AMENDMENT TO ZONING DOCKET 61/16

CITY HALL: October 20, 2016

BY: COUNCILMEMBERS HEAD, WILLIAMS, GUIDRY, GUNTRELL, RAMSEY AND GRAY (BY REQUEST)

Relative to Accessory Short Term Rentals:

1) **Modify the definition of "Short Term Rental, Accessory" as recommended by the Commission to preclude renters as persons eligible to utilize this type of Short Term Rental. Accessory Short Term Rentals are only available to owners. Additionally, modify the definition to permit three (3) guest rooms and six (6) total guests for overnight paid occupancy as an accessory use.**

Accordingly, the revised definition will read as follows:

Article 26 – Definitions

26.6 Definitions

[...]

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

2) **Modify the Commission's recommendation as to "Short Term Rental, Accessory" standards, to require a valid homestead exemption for the operation of an Accessory Short Term Rental.**

3) **Modify the Commission's recommendation as to "Short Term Rental, Accessory" standards, to prohibit "Short Term Rental, Accessory" in the French Quarter.**

4) **Modify the Commission's recommendation as to "Short Term Rental, Accessory" standards, to require the posting of the Short Term Rental license on the front façade of the property.**

5) **Modify the Commission's recommendation as to "Short Term Rental, Accessory" standards, to remove the gross floor area limit, and to allow three guest rooms and six guests for partial home accessory short term rentals.**

Accordingly, the revised standards will read as follows:

21.6.II Accessory Short Term Rentals

21.6.II.1 – Short Term Rental 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 license, but in no event shall any Accessory Short Term Rental license be issued in the Vieux Carre, the area generally bounded by: Iberville St., N. Rampart St., Esplanade Ave., and the Mississippi River.

c. The license shall be prominently displayed on the front façade of the property, in a location clearly visible from the street.

d. Short term rentals shall not be operated outdoors, in an accessory structure, or in a recreational vehicle.

e. Only one party of guests shall be permitted per short term rental unit.

f. The short term rental shall appear outwardly to be a residential dwelling.

g. Use of the short term rentals for commercial or social events shall be prohibited.

h. The short term rental shall not adversely affect the residential character of the neighborhood.

i. The short term rental shall not generate noise, vibration, glare, odors, or other effects that unreasonably interfere with any person's enjoyment of his or her residence.

j. Proof of ownership ~~permanent occupancy~~ shall be required via ~~with a Louisiana State issued ID to that address or~~ a valid homestead exemption.

~~j. If renter-occupied and operated, proof of the property owner's consent and signature on the license application shall be required.~~

~~k. If renter occupied, the operator shall provide a current rental lease.~~

21.6.II.2 Short Term Rental, Accessory Standards

a. *A short term rental license shall be secured prior to operation; and short term rental operators shall comply with all applicable license requirements provided in the Code of the City of New Orleans.*
b. *For partial unit accessory short term rentals, only a portion of the dwelling shall be rented, which shall be limited to ~~two (2)~~ three (3) guest bedrooms, and occupancy shall be limited to two (2) guests per bedroom or six (6) guests total. ~~that occupy no more that 25% of the gross floor area of the dwelling.~~ There shall be at least one bedroom for the fulltime owner-occupant.*
~~c. For partial unit accessory short term rentals, occupancy shall be limited to two (2) guests per bedroom or three (3) total guests, whichever is less.~~
d. *For partial unit accessory short term rentals, the ~~permanent resident~~ owner shall occupy the unit and be present during the party's stay.*
e. *For all Accessory Short Term Rentals, ~~Where the accessory short term rental occupies one unit of a two family dwelling,~~ proof of owner occupancy shall be required with a homestead exemption.*
~~f. Where the accessory short term rental occupies one unit of a two family dwelling, rentals shall be limited to three (3) bedrooms.~~
g. *Where the accessory short term rental occupies one unit of a two-family dwelling, occupancy shall be limited to two (2) guests per bedroom for a total of up to six (6) guests.*
h. *No signs are allowed for an Accessory Short Term Rental.*

[...]

Relative to Temporary Short Term Rentals:

6) **Modify the Commission recommendation that Temporary Short Term Rentals are only permitted for a maximum of four (4) temporary use permits, for a total of no more than thirty (30) days, to permit a maximum total of up to ninety (90) days per year, except in the French Quarter, where Temporary Short Term Rentals are prohibited.**

7) **Modify the Commission's definition of Temporary Short Term Rentals and correlating standards, to permit temporary rentals of a residential dwelling by persons other than owners with a homestead exemption or permanent residents.**

Accordingly, the revisions will read as follows:

21.8 Temporary Uses

21.8.C Permitted Temporary Uses

* * *

Table 21-3: Permitted Temporary Uses				
Permitted Temporary Use	District	Timeframe	Hours of Operation	Temporary Use Standards
[...]				
Short Term Rental, Temporary	Any Zoning District where dwelling units are permitted	Rentals shall be limited to a maximum of ninety (90) days per year, except in the Vieux Carre, the area generally bounded by: Iberville St., N. Rampart St., Esplanade Ave., and the Mississippi River, where Temporary Short Term rentals shall be prohibited.		Section 21.8.C.14
[...]				

21.8.C.14 Short Term Rental, Temporary

* * *

21.8.C.14.b Short Term Rental, Temporary Standards

1. *A short term rental license shall be secured prior to operation; and short term rental operators shall comply with all applicable license requirements provided in the Code of the City of New Orleans.*
2. *Rentals shall be limited to a maximum of ninety (90)) ~~thirty (30)~~ days per year, except in the Vieux Carre, the area generally bounded by: Iberville St., N. Rampart St., Esplanade Ave., and the Mississippi River, where Temporary Short Term rentals shall be prohibited.*
3. *Up to five (5) bedrooms may be rented to guests.*
4. *Occupancy is limited to two (2) guests per bedroom or ten (10) guests, whichever is less.*
5. *The entire dwelling can be rented and the permanent resident is not required to be present during the party's stay.*
6. *No signs are allowed for a Temporary Short Term Rental.*

[...]

Article 26 – Definitions

26.6 Definitions

[...]

B. *Short Term Rental, Temporary. A residential ~~owner- or permanent resident-occupied~~ dwelling ~~with a principal use as a permanent residential dwelling unit and~~ which rents*

the entire unit with no more than five (5) guest rooms for overnight paid occupancy as a temporary use not to exceed ninety (90) ~~thirty (30)~~ days per year, except in the Vieux Carre, the area generally bounded by: Iberville St., N. Rampart St., Esplanade Ave., and the Mississippi River, where rentals shall be prohibited. ~~The owner or permanent resident is not~~ No owner or resident is required to be present during the guest's stay.

8) Modify the Commission's recommendation as to "Short Term Rental, Temporary" standards, to require the posting of the Short Term Rental license on the front façade of the property.

Accordingly, the revisions will read as follows:

21.8.C.14 Short Term Rental, Temporary

21.8.C.14.a Short Term Rental General Standards

1. 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.
2. All short term rentals shall require a license.
3. *The license shall be prominently displayed on the front façade of the property, in a location clearly visible from the street.*
4. Short term rentals shall not be operated outdoors, in an accessory structure, or in a recreational vehicle.
5. Only one party of guests shall be permitted per short term rental unit.
6. The short term rental shall appear outwardly to be a residential dwelling.
7. For temporary short term rentals, there shall be an in-town property manager available at all times if the owner or operator is out of town during the time of the rental.
8. Use of the short term rentals for commercial or social events shall be prohibited.
9. The short term rental shall not adversely affect the residential character of the neighborhood.
10. The short term rental shall not generate noise, vibration, glare, odors, or other effects that unreasonably interfere with any person's enjoyment of his or her residence.
11. ~~Proof of permanent occupancy shall be required with a Louisiana State issued ID to that address or a homestead exemption.~~
12. If renter occupied and operated, proof of the property owner's consent and signature on the license application shall be required.
13. If renter occupied, the operator shall provide a current rental lease.

Relative to Commercial Short Term Rentals:

9) **Modify the Commission recommendation and prohibit Commercial Short Term Rentals in the French Quarter Commercial districts, <u>except the 200-700 block of Bourbon Street, or the VCE zoning district whereby the use shall be permitted</u>.**

Accordingly, the revisions will read as follows:

Article 10 – Historic Core Neighborhoods Non-Residential Districts

10.2 Uses

10.2.A Permitted and Conditional Uses

Table 10-1: Permitted and Conditional Uses

Use	*Districts*										*Use Standards*
	VCC -1	*VCC -2*	*VCE*	*VCE -1*	*VCS*	*VCS -1*	*VCP*	*HM C-1*	*HM C-2*	*HM-MU*	
RESIDENTIAL USE											
[...]											
<u>Short Term Rental, Commercial</u>			*P*					*<u>P</u>*	*<u>P</u>*	*<u>P</u>*	*<u>Section 20.3.LLL</u>*
[...]											

10.2.B Use Restrictions

[...]

~~*10.2.B.11 Commercial Short Term Rentals in the VCC-1 and VCC-2 Districts*~~

~~*In the VCC-1 and VCC-2 Districts, conditional use approval for Commercial Short Term Rentals shall only be valid for three (3) years at which point another conditional use is required.*~~

10) **Modify the Commission's recommendation of an 8 bedroom allowance, and limit Commercial Short Term Rentals to 5 bedrooms and 10 guests.**

11) Modify the Commission's recommendation as to "Short Term Rental, Commercial" standards, to require the posting of the Short Term Rental license on the front façade of the property.

Accordingly, the revisions will read as follows:

[...]

20.3.LLL.2 Short Term Rental, Commercial Standards

a. *A short term rental license shall be secured prior to operation; and short term rental operators shall comply with all applicable license requirements provided in the Code of the City of New Orleans.*
b. *The license shall be prominently displayed on the front façade of the property, in a location clearly visible from the street.*

c. *Up to five (5) ~~eight (8)~~ bedrooms may be rented to guests and occupancy shall be limited to two (2) guests per bedroom with a maximum ten (10) ~~sixteen (16)~~ guests.*
d. *No signs are allowed for a Commercial Short Term Rental.*

[...]

Article 26 – Definitions

26.6 Definitions

[...]

Short Term Rental, Commercial. An entire dwelling unit in a non-residential district that rents no more than five (5) ~~eight (8)~~ guest rooms for overnight paid occupancy.

[...]

Relative to Bed and Breakfasts (B&B):

Accessory and Principle B&B's

12) Modify the use standards in Articles 20, Section 20.3.I.1, relative to Bed and Breakfast General Standards (Accessory or Principal), to keep the current density restrictions (one per block face) for Accessory and Principle Bed and Breakfasts in any residential zoning district:

Accordingly, the use standards will read as follows:

Article 20 – Use Standards

20.3 Use Standards

[...]

20.3.I.1 Bed and Breakfast General Standards (Accessory or Principal)

In any residential district, only one (1) bed and breakfast, whether accessory or principal, is permitted per blockface. ~~*only two (2) Short Term Rentals, Principal Residential and Bed and Breakfasts are permitted per blockface and a total of four (4) per square in Historic Core Neighborhoods, three (3) per square in Historic Urban Neighborhoods, and two (2) per square in Suburban Neighborhoods (see Figure 20-2 in Short Term Rentals Standards in Section 20.3.LLL).~~

13) Remove Figure 20-2 as recommended by the Commission, relative to Bed and Breakfast and Principal Residential Short Term Rental Block Limitations.

14) Modify Table 9-1, in Article 9, Historic Core Neighborhoods Residential Districts, to prohibit the use "B&B Accessory" in the Vieux Carre residential districts.

Accordingly, the use standards will read as follows:

Article 9 – Historic Core Neighborhoods Residential Districts

9.2 Uses

Table 9-1: *Permitted and Conditional Uses*

Use	Districts					Use Standards
	VCR-1	VCR-2	HMR-1	HMR-2	HMR-3	
RESIDENTIAL USE						
Bed and Breakfast – Accessory			P	P	P	Section 20.3.I
Bed and Breakfast – Principal			C	C	C	Section 20.3.I

15) Modify Table 10-1, in Article 10, Historic Core Neighborhoods Non-Residential Districts, to prohibit the use "B&B Principle" and "B&B Accessory" in the Vieux Carre commercial districts.

Accordingly, the use standards will read as follows:

Article 10 – Historic Core Neighborhoods Non-Residential Districts

10.2 Uses

10.2.A Permitted and Conditional Uses

Table 10-1: *Permitted and Conditional Uses*

Use	Districts										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	Section 20.3.I
Bed and Breakfast – Principal								P	P	P	Section 20.3.I
[...]											

16) Modify Table 11-1, in Article 11, Historic Urban Neighborhoods Residential Districts, to prohibit the use "B&B-Principal" in each correlating land-use category ("HU-RS", "HU-RD1" , "HU-RD2" , "HU-RM1" , and "HU-RM2"), and provide that the use "B&B-Accessory" is a conditional use in each correlating land-use categories.

Accordingly, the use table will read as follows:

Article 11 – Historic Urban Neighborhoods Residential Districts

11.2 Uses

Table 11-1: *Permitted and Conditional Uses*

Use	Districts					Use Standards
	HU-RS	HU-RD1	HU-RD2	HU-RM1	HU-RM2	
RESIDENTIAL USE						
[...]						
Bed and Breakfast – Accessory	C	C	C	C	C	Section 20.3.I
Bed and Breakfast – Principal				C	C	Section 20.3.I
[...]						

17) Modify Table 13-1, in Article 13, Suburban Neighborhoods Residential Districts, to prohibit "B&B-Accessory" in "SLRS-1", "SLRS-2" , "S-LRS3" , and "SLRD1" zoning districts, and provide that "B&B-Accessory" is a Conditional Use in the "SLRD-2", "SLRM-1" , and "SLRM-2" zoning districts.

Accordingly, the use table will read as follows:

Article 13 – Suburban Neighborhoods Residential Districts

13.2 Uses

***Table 13-1:** Permitted and Conditional Uses*

Use	Districts											Use Standards
	S-RS	S-RD	S-RM 1	S-RM 2	S-LRS 1	S-LRS 2	S-LRS 3	S-LRD 1	S-LRD 2	S-LRM 1	S-LRM 2	
RESIDENTIAL USE												
[...]												
Bed and Breakfast – Accessory	P	P	P	P					C	C	C	Section 20.3.I

Table 13-1: Permitted and Conditional Uses												
Use	*Districts*											*Use Standards*
	S-RS	*S-RD*	*S-RM 1*	*S-RM 2*	*S-LRS 1*	*S-LRS 2*	*S-LRS 3*	*S-LRD 1*	*S-LRD 2*	*S-LRM 1*	*S-LRM 2*	
Bed and Breakfast – Principal												*Section 20.3.I*
[...]												

Accessory B&B's:

18) Modify Section 20.3.I.2 as recommended by the Commission, relative to Bed and Breakfast Accessory Standards, to remove the 25% gross-floor area size-based restriction for Accessory Bed and Breakfasts.

Accordingly, the Standards will read as follows:

20.3.I.2 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. *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 bed and breakfast, it may be included in the operation of the bed and breakfast.*
c. *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.*
d. *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.*
e. *The bed and breakfast shall be limited to a maximum of four (4) units for overnight accommodation.*
~~*f. Bedroom rental units shall be limited to no more than twenty-five percent (25%) of the total habitable space of the gross floor area of the structure.*~~
f. *Cooking facilities shall be prohibited in individual guest rooms.*
g. *If meals are provided, only registered guests may be served.*

h. Leasing of a common dining area for social events is prohibited.

Principle B&B's

19) Modify the definition and Section 20.3.I.2 as recommended by the Commission, relative to Bed and Breakfast Principle Standards, to change the proposed 8 guest room allowance to 9 guest rooms.

Accordingly, the Standards will read as follows:

Article 26 – Definitions

26.6 Definitions

* * *

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

20.3.I.3 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. If more than one (1) principal building exists on a lot, or two (2) or more contiguous lots have been historically used together and the second building was originally constructed and has been used for habitable space, as defined by the Building Code, for at least five (5) years prior to the establishment of the bed and breakfast, it may be included in the operation of the bed and breakfast.

c. All signs shall comply with applicable sign regulations for the zoning district.

d. *The bed and breakfast shall be limited to a maximum of ~~eight (8)~~ **nine (9)** units for overnight accommodation.*

e. *Cooking facilities shall be prohibited in individual guest rooms.*

f. *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.*

g. *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.*