

DEPARTMENT OF SAFETY AND PERMITS
CITY OF NEW ORLEANS

LATOYA CANTRELL
MAYOR

TAMMIE JACKSON
DIRECTOR

ZONING INTERPRETATION MEMORANDUM

Memorandum Z-22-03

DATE: **April 1, 2022**

FROM: **Tammie Jackson, Director**



BY: Ashley Becnel, Chief Zoning Official
Nicholas Kindel, Zoning Administrator

RE: Commercial STR Permitting in Light of BZA 008-22

On February 7, 2022, the Board of Zoning Adjustments (BZA) ruled on an appeal related to whether commercial short term rentals (STRs) were considered a commercial or residential use under the Comprehensive Zoning Ordinance (CZO) (BZA 008-22). The BZA ruled that commercial STRs are a commercial use under the CZO and that all laws pertaining to commercial use apply to commercial STRs. The Department had previously treated commercial STRs as a fundamentally residential use in a commercial area. This memorandum shall address the consequences of this decision and set forth changes to the Department's operating procedures as it relates to commercial STRs.

Most critically, going forward, licensing new commercial STRs shall first require a change of use permit. This means that a building permit is required for all new commercial STRs. Assuming no structural changes are being made to the premises as part of the change of use to a commercial STR, a non-structural renovation permit will suffice. No commercial STR *license* may be issued until a change of use or new construction *permit* has been issued and has received a certificate of occupancy.

This change requires the Department to consider laws not previously applied when reviewing commercial STR license applications. The below list is not exhaustive but serves to illustrate some of the new concerns that applicants should be prepared to face:

- Conversion (i.e. locating a commercial STR in an existing residential dwelling unit where it was not previously permitted)
 - Mandatory Inclusionary Zoning as set forth in Chapter 28
 - Parking concerns
 - Vehicles may not back out onto the street (22.8.D.1)
 - Wheel strips are not permitted (22.8.E.2)
 - All parking lots must comply with the commercial parking lot standards (22.11.A.2.b)

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- Parking pads are not permitted (22.11.D).
 - Multimodal Corridor requirements as set forth in Chapter 17
 - Transparency requirements in the Greenway Corridor Overlay District as set forth in 18.17.C
 - Greater commercial setback requirements as set forth in Chapter 14
 - Building foundation landscaping may be required as set forth in 23.6.A
- New Construction
 - Design Review requirements set forth in Chapter 4
 - Transparency and height requirements as set forth in 12.3.B and 15.3.B

To the extent that the premises do not meet the above-requirements, or any other requirements contained in the CZO for commercial uses as determined by the Department of Safety and Permits, a variance will be required before the change of use can be completed.

A commercial STR will be considered “new” for purposes of this policy if:

- It is an application to use an existing property for a commercial short term rental that has never been licensed for commercial STR use;
- It is an application to use a new development for commercial short term rental use;
- It is not a renewal of an existing license by the current licenseholder; or
- It is an application for a commercial short term rental by a new or different licenseholder at a property that has been previously licensed as a commercial STR where that property has not been licensed as a commercial STR within the prior six months.