

CITY ORDINANCE NO. CO-064-2020

AN ORDINANCE OF THE LAFAYETTE CITY COUNCIL AMENDING CHAPTER 89, SECTION 89-21 "USE TABLE", ENACTING SECTION 89-77-1 "SHORT-TERM RENTAL", AND AMENDING CHAPTER 89, ARTICLE 8, SECTION 89-151-1 "GENERAL DEFINITIONS" OF THE LAFAYETTE CITY-PARISH CODE OF ORDINANCES, THE UNIFIED DEVELOPMENT CODE, AND TO FURTHER REFINED AND CREATE SUPPLEMENTAL REGULATIONS THEREIN RELATED TO THE USE AND OPERATION OF SHORT-TERM RENTALS IN THE CITY OF LAFAYETTE

BE IT ORDAINED by the Lafayette City Council, that:

WHEREAS, on May 5, 2015, by Ordinance O-086-2015, the Lafayette City-Parish Council adopted Chapter 89 of the Lafayette City-Parish Code of Ordinances, the Unified Development Code ("UDC"); and

WHEREAS, in adopting the UDC, the Lafayette City-Parish Council declared that the UDC is necessary to modernize current zoning and development regulations, to incentivize infill without hindering conventional methods of development, to protect property values, and to allow for development that better utilizes existing infrastructure to provide for the more efficient allocation of limited public resources; and

WHEREAS, in recent years, technology and innovation have expanded the use and operation of Short-Term Rentals (defined herein) as a form of temporary lodging to allow visitors and tourists to stay in and experience a local community; and

WHEREAS, the Lafayette City Council desires to amend Chapter 89 of the Lafayette City-Parish Code of Ordinances, the Unified Development Code, to enact reasonable regulations associated with the rental or offering for rental, use, and operation of Short-Term Rentals in the City of Lafayette, the same being necessary to further the health, safety and welfare of the citizens of the City of Lafayette.

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Lafayette City Council, that:

SECTION 1: All of the aforescribed "Whereas" clauses are adopted as part of this Ordinance.

SECTION 2: Chapter 89, Article 2, Section 89-21-2 ("Use Table") of the Lafayette City-Parish Code of Ordinances is hereby amended in the following particulars, with words in ~~striketrough~~ being deletions from existing law, and words **underscored and boldfaced** being additions:

Use Category

	"A" Agricultural	"RS" Residential Single-Family	"RM" Residential Mixed	"MN" Mixed-Use Neighborhood	"MX" Mixed-Use Center	"D" Downtown	"CM" Commercial Mixed	"CH" Commercial Heavy	"PI" Public/Institutional	"IL" Industrial Light	"IH" Industrial Heavy
Residential											
<i>Residences:</i>											
Dwelling, single-family detached	P	P	P	P							
Accessory apartment	P	P	P	P	P	P	C				
Cottage Courts		P	P	P			P				
Dwelling, two-family (duplex)		C	P	P			P				
Multi-family			P	P	P	P	P	P			
Live/Work Dwelling			P	P	P	P	P				
Manufactured home											
Manufactured Housing Land Lease Community	P	C	C								
Apartment House			P	P	P	P	P				
Apartment Hotel											
Townhouse/ Row House											
<i>Group Living:</i>											
Boarding House			P	P	P	P					
Community living			P	P	P	P	P	P			
Community home	P	P	P	P	P	P	P			P	
Life care or continuing care services				P	P	P	P	P			
Lodging/Short-Term Rental											
Bed and breakfast		C	C	C	C	C	C				
Hotel (small)				P	P	P	P	P		P	P
Hotel / Motel					P	P	P	P		P	P
Recreational vehicle park	C										
Short-Term Rental	P	P	P	P	P	P	P	P			

SECTION 3: Chapter 89, Article 2, Section 89-21(d) of the Lafayette City-Parish Code

of Ordinances is hereby amended in the following particulars, with words in ~~strikethrough~~ being deletions from existing law, and words **underscored and boldfaced** being additions:

...

Lodging/Short-Term Rental	
Bed and breakfast	An owner-occupied house, or part of a house, where no more than four rooms (for a total of 8 guests) are provided for short-term (1 night to 2 weeks) lodging, and where breakfast-only meals are provided for compensation
Hotel (small)	A Hotel that does not contain more than 50 guest rooms and does not exceed three stories height.
Hotel / Motel	A building containing rooms intended or designed to be used or which are used, rented, or hired out to be occupied, or which are occupied for sleeping purposes by guests and transients and where only a general kitchen and dining room are provided within the building or in an accessory building.
Recreational vehicle park	Any area that is occupied or intended or designed or improved for occupancy by transients using recreational vehicles, motor homes, or mobile trailers for dwelling, lodging, or sleeping purposes and is held out as such to the public. Examples include campgrounds and recreational vehicle / travel trailer parks. This use does not include a Manufactured Housing Land Lease Community
Short-Term Rental	<u>The provision of a room, space, building, or other structure that is suitable and utilized solely for temporary residential occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for compensation.</u>

SECTION 4: Chapter 89, Article 5, Section 89-77 ("Bed & Breakfast") of the Lafayette City-Parish Code of Ordinances is hereby amended in the following particulars, with words in ~~strikethrough~~ being deletions from existing law, and words **underscored and boldfaced** being additions:

89-77 Bed & Breakfast
<-> Use Category (§ 89 - 21 Use Table): Lodging-~~Short Term Rental~~ – *Bed and breakfast*

SECTION 5: Chapter 89, Article 5, Section 89-77-1 ("Short-Term Rental") of the Lafayette City-Parish Code of Ordinances is hereby enacted in the following particulars:

89-77-1 Short-Term Rental
<-> Use Category (§ 89 - 21 Use Table): Lodging – *Short-Term Rental*

- (a) **Territorial and Retroactive Applicability.** This section applies to all Short-Term Rentals located in the City of Lafayette regardless of whether such Short-Term Rental existed prior to or subsequent to the adoption of this Section.
- (b) **Limited Operation in "RS" and "RM" Districts.** Unless qualifying as a Nonconformity under §89-96, *et. seq.*, the operation of a Short-Term Rental in "RS" and "RM" designated zoning districts shall be restricted to those permitted Residential uses identified in and authorized by §89-21-2 "Use Table".
- (c) **Certificate of Occupancy for Short Term Rental Required; Procedure.** Any person or entity renting, offering for rent, and/or operating a Short Term Rental in the City of Lafayette pursuant to this Section shall first apply for and obtain a Certificate of Occupancy from the City of Lafayette for the premises sought to be rented, offered for rent, and/or operated as a Short Term Rental. The application for a Certificate of Occupancy for Short Term Rental shall be made in accordance with Chapter 89, Article 4, Section 89-65 "Certificate of Occupancy" and shall include, in addition to other information that may be required, the following information:
 - i.) Street address of the Premises sought to be offered as a Short Term Rental;
 - ii.) Number of "off-street" parking spaces available at/on the Premises;
 - iii.) Maximum Number of Rooms available for Short Term Rental at any given time;
 - iv.) Maximum Number of Guests at any given time;
- (d) **Adherence to Existing Laws Required.** The operation of a Short Term Rental shall not generate noise, vibration, glare, odors, or other effects that unreasonably interfere or adversely affect another's use and enjoyment of property. To that end, any and all persons and entities who own and operate, and all persons who occupy a Short Term Rentals, shall, in addition to the requirements contained herein, abide by all existing state and local laws and ordinances, including but not limited to LCG Code of Ordinances – Chapter 34, Article II "Nuisances", LCG Code of Ordinances – Chapter 34, Article IV "Noise Control", LCG Code of Ordinances – Chapter 74, Article III "Solid Waste", LCG Code of Ordinances – Chapter 86, Article IX "Stopping, Standing, and Parking Regulations", said Chapters being incorporated herein by reference thereto.
- (e) **Events.** Receptions or private parties for a fee on the premises of a Short-Term Rental facility are not allowed in "RS" and "RM" zoning districts.
- (f) **Violations and Penalties.** (1) Violations. It shall be a violation of this Section for any person or entity to operate a Short-Term Rental which fails to comply with the requirements of this Chapter and the Code of Lafayette City-Parish Code of Ordinances. (2) Penalties. Any person, entity, and/or his/its agent or manager found to be in violation shall be penalized in accordance with LCG Code of Ordinances – Chapter 89, Article 4, Division 7 "Enforcement".

SECTION 6: Chapter 89, Article 8, Section 89-151-1 ("General Definitions") of the Lafayette City-Parish Code of Ordinances is hereby amended in the following particulars, with

words in ~~strikethrough~~ being deletions from existing law, and words **underscored and boldfaced** being additions:

Table 89-151-1 General Definitions

Commercial	Any business, trade, industry, or other activity engaged in for profit. For purposes of this chapter, the “commercial” use refers to any use within the “Commercial / Mixed Use” and “Lodging— Short-Term-Rental ” land use categories of the Use Table (§ 89-21), and a “commercial” zoning district refers to any of the following zoning districts: “MN” Neighborhood Mixed Use, “MX” Mixed-Use Center, “CM” Commercial Mixed, and “CH” Commercial Heavy.
...	
Shopping Center	See Integrated Business Center in Article 5 “Signs”. (↔ § 89-90 (a)(2)).
<u>Short-Term Rental</u>	<u>The provision of a room, space, building, or other structure that is suitable and utilized solely for temporary residential occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for compensation.</u> (↔ § 89-77-1) (↔ § 89-21-2 “Use Table”) (↔ § 89-21(d))
Shrub	A low, usually multi-stemmed, self-supporting, woody plant species

SECTION 7: The regulations associated with the rental or offering for rental, use, and operation of Short-Term Rentals in the City of Lafayette as established herein shall be retroactively applied. Any person or entity currently operating a Short-Term Rental shall, on or before October 1, 2020, apply for a Certificate of Occupancy in accordance with Section 4 herein. The issuance of a Certificate of Occupancy authorizing the operation of a Short-Term Rental shall be subject to all regulations and requirements of the UDC and the Lafayette City-Parish Code of Ordinances.

SECTION 8: All other UDC provisions and regulations not specifically amended herein shall remain and be in full force and effect.

SECTION 9: All ordinances and resolutions or parts thereof in conflict herewith are hereby repealed.

SECTION 10: This Ordinance shall become effective immediately upon the signature by the Lafayette Mayor-President, a lapse of ten (10) days of receipt by the Mayor-President without signature or veto, or upon an override of a veto, whichever occurs first.

* * * * *

**LAFAYETTE ZONING COMMISSION
RECOMMENDATION OF ACTION**

TO: Lafayette City Council

FROM: Lafayette City Zoning Commission and Development and Planning Department

SUBJ: Unified Development Code Amendment

PETITIONER: Lafayette Consolidated Government

DATE OF PUBLIC HEARING: June 15, 2020

DATES OF PUBLICATIONS: June 3, 2020
June 11, 2020
June 14, 2020

DATE OF ZONING COMMISSION RECOMMENDATION: June 15, 2020

RECOMMENDATION:

A motion was made to recommend approval of the ordinance with the following conditions:

1. Short-term Rentals in the RS (Residential Single Family) zoning district are permitted only for owner-occupied properties.
2. Require a minimum one night stay for short term rentals.
3. Require a prominent public display of the Certificate of Occupancy.
4. Certificate of Occupancy renewal process not to exceed 3 years.

Motion: Green
Second: Doise
Vote: 5-0-0-0
Ayes: Doise, Dural, Green, Pellerin, Pritchard
Nays: None
Absent: None
Abstain: None

ATTACHMENTS: UDC text amendment enclosed

Sincerely,

Mary Sliman, Director
Development and Planning Department

**LAFAYETTE CITY PLANNING COMMISSION
RECOMMENDATION OF ACTION**

TO: Lafayette City Council

FROM: Lafayette City Planning Commission and Development and Planning Department

SUBJ: Unified Development Code Amendment

PETITIONER: Lafayette Consolidated Government

DATE OF PUBLIC HEARING: June 15, 2020

DATES OF PUBLICATION: June 5, 2020

DATE OF PLANNING COMMISSION RECOMMENDATION: June 15, 2020

RECOMMENDATION:

A motion was made to recommend approval of the ordinance with the following condition:

1. Short-term Rentals in the RS (Residential Single Family) zoning district are permitted only for owner-occupied properties.

Motion: Green
Second: Pritchard
Vote: 3-2-0-0
Ayes: Green, Pellerin, Pritchard
Nays: Doise, Dural
Absent: None
Abstain: None

ATTACHMENTS: UDC text amendments enclosed

Sincerely,

Mary Sliman, Director
Development and Planning Department



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JUN 22 2020

Lafayette Consolidated Government
Chief Administrative Officer

Internal Memorandum

Development and Planning Department
Office of the Director (Route 9010)

TO: Cydra Wingerter

DATE: June 22, 2020

FROM: Mary Sliman

SUBJECT: Unified Development Code Amendment

The attached ordinance would amend the Unified Development Code (UDC) to address Short-Term rentals in the city of Lafayette.

Previously, LCG has not regulated short-term rental uses. The amendment would add "Short-Term Rental" to the Use Table (Article 2, 89-21), with standards for this use further defined in Article 5, 89-77-1.

The intent of the ordinance is to define the use and allow for Short-Term Rentals in certain zoning districts, including RS-1 (Residential Single Family), and would provide some standards for operation. Specifically, there would be a requirement for all operators to obtain and Certificate of Occupancy and comply with the provisions of Article 5, 89-77-1.

The Planning and Zoning Commission, at their meeting on Monday, June 15th, recommended this ordinance but added a **recommendation that in the RS-1 zoning district the Short-Term Rental would have to be owner occupied.** The Zoning Commission added the following recommendations:

1. Require a minimum one night stay for short term rentals.
2. Certificate of Occupancy renewal process not to exceed 3 years.
3. Require a prominent public display of the Certificate of Occupancy.

We request that Council Introduction be scheduled for Tuesday, July 7, 2020, with Final Adoption Tuesday, July 21, 2020.

Please call if you have any questions or require additional information in this matter.

Sincerely,

Mary Sliman, Director

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JUN 22 2020

LAFAYETTE CONSOLIDATED GOVERNMENT
CFO-OFFICE OF FINANCE & MGMT

t: 337.291.8013 / msliman@lafayettela.gov / f: 337.291.8492

LAFAYETTE CITY COUNCIL MEETING

ZONING AGENDA ITEM SUBMITTAL FORM

1) **JUSTIFICATION FOR REQUEST:** This is a request to amend, add, and delete sections of the Unified Development Code.

2) **ACTION REQUESTED:** Adoption of the attached UDC amendment ordinance.

3) **REQUEST ACTION OF COUNCIL:**

A. INTRODUCTION: July 7, 2020

B. FINAL ADOPTION: July 21, 2020

4) **DOCUMENTATION INCLUDED WITH THIS REQUEST:**

A. Cover Memo from Director (1 page)

B. Submittal Form (1 page)

C. Ordinance (4 pages)

D. Zoning Commission Recommendation of Action (1 page)

E. Planning Commission Recommendation of Action (1 page)

5) **FISCAL IMPACT:**

☐ Fiscal Impact (will be detailed in Cost-Revenue Analysis)

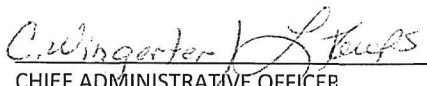
☒ No Fiscal Impact

RECOMMENDED BY:



MARY SLIMAN, DIRECTOR

APPROVED FOR AGENDA:



CHIEF ADMINISTRATIVE OFFICER