

**ORDINANCE
(AS AMENDED)
CITY OF NEW ORLEANS**

CITY HALL: November 3, 2016

CALENDAR NO. 31,631

NO. 27209 MAYOR COUNCIL SERIES

BY: COUNCILMEMBER WILLIAMS

AN ORDINANCE to amend and reordain Ordinance No. 4264 M.C.S., amended by Ordinance No. 26,413 M.C.S., as amended, the Comprehensive Zoning Ordinance of the City of New Orleans, to amend: Article 1, Section 1.6 relative to enforcement and penalties; the Use Tables in Articles 8 to 17 relative to Accessory and Principal Bed and Breakfasts and Commercial Short Term Rentals; the Use Standards in Article 20 to create standards for Commercial Short Term Rentals and to modify the Bed and Breakfast (Accessory and Principal) use standards; the On-Site Development Standards in Article 21 to establish standards for Accessory and Temporary Short Term Rentals; Article 22, Table 22-1 regarding the off-street parking requirements for Accessory and Principal Bed and Breakfasts, and Accessory and Commercial Short Term Rentals; and the definitions in Article 26 relative to Accessory and Principal Bed and Breakfasts, and Accessory, Temporary, and Commercial Short Term Rentals. The proposed text changes would affect regulations that are applied city-wide; and otherwise to provide with respect thereto.

WHEREAS, Zoning Docket Number 61/16 was initiated by City Council Motion No. M-16-166 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 the text amendments in its report dated August 15, 2016 to the City Council, present in **Zoning Docket Number 61/16**; and

WHEREAS, the recommendation of the City Planning Commission was upheld and changes were deemed to be advisable and necessary and in the best interest of the City and were granted approval, as stated in Motion Number M-16-500 of the Council of the City of New Orleans on October 20, 2016.

SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS,

That Article 1, Section 1.6 relative to enforcement and penalties; the Use Tables in Articles 8 to 17 relative to Accessory and Principal Bed and Breakfasts and Commercial Short Term Rentals; the Use Standards in Article 20 to create standards for Commercial Short Term Rentals and to modify the Bed and Breakfast (Accessory and Principal) use standards; the On-Site Development Standards in Article 21 to establish standards for Accessory and Temporary Short Term Rentals; Article 22, Table 22-1 regarding the off-street parking requirements for Accessory and Principal Bed and Breakfasts, and Accessory and Commercial Short Term Rentals; and the definitions in Article 26 relative to Accessory and Principal Bed and Breakfasts, and Accessory, Temporary, and Commercial Short Term Rentals, as provided in Ordinance No. 4264 M.C.S., amended by Ordinance No. 26,413 M.C.S., as amended, the Comprehensive Zoning Ordinance of the City of New Orleans, be, and is hereby amended and reordained to read as follows:

“ARTICLE 1. TITLE, PURPOSE, INTENT AND APPLICATION

* * *

1.6 Enforcement

1.6.A Purpose

If any structure is erected, structurally altered, extended, moved or maintained, or any structure or land is used in violation of this Ordinance, in violation of applicable licensing requirements for a particular use contained in the Code of the City of New Orleans, which violation(s) shall be deemed a violation of this Ordinance, the Director of the Department of Safety and Permits, or the Director’s designee, in addition to other remedies, may institute any appropriate actions or proceedings to prevent such unlawful erection, structural alteration, extension, moving, maintenance, use, or other violations, to restrain, correct, or abate

23 violation, to prevent the occupancy of such buildings, structure, or land or to prevent any illegal act,
 24 conduct, business, or use in or about such premises. Each day such violation continues constitutes a
 25 separate violation.

26 **1.6.B Penalties**

27 The following persons may be found guilty of a misdemeanor punishable either by a fine, the minimum
 28 and maximum amounts as established in the Louisiana Revised Statutes, or not more than one-hundred
 29 fifty (150) days imprisonment, or both; or be held liable for a code violation as provided by Article II,
 30 Chapter 6 of the Code of the City of New Orleans, punishable by a fine or any other lawful measure(s)
 31 ordered by a hearing officer, for each and every day that such violation continues, and the correction of a
 32 violation does not restrain imposition of these penalties.

33 * * *

34 **Article 8 - Rural Development District**

35 **8.2 Uses**

38 **Table 8-1: Permitted and Conditional Uses**

Use	Districts		Use Standards
	R-RE	M-MU	
RESIDENTIAL USE			
* * *			
Bed and Breakfast – Accessory	P	P	Section 20.3.I
Bed and Breakfast – Principal		P	Section 20.3.I
* * *			
Short Term Rental, Commercial		P	Section 20.3.LLL
* * *			

48 * * *

49 **Article 9 – Historic Core Neighborhoods Residential Districts**

50 **9.2 Uses**

51 **Table 9-1: Permitted and Conditional Uses**

Use	Districts					Use Standards
	VCR-1	VCR-2	HMR-1	HMR-2	HMR-3	
RESIDENTIAL USE						

55	Bed and Breakfast –			P	P	P	Section 20.3.I
56	Accessory						
57	Bed and Breakfast –			C	C	C	Section 20.3.I
58	Principal						
59	* * *						

60 * * *

61 **Article 10 – Historic Core Neighborhoods Non-Residential Districts**

62 **10.2 Uses**

63 **10.2.A Permitted and Conditional Uses**

64 **Table 10-1: Permitted and Conditional Uses**

65 Use	66 Districts										67 Use Standards
	VCC-1	VCC-2	VC-E	VCE-1	VC-S	VCS-1	VC-P	HMC-1	HMC-2	HM-MU	
68 RESIDENTIAL USE											
69 Bed and Breakfast – Accessory								P	P	P	Section 20.3.I
70 Bed and Breakfast – Principal								P	P	P	Section 20.3.I
72 * * *											
73 Short Term Rental, Commercial			P					P	P	P	Section 20.3.LLL
75 * * *											

76 * * *

77 **Article 11 – Historic Urban Neighborhoods Residential Districts**

78 **11.2 Uses**

79 **Table 11-1: Permitted and Conditional Uses**

80 Use	81 Districts					82 Use Standards
	HU-RS	HU-RD1	HU-RD2	HU-RM1	HU-RM2	
83 RESIDENTIAL USE						
84 * * *						
85 Bed and Breakfast – Accessory	C	C	C	C	C	Section 20.3.I
86 Bed and Breakfast – Principal				C	C	Section 20.3.I
88 * * *						

89

* * *

90 **Article 12 – Historic Urban Neighborhoods Non-Residential Districts**

91

* * *

92 **12.2 Uses**

93 **12.2.A Permitted and Conditional Uses**

94 **Table 12-1: Permitted and Conditional Uses**

Use	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, Commercial	C	P	P	Section 20.3.LLL
* * *				

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* * *

105 **Article 13 – Suburban Neighborhoods Residential Districts**

106 **13.2 Uses**

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

Use	Districts											Use Standards
	S-RS	S-RD	S-RM1	S-RM2	S-LRS1	S-LRS2	S-LRS3	S-LRD1	S-LRD2	S-LRM1	S-LRM2	
RESIDENTIAL USE												
* * *												
Bed and Breakfast – Accessory	P	P	P	P					C	C	C	Section 20.3.I
Bed and Breakfast – Principal												Section 20.3.I
* * *												

117

* * *

118 **Article 14 – Suburban Neighborhoods Non-Residential Districts**

119 **14.2 Uses**

120 **14.2.A Permitted and Conditional Uses**

121 **Table 14-1: Permitted and Conditional Uses**

Use	Districts							Use Standards
	S-B1	S-B2	S-LB1	S-LB2	S-LC	S-LP	S-LM	
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, Commercial	P	P	P	P	P		P	Section 20.3.LLL
* * *								

134 * * *

135 **Article 15 – Commercial Center & Institutional Campus Districts**

136 **15.2 Uses**

137 **15.2.A Permitted and Conditional Uses**

138 **Table 15-1: Permitted and Conditional Uses**

Uses	Districts									Use Standards
	C-1	C-2	C-3	MU-1	MU-2	EC	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, Commercial	P	P	P	P	P	P	P		P	Section 20.3.LLL
* * *										

151 * * *

152 **Article 16 –Centers for Industry**

153 * * *

154 **16.4 MI DISTRICT COMMERCIAL AND RECREATIONAL SUB-DISTRICT**

* * *

16.4.B USES

The following uses are allowed as permitted uses within this sub-district, subject to the design standards of Paragraph C below:

* * *

5. Short term rentals, Commercial

* * *

Article 17 – Central Business Districts

17.3 Uses

17.3.A Permitted and Conditional 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, Commercial	P	P	P	P	P	P	P	Section 20.3.LLL
* * *								

* * *

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.

185 **20.3.I.1 Bed and Breakfast General Standards (Accessory or Principal)**

186 In any residential district, only one (1) Bed and Breakfast, whether accessory or principal, is permitted per
187 block face.

188 **20.3.I.2 Bed and Breakfast Accessory Standards**

189 a. Proof of owner occupancy shall be established by submission of proof of a homestead exemption
190 submitted to the Department of Safety and Permits. The owner-occupant's ownership interest
191 must be at least fifty percent (50%).

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

197 c. The bed and breakfast shall appear outwardly to be a single-family dwelling, giving no
198 appearance of a business use other than a permitted sign.

199 d. The bed and breakfast may have one (1) attached projecting sign not to exceed four (4) square
200 feet in area. The sign shall complement the architecture of the structure.

201 e. The bed and breakfast shall be limited to a maximum of four (4) units for overnight
202 accommodation.

203 f. Cooking facilities shall be prohibited in individual guest rooms.

204 g. If meals are provided, only registered guests may be served.

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

206 **20.3.I.3 Bed and Breakfast Principal Standards**

207 a. Proof of owner or operator occupancy shall be established by submission of proof of a homestead
208 exemption (owner) or legal leasing agreement (operator) submitted to the Department of Safety
209 and Permits.

- 210 b. If more than one (1) principal building exists on a lot, or two (2) or more contiguous lots have
211 been historically used together and the second building was originally constructed and has been
212 used for habitable space, as defined by the Building Code, for at least five (5) years prior to the
213 establishment of the bed and breakfast, it may be included in the operation of the bed and
214 breakfast.
- 215 c. All signs shall comply with applicable sign regulations for the zoning district.
- 216 d. The bed and breakfast shall be limited to a maximum of nine (9) units for overnight
217 accommodation.
- 218 e. Cooking facilities shall be prohibited in individual guest rooms.
- 219 f. If the zoning district allows restaurants, meals may be served to guests other than those registered
220 with the bed and breakfast, provided the facility meets all other applicable City and State codes
221 for food service.
- 222 g. Leasing of common areas for social events shall be allowed, provided the facility meets all
223 applicable off-street parking requirements and complies with the noise ordinance and all other
224 provisions of the City Code.

225 * * *

226 **20.3.LLL Short Term Rentals**

227 **20.3.LLL.1 Short Term Rentals General Standards**

- 228 a. In addition to the regulations below, all short term rentals shall comply with the regulations of the
229 Department of Safety and Permits and the Department of Finance, Bureau of Revenue.
- 230 b. All short term rentals shall require a license. The license shall be prominently displayed on the
231 front façade of the property in a location clearly visible from the street during all periods of
232 occupancy and contain the license number, the contact information for the owner or in-town
233 property manager, the license type (Temporary, Accessory, or Commercial) and the bedroom and
234 occupancy limit.

- 235 c. Short term rentals shall not be operated outdoors, in an accessory structure, or in a recreational
236 vehicle.
- 237 d. Only one party of guests shall be permitted per short term rental unit.
- 238 e. There shall be an in-town property manager if the owner or operator is out of town during the
239 time of the rental.
- 240 f. Short term rentals shall be considered dwelling units for density purposes and subject to the
241 minimum lot area per dwelling unit requirement of the applicable zoning district.

242 **20.3.LLL.2 Short Term Rental, Commercial Standards**

- 243 a. A short term rental license shall be secured prior to operation; and short term rental operators
244 shall comply with all applicable license requirements provided in the Code of the City of New
245 Orleans.
- 246 b. The license shall be prominently displayed on the front façade of the property in a location clearly
247 visible from the street during all periods of occupancy and contain the license number, the contact
248 information for the owner or in-town property manager, the license type (Temporary, Accessory,
249 or Commercial) and the bedroom and occupancy limit.
- 250 c. Up to five (5) bedrooms may be rented to guests and occupancy shall be limited to two (2) guests
251 per bedroom with a maximum ten (10) guests.
- 252 d. No signs are allowed for a Commercial Short Term Rental.

253 * * *

254 **Article 21 – On-Site Development Standards**

255 **21.6 Accessory Structures and Uses**

256 * * *

257 **21.6.II Accessory Short Term Rentals**

258 **21.6.II.1 Short Term Rental General Standards**

- 259 a. In addition to the use standards below, all short term rentals shall comply with the regulations of

260 the Department of Safety and Permits and the Department of Finance, Bureau of Revenue.

261 b. All short term rentals shall require a license. The license shall be prominently displayed on the
262 front façade of the property in a location clearly visible from the street during all periods of
263 occupancy and contain the license number, the contact information for the owner or in-town
264 property manager, the license type (Temporary, Accessory, or Commercial) and the bedroom and
265 occupancy limit. But in no event shall any Accessory Short Term Rental license be issued in the
266 Vieux Carré, the area generally bounded by: Iberville St., N. Rampart St., Esplanade Ave., and
267 the Mississippi River.

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

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

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

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

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

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

276 i. Proof of ownership shall be required via a valid homestead exemption.

277 **21.6.II.2 Short Term Rental, Accessory Standards**

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

281 b. For partial unit accessory short term rentals, only a portion of the dwelling shall be rented, which
282 shall be limited to three (3) guest bedrooms, and occupancy shall be limited to two (2) guests per
283 bedroom or six (6) guests total. There shall be at least one bedroom for the fulltime owner-
284 occupant.

- 285 c. For partial unit accessory short term rentals, the owner shall occupy the unit and be present
 286 during the party's stay.
- 287 d. For all Accessory Short Term Rentals, proof of owner occupancy shall be required with a
 288 homestead exemption.
- 289 e. Where the accessory short term rental occupies one unit of a two-family dwelling, occupancy
 290 shall be limited to two (2) guests per bedroom for a total of up to six (6) guests.
- 291 f. No signs are allowed for an Accessory Short Term Rental.

292 * * *

293 **21.8 Temporary Uses**

294 * * *

295 **21.8.C Permitted Temporary Uses**

301 **Table 21-3: Permitted Temporary Uses**

302 Permitted Temporary Use	303 District	304 Timeframe	305 Hours of Operation	306 Temporary Use Standards
307 * * *				
308 Short Term Rental, Temporary	309 Any Zoning District where dwelling units are permitted	310 Rentals shall be limited to a maximum of ninety (90) days per year, except in the Vieux Carré, the area generally bounded by: Iberville Street, N. Rampart Street, Esplanade Avenue, and the Mississippi River, where Temporary Short Term rentals shall be prohibited.		311 Section 21.8.C.14
312 * * *				

317 * * *

318 **21.8.C.14 Short Term Rental, Temporary**

319 **21.8.C.14.a Short Term Rental General Standards**

- 320 1. In addition to the use standards below, all short term rentals shall comply with the regulations of
 321 the Department of Safety and Permits and the Department of Finance, Bureau of Revenue.

- 322 2. All short term rentals shall require a license.
- 323 3. The license shall be prominently displayed on the front façade of the property in a location clearly
324 visible from the street during all periods of occupancy and contain the license number, the contact
325 information for the owner or in-town property manager, the license type (Temporary, Accessory,
326 or Commercial) and the bedroom and occupancy limit.
- 327 4. Short term rentals shall not be operated outdoors, in an accessory structure, or in a recreational
328 vehicle.
- 329 5. Only one party of guests shall be permitted per short term rental unit.
- 330 6. The short term rental shall appear outwardly to be a residential dwelling.
- 331 7. For temporary short term rentals, there shall be an in-town property manager available at all times
332 if the owner or operator is out of town during the time of the rental.
- 333 8. Use of the short term rentals for commercial or social events shall be prohibited.
- 334 9. The short term rental shall not adversely affect the residential character of the neighborhood.
- 335 10. The short term rental shall not generate noise, vibration, glare, odors, or other effects that
336 unreasonably interfere with any person's enjoyment of his or her residence.
- 337 11. If renter occupied and operated, proof of the property owner's consent and signature on the
338 license application shall be required.
- 339 12. If renter occupied, the operator shall provide a current rental lease.

340 **21.8.C.14.b Short Term Rental, Temporary Standards**

- 341 1. A short term rental license shall be secured prior to operation; and short term rental operators
342 shall comply with all applicable license requirements provided in the Code of the City of New
343 Orleans.
- 344 2. Rentals shall be limited to a maximum of ninety (90) days per year, except in the Vieux Carré, the
345 area generally bounded by: Iberville Street, N. Rampart Street, Esplanade Avenue, and the
346 Mississippi River, where Temporary Short Term rentals shall be prohibited.

- 347 3. Up to five (5) bedrooms may be rented to guests.
- 348 4. Occupancy shall be limited to two (2) guests per bedroom or ten (10) guests, whichever is less.
- 349 5. The entire dwelling can be rented and the permanent resident is not required to be present during
- 350 the party's stay.
- 351 6. No signs are allowed for a Temporary Short Term Rental.

352 * * *

353 **Article 22 – Off-Street Parking and Loading**

354 **22.4 Required Off-Street Vehicle Parking Spaces**

355 **22.4.A General Requirements**

356 * * *

358 **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 space + 1 per 2 guestrooms (for 3 guestrooms and above)	1 per 5 rooms	25%
* * *			
Short Term Rental, Accessory	see applicable dwelling type		
Short Term Rental, Commercial	1 space per 2 guestrooms	1 per 5 rooms	25%
* * *			

375 * * *

376 **Article 26 – Definitions**

377 **26.6 Definitions**

378 * * *

379 **Bed and Breakfast.** A residential structure that provides sleeping rooms for overnight paid

380 occupancy. Bed and breakfast is further defined as follows:

406 (90) days per year, except in the Vieux Carré, the area generally bounded by: Iberville St., N.
407 Rampart St., Esplanade Ave., and the Mississippi River, where Temporary Short Term Rentals
408 shall be prohibited. No owner or resident is required to be present during the guest's stay.

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

411 * * *"

412 **SECTION 2. EFFECTIVE DATE.** The effective date of this ordinance shall be April 1,
413 2017.

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS DECEMBER 1, 2016

STACY HEAD
PRESIDENT OF THE COUNCIL

DELIVERED TO THE MAYOR ON DECEMBER 2, 2016

APPROVED:
DISAPPROVED: DECEMBER 7, 2016

MITCHELL J. LANDRIEU
MAYOR

RETURNED BY THE MAYOR ON DECEMBER 7, 2016 AT 12:35 P.M.

LORA W. JOHNSON
CLERK OF COUNCIL

ROLL CALL VOTE:

YEAS: CANTRELL, GRAY, HEAD, RAMSEY, WILLIAMS - 5

NAYS: BROSSETT, GUIDRY - 2

ABSENT: 0

RECUSED: 0

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THE FOREGOING IS CERTIFIED
TO BE A TRUE AND CORRECT COPY
Lora W. Johnson
CLERK OF COUNCIL