

DEPARTMENT OF SAFETY AND PERMITS
CITY OF NEW ORLEANS

LATOYA CANTRELL
MAYOR

ZACHARY SMITH
DIRECTOR

ZONING INTERPRETATION MEMORANDUM

Memorandum Z-19-02

DATE: April 5, 2019

FROM: Zachary Smith, AIA, Director

RE: Legal Non-Conforming Status of Properties with More Than Two Commercial Properties under CZO Table 12-1, footnote 9 (MCS 27726)

In April 2018, the City Council amended the Comprehensive Zoning Ordinance (“CZO”) to limit the number of commercial short term rental (“STR”) permits to two per property within the HU-B1 or HU-MU zoning districts. MCS 27726; CZO Table 12-1, footnote 9. Any short term rentals beyond the first two for each such property requires a conditional use.

As the anniversary of this legislation approaches, the Department has been asked repeatedly about the renewal of commercial STR licenses for properties located in these zoning districts upon which three or more commercial short term rentals are located. In order to make the permit renewal process more efficient, and so as to not require individual non-conforming use determinations for all such applications, the Department interprets this CZO provision to mean that any property located in HU-B1 and/or HU-MU upon which three or more commercial STRs are located will be considered to be a legal non-conforming use if all of the following criteria are met: (1) the property was properly licensed as a commercial STR before 2:10 p.m. on April 11, 2018, the effective date of the ordinance; (2) the property has maintained valid licenses for all such STRs since before the effective date, or if there has been any lapse in licensure of the property, such licensure lasted no longer than 180 days; and (3) there are no outstanding STR violations for any commercial STR located on the property. Any property which meets all of these criteria will be considered eligible for renewal of existing commercial STR licenses above the two-per-property limit provided that all other licensure requirements are met for each commercial STR. This interpretation does not guarantee the granting of a license; merely that the property will be considered legally non-conforming for zoning purposes. Properties which do not meet all three of these criteria may apply for individual consideration as a legal non-conformity by contacting the Zoning Administration Office of the Department of Safety and Permits.



**ORDINANCE
(AS CORRECTED)
CITY OF NEW ORLEANS**

CITY HALL: March 8, 2018

CALENDAR NO. 32,202

NO.27726 MAYOR COUNCIL SERIES

BY: COUNCILMEMBER CANTRELL

AN **ORDINANCE** to amend and reordain Article 12 Historic Urban Neighborhoods Non-Residential Districts, of 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 the use permissions in Section 12.2.A, Table 12-1, to permit two Commercial Short Term Rentals (STR) on property by right, and to require that any license greater than two be subject to the conditional use process in the Historic Urban Business District (HU-B1) and Historic-Urban Mixed Use District (HU-MU); and otherwise to provide with respect thereto.

WHEREAS, Zoning Docket Number 4/18 was initiated by City Council Motion No. M-17-557 and referred to the City Planning Commission; and

WHEREAS, the City Planning Commission held a public hearing on this zoning petition and recommended denial of the text amendment in its report to the City Council dated January 22, 2018, presented in **Zoning Docket Number 4/18**; and

WHEREAS, the recommendation of the City Planning Commission was overruled and changes were deemed necessary and in the best interest of the City of New Orleans and were granted modified approval, as stated in Motion Number M-18-74 of the Council of the City of New Orleans on March 8, 2018.

SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS, That **Article 12** of 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, be, and is hereby amended and reordained to read as follows:

“**ARTICLE 12.** Historic Urban Neighborhoods Non-Residential Districts

* * *

7 Section 12.2.A – Permitted and Conditional Uses

8 * * *

9 **Table 12-1: Permitted and Conditional**

Use	Districts			Use Standards
	HU-B1A	HU-B1	HU-MU	
RESIDENTIAL USE				
* * *				
Short Term Rental, Commercial	C	P, C ⁹	P, C ⁹	Section 20.3.LLL

17 * * *

18 Table 12-1 Footnotes

19 * **

20 ⁹Permitted Commercial Short Term Rentals are limited to two (2) on one property; any
21 Commercial STR use greater than two is a conditional use.

22 * * **

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS APRIL 5, 2018

JASON ROGERS WILLIAMS
PRESIDENT OF THE COUNCIL

DELIVERED TO THE MAYOR ON APRIL 6, 2018

APPROVED:

~~DISAPPROVED:~~ APRIL 11, 2018

MITCHELL J. LANDRIEU
MAYOR

RETURNED BY THE MAYOR ON APRIL 11, 2018 AT 2:10 P.M.

LORA W. JOHNSON
CLERK OF COUNCIL

ROLL CALL VOTE:

YEAS: Brossett, Cantrell, Gray, Guidry - 4

NAYS: Ramsey, Williams - 2

ABSENT: Head - 1

RECUSED: 0

THE FOREGOING IS CERTIFIED
TO BE A TRUE AND CORRECT COPY

Lora W. Johnson
CLERK OF COUNCIL