

Re: Appeal of the Renovation (Non-Structural) Permit #22-31118-RNVN for 905-907 Cherokee St.

To the Board of Zoning Adjustments:

I am appealing the issuance of Permit #22-31118-RNVN, issued 12/2/2022 for 905-907 Cherokee Street, for the following violation:

This dormitory project is short THREE required parking spaces under the 2022 University Area Off-Street Parking IZD.

905-907 Cherokee is a traditional Craftsman double that was converted to a four-plex sometime before 1988, with the 905 and 907 addresses denoting the two lower units, and the 905-1/2 and 907-1/2 addresses denoting the two upper units. It had been used as a rental by Riverlake Properties for decades, but was sold on 12/17/2021 to the current owners, K S R & Company. It's a 3600 sq ft four-plex with four electric meters and two water meters, and sits on a 35'x120' regular lot with no off-street parking.

At the time of purchase, the property was being marketed in the MLS as having four 2-bedroom/1-bath units, for a total of eight existing bedrooms and four existing baths. (Attachment A) The new owners are converting the four-plex into a double with eight bedrooms and eight baths (Attachment B), based on the claim that the existing four-plex already had eight bedrooms. (Attachment C)

But this claim of eight existing bedrooms is incorrect, and the project is not compliant with University Area parking requirements, for the following reasons:

1. 905-907 Cherokee is actually a FIVE-bedroom four-plex being converted to an eight-bedroom double, not an eight-bedroom four-plex being converted to an eight-bedroom double. It is obvious that the claim of eight existing bedrooms was only derived from re-labeling three of the four required living rooms in the four-plex as bedrooms. (Attachment D)

ADDRESS	CLAIMED # BEDROOMS	ACTUAL # BEDROOMS	PROPOSED # BEDROOMS
905 Cherokee	2	2	4
907 Cherokee	2	1	4
905.5 Cherokee	2	1	--
907.5 Cherokee	2	1	--
TOTAL BEDROOM #	8	5	8

Just because tenants may decide to use an apartment living room as a bedroom, or a landlord advertises a rental unit as having two bedrooms, or someone labels a room on a diagram as a bedroom, does not and should not automatically transform the required living room in a legal dwelling unit into a bedroom for zoning purposes.

New Orleans' Code of Ordinances, Article IV, Division 5, includes "Bedroom and Living Requirements" that indicate a legal dwelling unit that is not an efficiency MUST have a living room, and it must be a certain minimum square footage. (Attachment E)

Sec. 26-197. - Bedroom and living room requirements.

Every living room shall contain at least 120 square feet and every bedroom shall contain a minimum of 70 square feet, and every bedroom occupied by more than one person shall contain a minimum of 50 square feet of floor area for each occupant thereof.

Sec. 26-199. - Overcrowding.

(a) Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements established in the table below which indicates: Living room minimum area requirements for 1-2 occupants is 120 square feet; for 3-5 occupants is 120 square feet; and for 6 or more occupants is 150 square feet.

(b) The minimum occupancy area required by the table in subpart (a) of this section shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes.

(c) Combined living room and dining room spaces shall comply with the requirements of the table in subpart (a) of this section if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

https://library.municode.com/la/new_orleans/codes/code_of_ordinances?nodeId=PTIICO_CH26BUBUREHOST_ARTIVMIPRMACO_DIV5LIVEOCLICCPR_S26-197BELIRORE

The sale listing included no interior photos, and the only indication of the pre-sale interior layout is the current owner's floor plan marked "existing" on page 2 of the plans dated 11/7/2022, submitted for this building permit. This "existing" plan has labels added that indicate eight rooms in the structure were bedrooms, but three of the four units were missing an existing living room. (Attachment C)

We've had a lot of experience in the past few years with dormitory developers mis-labeling rooms in a structure in order to circumvent the various University Area parking requirements, so these missing living rooms raised some eyebrows.

A previous lease listing was found online for 907 Cherokee, the downstairs left unit, to compare with the claim of no living rooms in a unit. The undated Zillow listing states the unit had only ONE bedroom, not two, and the front entrance room appears to be the normal expected living room, that opens from the front porch and leads into the central hall and then to the kitchen, with a single bedroom in the rear. (Attachment F)

But the "existing plan" diagram claims 907 Cherokee is one of the three two-bedroom units with no living room. And it claims one of those two bedrooms is the exact same front room, entered directly off the front porch, that is a living room in the 907 Cherokee lease listing. Even with the label "bedroom" attached, this room has no bedroom door that can shut it off from the hall or the rest of the unit! Clearly, 907 Cherokee's front living room has been re-labeled as a bedroom in order to appear compliant with the 2022 IZD. (Attachment D)

As far as the two upstairs units are concerned, it could very well be that the tenants preferred to use the 14 ft x 17 ft room labeled "kitchen" as a living room and dining room too—but that does not remove the requirement of a living room in dwelling units such as these for zoning decisions. It is one of the main reasons that all discussions of University Area parking regulations have included "Living Room" as a use that will not be counted as a bedroom for IZD and Overlay compliance.

Thus, it appears that, for the purposes of circumventing the requirements of the 2022 IZD, three of the four apartment “living rooms” were re-labeled “bedrooms.” And when you add the missing living room labels back onto the existing layout diagram, the existing property has only FIVE total bedrooms and four baths. (Attachment D)

And in case you're tempted to dismiss this question of required living rooms as a small anomaly and not a trend, you would be wrong: there is already a pending permit application for another dormitory project, at 1530-32 Hillary, that converts one two-bedroom unit of the existing double into a four-bedroom unit with only a common area kitchen and no living room at all.

2. All dates relating to this permit are later than 10/6/2022, including the application date of 10/14/2022, so it needed to be reviewed under the 2022 University Area Off-Street Parking IZD, and Safety & Permits should not have reviewed it under the 2021 University Area Off-Street Parking Overlay. (Attachments G (Print Summary), H (IZD), and I (Overlay))

However, even if the dates had indicated review could be done under the 2021 University Area Off-Street Parking Overlay instead of the 2022 IZD, this project would still not have been compliant, and would still be short THREE required parking spaces, due to the new units having FOUR bathrooms each, and thus not exempt from the parking requirements of the 2021 Overlay.

Due to this project's violation of the 2022 University Area Off-Street Parking IZD, I am asking the BZA to require the developer to correct the violations and bring the project into compliance with the IZD.

Thank you,
Debra Howell
1538 Adams Street, NOLA 70118

List of attachments:

Application-Appeal-of-Permit_22-31118-RNVN_905-907-Cherokee_D-Howell
Letter-to-Board_Appeal-of-Permit_22-31118-RNVN_905-907-Cherokee_D-Howell
Decision_905-07 Cherokee-Building Permit
A_905-Cherokee-MLS-sale_12-17-2021
B_905-07-Cherokee-proposed-plan_8bed-8bath
C_905-07-Cherokee-claimed-existing-plan-with-no-living-rooms
D_905-07-Cherokee-actual-existing-plan_5beds-4baths
E_Sec 26-197-Bedroom and living room requirements.
F_907-Cherokee_lower_1bed-1bath_lease-listing
G-905-07-Cherokee_Print Summary
H_2022-IZD-Motion_M-22-449_10-6-22_new-construction
I_2021-Overlay-CZO section 18-30 UniversityAreaOFFParkingOverlay



Multi-Family

ML# **2291250** Status **Sold**
 Listing Type **ERS**
905-07 CHEROKEE ST, New Orleans, LA 70118
 Dwell Type **4PL** List Price **\$825,000**
 Condition **Avg** Orig Price **\$850,000**
 Lot LP\$/SQFT **\$229.29**
 Parish **Orleans** Neighborhood
 Subdiv
 City **New Orleans** CityLmt **Yes**
 Unit #
 Legal Desc **SQ 101 LOT B CHEROKEE 35 X 120 905-07 CHEROKEE SALE WITH 1-21-15**
 Bounding St **Burthe and Freret**
 Directions

Recent Change 12/17/2021 : S : U->S

Total # Units	4	Total Rent	\$4,670	Appx Total Liv	3,598	Total Beds	8
Car Storage	NO	Stories	2.0	Age	100	Total Baths	4 / 0
Lot Size	35 x 120	Lot Desc	REG	Acres	0.10	SqFt Source:	Measured

Units Information

Unit #	Rent\$	Appx Liv	Beds	Baths FB / HB	Unit #	Rent\$	Appx Liv	Beds	Baths FB / HB
1: 907	\$1,350		2	1 / 0	2: 907	\$925		2	1 / 0
3: 905	\$1,350		2	1 / 0	4: 905	\$1,045		2	1 / 0

WtrFr/Nav

Builder

Public Remarks:

Historic 4 Plex with big backyard walking distance to universities and to Maple Street. 4 electrical meters, 4 gas meters, 2 water meters, location location, location!!! 100% occupied.

General Information

Yr Rem/Ren/Built		Style	CRFTSM	Exterior	WS	Ext Features	BA,PO
Age Desc 1	RSL	Roof	SEA	Laundry		Air	OT,WU
Age Desc 2	UNK			Elev		Heat	WU
Appx Age	100	Foundation	RAI	Warranty		Ownr May Finance	No
TermCont	No	Pool	NO				
Util Provider: Elec	Entergy	Gas	NA	Water	P	Sewer	C Meters
Util Paid By: Elec	T	Gas	T	Water	O	ADA Features	No
Elev Cert Avail	No						

Financial Information

Bond For Deed	No	Potent Short Sale	No	Lse Purch	No
3rd Party/REO	Neither	Measurmnt Apprx Not Guaranteed	Yes	Sold W Covenants/Restriction	Unkn Sold As Is WOR Yes

Agent Remarks:

36 hour notice to show tenant occupied. Deposit must be in certified funds or by wire transfer.

Listing Agent Information

List Agent	LANGHAJ/HAJ LANGFORD	Agent Phone	(504) 261-0282	Agent Fax	
Agent Email	hajlangford@gmail.com	Appt. Contact #	504-261-0282	Agent License #	28636
List Broker	REMX01/RE/MAX N.O. Properties	Office Phone	(504) 866-7733	Office Fax	(504) 866-7800

Internet	Yes	IDX	Yes	VOW	Yes	IDX/VOW AVM	No	Office License #	0995684089
Comm To Coop Mem Part	2.5 Percent					Entered By	LPK	VOW Cmnts	No
List Date	03/15/2021	Under Contract	11/03/2021	Expire Date		Shown By	A,S	DOM	233
Showing Instruct									

Comparable Information

Under Contract	11/03/2021	DOM	233	Sold Price	\$775,000	SP\$/SQFT	\$215.40
Sold Date	12/17/2021			Sold Agent	LANGHAJ/HAJ LANGFORD		
Sold Broker	REMX01/RE/MAX N.O. Properties			Sold Terms	FIN		
Sold Pmt Type		Sold Interest Rate		Amortize Years			
Ttl Discount Pts		New Loan		Seller 1			
Purchaser 1				Seller 2			
Purchaser 2				Repair/Allow	\$0	Pts Pd By Seller	0.00
Buyer Costs Paid by Seller:	Warranty \$0	Costs	\$0				

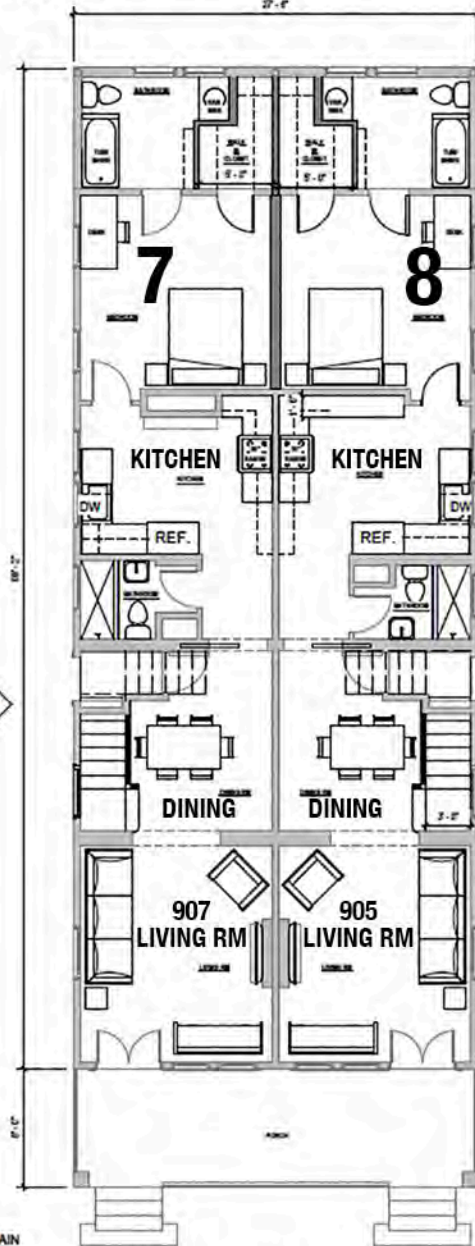
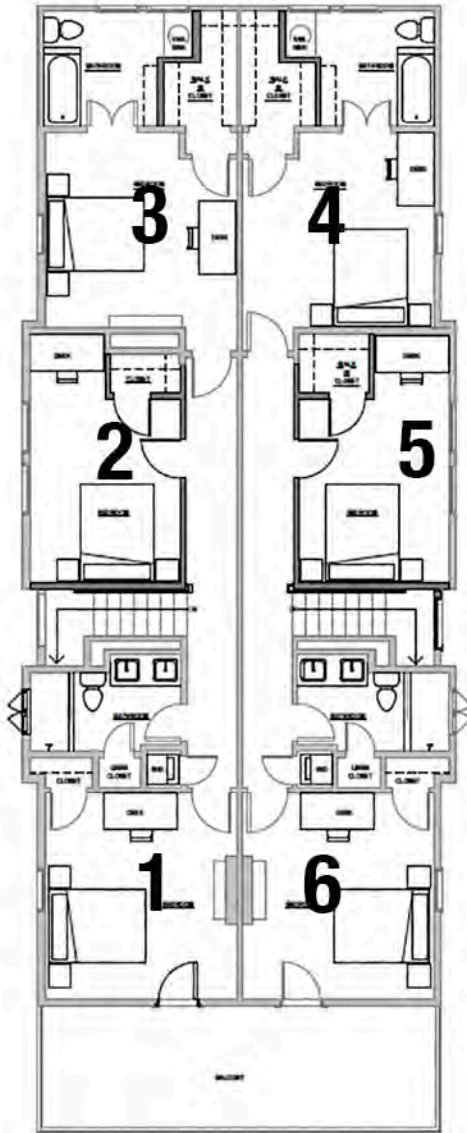
Prepared By:

Information Deemed Reliable, Not Verified or Guaranteed

Date: 12/24/2021 8:22 AM

PROPOSED 905-07 CHEROKEE-ROOM/BEDROOM COUNT

8 bedrooms/8 baths

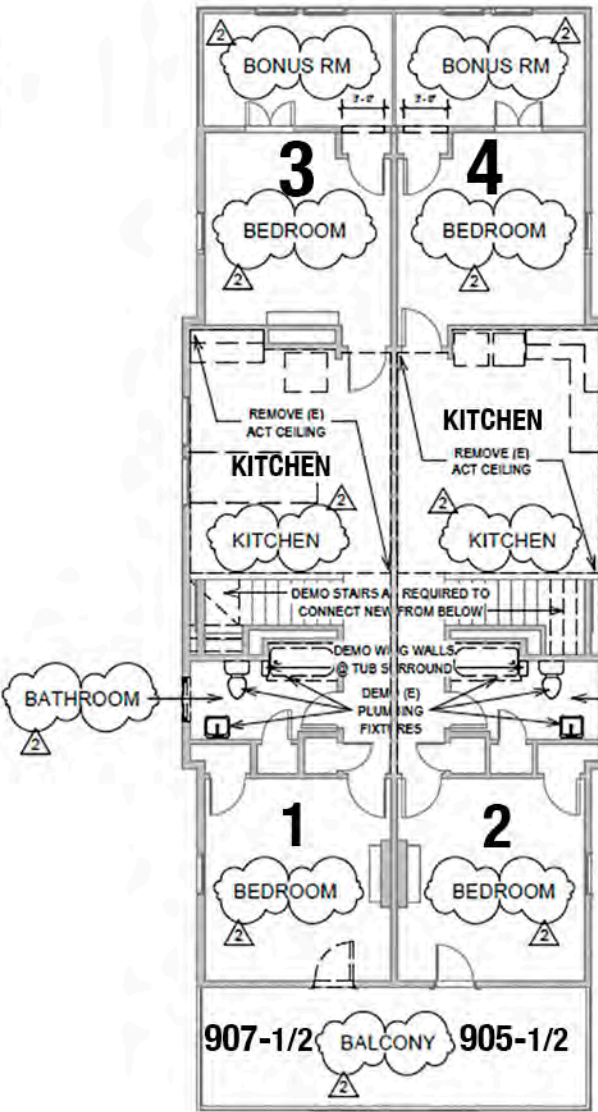


② LEVEL 2 - PROPOSED
1/8" = 1'-0"

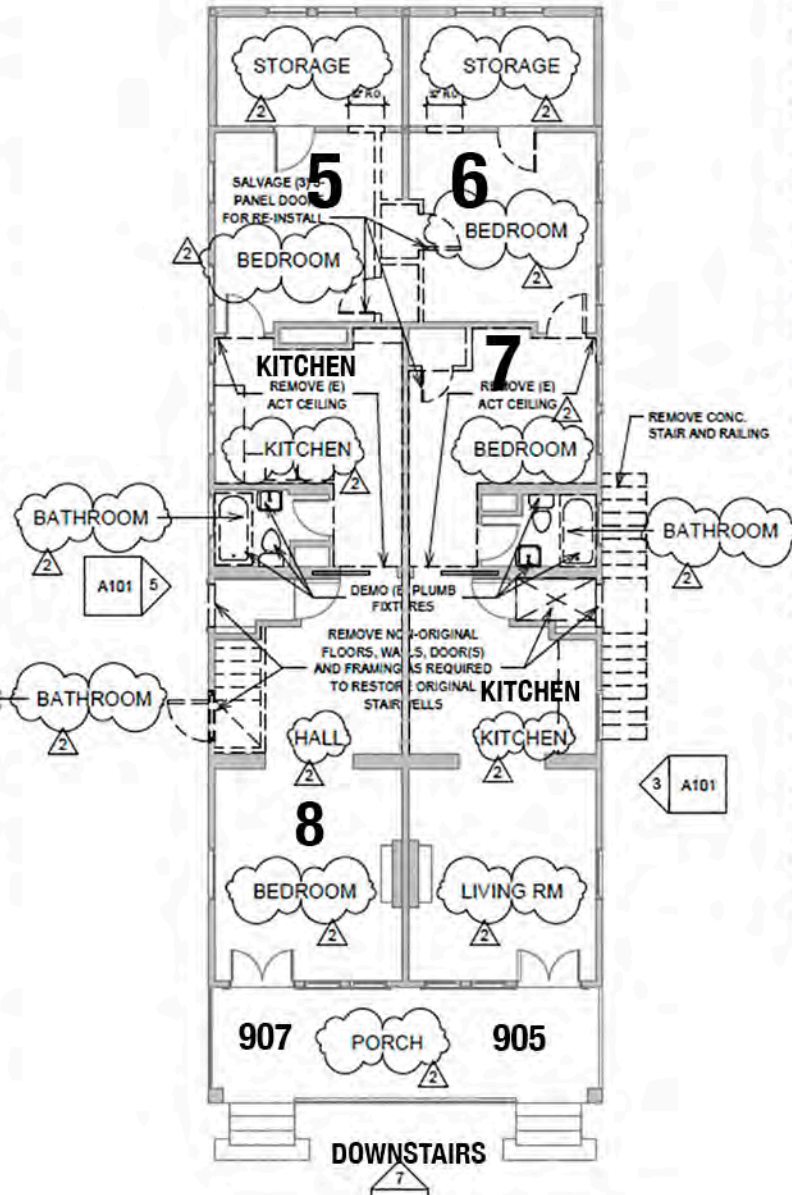
① LEVEL 1 - PROPOSED
1/8" = 1'-0"

CLAIMED EXISTING 905-07 CHEROKEE ROOM/BEDROOM COUNT

8 bedrooms/4 baths



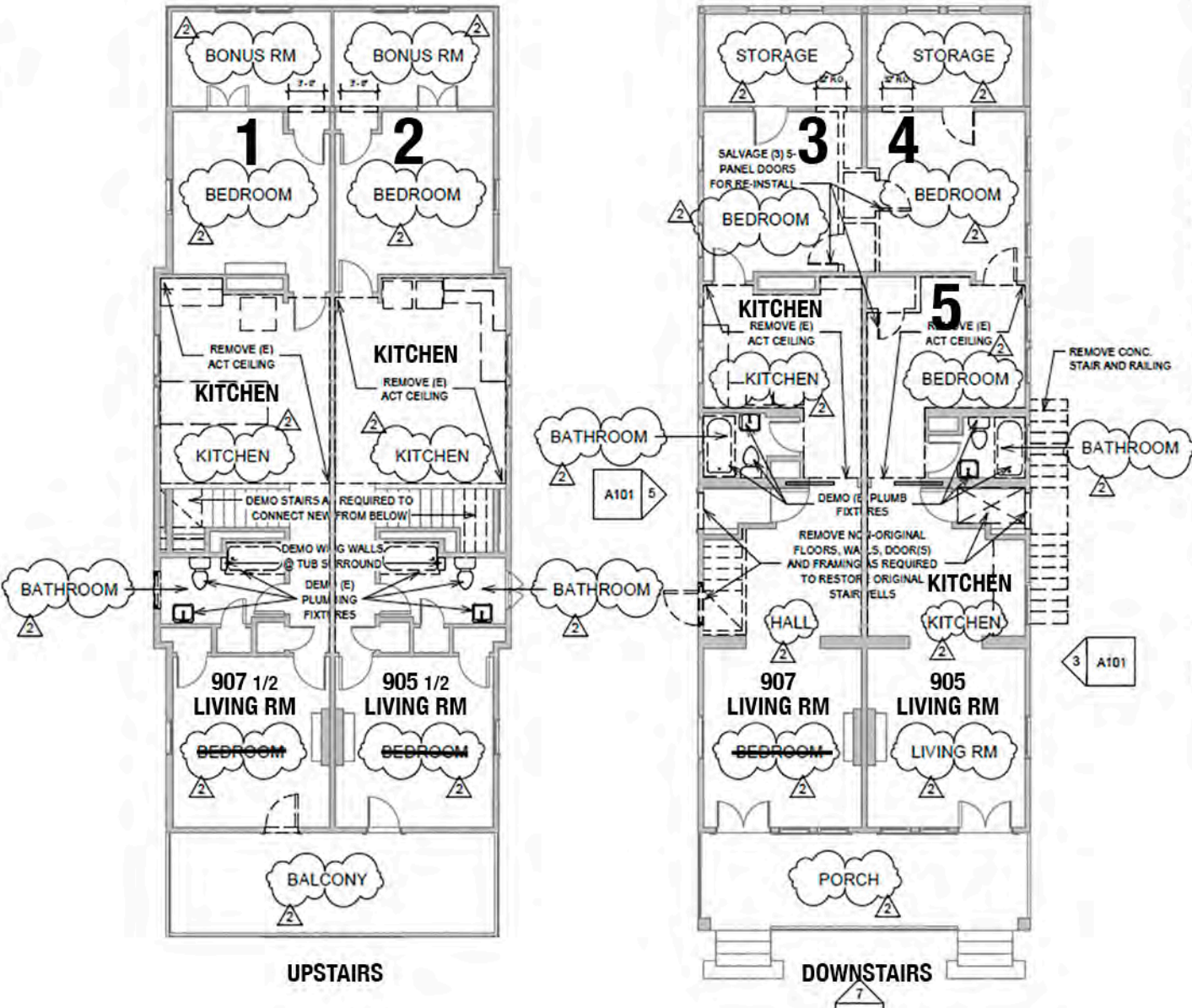
UPSTAIRS



DOWNSTAIRS

ACTUAL EXISTING 905-07 CHEROKEE ROOM/BEDROOM COUNT

5 bedrooms/4 baths





VERSION: JAN 9, 2023 (CURRENT)

DIVISION 5. - LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS—OCCUPIED PREMISES

Sec. 26-188. - Generally.

Sec. 26-189. - Light in habitable spaces.

Sec. 26-190. - Light in stairway and hallway.

Sec. 26-191. - Light in other spaces.

Sec. 26-192. - Ventilation in habitable spaces.

Sec. 26-193. - Ventilation of bathrooms and toilet rooms.

Sec. 26-194. - Process ventilation.

Sec. 26-195. - Minimum room width.

Sec. 26-196. - Minimum ceiling height.

Sec. 26-197. - Bedroom and living room requirements.

Sec. 26-198. - Prohibited occupancy.

Sec. 26-199. - Overcrowding.

Sec. 26-200. - Efficiency units.

DIVISION 6. - PLUMBING AND FIXTURE REQUIREMENTS—OCCUPIED PREMISES

DIVISION 7. - MECHANICAL AND ELECTRICAL REQUIREMENTS—OCCUPIED PREMISES

Sec. 26-197. - Bedroom and living room requirements.

Every bedroom and living room shall comply with the following requirements:

- (1) Every living room shall contain at least 120 square feet and every bedroom shall contain a minimum of 70 square feet, and every bedroom occupied by more than one person shall contain a minimum of 50 square feet of floor area for each occupant thereof.
(2) Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this article.

(M.C.S., Ord. No. 25454, § 1, 8-22-13, eff. 9-1-13)

Sec. 26-198. - Prohibited occupancy.

Kitchens and non-habitable spaces shall not be used for sleeping purposes.

(M.C.S., Ord. No. 25454, § 1, 8-22-13, eff. 9-1-13)

Sec. 26-199. - Overcrowding.

(a) Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements established in the table below:

EXPAND

Table with 4 columns: Space, 1-2 occupants, 3-5 occupants, 6 or more occupants. Rows include Living room, Dining room, and Bedrooms.

(b) The minimum occupancy area required by the table in subpart (a) of this section shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with section 26-197.

(c) Combined living room and dining room spaces shall comply with the requirements of the table in subpart (a) of this section if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

(M.C.S., Ord. No. 25454, § 1, 8-22-13, eff. 9-1-13)

Sec. 26-200. - Efficiency units.

Nothing in this article shall prohibit an efficiency living unit from meeting the following requirements:

- (a) A unit occupied by not more than one occupant shall have a minimum clear floor area of 120 square feet. A unit occupied by not more than two occupants shall have a minimum clear floor area of 220 square feet. A unit occupied by three occupants shall have a minimum clear floor area of 320 square feet. The



1 bd | 1 ba | -- sqft

907 Cherokee St, New Orleans, LA 70118

● **Off market** | Zestimate®: None ? | Rent Zestimate®: **\$1,200**

Est. refi payment: \$ -- [Refinance your loan](#)

[Home value](#) [Owner tools](#) [Home details](#) [Neighborhood details](#)

Overview

Note: This property is not currently for sale or for rent on Zillow. The description and property data below may've been provided by a third party, the homeowner or public records.

This lower one bedroom apartment is located close to the corner of Burthe and Cherokee Streets. The unit offers hardwood floors, a mantel in the living room, built-in shelving, large furnished kitchen with slide door, and access to a porch. Laundry facilities on-site and the water utility paid.

Facts and features

[Edit](#)

Type: Apartment

Cooling: Other

Heating: Forced air

Parking: Off-street

Interior details

Bedrooms and bathrooms

Bedrooms: 1

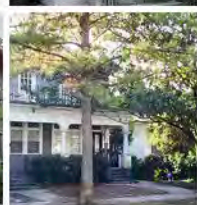
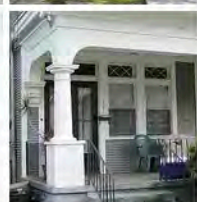
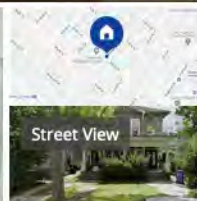
Bathrooms: 1

Heating

Heating features: Forced air

Cooling

Cooling features: Other



Your reference code is **P1TQ7U**

Application Summary

Type: Renovation (Non-Structural)
Location: 905 Cherokee St
Property Owner: K S R & Company
Description: Renovation of existing multi-family dwelling, convert to two-family residence.
Created By: publicwebcrm

Status Information

Name	Complete	Date
Application Submitted	Yes	10/14/2022
Zoning Review	Yes	11/23/2022
Application Review	Yes	11/23/2022
Plan Review	Yes	11/23/2022
Permit Approved	Yes	11/23/2022
Permit Issued	Yes	12/2/2022

Fees

Type	Amount	Paid
Building	\$1,320.00	Yes
Building Plan Review	\$252.00	Yes

Reviews

Division	Status	Reviewer
Zoning	Complete (11/23/2022)	Todd Breckman
Permit Intake	Complete (11/9/2022)	Rene A Metoyer
Plan Review	Complete (11/11/2022)	Deron C Lee
SWBNO Plumbing Riser	Approved (11/2/2022)	Michael A Evans

Review Comments

Division	Status	Comment
Permit Intake	Resolved	Permit Intake - Please provide a detailed construction contract signed by the current property owner and a licensed contractor registered with the Louisiana State License Board for Contractors. This contract needs to include the cost of all labor and all materials with a cost breakdown of the work to be done. Note: Contract must be signed and dated by Owner and Contractor with names printed under the signatures.
Permit Intake	Resolved	Permit Intake - Please upload your plumbing riser diagram as a PDF document. The SWBNO plumbing department will review your uploaded riser diagram.
Zoning	Resolved	This property is located within the University Area Off-street Parking Overlay District. Please verify compliance with

Details

Name	Value
Construction Value	251756
Existing Building Area (ft ²)	3814
Construction Type	Site Built
Number of Floors	2
New Construction/Addition Area(ft ²)	0
Existing Use	Multi-Family Dwelling (Three Units and Above)
Proposed Use	Two Family Dwelling
Foundation Type	Pier
Footprint >5,000 sq ft?	No
Site area > 1 Acre?	No
Total project sq ft > 40,000?	No
Will any portion of the sidewalk be repaired?	No
Expected Project Completion Date	5/1/2023
Commercial Short Term Rental	No
Total Number of Units	2
Number of Bedrooms	8
Number of Bathrooms	8.00
Kitchen Added	No
Number of Existing Electrical Meters	2
Number of new Electrical Meters	0
Number of Existing Gas Meters	2
Number of New Gas Meters	0
Parcel Tax Bill Numbers	716107302
Addresses	905 Cherokee St
Square	101
Is In Historic District	Yes
Is In Vieux Carré	No
Is In Neighborhood Conservation District	No
Subdivision	EAST CARROLLTON
Zoning	HU-RD2
Historic District Name	Carrollton
Does Structure Encroach / Overhang Sidewalk or Public ROW	No
Number of Bed Rooms per Dwelling	2 Bedroom
Current Number of Units	4
Current Rental Price	1,250.00
Number of Proposed New Units	0
Price of Proposed Units	0.00

		https://nolagov-my.sharepoint.com/:b/g/personal/claire_byun_nola_gov/EcgCpy1yYqIEvAj8Xcu-CZgBUGO9kugoLbb7FuwxEwGtCw?e=husp&id=husp&dwelling	Sale or Rent	N/A
			Bed Rooms in New Units	0.00
			Number of Bed Rooms	N/A, not a dwelling
		- Alternatively, if a hardship exists, you may seek a variance from the Board of Zoning Adjustments. Contact CPC for more information at cpcinfo@nola.gov or 504-658-7033. For application materials and approval criteria please see this link: https://www.nola.gov/onestop/building/planning-project/variances/	Current Number of Units	0
			Current Rental Price	0.00
			Number of Proposed New Units	2
			Price of Proposed Units	1,500.00
			Sale or Rent	Rent
			Bed Rooms in New Units	4.00

Plan Review Resolved

<p>Architectural Plans Require Stamp: One set of complete DIGITAL plans of the building which completely detail the work must be submitted with the digital stamped Seal of a Louisiana registered Architect or Civil Engineer as per Section R106.1 of the IRC 2015 ed. Please combine all drawings into a single PDF file.</p>
</p>

Inspections

Type	Date	Status
Residential Final C/O Inspection	Unscheduled	Unscheduled
Residential Final C/O Documents	Unscheduled	Unscheduled
Rough Framing	Unscheduled	Unscheduled

Inspection Correction Items

Contractors

Name	License
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MOTION

(AS AMENDED)

NO. M-22-449

CITY HALL: October 6, 2022

BY: COUNCILMEMBERS GIARRUSSO AND HARRIS

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the City Planning Commission is directed to conduct a public hearing to amend and reordain 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 Article 19 to re-establish the *University Area Off-Street Parking Interim Zoning District (IZD)*, the intent of which is to require off-street vehicular parking for any increase in the number of existing bedrooms, on all lots bounded by: Cecil Street, a straight line connecting Cecil Street to Monticello Avenue, Monticello Avenue, to Leake Avenue, to River Drive, to Riverview Drive, to East Drive, to Tchoupitoulas Street, turning north on Jefferson Avenue, turning east on South Claiborne Avenue, turning north on Toledano Street, connecting to Washington Avenue, turning east on Earhart Boulevard, turning north on South Carrollton Avenue, turning east on Tulane Avenue/Airline Highway connecting to Palmetto Street, to Northline Street, to Monticello Avenue, to Cecil Street; the off-street vehicular parking requirements shall be as follows:

1. Any increase in the number of existing “bedrooms” in a dwelling or dwelling unit, as determined by the Department of Safety and Permits, shall require one off-street parking space for each additional bedroom.
2. For purposes of this IZD, the one parking space per additional bedroom applies to:
 - a. new construction of any residential dwelling or dwelling unit. (For example, construction of a new dwelling with two bedrooms will require the creation of one, off-street parking space); or

- b. any substantial renovation of a residential dwelling or dwelling unit. (For example, an existing tri-plex (with no off-street parking) that is being renovated to create two additional bedrooms will require two off-street parking spaces).
 - c. For purposes of this IZD:
 - i. "Bedroom" shall be defined as an enclosed room that cannot be used for any other purpose such as a kitchen, bathroom, living room, or laundry room. Any room not explicitly labeled as a kitchen, bathroom, living room, or laundry room shall be counted as a bedroom.
 - ii. "Substantial renovation" shall be defined as the removal, erection, or reconfiguration of interior walls in a dwelling or dwelling unit to increase the number of existing bedrooms, as verified by the Department of Safety and Permits.
3. These increased parking requirements shall not be waivable. The applicable Exemptions and Flexibilities provided in Section 22.5 of the Comprehensive Zoning Ordinance shall not be applicable or available to dwellings and dwelling units within the boundaries of this IZD if the dwelling/dwelling unit is being substantially renovated or newly constructed as contemplated herein.
4. These increased parking requirements may be appealed to the City Council in accordance with applicable law.

BE IT FURTHER MOVED, That in accordance with Article 19, Section 19.3.C.4 of the Comprehensive Zoning Ordinance, all appropriate agencies of City Government shall not accept any applications for permits or license that are in conflict with the intent and provisions of the proposed *University Area Off-Street Parking Interim Zoning District* for the properties contained within the aforesaid area during consideration of this matter. Applications to appeal this Interim Zoning District shall be consistent with the application and approval procedures provided in Article 4, and all applicable notice and hearing procedures provided in Article 3 of the Comprehensive Zoning Ordinance, as amended, shall be complied with.

BE IT FURTHER MOVED, That in the process of reviewing this request the City Planning Commission staff is directed and granted the flexibility to make all appropriate changes to the proposed regulations and any existing corresponding regulations in the Comprehensive Zoning Ordinance, as amended, to establish consistency and continuity with the format of the existing zoning code, to add references wherever references are customary, needed, and/or appropriate, to make the appropriate adjustments to clarify any ambiguities or mistakes, and to make adjustments deemed necessary in light of public testimony resulting from this review.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:

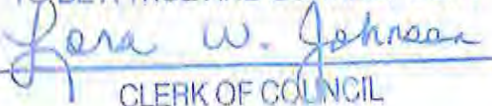
YEAS: Giarrusso, Green, Harris, King, Morrell, Thomas - 6

NAYS: 0

ABSENT: Moreno - 1

AND THE MOTION WAS ADOPTED.

O:\D\CS\NAOMI\COUNCIL\ROLL CALL\2022\M-22-449.docx

THE FOREGOING IS CERTIFIED
TO BE A TRUE AND CORRECT COPY

CLERK OF COUNCIL

NEW ORLEANS COMPREHENSIVE ZONING ORDINANCE

Printed: 1/8/2023 6:51:29 PM

18.30 UNIVERSITY AREA OFF-STREET PARKING OVERLAY DISTRICT

18.30.A APPLICABILITY

Properties in the area generally bounded by: Cecil Street, a straight line connecting Cecil Street to Monticello Avenue, Monticello Avenue, to Leake Avenue, to River Drive, to Riverview Drive, to East Drive, to Tchoupitoulas Street, turning north on Nashville Avenue, turning west on South Claiborne Avenue, connecting to South Carrollton Avenue, turning east on Tulane Avenue/Airline Highway connecting to Palmetto Street, to Northline Street, to Monticello, to Cecil Street. Within this are, only properties zoned HU-RS Historic Urban Single-Family Residential, HU-RD1 Historic Urban Two-Family Residential, HU-RD2 Historic Urban Two-Family Residential, HU-RM1 Historic Urban Multi-Family Residential and HU-RM2 Historic Urban Multi-Family Residential Districts are subject to the University Area Off-Street Parking Overlay District's requirements.

Adopted by Ord. 28848 MCS, 11-18-21, ZD 44/21

18.30.B OFF-STREET PARKING REQUIREMENTS

The university area off-street parking overlay requirements are as follows:

1. One (1) off-street parking space is required per new bedroom. "Bedroom" shall be defined as an enclosed room that cannot be used for any other purpose such as a kitchen, bathroom, dining room, living room, or laundry room. Any room not explicitly labeled as a kitchen, bathroom, dining room, living room, or laundry room shall be counted as a bedroom.
2. This off-street parking requirement shall apply to new construction, and any renovations of existing structures that result in an increase in existing bedrooms or bathrooms, as determined by the Department of Safety and Permits.
3. This off-street parking requirement shall not apply to new construction dwelling units with four (4) or fewer bedrooms, or renovations of existing dwelling units where the total number of bedrooms is four (4) or fewer as determined by the Department of Safety and Permits.
4. This off-street parking requirement shall not apply to any new construction dwelling units where the total number of full bathrooms is less than three (3) per dwelling unit, or renovations of existing dwelling units where the total number of full bathrooms is less than three (3), as determined by the Department of Safety and Permits.
5. "Full Bathroom" shall be defined as an enclosed room with plumbing for a sink, toilet, and bathtub and/or shower. "Half Bathroom" shall be defined as an enclosed room with plumbing for a sink and toilet.
6. This off-street parking requirement shall only apply to properties zoned HU-RD1, HURD2, HU-RS, HU-RM1, and HU-RM2 as determined by the City Planning Commission and the Department of Safety and Permits.
7. All residentially-zoned properties with a homestead exemption shall be exempt from this overlay.
8. This off-street parking requirement shall not apply to any residential Affordable Housing development, as determined by the Department of Safety & Permits, that meets the following criteria:
 - a. Any affordable housing development must set aside 50% of all units at 60% AMI or below.
 - b. Each affordable unit must have an affordability period of 20 years.
 - c. Any affordable housing development must have a covenant or deed restriction limiting the future sales price of each affordable unit to the initial sales price plus 5% for the entire 20-year affordability period. This covenant or deed restriction must be disclosed to prospective buyers.
9. Each additional parking space, as required by this overlay, must be a permeable surface as defined in Section 26.6 in the Comprehensive Zoning Ordinance.

10. Waivers of these off-street parking requirements restrictions may be considered by the Board of Zoning Adjustments.

Adopted by Ord. 28848 MCS, 11-18-21, ZD 44/21