

SUBSTITUTE MOTION

NO. M-25-530

CITY HALL: October 29, 2025

BY: COUNCILMEMBERS MORRELL AND HARRIS

WHEREAS, on May 25, 2023, the City Council adopted Motion M-23-247 directing the City Planning Commission to study the impacts of transient lodging uses (including short-term rental, commercial; hotel/motel; timeshare; hostel; and bed and breakfast, principal and accessory) and to recommend updates to the Comprehensive Zoning Ordinance related to these uses;

WHEREAS, the Council directed the City Planning Commission to complete the study within 180 days of the adoption of M-23-247 in May 2023;

WHEREAS, despite its best efforts and retention of a professional services consultant, the City Planning Commission failed to complete the study within 180 days;

WHEREAS, the City Planning Commission recently indicated that the transient lodging study report will be considered at its meeting on October 28, 2025;

WHEREAS, assuming the City Planning Commission considers the report at its October 28th meeting and thereafter timely transmits the report to the Council, the earliest the Council can conduct a hearing on the study is at its November 20, 2025 meeting;

WHEREAS, tourism is a major component of the City's economy;

WHEREAS, changes to transient lodging regulations may significantly impact the City's economy, real estate market, housing availability, and other major areas of concern;

WHEREAS, to avert a flood of applications for transient lodging uses filed in advance of anticipated amendments to the regulations, the City Council wishes to protect the public's health, safety, and welfare until the transient lodging study report is made available for public review, considered by both the City Planning Commission and the Council at public hearings, and any resulting changes are subsequently adopted into the Comprehensive Zoning Ordinance, in accordance with the process established by law;

WHEREAS, if not otherwise prohibited within each of the City's many zoning districts, the Comprehensive Zoning Ordinance regulates the several types of transient lodging uses as either "conditional" uses (requiring administrative review and approval by ordinance) or "permitted" uses (no need for administrative review or approval);

WHEREAS, given the several types of permitted and conditional transient lodging uses across the City's many zoning districts and the potential for a flood of applications in advance of substantial changes to the regulatory scheme, the Council desires to ease any possible burdensome impacts on neighboring land and public;

WHEREAS, the Council believes the best path forward is to review each new transient lodging use as if it is conditional, regardless of whether it is otherwise permitted under the Comprehensive Zoning Ordinance, thereby allowing for individual consideration of the impacts created upon the neighboring land, given all factors related to that specific use as proposed, and the public need for the particular use at the particular location; **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 consider an amendment to Ordinance No. 4264 M.C.S., as amended, the Comprehensive Zoning Ordinance ("CZO"), to amend Article 19 to establish a new Interim Zoning District to be named the *Transient Lodging Interim Zoning District* ("IZD"), the intent of which is to require the approval of a conditional use by ordinance for the following uses when they are designated as permitted uses ("P") in the text of the Comprehensive Zoning Ordinance: hotel/motel; hostel; short-term rental, commercial; timeshare; and bed and breakfast, principal and accessory (collectively, the "Transient Lodging Uses"). The Transient Lodging Uses shall be subject to all provisions in the CZO related to conditional uses, including but not limited to Section 4.3. All other regulations in the CZO that may relate to any of the Transient Lodging Uses, including but not limited to use standards, bulk and yard standards, parking requirements, and stormwater management, shall continue to apply to the uses if approved under the terms of this IZD, unless expressly waived by the ordinance approving the conditional use. Where any of the Transient Lodging Uses are prohibited in the CZO, they shall remain prohibited uses under this IZD. Furthermore, when the City Planning Commission receives a request for a conditional use for any proposed Transient Lodging Use, it should consider all criteria set forth in the CZO for a conditional use for the proposed use as well as the following criteria specific to this IZD:

1. Will the proposed Transient Lodging Use prevent the development of long-term housing, including affordable and workforce housing?
2. Will the proposed Transient Lodging Use reduce the amount of long-term housing, including affordable and workforce housing?
3. Will the proposed Transient Lodging Use be located along a major arterial street or within 600 feet of a transit stop?

4. Has the subject property been adjudicated liable of City Code violations related to prior Transient Lodging Uses?
5. How many additional Transient Lodging Uses exist within 1,000 feet of the subject property?

BE IT FURTHER MOVED, That this IZD shall apply citywide to all zoning districts.

BE IT FURTHER MOVED, That this IZD shall be in effect for a period of one year and may be extended as provided in Section 3-126 of the City Charter.

BE IT FURTHER MOVED, That, in accordance with Article 19, Section 19.3.C.5 of the CZO, all appropriate agencies of the City shall neither accept any new application for a license or permit for a hotel/motel, hostel, short-term rental, commercial, timeshare, or bed and breakfast, nor issue any permit or license that conflicts with the intent and provisions of this IZD for any property while this IZD is in effect. Except for properties where the relevant use has been deemed discontinued or abandoned for a continuous period of 180 days, this IZD shall not operate to require a conditional use ordinance for any property which has already received a permit or license for a hotel/motel, hostel, short-term rental, commercial, timeshare, or bed and breakfast, including any property which has received a building permit but has not yet received a license to operate.

BE IT FURTHER MOVED, That appeals of this IZD shall be made to the Executive Director of the City Planning Commission. Every application for appeal shall be made on forms provided by the City and shall be accompanied by the payment of a filing fee in the amount of \$1,500.00. Every application shall also include a written statement explaining why the appellant should be exempted from the conditional use requirement imposed by this IZD. The Executive Director shall not accept any appeal application that is not submitted and completed on the forms provided by the City, does not include all information required by this IZD and CZO Section 4.3, or does not include complete payment of the filing fee. The Executive Director or his or her staff shall review the accepted appeal application and shall make a recommendation to the Council of approval, modified approval, or denial based on the following standards:

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

5. Is the use requested in the appeal consistent with all applicable zoning regulatory provisions except this Interim Zoning District, as found in the Comprehensive Zoning Ordinance and the City Code?
6. Will the use requested in the appeal prevent the development of long-term housing, including affordable and workforce housing?
7. Will the use requested in the appeal reduce the amount of long-term housing, including affordable and workforce housing?
8. Has the property associated with the appeal been adjudicated liable of City Code violations related to prior Transient Lodging Uses?
9. Has any applicant associated with this appeal been adjudicated liable for violations related to prior Transient Lodging Uses at any other property?
10. How many additional Transient Lodging Uses exist within 1,000 feet of the property associated with the appeal?
11. Do special circumstances exist that would justify granting the appeal and bypassing the conditional use process set forth herein rather than requiring the applicant to adhere to the terms of this Interim Zoning District?

In conducting this review, the Executive Director may request that the applicant provide additional information, beyond that required by the official appeal application forms, as is necessary for the Executive Director to provide a recommendation. The Executive Director shall transmit the recommendation to the City Council within 60 days of receipt of the completed application to appeal and payment of the filing fee. The Council shall have 60 days from receipt of the Executive Director's recommendation to act by motion directing the drafting of an ordinance to grant the appeal (with or without modifications) or to deny the appeal. If the Council fails to act within 60 days from receipt of the recommendation, the appeal shall be deemed to be denied.

BE IT FURTHER MOVED, That the requirement to conduct a Neighborhood Participation Program pursuant to Comprehensive Zoning Ordinance Section 4.2.D.1 is hereby waived due to the delay in transmission of the Transient Lodging Study from the City Planning Commission and the robust, ongoing city-wide engagement regarding transient lodging uses.

BE IT FURTHER MOVED, That in the process of reviewing this amendment, 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, 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: Giarrusso, Green, Harris, King, Moreno, Morrell, Thomas - 7

NAYS: 0

ABSENT: 0

RECUSED: 0

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

AND THE MOTION WAS ADOPTED.

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ENGROSSED VERSION

(showing changes from the motion (as amended) adopted on 10/23/2025):

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BE IT FURTHER MOVED, That in the process of reviewing this amendment, 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, 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.