

**MOTION**

**NO. M-23-471**

**CITY HALL: October 5, 2023**

**BY: COUNCILMEMBER GIARRUSSO**

**SECONDED BY:**

**BE IT MOVED BY THE CITY COUNCIL OF THE CITY OF NEW ORLEANS,**

That the report and **recommendation of denial** of the City Planning Commission on **ZONING DOCKET 45/23 – CITY COUNCIL MOTION NO. M-23-162** – Requesting an amendment to Article 18, Section 18.30, *University Area Off-Street Parking Overlay District*, the intent of which is to require off-street vehicular parking for certain increases in the number of existing bedrooms and bathrooms, (i) to expand the area of applicability to include additional neighborhoods, including parts of neighborhoods bounded by Front Street, Jefferson Avenue, South Claiborne Avenue, Toledano Street, Earhart Boulevard and South Carrollton Avenue; (ii) redefine “bedroom” to include a window or a door that opens to a space other than another sleeping room, bathroom or toilet room, and require that every shared bedroom be at least 50 sq. ft. for each occupant; (iii) lower the threshold for off-street parking requirement for new construction or renovations from four bedrooms and three bathrooms to three bedrooms and two bathrooms; (iv) redefine “full bathroom” to include a bathtub and/or shower; (v) require new construction or renovation to include a common room which cannot be a bedroom; (vi) require that new parking spaces be a minimum of 8 ½ feet wide by 18 feet long; (vii) prohibit tandem parking; (viii) recognize possible shared parking arrangements between adjacent lots; and (ix) prohibit the raising of structures to accommodate off-street parking, for all properties located in the area generally bounded by Cecil Street to Monticello Avenue, Monticello Avenue, to Leake Avenue, to River

Drive, to Riverview Drive, to East Drive, to Tchoupitoulas Street, turning south on State Street, turning east on Front Street, turning north on Nashville Avenue, turning east on Tchoupitoulas, turning north on Jefferson Avenue, turning east on South Claiborne Avenue, turning north on Toledano Street, connecting to Washington Avenue, turning west on Earhart Boulevard, turning north on South Carrollton Avenue, turning west on Tulane Avenue/Airline Highway connecting to Palmetto Street, to Northline Street, to Monticello, to Cecil Street, is hereby **overruled**. Accordingly, the Applicant's request is **granted**, and the amendment to the Comprehensive Zoning Ordinance is as described in Part II.D of the City Planning Commission's Staff's report, modified as follows:

#### **Article 18 – Overlay Zoning Districts**

##### **18.2.Z Purpose of the University Area Off-Street Parking Overlay District**

The purpose of the University Area Off-Street Parking Overlay District is to **preserve the neighborhoods' residential character, existing housing types, and levels of affordability, and limiting the conversion of existing affordable, market-rate, long-term housing units for full-time residents into high market-rate housing units for exclusive short-term use, by requiring** ~~require~~ off-street vehicular parking for any increase in the number of bedrooms, for all properties located in the area generally bounded by: Cecil Street to Monticello Avenue, Monticello Avenue, to Leake Avenue, to River Drive, to Riverview Drive, to East Drive, to Tchoupitoulas Street, turning south on State Street, turning east on Front Street, turning north on Nashville Avenue, turning east on Tchoupitoulas, turning north on Jefferson Avenue, turning east on South Claiborne Avenue, turning north on Toledano Street, connecting to Washington Avenue, turning west on Earhart Boulevard, turning north on South Carrollton Avenue, turning west 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.

\* \* \*

### **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 ~~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.~~ **enclosed private room that includes an operable window and a door that opens to a space other than another bedroom, bathroom, half-bath or toilet room.**
  - a. **A bedroom shall be considered an "existing bedroom" if the bedroom has historically been used as such and meets all bedroom requirements contained within this section, as determined by the Department of Safety and Permits. When there is contradictory or conflicting evidence, ambiguity and/or confusion as to the number of existing bedrooms, the question of the number of existing bedrooms shall be resolved in favor of the more restrictive interpretation and regulation.**
  - b. **A "proposed new additional bedroom" is any enclosed private room shown on plans for new construction and proposed renovations, that is not an existing**

bedroom, that is not a kitchen or bath, and that is not a non-enclosed area such as a common room or pass-through room as described within this section. All enclosed private rooms shown on any proposed plans are presumed to be bedrooms.

- c. Every existing bedroom and proposed new additional bedroom in a dwelling unit must be an enclosed private room and must not be a non-enclosed common room or pass-through room. A pass-through room is a space or room with multiple doors that is primarily used for passage from one room or space to another in a dwelling unit.
- d. Every existing bedroom and proposed new additional bedroom in a dwelling unit shall contain a minimum of seventy (70) square feet of floor area, and every bedroom intended for occupancy by more than one person shall contain a minimum of fifty (50) square feet of floor area per occupant.
- e. In the case of shotgun-style dwelling units with pass-through rooms, for purposes of this ordinance and calculating the required off-street parking spaces, the number of existing and proposed new additional bedrooms shall be the number of rooms remaining after excluding a common room, a kitchen, and bathrooms.
- f. All restrictions, limitations and requirements contained in this overlay, including but not limited to those concerning existing and proposed new additional bedrooms in a dwelling unit, are in addition to restrictions, rules and requirements provided for elsewhere in the CZO, the City Code, the Building Code, Louisiana Law or any other applicable law or ordinance.

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, as determined by the Department of Safety and Permits.
  - a. All structural renovation permit applications within the boundaries of this overlay that include alterations or additions to the structure's footprint shall include a recent survey of the property that shows all structures, fences, setbacks, and any existing nonconformities.
3. This off-street parking requirement shall not apply to new construction dwelling units with ~~four (4)~~ three (3) or fewer bedrooms, or renovations of existing dwelling units where the total number of bedrooms is ~~four (4)~~ three (3) or fewer 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.~~ Any increase in bathrooms where the total number is more than two full and one half (2.5) per dwelling unit shall be prohibited in this overlay, 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~~ a bathtub and/or shower. “Half Bathroom” shall be defined as an enclosed room with plumbing for a sink and toilet.
6. All new construction dwelling units or renovations to existing structures must include a non-enclosed common room or area containing a minimum of 120 square feet which

**cannot be used as a bedroom; or a minimum of 200 square feet if the non-enclosed common room includes a kitchen.**

- a. **A common room is any non-enclosed room or space that is primarily used for non-private or communal purposes, including but not limited to living rooms and dining rooms, and any pass-through rooms used for transiting from one room to another. A non-enclosed common room or pass-through room shall not be a bedroom, and an enclosed private room shall not be a common room or pass-through room.**
7. This off-street parking requirement shall only apply to properties zoned HU-RD1, HU-RD2, HU-RS, HU-RM1, and HU-RM2 as determined by the City Planning Commission and the Department of Safety and Permits.
8. All residentially-zoned properties with a homestead exemption shall be exempt from this overlay.
9. 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.

10. 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 under Permeable Paving.
11. Each additional parking space, as required by this overlay, must be a minimum of 8½ feet wide by 18 feet long, and be otherwise compliant with all requirements in Section 22.11.D of the Comprehensive Zoning Ordinance.
12. Tandem parking is prohibited and shall not be counted toward existing or required new additional parking spaces.
13. New construction dwelling units and renovations to existing structures shall not be raised to accommodate required off-street parking underneath the structures.
14. Waivers of these off-street parking requirements and restrictions may be considered by the Board of Zoning Adjustments.
15. Consistent with the stated purpose of preserving the neighborhoods' residential character, existing housing types, and levels of affordability and limiting the conversion of existing housing into short-term housing, the Department of Safety and Permits, when applying this overlay, shall not be bound by the characterizations contained on submitted plans when calculating the number of bedrooms and bathrooms and shall scrutinize unusually large spaces designated as halls, closets, and other non-private, common rooms to ensure that the purposes of the overlay are not frustrated.
16. Should any section, paragraph, sentence, clause, phrase or word of this overlay be declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining words, phrases,

clauses, sentences, or paragraphs of this overlay, as they would have been enacted by the City Council without the incorporation of any such invalid or unconstitutional word, phrase, clause, sentence, or paragraph.

- 17. This overlay shall be reconsidered in 2026 provided that the City Council has not otherwise initiated a zoning text amendment as permitted by Section 18.1.A and in accordance with the process in Section 4.2.**

**BE IT FURTHER MOVED,** That the Clerk of Council shall forward copies of this motion and the report of the City Planning Commission to the City Attorney's Office for preparation of an ordinance to effectuate this request.

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

**YEAS:**

**NAYS:**

**ABSENT:**

**AND THE MOTION WAS ADOPTED**