



OFFICE OF BUSINESS AND EXTERNAL SERVICES  
DEPARTMENT OF SAFETY AND PERMITS  
**CITY OF NEW ORLEANS**

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MAYOR

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DIRECTOR

**ZONING INTERPRETATION MEMORANDUM**  
MEMORANDUM Z-25-01

**DATE:** February 21, 2025  
**FROM:** Tammie Jackson, Director   
**BY:** Mark Daniel Macnamara, Chief Zoning Official   
**RE:** The Board of Zoning Adjustments decision in BZA014-25 and “Customary Lodging Services as defined in the CZO

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The Department of Safety and Permits (DSP) has been asked by the Council President J.P. Morrell to provide an interpretation of the Comprehensive Zoning Ordinance (CZO) following the February 17, 2025, meeting of the Board of Zoning Adjustments decision in BZA014-25. It is our desire that this memorandum provides the needed guidance, both to the City Council and to the public.

Overview

Pursuant to Section 5-408 of the Home Rule Charter, the BZA is tasked with the following responsibilities:

- (a) Hear and determine appeals from applicants who have been refused building permits because of a violation or conflict with the zoning ordinance or the official map of the City.
- (b) Hear and decide appeals where error is alleged in any order, requirement, decision, or determination made by an administrative official in the enforcement of the zoning ordinance of the City.
- (c) Have the power to permit variations from the zoning regulations in classes of cases or situations and in accordance with the principles, conditions, and procedures specified in and subject to the limitations imposed by the zoning ordinances of the City.<sup>1</sup>

Every appeal of the decision of the Director of the Department of Safety and Permits shall be taken within forty-five (45) days from the date of refusal of a permit or date of order, ruling, decision or determination by the Director of the Department of Safety and BZA Administrative

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<sup>1</sup>[https://library.municode.com/la/new\\_orleans/codes/code\\_of\\_ordinances?nodeId=PAI\\_HORUCH\\_ARTVEXBRNA\\_BOCO\\_CH4CIPLCO\\_S5-408BOZOAD](https://library.municode.com/la/new_orleans/codes/code_of_ordinances?nodeId=PAI_HORUCH_ARTVEXBRNA_BOCO_CH4CIPLCO_S5-408BOZOAD)

Rules, Policies & Procedures 8 Permits. Appeals or applications taken after forty-five (45) days from the date aforesaid shall not be considered by the Board.<sup>2</sup>

At issue in BZA014-25 was a November 19, 2024 reference in the City's LAMA system requiring the applicant to provide evidence of compliance with Zoning Interpretation Memorandum, Z-18-02. Therefore, the only question that was properly before the BZA was whether the Department of Safety and Permits erred when the Department referenced this Zoning Interpretation Memorandum which addressed "customary lodging services." The memorandum was subsequently superseded when the definition of "customary lodging services" was codified in Chapter 26 of the Comprehensive Zoning Ordinance.

The BZA was correct that Department's reference to the 2018 Zoning Interpretation Memorandum was improper. Further, the BZA was also correct that CZO's definition is controlling. To date, the Department has not opined on an interpretation of the definition found in the CZO. The Department does so now.

#### Interpretation

The CZO defines "customary lodging services" as follows:

Guest services provided by lodging facilities including hotels/motels. Customary services include at a minimum 1) dedicated lobby space to adequately enable check-in/check-out procedures, and 2) personnel/staffing to assist guests at check-in/check-out.<sup>3</sup>

As noted above, Zoning Interpretation Memorandum, Z-18-02 provided an interpretation of the phrase "customary lodging services." The analysis in that memorandum set forth the following:

In commercial establishments, in addition to providing a room for sleeping accommodations and private bathroom facilities, must also provide guest services.

These guest services can be amenities such as bars, restaurants, meeting rooms, and room service. They must include 1) dedicated lobby space to adequately enable check-in/check-out procedures, and 2) personnel/staffing to assist guests at check-in/check-out. For the purposes of use within the Comprehensive Zoning Ordinance, the term "customary lodging services" shall mean those places that, at a minimum, provide an interior lobby or office supervised by a person in charge at all hours.

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<sup>2</sup> [BZA Administrative Rules, Policies & Procedures](#)

<sup>3</sup> <https://czo.nola.gov/article-26/#>



For the purposes of use within the Comprehensive Zoning Ordinance, the term “customary lodging services” shall mean those places that, at a minimum, provide an interior lobby or office supervised by a person in charge at all hours.<sup>4</sup>

While no longer controlling, the reasoning and conclusions in 2018’s Zoning Interpretation Memorandum, Z-18-02, remain sound today and provide guidance in interpreting the current definition of “customary lodging services.”

A basic tenet of statutory interpretation is the concept of the known as Presumption of the Nonexclusive “Include.” This is employed when the verb phrase “to include” introduces examples. Such examples are not exhaustive list. That is the case here. Further, the CZO specifically states the services delineated are “at a minimum” and, therefore, contemplate other services are to be provided.

What is also clear is that personnel and staffing must be present to provide such services. As CZO contemplates that other services are to be provided, there must be personnel or staffing physically present to provide such services at any time and under any circumstance that such services are needed by guests. Given that when such needs arise cannot be determined, personnel and staffing must always be present on the property when guests are present. In other words, personnel/staff must be present *at all times*.

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<sup>4</sup> [https://nola.gov/nola/media/One-Stop-Shop/Safety%20and%20Permits/Z-18-02-Customary-Lodging-Services\\_1.pdf](https://nola.gov/nola/media/One-Stop-Shop/Safety%20and%20Permits/Z-18-02-Customary-Lodging-Services_1.pdf)

