

SUBSTITUTE MOTION

NO. M-22-382

CITY HALL: AUGUST 29, 2022

**BY: COUNCILMEMBER MORRELL, MORENO, GIARRUSSO, HARRIS, KING,
GREEN AND THOMAS**

WHEREAS, the Council of the City of New Orleans has adopted Ordinance Calendar Nos. 32, 685 and 32, 691 to define, categorize, and regulate Short Term Rentals (STR), which became effective December 1, 2019; and

WHEREAS, those ordinances were adopted pursuant to the city's police power to preserve the city's permanent housing stock, balance the economic opportunity created by short-term rentals with the need to maintain a supply of long-term rental housing stock available at a range of prices, reduce any indirect negative effects on the availability of affordable housing that results from the dedication of long term housing stock to short-term rental use, create a level playing field for all parties engaged in the business of providing lodging, ensure the sufficient collection of tax revenue, mitigate the disruptive effects that unmonitored short-term rentals can have on neighborhoods, and protect the livability and quality of life of the city's residential neighborhoods; and

WHEREAS, this Council will now direct the City Planning Commission (CPC) to further study the impact of STRs, utilizing the City's existing regulations and STR data, to determine if amendments to existing laws are warranted or necessary, and if existing regulations should be modified to reduce any unintended secondary effects of STRs relative to the residential fabric of the City; and

WHEREAS, in light of this pending study and review, the Council desires temporary zoning regulations that impose temporary prohibitions on certain STR classifications to protect the public health, safety, or welfare for a temporary period, while this study is underway; and

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the City Planning Commission is directed to conduct a public hearing 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 19 to establish a new Interim Zoning District (IZD) to be named the *Residential Short Term Rental Interim Zoning District*, the intent of which is to prohibit certain uses, for all zoning districts as indicated in the official zoning maps of the City. The prohibited uses are:

- a. Residential Short Term Rental, Small
- b. Residential Short Term Rental, Large
- c. Residential Short Term Rental, Partial Unit

BE IT FURTHER MOVED, that the Council hereby waives the requirement for a Neighborhood Participation Program required by Ord. Cal. No. 33,748l for purposes of this Interim Zoning District; and

BE IT FURTHER MOVED, That all existing and applied for permits that are deemed approvable for such uses existing before the effective time of the IZD shall expire on March 1, 2023, despite the expiration date on the permit; and

BE IT FURTHER MOVED, That in accordance with Article 19, Section 19.3.C.4 of the Comprehensive Zoning Ordinance, all appropriate agencies of City Government shall not accept any new applications for permits or licenses or issue any permits or licenses that are in conflict with the intent and provisions of the proposed Interim Zoning District for any property during

consideration of this matter. The Interim Zoning District is to be in effect for a period of six (6) months and is subject to extension as provided by Section 3-126 of the City Charter. Applications to appeal this IZD shall be submitted to the Executive Director of the City Planning Commission, whose staff shall review and make recommendations relative to the appeal within sixty (60) days of receipt, utilizing the following review standards:

1. Is the requested appeal compatible with the surrounding land uses and structures?
2. Does the requested appeal provide for an efficient use of land?
3. Will granting the requested appeal increase traffic and safety hazards?
4. Does the requested appeal provide for an efficient parking layout?
5. Will the requested appeal increase community environmental impacts?

The Council shall have sixty (60) days from receipt of recommendation to approve, deny, or modify the appeal recommendation by motion; and

BE IT FURTHER MOVED, That in the process of reviewing this request, the City Planning Commission staff is directed and granted the flexibility to make all appropriate changes to the proposed regulations and any existing corresponding regulations in the Comprehensive Zoning Ordinance, as amended, to establish consistency and continuity with the format of the existing zoning code, to add references wherever references are customary, needed and/or appropriate, to make the appropriate adjustments to clarify any ambiguities or mistakes, and to make adjustments deemed necessary in light of public testimony resulting from this review.

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

YEAS:

NAYS:

ABSENT:

AND THE MOTION WAS ADOPTED.