

MOTION

NO. M-15-391

CITY HALL: August 20, 2015

BY: COUNCILMEMBERS ^{CSA} HEAD AND ^{MMR} RAMSEY

WHEREAS the Council of the City of New Orleans adopted Ordinance 26413 M.C.S. (“the new CZO”) on May 14, 2015, which became effective on August 12, 2015; and

WHEREAS, Short Term Rentals are defined in Article 26 of the new CZO as:

Rentals of a premises or any portion thereof for dwelling, lodging or sleeping purposes with duration of occupancy of less than sixty (60) consecutive days in the Vieux Carré and less than thirty (30) consecutive days outside the Vieux Carré. Hotels, motels, bed and breakfasts, and other land uses explicitly defined and regulated in this ordinance separately from short term rentals are not considered to be short term rentals.

WHEREAS Short Term Rentals, as defined in the new CZO, are permitted uses in the S-LC and CBD-7 zoning districts and the “MI DISTRICT COMMERCIAL AND RECREATIONAL SUB-DISTRICT” (Article 16.4); and

WHEREAS, Short Term Rentals, as defined in the new CZO, are conditional uses in the C-2, MU-1, MC, MS, LS, CBD-1, CBD-2, CBD-3, and CBD-4 zoning districts; and

WHEREAS, the Council desires further City Planning Commission (CPC) study into the regulation of Short Term Rentals in the new CZO from a land-use perspective, in light of municipal regulatory schemes recently enacted by local governmental entities around the United States; and

WHEREAS, the Council proposes a portion of one of many potential regulatory schemes in this motion, desires City Planning Commission analysis of this Council proposal, but remains open to the CPC recommending a different regulatory scheme if a different scheme is more appropriate for the City of New Orleans or portions thereof; and

WHEREAS, the Council intends to adopt amendments to the City Code to implement a permitting and enforcement scheme in conjunction with the land-use regulation of Short Term Rentals in the CZO; and

WHEREAS, the Council desires comprehensive regulation of Short Term Rentals in the City Code and the CZO, consistency between the two, and recommendations from the City Planning Commission as to what provisions should be included in or omitted from the CZO rather than the City Code, NOW THEREFORE,

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the City Planning Commission is hereby directed to conduct a public hearing and study on the regulation of Short Term Rentals in the City of New Orleans.

BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the City Planning Commission is hereby directed to conduct and complete the study within 120 days of the passage of this motion and conduct the public hearing within 60 days of the passage of this motion.

BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the City Planning Commission is hereby directed to include the following subject matter in the study, without narrowing its breadth as described above:

1. Whether a more appropriate definition of the use currently referred to as “Short Term Rentals” should be amended into the Comprehensive Zoning Ordinance of the City of New Orleans, such as a bifurcated definition similar to that of “Bed and Breakfast”;
2. Whether the definition of Short Term Rentals, or any amended definition, should include a limitation on the size of any permitted Short Term Rental, such as a limitation on the number of bedrooms or dwelling units that may be rented per lot of record;
3. Where the use currently referred to as “Short Term Rentals” should be prohibited, a conditional use, or a permitted use;
4. If any supplemental use standards are necessary to further regulate such use;
5. If it is appropriate to create a temporary use (as contemplated in Article 21.8) and any additional specific requirements for either the use currently referred to as “Short Term

Rentals” or a subcategory of short term rentals if the recommended definition is bifurcated;

6. If there is a set of best practices that has developed based on short-term-rental regulations recently enacted by local governmental entities around the United States, or a set of recommendations to be made by the City Planning Commission based on its study of such recently enacted regulations; and
7. Whether and how the Council should amend the City’s bed-and-breakfast regulations in conjunction with any amendments to the City’s short-term-rental regulations.

BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That in the process of conducting a public hearing and study on the regulation of Short Term Rentals in the City of New Orleans as provided herein, the City Planning Commission and staff are directed and granted the flexibility to expand the scope of the study and make any and all legal and appropriate recommendations deemed necessary in light of the study, review, and public testimony resulting from this motion.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION OF THEREOF AND RESULTED AS FOLLOWS:

YEAS:

NAYS:

ABSENT:

AND THE MOTION WAS ADOPTED.