

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

**CITY HALL: March 2, 2023**

**CALENDAR NO. 34,083**

**NO. 29382 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.

1       **SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY**

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

Use¹	Districts		Use Standards
	R-RE	M-MU	
RESIDENTIAL USE			
Artist Community	P	P	Section 20.3.F
Bed and Breakfast, Accessory	<u>C</u>	<u>C</u>	Section 20.3.I
Bed and Breakfast, Principal		<u>C</u>	Section 20.3.I
Boathouse		P	
Day Care Home, Adult - Small	C	C	Section 20.3.T
Dwelling, Single-Family	P	P	
Group Home, Small	P	P	Section 20.3.GG
Home Based Child Care, Small	P	P	Section 20.3.T
Home Based Child Care, Large	P	P	Section 20.3.T
COMMERCIAL USE			
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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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Table 9-1: Permitted and Conditional Uses						
Use¹	District					Use Standard
	VCR-1	VCR-2	HMR-1	HMR-2	HMR-3	
RESIDENTIAL USE						
Bed and Breakfast, Accessory			<u>C</u>	<u>C</u>	<u>C</u>	Section 20.3.1
Bed and Breakfast, Principal			C	C	C	Section 20.3.1
Day Care Home, Adult – Small	P	P	P	P	P	Section 20.3.T
Day Care Home, Adult - Large	C	C	C	C	C	Section 20.3.T
Dwelling, Established Multi-Family					P, C⁴	Section 20.3.W
Dwelling, Single-Family	P	P	P	P	P	
Dwelling, Two-Family	P	P	P	P	P	Section 20.3.Y
Dwelling, Multi-Family	P	P	P	P		
Dwelling, Multi-Family – Limited to 4 Units Maximum					C	
Dwelling, Small Multi-Family Affordable					P	Section 20.3.SSS
Group Home, Small	P	P	P	P	P	Section 20.3.GG
Group Home, Large	P	P	P	P	P	Section 20.3.GG
Home Based Child Care, Small	P	P	P	P	P	Section 20.3.T
Home Based Child Care, Large	P	P	P	P	P	Section 20.3.T
Group Home, Congregate	C	C	C	C	C	Section 20.3.GG
Permanent Supportive Housing	P	P	P	P	C³	Section 20.3.PP
Residential Care Facility	P	P	P	P	P	Section 20.3.YY
Day Care Home, Adult – Small	P	P	P	P	P	Section 20.3.T
COMMERCIAL USE						
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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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**Table 10-1: Permitted and Conditional Uses**

Use <sup>1</sup>	District										Use Standard
	VCC-1	VCC-2	VCE	VCE-1	VCS	VCS-1	VCP	HMC-1	HMC-2	HM-MU	
RESIDENTIAL USE											
Bed and Breakfast, Accessory			<u>C</u>					<u>C</u>	<u>C</u>	<u>C</u>	Section 20.3.I
Bed and Breakfast, Principal			<u>C</u>					<u>C</u>	<u>C</u>	<u>C</u>	Section 20.3.I
Day Care Home, Adult – Small	P	P			P	P		P	P	P	Section 20.3.T
Day Care Home, Adult – Large	C	C			C	C		C	C	C	Section 20.3.T
Dwelling, Above the Ground Floor	P	P	P	P	P	P		P	P	P	
Dwelling, Single-Family	P	P			P	P		P	P	P	
Dwelling, Two-Family	P	P			P	P		P	P	P	Section 20.3.Y
Dwelling, Multi-Family	P	P			P	P		P	P	P	
Dwelling, Small Multi-Family Affordable								P	P	P	Section 20.3.SSS
Group Home, Small	P	P			P	P		P	P	P	Section 20.3.GG
Group Home, Large	P	P			P	P		P	P	P	Section 20.3.GG
Group Home, Congregate	C	C			C	C		P	P	P	Section 20.3.GG

Home Based Child Care, Small	P	P			P	P		P	P	P	Section 20.3.T
Home Based Child Care, Large	C	C			P	P		P	P	P	Section 20.3.T
Permanent Supportive Housing	P	P			P	P		P	P	P	Section 20.3. PP
Residential Care Facility	P	P			P	P		P	P	P	Section 20.3. YY
COMMERCIAL USE											
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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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Table 11-1: Permitted and Conditional Uses						
Use <sup>1</sup>	District					Use Standards
	HU-RS	HU-RD1	HU-RD2	HU-RM1	HU-RM2	
RESIDENTIAL USE						
Artist Community		C			P	Section 20.3.F
Bed and Breakfast, Accessory	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	Section 20.3.I
Bed and Breakfast, Principal				C	C	Section 20.3.I
Day Care Home, Adult – Small	C	P	P	P	P	Section 20.3.T
Day Care Home, Adult – Large				C	C	Section 20.3.T
Dwelling, Established Two-Family	P					Section 20.3.W
Dwelling, Single-Family	P	P	P	P	P	
Dwelling, Two-Family		P	P	P	P	Section 20.3.Y
Dwelling, Townhouse			C	P	P	Section 20.3.X
Dwelling, Multi-Family				P	P	
Dwelling, Established Multi-Family	P,C <sup>4</sup>	P,C <sup>4</sup>	P,C <sup>4</sup>			Section 20.3.W
Dwelling, Small Multi-Family Affordable		P	P	P	P	Section 20.3.SSS
Group Home, Small	P	P	P	P	P	Section 20.3.GG

Group Home, Large				P	P	Section 20.3.GG
Group Home, Congregate				C	C	Section 20.3.GG
Home Based Child Care, Small	P	P	P	P	P	Section 20.3.T
Home Based Child Care, Large	C	C	C	P	P	Section 20.3.T
Permanent Supportive Housing				P	P	Section 20.3.PP
Residential Care Facility		P	P	P	P	Section 20.3.YY
<b>COMMERCIAL USE</b>						
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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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Table 12-1: Permitted and Conditional Uses				
Use <sup>1</sup>	District			Use Standards
	HU-B1A	HU-B1	HU-MU	
RESIDENTIAL USE				
Bed and Breakfast, Accessory	<u>C</u>	<u>C</u>	<u>C</u>	Section 20.3.I
Bed and Breakfast, Principal	<u>C</u>	<u>C</u>	<u>C</u>	Section 20.3.I
Day Care Home, Adult – Small	P	P	P	Section 20.3.T
Day Care Home, Adult – Large		P	P	Section 20.3.T
Dwelling, Above the Ground Floor	P	P	P	
Dwelling, Single-Family	P	P	P	
Dwelling, Two-Family	P	P	P	Section 20.3.Y
Dwelling, Townhouse			P	Section 20.3.X
Dwelling, Multi-Family			P	
Dwelling, Established Multi-Family	P,C <sup>8</sup>	P <sup>9</sup>		Section 20.3.W
Dwelling, Multi-Family - Limited to 4 Units Maximum	P	P		
Dwelling, Small Multi-Family Affordable	P	P	P	Section 20.3.SSS
Group Home, Small	P	P	P	Section 20.3.GG
Group Home, Large	p <sup>2</sup>	p <sup>2</sup>	P	Section 20.3.GG
Group Home, Congregate			C	Section 20.3.GG

Home Based Child Care, Small	P	P	P	Section 20.3.T
Home Based Child Care, Large	P	P	P	Section 20.3.T
Permanent Supportive Housing	P <sup>2</sup>	P <sup>2</sup>	P	Section 20.3.PP
Residential Care Facility	P	P	P	Section 20.3.YY
COMMERCIAL USE				
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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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**Table 13-1: Permitted and Conditional Uses**

Use <sup>1</sup>	District				Use Standards
	S-RS	S-RD	S-RM1	S-RM2	
RESIDENTIAL USE					
Artist Community			P	P	Section 20.3.F
Bed and Breakfast, Accessory	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	Section 20.3.I
Day Care Home, Adult – Small		P	P	P	Section 20.3.T
Day Care Home, Adult – Large			C	C	Section 20.3.T
Dwelling, Established Two-Family	P				Section 20.3.W
Dwelling, Single-Family	P	P	P	P	
Dwelling, Two-Family		P	P	P	Section 20.3.Y
Dwelling, Townhouse		C	P	P	
Dwelling, Multi-Family			P	P	
Dwelling, Small Multi-Family Affordable		P	P	P	Section 20.3.SSS
Group Home, Small	P	P	P	P	Section 20.3.GG
Group Home, Large			P	P	Section 20.3.GG
Group Home, Congregate			C	C	Section 20.3.GG
Home Based Child Care Center, Small	P	P	P	P	Section 20.3.T

Home Based Child Care Center, Large	C	C	C	C	Section 20.3.T
Permanent Supportive Housing			P	P	Section 20.3.PP
Residential Care Facility		P	P	P	Section 20.3.YY
COMMERCIAL USE					
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**Table 13-1: Permitted and Conditional Uses**

Use <sup>1</sup>	District							Use Standards
	S-LRS1	S-LRS2	S-LRS3	S-LDR1	S-LDR2	S-LRM1	S-LRM2	
RESIDENTIAL USE								
Bed and Breakfast, Accessory	C				C	C	C	Section 20.3.I
Day Care Home, Adult – Small	P	P	P	P	P	P	P	Section 20.3.T
Day Care Home, Adult - Large						C	C	Section 20.3.T
Dwelling, Established Two-Family	P,C <sup>4</sup>							Section 20.3.W
Dwelling, Established Multi-Family	P,C <sup>4</sup>							Section 20.3.W
Dwelling, Single-Family	P	P	P	P	P	P	P	
Dwelling, Two-Family				P	P	P	P	
Dwelling, Townhouse					C	P	P	
Dwelling, Multi-Family						P	P	
Dwelling, Small Multi-Family Affordable				P	P	P	P	Section 20.3.SSS
Group Home, Small	P	P	P	P	P	P	P	Section 20.3.GG
Group Home, Large						P	P	Section 20.3.GG
Group Home, Congregate						C	C	Section 20.3.GG



Home Based Child Care, Small	P	P	P	P	P	P	P	Section 20.3.T
Home Based Child Care, Large	C	C	C	C	C	P	P	Section 20.3.T
Permanent Supportive Housing						P	P	Section 20.3.PP
Residential Care Facility				P	P	P	P	Section 20.3.YY
<b>COMMERCIAL USE</b>								
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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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Table 14-1: Permitted and Conditional Uses							
Use <sup>1</sup>	District						Use Standards
	S-B1 <sup>5</sup>	S-B2 <sup>6</sup>	S-LB1 <sup>5&amp;7</sup>	S-LB2 <sup>5&amp;8</sup>	S-LC <sup>9</sup>	S-MU	
RESIDENTIAL USE							
Artist Community						P	Section 20.3.F
Bed and Breakfast, Accessory			<u>C</u>	<u>C</u>	<u>C</u>	C	Section 20.3.I
Bed and Breakfast, Principal			<u>C</u>	<u>C</u>	<u>C</u>		Section 20.3.I
Day Care Home, Adult – Small			P	P	P	P	Section 20.3.T
Day Care Home, Adult – Large			C	C	C	C	Section 20.3.T

Dwelling, Above the Ground Floor	C	C	P	P	P	P	
Dwelling, Established Two-Family						P,C <sup>d</sup>	Section 20.3.W
Dwelling, Single-Family			P	P	P	P	
Dwelling, Two-Family			P	P	P	P	Section 20.3.Y
Dwelling, Townhouse						P	
Dwelling, Multi-Family				C	P	P	
Dwelling, Small Multi-Family Affordable					P	P	Section 20.3.SSS
Group Home, Small			P	P	P	P	Section 20.3.GG
Group Home, Large				C	P	P	Section 20.3.GG
Group Home, Congregate					C	C	Section 20.3.GG
Home Based Child Care, Small			P	P	P	P	Section 20.3.T
Home Based Child Care, Large			C	C	C	C	Section 20.3.T
Permanent Supportive Housing		C		C	P	P	Section 20.3.PP
Residential Care Facility	C	C	P	P	P	P	Section 20.3.YY
Timeshare					P		
COMMERCIAL USE							
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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**

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

Use <sup>1</sup>	District									Use Standards
	C-1	C-2	C-3	MU-1	MU-2	EC-3 <sup>3</sup>	MC	MS	LS	
RESIDENTIAL USE										
Bed and Breakfast, Accessory				<u>C</u>	<u>C</u>	<u>C</u>				Section 20.3.I
Bed and Breakfast, Principal				<u>C</u>	<u>C</u>					Section 20.3.I
Day Care Home, Adult – Small				P	P					Section 20.3.T
Day Care Home, Adult - Large				P	P					Section 20.3.T
Dormitory						P	P	P	P	
Dwelling, Above the Ground Floor	C	C	C	P	P				P	
Dwelling, Single-Family				P	P	P				
Dwelling, Two-Family				P	P	P				Section 20.3.Y
Dwelling, Townhouse				P	P					Section 20.3.X
Dwelling, Multi-Family				P	P	P	P		P	
Dwelling, Small Multi-Family Affordable				P	P					Section 20.3.SSS
Dwelling, Existing Single-Family	P	P	P					P		
Dwelling, Established Two-Family	P/C <sup>7</sup>	P/C <sup>7</sup>	P/C <sup>7</sup>					P		Section 20.3.W
Dwelling, Established Multi-Family	P/C <sup>7</sup>	P/C <sup>7</sup>	P/C <sup>7</sup>					P		Section 20.3.W
Fraternity/Sorority						P				Section 20.3.DD
Group Home, Small				P	P		P			Section 20.3.GG
Group Home, Large				P	P		P		P	Section 20.3.GG
Group Home, Congregate				C	C		P			Section 20.3.GG
Home Based Child Care, Small				P	P					Section 20.3.T
Home Based Child Care, Large				P	P					Section 20.3.T
Permanent Supportive Housing				P	P	P	P		P	Section 20.3.PP
Residential Care Facility	P	P		P	P		P	P	P	Section 20.3.YY
Timeshare		C		C			C	C	C	
COMMERCIAL USE										

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**SECTION 9. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY**

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**ORDAINS**, That Article 17 of the Comprehensive Zoning Ordinance (Ordinance No. 4264

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M.C.S., as amended by Ordinance No. 26,413 M.C.S. and subsequent amendments), be, and is

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hereby amended and reordained to read as follows:

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**“ARTICLE 17. CENTRAL BUSINESS DISTRICTS**

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**17.2 USES**

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**Table 17-1: Permitted and Conditional Uses**

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Table 17-1: Permitted and Conditional Uses								
Use <sup>1</sup>	District							Use Standards
	CBD-1	CBD-2	CBD-3	CBD-4	CBD-5	CBD-6	CBD-7	
RESIDENTIAL USE								
Bed and Breakfast, Accessory	<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>	<u>C</u>		Section 20.3.I
Bed and Breakfast, Principal	<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>	<u>C</u>		Section 20.3.I
Home Based Child Care, Small					P	P	P	Section 20.3.T
Home Based Child Care, Large					P	P	P	Section 20.3.T
Dormitory	P	P					P	
Dwelling, Above the Ground Floor	P	P	P		P	P	P	
Dwelling, Single-Family					P	P		
Dwelling, Two-Family					P	P		Section 20.3.Y
Dwelling, Townhouse					P	P		
Dwelling, Multi-Family	P	P	P	P	P	P	P	
Group Home, Small	P	P	P		P	P	P	Section 0.3.GG
Group Home, Large	P	P	P		P	P	P	Section 0.3.GG
Group Home, Congregate	P	P	P		P	P	P	Section 0.3.GG
Permanent Supportive Housing	P	P	P		P	P	P	Section 0.3.PP
Residential Care Facility	P	P	P		P	P	P	Section 0.3.YY
Timeshare	P	P	P	P			P	

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COMMERCIAL USE

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**SECTION 10. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY**

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**ORDAINS**, That Article 20 of the Comprehensive Zoning Ordinance (Ordinance No. 4264

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M.C.S., as amended by Ordinance No. 26,413 M.C.S. and subsequent amendments), be, and is

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hereby amended and reordained to read as follows:

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**“ARTICLE 20. USE STANDARDS**

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**20.3 USE STANDARDS**

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**20.3.I BED AND BREAKFAST**

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In addition to the regulations below, all bed and breakfasts shall comply with the regulations of

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

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**20.3.I.1 BED AND BREAKFAST ACCESSORY STANDARDS**

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a. Proof of operator occupancy shall be established by submission of at least three (3)

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pieces of proof of residence to the Department of Safety and Permits.

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b. The bed and breakfast shall appear outwardly to be a single-family dwelling, giving no

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appearance of a business use other than a permitted sign.

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c. The bed and breakfast may have one (1) attached projecting sign not to exceed four (4)

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square feet in area. The sign shall complement the architecture of the structure.

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d. The bed and breakfast is limited to a maximum of five (5) units for overnight

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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) 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.

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

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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.

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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.

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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.** Only legally 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**

\* \* \*

**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-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</u>	<u>Valid one (1) year; may be renewed annually</u>		<u>Section 21.8.C.18 and Section 20.3.LLL</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. The issuance or renewal of a short term rental permit is a privilege, not a right, and shall be subject to the requirements and limitations, including all restrictions on transfer or assignment, 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 rental 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, who may not be a guest, must physically reside in a bedroom on the lot of record containing the short-term rental during any guest stays and, if required by the City Code, must maintain a primary residence on the lot.

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 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.

62 m. Except as provided in Section 21.8.C.18.r, only one (1) non-commercial short term  
63 rental permit may be issued within each city block, inclusive of all lots fronting any  
64 exterior boundary of said block and all interior lots not fronting the public right of  
65 way.

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

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

74 p. If more than one (1) principal building exists on a lot, or two (2) or more contiguous  
75 lots have been historically acquired together and the second building was originally  
76 constructed and has been used for habitable space as defined by the Building Code,  
77 at least five (5) years prior to the establishment of the short term rental, it may be  
78 included in the operation of the short term rental.

79 q. In residential districts and HU-B1A Neighborhood Business District, HU-B1  
80 Neighborhood Business District, HU-MU Neighborhood Mixed-Use District, S-LM  
81 Lake Area Marina District, MU-1 Medium Intensity Mixed-Use District, and MU-2  
82 High Intensity Mixed-Use District, only one (1) Accessory Bed and Breakfast, one (1)  
83 Principal Bed and Breakfast, or one (1) Non-Commercial Short Term Rental is

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

86 r. Any property owner may request a special exception from an applicable block  
87 limitation, provided that no more than two (2) special exceptions may be in effect  
88 within any block at one time. All applications for a special exception shall include a  
89 Project Neighborhood Participation Program (Project NPP), conducted in  
90 accordance with Section 4.2.D.2, except that the mailed notice to owners of record  
91 required by Section 3.3.B.2.b shall be limited to properties located within one  
92 hundred (100) feet of the property lines of the subject property. Said request shall be

93 submitted to the Executive Director of the City Planning Commission, who shall review  
94 and make recommendations to the City Council relative to the special exception request.  
95 The City Planning staff shall render its recommendatins within sixty days of receipt, using  
96 the following review standards:

- 97 i. Is the requested increase compatible with the surrounding land use and structures?  
98 ii. Are there unique geographic considerations which would mitigate the impact of an  
99 additional non-commercial short term rental use within the block?  
100 iii. Are there unique use conditions in the surrounding areas which would be well-  
101 served by or mitigate the impact of an additional non-commercial short term rental use  
102 within the block?  
103 iv. Will the additional non-commercial short term rental use increase traffic and safety  
104 hazards?  
105 v. Will the additional non-commercial short term rental use create parking issues  
106 around the block or in the surrounding areas?

vi. Will the additional non-commercial short term rental use impair the health, safety and welfare of the neighboring properties?

The Council shall have sixty (60) days from receipt of the recommendation to approve, deny, or modify the special exception request by motion. The granting of a special exception shall not entitle the applicant to a short-term rental permit unless the applicant otherwise complies with the permitting requirements set forth in the Code. A special exception granted pursuant to this subsection shall lapse in the event the holder of the permit transfers the property subject to the special exception or if the owner's permit is revoked. In the event the Council denies a request for a special exception within a particular block, the applicant may not reapply for a special exception for a period of two years.

\* \* \*

**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**

\* \* \*

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, <u>Non-Commercial</u>	See applicable dwelling type		
Social Club or Lodge	1 per 500sf GFA	Over 10,000sf GFA: 1 per 2,500sf GFA	50%
* * *			

\* \* \*

### 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.

\* \* \*



36 paragraphs or sections of this Ordinance, as they would have been enacted by the Council without  
37 the incorporation of any such invalid or unconstitutional word, phrase, clause, sentence, paragraph  
38 or section.

39 \* \* \*

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS MARCH 23, 2023

JP MORRELL  
PRESIDENT OF THE COUNCIL

DELIVERED TO THE MAYOR ON MARCH 27, 2023

APPROVED:

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

\_\_\_\_\_  
MAYOR

RETURNED BY THE MAYOR ON MARCH 31, 2023 AT 3:25 P.M.

LORA W. JOHNSON  
CLERK OF COUNCIL

**ROLL CALL VOTE:**

YEAS: Giarrusso, Green, Harris, King, Moreno, Morrell, Thomas - 7

NAYS: 0

ABSENT: 0

RECUSED: 0

THIS ORDINANCE WAS RETURNED BY THE MAYOR ON MARCH 31, 2023 AT 3:25 P.M. AND THE SAME WAS NEITHER APPROVED NOR DISAPPROVED BY THE MAYOR. THEREFORE, SAID ORDINANCE BECAME LAW ON APRIL 2, 2023 AT 12:00 NOON AS REQUIRED BY LAW.

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