

DEPARTMENT OF SAFETY AND PERMITS  
**CITY OF NEW ORLEANS**


LATOYA CANTRELL  
MAYOR

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DIRECTOR

## ZONING INTERPRETATION MEMORANDUM

Memorandum Z-23-01

DATE: **July 10, 2023**

FROM: **Tammie Jackson, Director** 

BY: Ashley Becnel, Chief Zoning Official  
Kelly Butler, Assistant Zoning Administrator

RE: Maximum Number of Dwelling Units in Established Multi-Family Uses with More than One Principal Structure

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*Summary: The maximum number of dwelling units permitted through the Established Multi-Family Dwelling use is 4 per lot, even if there are multiple principal structures on the lot.*

Under CZO Article 26, *Definitions*, a residence with a history of multi-family or two-family use is authorized to operate as a multi-family or two-family residence, respectively, in accordance with Section 20.3.W *Dwelling, Established Multi-Family, Established Two-Family*. The Department of Safety and Permits has received applications for review under these regulations for properties currently or historically developed with more than one principal structure. This memo seeks to clarify our CZO interpretations related to the number of dwelling units allowed under these provisions, specifically as they pertain to multi-family use.

Section 20.3.W.3 states “A property with a documented legal history of 2 primary, detached single family dwellings shall be considered an established two-family dwelling, and a property with a documented legal history of more than one primary structure, containing 3 or more total units of all structures combined, shall be considered an established multi-family dwelling.” Furthermore, Section 20.3.W.1. requires an established multi-family meet the following requirements:

- a. The structure must have a documented legal history of two units for a two family dwelling or 4 or fewer units for a multi-family dwelling, as confirmed by Safety and Permits, where documented legal history is determined based on evidence of dwelling units which currently exist but may not be operating on a given property; OR
- b. The structure has a documented legal history of multi-family residential use providing more than 4 units, but reduces the number of dwelling units to 4 or fewer, where documented legal history is based on dwelling units which currently exist but may not be operating on a given property; OR



c. The established multi-family structure with any number of units is within a zoning district where the Established Multi-Family use chart lists the use only as "P" - a permitted use; OR

d. Legal, nonconforming status has been confirmed by the Department of Safety & Permits.

Because 20.3.W.1 is clear in requiring that an Established Multi-Family Dwelling have 4 or fewer units or when verified reduces the number of dwelling units to 4 or fewer units on a "given property," we interpret these regulations to mean that an Established Multi-Family property can have no more than 4 dwelling units on the lot regardless of the number of verified structures. This includes properties located in the HU-RD1 or HU-RD2 Districts which may have been developed with more than one principle building but one or more of the structure(s) has since been demolished in accordance with Article 21.4.A.4.