\* \* \***

b. All short term rentals shall require a permit. The permit shall be prominently displayed on the front facade of the property **at a reasonable height** in a location clearly visible from the street **and accessible from the public right-of-way** during all periods of occupancy and contain the permit number, the contact information for the owner or operator, the permit type (**Non**-**Commercial** or Commercial) and the bedroom and occupancy limit.

**\* \* \***

e. Both Commercial and **Non-Commercial** short term rentals shall be considered dwelling units for density purposes and subject to the minimum lot area per dwelling unit requirement of the applicable zoning district.

**\* \* \***

h. **The rental of kitchens, dining rooms, living rooms, offices, and other common spaces may be used as part of the short term rental but shall not be rented as guest bedrooms.** Onlylegally permitted bedrooms shall be used for the purposes of calculating the maximum number of guests. Studio apartments and dwelling units shall be considered to have one (1) guest bedroom and allowed a maximum of two (2) guests.

\* \* \*”

**SECTION 11. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS**, That Article 21 of the Comprehensive Zoning Ordinance (Ordinance No. 4264 M.C.S., as amended by Ordinance No. 26,413 M.C.S. and subsequent amendments), be, and is hereby amended and reordained to read as follows:

**“ARTICLE 21.** **ON-SITE DEVELOPMENT STANDARDS**

**\* \* \***

**21.8.C PERMITTED TEMPORARY USES**

**\* \* \***

|  |  |
| --- | --- |
| 9 | **Table 21-3: Permitted Temporary Uses** |
| 1011 | **Permitted Temporary Use** | **District** | **Timeframe** | **Hours of Operation** | **Temporary Use Standards** |
| 12 | \* \* \*  |
| 1314151617181920 | **Short Term** **Rental, Non-Commercial** | **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-RM1, S-RM2, S-LRS1, S-LB1, S-LB2, S-LC, S-MU, MU-1, MU-2, EC, CBD-1, CBD-2, CBD-3, CBD-5, CBD-6** | **Valid one (1)** **year; may be** **renewed** **annually** |  | **Section 21.8.C.18****and** **Section 20.3.LLL** |
| 21 | \* \* \*  |

**\* \* \***

**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. The issuance or renewal of a short term rental permit is a privilege, not a right, and shall be subject to the requirements set forth in the City Code, as well as the City’s authority to regulate businesses and to regulate, modify, restrict, or altogether prohibit the issuance or renewal of any permit required for short term rentals use. No provision of this ordinance, including without limitations the non-conforming use provisions set forth in Article 25, shall be construed to authorize the continued use of any property as a short term rental in the event the City modifies its short term rental permitting regulations in a manner that limits or prohibits the issuance of a short term rental permit.**

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

**e. A non-commercial short term rental shall be governed by both a noise abatement plan and a sanitation plan.**

**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. No person may be the operator of more than one (1) non-commercial short term rental.**

**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. Only natural persons aged 18 or over may own property used as a non-commercial short term rental. Ownership, in whole or in part, by a business entity, trust, or any other juridical person is prohibited. No person may own, in whole or in part, more than one property used as a non-commercial short term rental.**

**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 within each city block, inclusive of all lots fronting any exterior boundary of said block and all interior lots not fronting the public right of way.**

**n. Small Multi-Family Affordable Dwellings as authorized in the base zoning district shall be exempted from the block limitation provided that they are compliant with all affordability monitoring requirements and other laws.**

**o. Up to three (3) guest bedrooms may be rented to guests, and occupancy shall be limited to two (2) guests per guest bedroom with a maximum of six (6) guests. At least one bedroom on the lot of record containing a non-commercial short term rental shall be reserved exclusively for the operator and shall not be advertised or used as a guest bedroom.**

**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) Accessory Bed and Breakfast, one (1) Principal Bed and Breakfast, or one (1) Non-Commercial Short Term Rental is permitted within each city block, inclusive of all lots fronting any exterior boundary of said block and all interior lots not fronting the public right of way.**

\* \* \*”

**SECTION 12. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS**, That Article 22 of the Comprehensive Zoning Ordinance (Ordinance No. 4264 M.C.S., as amended by Ordinance No. 26,413 M.C.S. and subsequent amendments), be, and is hereby amended and reordained to read as follows:

**ARTICLE 22. OFF-STREET PARKING AND LOADING**

\* \* \*

**22.4 REQUIRED OFF-STREET VEHICLE PARKING SPACES**

**22.4.A GENERAL REQUIREMENTS**

\* \* \*

|  |  |
| --- | --- |
| 10 | **Table 22-1: Off-Street Vehicle and Bicycle Parking Requirements** |
| 11 | **Use** | **Minimum Required Vehicle Spaces** | **Minimum Required Bicycle Spaces** |
| 1213 | **Required Short-Term Bicycle Spaces** | **Percentage of Long-Term Bicycle Spaces** |
| 14 | \* \* \* |
| 15 | Bed and Breakfast | 1 per 2 guest bedrooms |  |  |
| 16 | \* \* \* |
| 17 | Hotel/Motel/Hostel |  1 per 2 guest bedrooms | 1 per 10 guest bedrooms |  |
| 18 | \* \* \* |
| 1920 | Short Term Rental, Commercial | 1 space per 2 guest bedrooms | 1 per 5 rooms | 25% |
| 2122 | Short Term Rental, **Non-Commercial**  | See applicable dwelling type |  |  |
| 2324 | Social Club or Lodge | 1 per 500sf GFA | Over 10,000sf GFA:1 per 2,500sf GFA | 50% |
| 25 | \* \* \*  |

\* \* \*”

**SECTION 13. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS**, That Article 26 of the Comprehensive Zoning Ordinance (Ordinance No. 4264 M.C.S., as amended by Ordinance No. 26,413 M.C.S. and subsequent amendments), be, and is hereby amended and reordained to read as follows:

**“ARTICLE 26. DEFINITIONS**

\* \* \*

**26.6 DEFINITIONS**

\* \* \*

**A. Bed and Breakfast, Accessory**. An **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 **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, Non-Commercial**. A short term rental where the **operator** has their permanent primary residential dwelling unit on the same lot and is present during the guest's stay. **In some cases, the operator-occupant may be the property owner. The operator and all owners of the property must be natural persons aged 18 years or over.** Proof of **residence** shall be established by submission of **no less than three (3) pieces of personally identifiable information** to the Department of Safety and Permits. **Non-Commercial Short Term Rental is a temporary use as described in Article 21.** Only one **(1)** **Non-Commercial** short term rental license is allowed per lot, **and each permit shall provide no more than three (3) guest bedrooms and six (6) total guests for overnight paid occupancy as a temporary use. Only one lot within each city block, inclusive of all lots fronting any exterior boundary of said block and all interior lots not fronting the public right of way, may be permitted for use as a non-commercial short term rental.**

\* \* \*

**Proof of residence. For operator-occupied permits, the operator must show three (3) forms of proof of residence including a valid lease agreement, if applicable. 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.**

\* \* \*”

**ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**PRESIDENT OF THE COUNCIL**

**DELIVERED TO THE MAYOR ON \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**APPROVED:**

**DISAPPROVED: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**MAYOR**

**RETURNED BY THE MAYOR ON \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ AT \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**CLERK OF COUNCIL**

**ROLL CALL VOTE:**

**YEAS:**

**NAYS:**

**ABSENT:**

**RECUSED:**