

DEPARTMENT OF SAFETY AND PERMITS
CITY OF NEW ORLEANS

LATOYA CANTRELL
MAYOR

ZACHARY SMITH
DIRECTOR

ZONING INTERPRETATION MEMORANDUM

Memorandum Z-19-04

DATE: September 12, 2019
FROM: Zachary Smith, AIA, Director
RE: Transient Occupancy Uses

The Comprehensive Zoning Ordinance (“CZO”) contemplates many transient occupancy uses, including but not limited to hotel/motel, timeshare, short term rental, and hostel. The Department has been asked by the City Planning Commission whether multiple transient occupancy uses may be licensed or permitted within the same building, and sometimes even within the same dwelling unit at different times.

After extensive consideration, the Department has determined that the transient lodging market is moving toward a more blended business model.¹ Furthermore, while there are potential complications presented by these uses occurring in the same space, many of those complications are not land use or zoning issues.

As a result, the Department has determined that multiple transient occupancy uses may be permitted under the CZO when the following circumstances are met: (1) all transient occupancy uses contemplated for the space must be permitted by right by the CZO, or, if any require a conditional use, such a conditional use must be obtained before licensure; and (2) the applicant must meet all standards and requirements of all proposed transient occupancy uses. For example, a combined hotel/hostel must provide all of the following to guests: sleeping accommodations with private bathroom facilities, customary lodging services, and sociable accommodations with shared bathroom, lounge, and kitchen facilities.

The Department strongly urges applicants seeking to undertake multiple transient lodging uses to consult with the Department Finance, Bureau of Revenue for the City to ensure that their tax obligations may be met, as different uses may require different tax remittances. The Department also advises applicants to consult with appropriate departments of the State of Louisiana to ensure compliance with state law. Approval of multiple such uses by the Department of Safety and Permits shall only reflect a determination that the uses comply with the zoning ordinance, and shall not consider tax or state law implications of the uses.

¹ See, e.g. Peter L. Allen, *How the Sharing Economy Is Transforming the Short-Term Rental Industry*, Knowledge @ Wharton (February 14, 2019), <https://knowledge.wharton.upenn.edu/article/short-term-rentals-the-transformation-in-real-estate-and-travel-set-to-check-in/>.

