

**MOTION**

**NO. M-23-59**

**CITY HALL: February 2, 2023**

**BY: COUNCILMEMBERS HARRIS AND GIARRUSSO**

**WHEREAS**, the Council of the City of New Orleans is acutely engaged in reconsidering and revising short-term rental regulations to ensure all applicable rules appropriately guard against the deterioration of the City’s long-term housing stock and its neighborhoods; and

**WHEREAS**, the City Council and City Planning Commission understand that while traditional bed and breakfasts, both principal and accessory types, are distinct from short-term rentals, both uses produce neighborhood impacts; and

**WHEREAS**, this understanding led the prior City Council to adopt rules that included principal bed and breakfasts in the blockface restrictions also applicable to short-term rentals in certain residential neighborhoods; and

**WHEREAS**, under Zoning Docket 95/22, the City Planning Commission recommended continuing this restriction, so that “only one (1) Principal Bed and Breakfast or Non-Commercial Short-Term Rental is permitted per block face”; and

**WHEREAS**, despite this recognition, neither City Planning Commission nor administrative agencies have had the opportunity to fully study the relationships between traditional bed and breakfasts and short-term rentals, and the relative impact of each on the City’s long-term housing stock and its neighborhoods; and

**WHEREAS**, to bypass the applicable blockface limits referenced above, or to avoid being subject to short-term rental regulations, certain individuals who might otherwise be interested in

applying for a short-term rental permit may pursue a traditional bed and breakfast permit, especially the accessory type; **NOW, THEREFORE**

**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 *Bed and Breakfast Interim Zoning District*, the intent of which is to ensure that bed and breakfasts are compatible with and preserve the character and integrity of the neighborhoods citywide.

For all lots within the entire boundaries of the City of New Orleans, the following use permissions shall apply:

- Bed and Breakfast Principal and Bed and Breakfast Accessory shall remain prohibited if indicated as such in the Comprehensive Zoning Ordinance.
- Where Bed and Breakfast Principal or Bed and Breakfast Accessory is indicated as “P” Permitted in the applicable base zoning or overlay district, such use shall require conditional use approval by the City Council.
- Bed and Breakfast Principal and Bed and Breakfast Accessory shall require conditional use approval if indicated as such in the Comprehensive Zoning Ordinance.

**BE IT FURTHER MOVED,** That the Council hereby waives the requirement for a Neighborhood Participation Program required by Ord. Cal. No. 33,747 for purposes of this Interim Zoning District.

**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 one (1) year 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.

**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.**