

DEPARTMENT OF SAFETY AND PERMITS
CITY OF NEW ORLEANS

LATOYA CANTRELL
MAYOR

ZACHARY SMITH
DIRECTOR

ZONING INTERPRETATION MEMORANDUM

Memorandum Z-19-05

DATE: September 23, 2019

FROM: Zachary Smith, AIA, Director

RE: Legal Non-Conforming Status of Properties with Accessory or Commercial Licenses in Place before December 1, 2019

In August 2019, the City Council amended the Comprehensive Zoning Ordinance (“CZO”) to make substantial changes to short term rental (“STR”) uses (MCS 28156). These changes take effect on December 1, 2019.

As this effective date approaches, the Department has been asked by the City Council about the renewal of commercial STR licenses for properties which may no longer be permitted under the changes to the zoning ordinance. 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 CZO section 25.2.C, which provides the authority to continue legal nonconforming uses, to mean that any property licensed as a commercial short term rental will be presumed to be a legally non-conforming commercial short term rental if all of the following criteria are met: (1) the property was properly licensed as a commercial STR before December 1, 2019, 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; (3) there are no outstanding STR violations for any STR uses located on the property; and (4) the property meets any and all parking requirements under the December 1, 2019 ordinance. Any property which meets all of these criteria will be considered eligible for licensure as a legally non-conforming commercial STR under the revised zoning provisions, provided that all other licensure requirements are met for each such 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 four 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.

