


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


LATOYA CANTRELL
MAYOR

TAMMIE T. JACKSON
DIRECTOR

ZONING INTERPRETATION MEMORANDUM
Memorandum Z-24-02

DATE: November 12, 2024

FROM: Tammie Jackson, Director 

BY: Mark Daniel Macnamara, Chief Zoning Official 

RE: Special Exception Process and IZD Appeals

The Department of Safety and Permits (DSP) has been asked by the City Planning Commission (CPC) to provide an interpretation of the City Code (CCNO) and Comprehensive Zoning Ordinance (CZO) related to the interplay of the special exceptions process for non-commercial short term rentals (NSTRs) and Motion No. M-24-493 LO which was adopted by the City Council of September 19, 2024.

On September 19, 2024, the New Orleans City Council adopted NO. M-24-493 which directed the City Planning Commission to conduct a public hearing to amend and reordain Ordinance No. 4264 M.C.S., as amended, the Comprehensive Zoning Ordinance, to amend Article 19 to establish a new Interim Zoning District to be named the Non-Commercial Short-Term Rental Special Exception Interim Zoning District (IZD), the intent of which is to prohibit the issuance of any Non-Commercial Short Term Rental by special exception as specified in Section 21.8.C.18.r. <https://czo.nola.gov/article-21/#>

Pursuant to NO. M-24-493, all agencies are prohibited from accepting any new applications for special exceptions pursuant to Comprehensive Zoning Ordinance Section 21.8.C.18.R, or any other applications for permits or licenses or issue any permits or licenses that are in conflict with the intent and provisions of this proposed IZD for any property during consideration of this matter. Applications to appeal this IZD shall be submitted to the City Planning Commission and shall have an application fee of \$500.00. <https://czo.nola.gov/getmedia/e3412f58-965c-46de-a730-3ecc0611da5c/M-24-493->

Overview of the Issue

The CPC is requesting clarity as to whether persons who were previously denied a special exception may avail themselves to the IZD appeal process set forth by NO. M-24-493. Further, the CPC has inquired as to whether a person successfully appealing the IZD is granted a special

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exception or whether that would only result in the appellant being afforded an opportunity to go through the special exception process.

Prior to the IZD created by NO. M-24-493, any property owner could request a special exception to the applicable block face limitations subject to certain requirements. CZO Art. 21.8.C.18.r. An applicant who was denied such a special exception is prohibited from reapplying for a special exception for a period of two years. CZO Art. 21.8.C.18. Given this, the IZD appeal process is reserved for persons who would have been *eligible for consideration* of a special exception but for the IZD. A person who has been denied a special exception is, therefore, ineligible for such consideration. Similarly, an applicant who was denied an NSTR for a reason other than the IZD cannot avail themselves of the IZD appeal process.

Lastly, the effect of successfully appealing the IZD does not grant the applicant a special exception. The appeal would only allow the applicant to go through the special exception process and they would be subject to all of the standards and requirements as set forth in the CZO and Code of the City of New Orleans.

