

City Planning Commission
Preliminary Staff Report
Tuesday, October 28, 2025

Zoning Docket 049/25

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Date: October 21, 2025

Deadline for CPC action: 11/8/2025

CC Deadline: 60 Days from Receipt

City Council District: All

Applicant: City Council Motion No. M-25-380

Request: Amendment to the text of Articles 1, 2, 3, 4, 19, and 26 of the Comprehensive Zoning Ordinance in order to streamline administrative processes, clarify unclear provisions, codify evolving practices, and consider the amendments included in Exhibit A, attached to City Council Motion No. M-25-280

Description

The City Council initiated this matter to allow for relatively minor, technical changes to the administrative articles of the zoning ordinance. In using the ordinance, the staffs of City Planning Commission, City Council, and the Department of Safety and Permits have identified a number of regulations that are unworkable, unclear, or ineffective. In some cases, regulations have interpretation by the Department of Safety and Permits' Zoning Division, which is charged interpreting and applying the regulations, in order for the regulations to be used. This amendment would address those interpretations, sometimes codifying the interpretations and sometimes making the regulation clear in a way that deviates from the interpretation.

Attached to the Council motion is an exhibit that includes a number of suggested amendments to Articles 1, 2, 3, 4, 19, and 26. These are intended not to be an exhaustive list of all potential amendments to the articles. They are included because there is specific language proposed by the Council motion for those matters, but the Council motion also empowers the City Planning Commission to suggest additional amendments to accomplish the general purpose of streamlining the regulations.

In this report, each item is identified as being included in the attachment to M-25-380 or as not being included in that attachment and being suggested by the staff.

Each of the articles affected by this text amendment—Articles 1, 2, 3, 4, 19, and 26—has a distinction purpose. They are briefly summarized below, along with the themes of the proposed amendments.

Article 1 – Title Purpose Intent & Application – *No proposed amendments*

Article 1 officially establishes the Comprehensive Zoning Ordinance as the legal framework for land use across New Orleans. The article sets broad objectives such as promoting public health, safety, and welfare,

supporting efficient development, preserving neighborhood character, and promoting sustainability and resilience. It establishes zoning districts that regulate land use, height, density, yard sizes, open space, and the arrangement of buildings.

- Provides for the purpose of the CZO
- Provides regulations for when new laws go into effect; for example, when there's a city-wide zoning change that nullifies a prior conditional use on a property.

Article 2 – Ordinance Administrators – *No proposed amendments*

Article 2 details the roles, powers, and responsibilities of the boards, commissions, and officials who administer the Zoning Ordinance. It designates which bodies grant approvals and issue decisions on land use matters and amendments. The City Council has final authority over amendments to the zoning map and text, conditional use, and planned development applications, while the City Planning Commission gives recommendations on those matters. The Board of Zoning Adjustments handles appeals, variances, and determinations of errors in enforcement. The Design Advisory Committee reviews development plan and design applications. The Director of the Department of Safety and Permits has authority to issue permits, conduct inspections, and enforce compliance. Historic districts have additional oversight by commissions such as the Vieux Carré Commission, which regulates exterior changes in the French Quarter but not building use.

- Outlines the specific power of the different boards, commissions and officials as they relate to the CZO.
 - City Council
 - City Planning Commission
 - Board of Zoning Adjustments
 - Design Advisory Committee (DAC)
 - Executive Director of the City Planning Commission
 - Director of the Department of Safety and Permits
 - Vieux Carre Commission
 - Historic District Landmarks Commission

Article 3 – Administrative Procedures – *2 proposed amendments*

Article 3 outlines the step-by-step procedures for nearly every type of zoning application—text or map amendments, conditional uses, variances, developments, and appeals. It specifies which city officials accept applications, what information and documents are required, and the standards for completeness. Public participation is ensured through notification procedures, including mailed, posted, and published notices for hearings. The article establishes timelines for application processing, withdrawal, and resubmittal. It further details applicant withdrawal rights and limits the frequency of reapplication after denials, unless substantial new evidence is provided. The public hearing process is clearly described, from place and time to required notifications, and any technical error in notification does not invalidate a council action as long as the applicant received adequate notice.

- Outlines the general application, notice and public hearing procedures for the applications and approvals found within the CZO.
 - The section details the submittal of application process (completeness reviews), fees involved with the application and the resubmittal procedures of withdrawn or denied applications.
 - Details the NPP process and posted notice requirements

Proposed amendments:

- Refine the NPP regulations to be easier for the public to understand

- Make a legal requirement for the existing NoticeMe public notice system
- Create limitations on zoning appeal re-applications that are consistent with limitations on other re-applications

Article 4 – Applications and Approvals – *Approximately 71 proposed amendments*

Article 4 of the New Orleans Comprehensive Zoning Ordinance provides a detailed structure for how zoning requests, amendments, conditional uses, and planned developments are reviewed and approved in the city.

Article 4 delineates the types of applications covered, including zoning text amendments, zoning map amendments, conditional uses, and planned developments. It emphasizes compliance with the Master Plan and consistent evaluation of each application against established citywide standards. All applications must undergo the Neighborhood Participation Program (NPP), which mandates public notification and input opportunities prior to formal hearings. Applicants must submit detailed documentation specifying the purpose, existing conditions, and proposed changes.

This section details the purpose, initiation, authority, procedure, approval standards, appeal process and provides a charted diagram for the following projects:

- Conditional uses
- Zoning Text and Map Amendments
- Planned Developments
- Development plan and Design Review
- Variances
- The section also details the procedure of
 - Minor map adjustments
 - Zoning appeals
 - Zoning verifications
 - Interpretations
 - Sign permits; and
 - Campus development plans

Proposed Amendments:

- Enhance public notice of decisions and appeal rights
- Create a process for regular CZO updates
- Makes minor technical amendments to improve CZO language around the City Council consideration of a zoning ordinance
- Eliminate unnecessary administrative barriers
- Improve approval standards for zoning applications
- Improve notice and content of waivers and provisos
- Codifies interpretations that have been made by the Department of Safety and Permits
- Clarify CPC design review requirement and processes
- Rectify inconsistencies with the language used for changes to approved plans that may be allowed by CPC staff, City Planning Commission, or City Council
- Clarify the variance process
- Make updates to fulfill the administration of the zoning ordinance

Article 19 – Temporary Prohibitions – 1 *proposed amendment*

Article 19 outlines the purpose and process of establishing temporary zoning prohibitions, which can take the form of Interim Zoning Districts or moratoria.

Proposed Amendment:

- State that Neighborhood Participation Program pre-application meetings are not required for text amendments creating an Interim Zoning District or moratorium.

Article 26 – Definitions – No *proposed amendments*

Reason for Commission Review

The City Planning Commission is required to make a recommendation on all amendments to the text of the Comprehensive Zoning Ordinance prior to City Council action, in accordance with **Article 4, Section 4.2.D.3 Action by City Planning Commission** of the Comprehensive Zoning Ordinance.

Analysis

Reason for text amendment

Over more than a decade of using the current zoning ordinance, the staffs of the City Planning Commission, City Council, and Department of Safety and Permits have identified many regulations throughout the ordinance that would benefit from revisions to make the regulations clearer, more workable, and improve their content. Many of the regulations that most urgently need to be revisited are contained within Articles 1 through 4, 19, and 26.

The City Council Motion requests that the City Planning Commission revisit these regulation to address their deficiencies. The motion has a broad scope. It includes a list of suggested revisions, which are included Exhibit A to M-25-380, that are included for review, but it also empowers the City Planning Commission to identify other revisions that are needed to achieve the purpose of the motion.

Existing Regulations and Changes Proposed by Applicant

The below sections discuss each proposed modification. Please note that the text included in strikethrough and bold, underlined text is the text recommended by the City Planning Commission staff. For items with proposed language in the attachment to the Council motion, only the language recommended by CPC staff is shown in formatted text. In some instances, the staff-recommended language is the same as what is in the motion; in others, the staff recommends different language from what is in the Council motion.

Article 3

What is the Article/Section for proposed amendment?

Article 3, Section 3.2.E.1

What is the problem that needs to be addressed?

The Comprehensive Zoning Ordinance mandates a two-year waiting period before any denied zoning text or map amendment, conditional use, planned development, or variance application can be resubmitted.

Without such a waiting period, the City Planning Commission, Board of Zoning Adjustments, and staff could be subjected to repeatedly reviewing the same request within short periods of time. Unless there is substantial new evidence, or a significant mistake of law or fact affected the prior denial, the recommendation/decision would remain the same. This provision reduces unnecessary administrative burdens for staff and the waste of City resources.

Zoning appeals are one application type not included in this provision. There have been instances in which applicants have submitted zoning appeals (e.g., appealing the Department of Safety and Permits' zoning review comment on a building permit application) to the Board of Zoning Adjustments and been denied, only to later submit another appeal application (e.g., appealing the building permit issuance) citing the same argument they raised in the first appeal. As noted above, this is an unnecessary use of City resources, only to rehash something that had been previously denied, which is why zoning appeals should have the same two-year waiting period.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

This item is not included in the attachment to Council Motion M-25-380 and is suggested by the staff under the authority granted to the City Planning Commission by the motion. The staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

3.2.E Resubmittal of Denied Applications

1. An application for a zoning text or map amendment, conditional use, planned development, ~~or variance,~~ **or zoning appeal** that has been denied will not be reviewed or heard within two (2) years of the date of denial unless substantial new evidence is available or a significant mistake of law or of fact affected the prior denial. The official charged with receiving applications in Table 3-1 shall decide whether the subsequent application is appropriate for resubmittal before expiration of the two (2) year wait requirement.

What is the benefit of the proposed amendment?

The proposed amendment would align zoning appeals with other application types that prohibit resubmittal of the same request within a two-year period. As noted, this would reduce unnecessary administrative burdens and use of City resources. This would not preclude an applicant from resubmitting

a denied application in cases where substantial new evidence becomes available or a significant mistake of law or fact affected the prior denial.

Article 3

What is the Article/Section for proposed amendment?

Article 3, Section 3.5 (new section)

What is the problem that needs to be addressed?

In the years that the requirement for a pre-application Neighborhood Participation Program has been in place, the staff has consistently heard feedback from applicants as to how difficult the process is for applicants to understand and navigate. Much of this difficulty stems from the fact that the meeting and notification requirements are cumbersome and overcomplicated, and the language explaining how to fulfill them is unclear.

For example, the regulations list a series of requirements, but do not indicate the order in which the actions must be taken. Second, the process requires an applicant to draft their own public notice letter, but makes the technical requirements of the notice so daunting and unclear that many applicants struggle to understand how to fulfill them. Oftentimes, these public notice letters are rejected based on a technical deficiency, such as a missing citation, even when the letters are effective in providing actual notice of the application. Third, the NPP requirements vary slightly across different types of zoning applications even when there is no need for different requirements, creating unnecessary confusion for applicants submitting NPPs for multiple application types.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

The Council motion proposing consolidating all of the existing Neighborhood Participation Program regulations in Article 4, Sections 4.2.D.2, 4.3.D.2, 4.4.E.2, and 4.6.D.2 into an entirely new section, Article 3, Section 3.5. The new section would clearly outline the steps that must be taken to hold an NPP and the sequence in which they must occur.

3.5 Neighborhood Participation Plans

3.5.A. Purpose.

Pursuant to Sec. 5-411 of the City Charter, the Neighborhood Participation Plan (NPP) is intended to provide timely initial notification to a neighborhood of any proposed land use action affecting the neighborhood and provide the opportunity for meaningful neighborhood review of and comment on such proposals.

3.5.B. Applicability.

NPPs are required for the following types of applications:

- 1. Zoning Text and Map Amendments**
- 2. Conditional Uses**
- 3. Planned Developments**
- 4. Variances (except variances for single- and two-family residences)**
- 5. Major Subdivisions**

NPPs are also required for changes to the Master Plan. These Master Plan NPPs shall be facilitated by the City Planning Commission staff and are not subject to the procedural rules of this Section.

3.5.C. NPP Procedure.

1. Applicants begin the NPP process by applying with the CPC staff, who will provide a list of required parties to be noticed.

2. Applicants must provide CPC staff with a copy of the NPP meeting notice.

3. Applicants must send the required notice to all parties listed by CPC staff. Proof of actual delivery is not required. For notice sent through the U.S. mail, an attestation of mailing alongside a copy of the notice is sufficient. For notice sent through e-mail, a copy of the email including addresses the email was sent to with the notice embedded in the body or attached as a pdf is sufficient.

4. Applicants must hold the required NPP meeting at the date, time, and location included in the notice, and must keep the necessary records for submission of the NPP Report. If the NPP meeting is rescheduled, notice of the rescheduling must be sent by the same means as the original notice.

5. Applicants must submit the NPP Report as part of their application for a zoning text or map amendment, conditional use, planned development, major subdivision or variance. This application will not be considered complete until a satisfactory NPP Report has been received by CPC staff.

3.5.D. Parties to Receive Notice.

1. Applications affecting up to one city square or its equivalent must provide notice to all property owners (as indicated in the records of the Orleans Parish Assessor's Office) and residents within 300 feet of the property lines of the subject property. However, if the subject property is twenty-five thousand (25,000) square feet or more in area or the subject development is twenty-five thousand (25,000) square feet or more in floor area, such notice shall be provided to all owners and residents of properties within six-hundred (600) feet of the property lines of the subject property.

Notice shall also be provided to any neighborhood associations registered with the city representing the area encompassing the city square. CPC staff will, upon application, provide a list of these properties as well as relevant neighborhood associations and their designated contact information. Notice to neighboring properties must be sent by U.S. Mail or hand-delivered, while notice to neighborhood associations registered with the city and notice to the City Planning Commission must be sent by e-mail. Notice to other interested parties may be sent through the City's electronic notification system.

2. Applications affecting more than one city square or its equivalent must provide notice to all neighborhood associations registered with the city by e-mail.

3.5.E. Contents of Required Notice.

Notice of the NPP must include the following information, at a minimum:

1. The date, time, and location of a meeting to be held to receive review and comment on the proposal. NPPs affecting more than one city square or its equivalent may hold their meeting virtually, through a commercially accepted virtual meeting service, such as Zoom, Teams, or WebEx. Virtual meetings must have the option for participants to call in without requiring video services. The meeting must be held within 14-30 days of mailing or emailing of the required notice.

2. A brief description of the proposal:

- a. Map amendment applications shall include the type of land use request, the name of the existing and proposed zoning district, and the article of the Comprehensive Zoning Ordinance for the proposed zoning district. Map amendment applications shall also include an outlined area map.
- b. Text amendment applications shall include the citation and existing language of the Comprehensive Zoning Ordinance, if applicable, the proposed changes or additions to the language of the Comprehensive Zoning Ordinance and which zoning district(s) the amendment would affect, or a statement that the changes would be effective citywide.
- c. Conditional use applications shall include a brief description of the proposal, including the type of land use request, and known needed variances
- d. Planned development applications shall include a brief description of the proposal, including known needed variances.,
- e. Variance applications shall include a brief description of the proposal, including known needed variances.
- f. Major subdivision applications shall include a description of how the lots are being subdivided (ex: Resubdivision of Lot(s) x into Lot(s) y)
- g. All parties should recognize that the proposal may change as part of the usual review process and that failure to notice every possible permutation of the proposal shall not render the NPP insufficient.

6. Contact information for the applicants, including at a minimum a telephone number and email address, so that parties who may not attend the NPP meeting due to time constraints can participate in the process.

3.5.F. NPP Meeting.

1. NPP meetings must be held in generally accessible public locations at reasonable times and should be sufficiently large to accommodate all attendees.

2. Virtual NPP meetings may require pre-registration to facilitate a “webinar” style presentation with the ability to mute participants, provided that there is a dedicated period of time for participants to provide comment with the technical ability for them to do so.

3. Meetings may end at a specified time, even if all participants have not yet had a chance to speak, provided that there is at least 30 minutes provided for public comment and that the set end time is included in the notice for the NPP.

3.5.G. NPP Report.

The applicant shall submit a Project NPP report with the application. The report shall provide the following information:

1. The names of the individuals and entities that were notified.

2. A list of the concerns, issues, and problems expressed by the participants.

3. A statement as to how each concern, issue, and problem is addressed and how the applicant intends to continue to address them. If the concern, issue, or problem is not being addressed, the applicant should state the reasons.

4. Copies of emails, letters, communications affidavits, meeting invitations, newsletters, publications, and petitions requesting additional information related to the project, received in support of or in opposition to the proposed project, and any other materials pertaining to the notification process.

5. The date, time, and location of all meetings held with interested parties, or a statement

indicating the reasons if no meeting was held. No information pertaining to any meeting held more than one hundred eighty (180) days prior to the submittal of the application shall be accepted as part of the Project NPP report, except where subsequent meetings with interested parties have occurred within the one hundred eighty (180) days preceding the submittal of the Project NPP report.

6. A completed sign-in sheet that includes the names, addresses, and contact information for meeting attendees. A list of participants prepared by the virtual meeting service is acceptable for virtual meetings.

In addition to creating Section 3.5 containing this language, Sections 4.2.D.2, 4.3.D.2, 4.4.E.2, and 4.6.D.2, which contain the current NPP regulations, would be deleted.

What is the benefit of the proposed amendment?

The problems with the existing NPP regulations would be solved by starting from scratch with a fresh set of regulations. These regulations would not change the real substance of the NPP process, but would make it easier to understand the process and fulfill its requirements. The steps of the NPP process should be listed in the order that they are to be performed. Instructions on how to fulfill each step should be detailed, clear, and there should be no unnecessary requirements. The regulation should be consolidated into a single section of the zoning ordinance, rather than being restated in slightly different form in multiple sections.

These revisions would help ensure that the NPP process is effective in fulfilling its true purpose of encouraging real, meaningful community engagement, rather than being perceived simply as a burdensome part of the application process.

Article 3

What is the Article/Section for proposed amendment?

Article 3, Section 3.6 (new section)

What is the problem that needs to be addressed?

The Comprehensive Zoning Ordinance does not codify the requirement to electronically notice interested parties for land-use projects.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 does not provide specific language to complete the amendment; therefore, staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

3.6 Electronic Notification System.

CPC staff will maintain an electronic notification system capable of providing notice of all land use actions specified in the Comprehensive Zoning Ordinance to interested parties. This system may require participants to sign up and to indicate which notices they are interested in receiving. The City's NoticeMe system shall be deemed to fulfill this requirement, or the CPC may designate an alternative system if NoticeMe becomes unavailable for a considerable length of time or otherwise does not meet the requirements herein.

What is the benefit of the proposed amendment?

The proposed amendment ensures that NoticeMe or an equivalent electronic system is used for land use notifications. NoticeMe is currently used by the City Planning Commission staff and codification of this procedure secures this procedure into the future as a requirement of the land-use process.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.2.B.4 (new section)

What is the problem that needs to be addressed?

The Comprehensive Zoning Ordinance does not currently allow CPC to introduce Zoning Text and Map amendments in connection with Master Plan revisions, land use plans or studies. Instead, Article 4 Section 4.2.B reserves these rights for City Council or "property owners" in the city. This creates difficulty in allowing the City Planning Commission to ensure consistency between adopted Future Land Use Map changes and the underlying zoning district, or to implement adopted recommendations in CPC studies.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 does not provide specific language to complete the amendment; therefore, staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.2.B Initiation

4. The City Planning Commission may initiate zoning map and text amendments in connection with Master Plan revisions, land use studies, land use plans or as otherwise required by this Ordinance.

What is the benefit of the proposed amendment?

The proposed amendment reflects City Charter language in Section 5-402 contemplating CPC-introduced zoning amendments, allowing for the CPC to introduce Zoning Text and Map amendments in connection with Master Plan revisions, land use plans and land use studies. This amendment allows the CPC to align a property's future land use map (FLUM) designation with its underlying zoning district and creates a clear path for implementing CPC study recommendations once adopted.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.2.D.3.c

What is the problem that needs to be addressed?

Section 4.2.D.3.c - Action by the City Planning Commission for zoning text and map amendments states that the City Planning Commission shall provide a recommendation 60 days from the opening of the public hearing. This timeline is not feasible for some complex amendments that are initiated by the City Council.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 provides the following language to complete the amendment. The staff recommends maintaining the provided language. Proposed insertions are shown below with new language shown in **bold underlined** text:

Article 4, Section 4.2.D.3.c

The City Planning Commission shall recommend approval, modified approval, or denial sixty (60) days from the opening of the public hearing. **For amendments initiated by Council motion, the City Council may provide for a longer period than sixty (60) days for good cause.** The City Planning Commission may also vote to defer action within City Charter required timeframes in cases where it discovers applicants have not submitted complete and accurate information, including but not limited to errors or omissions in following the Project NPP. The failure to resolve a finding of incomplete or inaccurate information may be grounds for recommending denial. If the City Planning Commission fails to act by a vote of the majority of the Commission members, the application will be forwarded to the City Council without recommendation of no legal majority. The City Planning Commission's written recommendations, together with the staff report and recommendation, if any, shall be filed with the Clerk of the City Council.

What is the benefit of the proposed amendment?

The proposed amendment adds language allowing the City Council to ensure adequate review and public engagement for complex amendments.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.2.D.4.a

What is the problem that needs to be addressed?

This item is intended to accurately describe the purpose of City Council action by motion on a conditional use application. When the motion is for approval, it simply directs the Law Department to draft an

ordinance to approve the application. The motion does not itself approve the application. The existing language in the zoning ordinance does not correctly address this, instead indicating that the motion itself approves the application.

Additionally, the existing language is outdated regarding instances where the City Planning Commission fails to approve or deny an application with a majority vote of the commission members. Until recently, when the commission failed to obtain a majority vote, it was considered that the commission took no action. After a recent amendment, the zoning ordinance now states that when there is no majority vote by the commission, a matter is effectively denied for lack of a legal majority. Thus, because any vote will result in an approval, denial, or effective denial, there is no possibility for a no recommendation vote and this section no longer needs to address instances where there is no recommendation.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

The staff recommends correcting the problem by changing in the section's text as follows:

4.2.D.4 Action by City Council

a. The City Council shall hold a public hearing ~~in accordance with its rules and take action by motion of approval, modified approval, or denial~~ **determine by motion whether the zoning docket should be heard as an ordinance within** sixty (60) days from receipt of a City Planning Commission recommendation. **This motion shall direct the preparation of an ordinance effectuating the zoning change, specifying any changes to be made from the requested amendment, or shall deny the amendment application.** The City Council may not take official action upon any application requiring a recommendation of the City Planning Commission until the report of the Commission has been received, ~~or, if the City Planning Commission has failed to act by a vote of the majority of the Commission members, once the application has been forwarded to the City Council without recommendation.~~

What is the benefit of the proposed amendment?

The proposed amendment reflects the actual purpose of the motion phase to direct the Law Department to prepare an ordinance approving an application—rather than the motion approving the application by itself—or to deny the application.

The proposed amendment also updates outdated text by recognizing that every commission vote (or deferral past deadline) will result in a recommendation of approval, denial, or effective denial, and since there are no longer votes of no recommendation, language addressing no recommendation votes are no longer needed.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.2.D.4.b

What is the problem that needs to be addressed?

This section contains language addressing the City Council's deadline to act by motion when the City Planning Commission has made no recommendation. Recent changes to the text of the zoning ordinance mean that any time the Commission fails to adopt an approval or denial vote, the matter will receive a recommendation of effective denial for lack of legal majority. No matter will not receive a recommendation, so language addressing a no recommendation scenario is no longer needed.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

The staff recommends correcting the problem by changing in the section's text as follows:

4.2.D.4 Action by City Council

- b. If the City Council fails to take action by motion sixty (60) days from receipt of the City Planning Commission recommendation, the application is denied. ~~If the application is forwarded to the City Council without recommendation from the City Planning Commission and the City Council fails to take action by motion sixty (60) days from the date it received the application, the application is denied.~~

What is the benefit of the proposed amendment?

The proposed amendment updates outdated text by recognizing that every commission vote (or deferral past deadline) will result in a recommendation of approval, denial, or effective denial. Since there are no longer votes of no recommendation, language addressing no recommendation votes are no longer needed.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.2.D.4.c

What is the problem that needs to be addressed?

Section 4.2.D.4.c, when addressing the Council's action on a zoning matter at the ordinance phase, repeats Charter language requiring the layover of an ordinance for 20 days before it is adopted. The inclusion of this language is not necessarily problematic, but is also unnecessary because the requirement is from the Charter and need not be repeated in the zoning ordinance.

A second issue that this item addresses is what happens when the Council adopts a motion instructing the Law Department to draft an ordinance approving a zoning matter but then decides not to introduce the ordinance. Currently, there is no requirement of an affirmative statement that the ordinance will not be introduced, which means the decision to not introduce it is often not reflected in the public record. This makes it difficult for the public to track the Council's approval or denial of a zoning matter from motion to introduction of ordinance through adoption of ordinance.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

The staff recommends correcting the problem by changing in the section's text as follows:

Article 4, Section 4.2.D.4.c

~~If the City Council takes action by motion of approval or modified approval, the City Council may forward the motion to the City Law Department for preparation of an ordinance. If the ordinance is introduced by the City Council, the ordinance shall lay over for a minimum of twenty (20) days following introduction before the Council may adopt it. The City Council's adoption of a motion under 4.2.D.4.a shall not be construed as an approval of a zoning matter unless and until an ordinance is introduced and adopted in accordance with the Charter; introduction of an ordinance does not indicate the City Council's approval of a zoning matter. Should a Council office elect not to introduce an ordinance despite passage of a motion directing the preparation of an ordinance, they should notify the Clerk of Council of this intention in writing within sixty (60) days of the passage of the motion.~~ Failure by the City Council to take action on a zoning ordinance within ninety (90) days of the date the City Council ~~took action by~~ **passed the** motion shall mean that the application is denied.

What is the benefit of the proposed amendment?

The proposed amendment makes the section more concise by deleting language that repeats procedural requirements that already exist in the Charter. It also bolsters the record when an approval motion is adopted but an ordinance is not introduced by requiring a statement be made to the Clerk of Council that an ordinance will not be introduced.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.2.E (Table 4-1)

What is the problem that needs to be addressed?

Table 4-1 Standards for Zoning Amendments contains 12 approval standards that the City Planning Commission and the City Council shall consider. Standard 2 requires the proposed amendment to be compatible with the place designations of the Comprehensive Zoning Ordinance. In practice, the staff has determined that including this approval standard is not advisable. This is for two reasons. First, the Comprehensive Zoning Ordinance does not meaningfully define place designations. Second, most zoning changes do not implicate the place designations. When they are implicated, this implication can be discussed in another approval standard. There does not need to be a separate approval standard solely addressing place designations.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 provides the following language to complete the amendment. The staff recommends maintaining the provided language. Proposed deletions are shown below in ~~striketrough~~ text.

Article 4, Section 4.2.E (Table 4-1)

~~2. The proposed amendment is compatible with the place designations of this Ordinance.~~

What is the benefit of the proposed amendment?

The proposed amendment removes the reference to “place designations” a vague term not defined within the Comprehensive Zoning Ordinance. Where an application does require a discussion and analysis of place designations, this can be done in the response to other approval standards, such ones addressing compatibility with the Master Plan’s future land use map, existing use and zoning and land, and the suitability of a proposed zoning classification given a site’s location and context.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.2.G (new section)

What is the problem that needs to be addressed?

The Comprehensive Zoning Ordinance does not consider necessary amendments to the Comprehensive Zoning Ordinance that do not require their own text amendment. These minor amendments should be compiled and addressed on a yearly basis.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 does not provide specific language to complete the amendment; therefore, staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.2.G Administrative Amendments

By June 1st of each year, the City Planning Commission will transmit a report to the City Council containing recommended administrative amendments to the Comprehensive Zoning Ordinance. These recommended amendments shall not reflect policy changes, but shall consist of amendments which would achieve one of the following goals, as well as a statement of the necessity for each change. 1. Provide clarity to existing text of the Comprehensive Zoning Ordinance; 2. Correct an error or address a conflict in the existing text of the Comprehensive Zoning Ordinance; or 3. Codify an interpretation of the Department of Safety and Permits.

What is the benefit of the proposed amendment?

The City Planning Commission staff retains an ongoing list of minor amendments to the Comprehensive Zoning Ordinance. The list is typically comprised of small changes to clarify processes or address inconsistencies. These amendments are more substantive than a technical correction but less substantial than what would normally go through the text amendment process. The Omnibus list - as it's known to the City Planning Commission staff - isn't addressed on a consistent basis because the process isn't codified. Therefore, the list can grow to hundreds of amendments before a Motion is adopted directing the CPC staff to provide the City Council with its recommended text changes. The proposed amendment would codify this process and ensure it happens on a yearly basis.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.2.Chart

What is the problem that needs to be addressed?

Chart 4.2 outlines the zoning amendment process. There is a slight error in one of the steps – “introduction of ordinance by City Council”. The chart states a 21-day lie-over period. Whereas, the City Charter states 20-days.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 does not provide specific language for this amendment. Staff's proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.2.Chart

Introduction of Ordinance by City Council. The Ordinance will layover a minimum of ~~21~~ **20** days before adoption.

What is the benefit of the proposed amendment?

The proposed amendment creates consistency in timelines between the Comprehensive Zoning Ordinance and the City Charter. The correct lie-over period after City Council introduction of an ordinance is 20 days.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.2.Chart

What is the problem that needs to be addressed?

The City Council action on a zoning amendment includes, first, action on a motion and, section, action on an ordinance. When the motion is for approval, it simply directs the Law Department to draft an ordinance to approve the application. The motion does not itself approve the application. The purpose of the motion to direct the preparation of an ordinance is not accurately captured in the flow chart outlining the zoning amendment process.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 provides the following language to complete the amendment. The staff recommends maintaining the provided language. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

Article 4, Section 4.2.Chart

Motion to ~~Approve~~ Direct **the Preparation of an Ordinance** / ~~Motion to Approve with~~
~~Modifications~~ / Motion to Deny.

What is the benefit of the proposed amendment?

The proposed amendment reflects the actual purpose of the motion phase to direct the Law Department to prepare an ordinance approving an application—rather than the motion approving the application by itself—or to deny the application.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.3.A

What is the problem that needs to be addressed?

This section outlines the purpose of the conditional use process. The purpose statement suffers from phrasing that emphasizes consideration in the approval process of the *need* for the particular use. This consideration of need alone is problematic in that it seemingly adds an additional approval standard that preempts the approval standards itemized in Section 4.3.F: that a land use is only permissible when there is an undisputed need for it (which is subjective in itself) without giving consideration to whether it benefits its surroundings.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 does not provide specific language to complete the amendment; therefore, staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.3.A Purpose

Within each zoning district, the use of land and structures are substantially uniform. However there are certain uses that, because of their unique characteristics, cannot be properly classified in certain districts without consideration, in each case, of the impact of those uses upon neighboring land, ~~and of~~ **as well as** the public **benefit or** need for the particular use at the particular location. These uses are allowed as conditional uses within the zoning districts. This section sets forth the standards used to evaluate proposed conditional uses and the procedures for approving conditional uses. The designation of a use in a zoning district as a conditional use does not constitute an authorization or assurance that such use will be approved. No conditional use may be established and no building permit may be issued for any use designated as a conditional use within a zoning district until a conditional use ordinance is adopted by the City Council and final drawings are submitted to and approved by the Executive Director of the City Planning Commission.

What is the benefit of the proposed amendment?

The proposed revisions are effective in resolving the problem with the existing regulation. Allowing the City Planning Commission and City Council to apply the designated approval standards in Section 4.3.F in a way that considers both whether a proposed land use is needed and whether it has any public benefit is beneficial in that it ensures that the “Purpose” articulated in Section 4.3.A provides an appropriate context for the application of the approval standards in Section 4.3.F, rather than suggesting an additional,

preemptive and highly subjective standard based solely upon a demonstrated need. This proposed change is consistent with the recommendations of the CPC's recent Land Use Barriers Study, which recommends eliminating regulations that lack clarity and/or add unpredictability to development review processes. This proposed change is also more consistent with the broader conditional use provisions in the CZO, which allow for consideration of numerous uses such as coffee shops, bookstores, yoga studios, and similar uses that may be beneficial to the neighborhood quality of life even if they are not absolutely necessary to day to day living.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.3.C

What is the problem that needs to be addressed?

This section authorizes the City Council to act upon conditional use applications after receiving the recommendation of the City Planning Commission. There are minor aspects of the current language that could be improved. The current language says that the Council shall act upon a conditional use application, when the reality is that the Council also has the option of not acting, with the result being that the application is denied for a lack of action. The current language is also silent as to when City Council action on conditional use applications is to occur, making no reference to Section 4.3.D.4, which states when such action is to occur.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

The staff recommends making clear that the Council has the option of not acting on a conditional use application by stating that the Council may act, not that it shall. The staff suggests clarifying the time limitations on Council action by referencing Section 4.3.D.4.

Council Motion M-25-380 does not provide specific language to complete the amendment; therefore, staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~strikethrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.3.C Authority

The City Council, ~~after receiving a recommendation from the City Planning Commission,~~ shall **may** take formal action on requests for conditional uses after receiving a recommendation from the City Planning Commission, in accordance with Sections 5-406 and 5-407 of the City Charter. **The City Council shall receive the Commission's recommendation related to requests for conditional uses and shall calendar said requests for hearing in accordance with Section 4.3.D.4.**

What is the benefit of the proposed amendment?

The proposed revisions are effective in clarifying the existing regulation. They make it explicitly clear that the Council may act on a conditional use application but is not required to. The revisions also link the authority for the Council to act upon applications with a statement of when this must happen. In combination, these changes eliminate any ambiguity in the existing language as to what Council may do and when Council is required to do it.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.3.D.4.a

What is the problem that needs to be addressed?

As with the previous item, this item is intended to accurately describe the purpose of City Council action by motion on a conditional use application. When the motion is for approval, it simply directs the Law Department to draft an ordinance to approve the application. The motion does not itself approve the application. The existing language in the zoning ordinance does not correctly address this, instead indicating that the motion itself approves the application.

Additionally, the existing language is outdated regarding instances where the City Planning Commission fails to approve or deny an application with a majority vote of the commission members. Until recently, when the commission failed to obtain a majority vote, it was considered that the commission took no action. After a recent amendment, the zoning ordinance now states that when there is no majority vote by the commission, a matter is effectively denied for lack of a legal majority. Thus, because any vote will result in an approval, denial, or effective denial, there is no possibility for a no recommendation vote and this section no longer needs to address instances where there is no recommendation.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 does not provide specific language to complete the amendment; therefore, staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~strikethrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.3.D.4 Action by the City Council

- a. The City Council shall hold a public hearing ~~in accordance with its rules and take action by motion of approval, modified approval, or denial~~ **determine by motion whether the zoning docket should be heard as an ordinance within** sixty (60) days from receipt of a City Planning Commission recommendation. **This motion shall direct the preparation of an ordinance effectuating the zoning change, specifying any changes to be made from the requested conditional use as well as any needed provisos or waivers, or shall deny the conditional use application.** The City Council may not take official action upon any application requiring a recommendation of the City Planning Commission until the report of the Commission has been received. ~~or, if the City Planning Commission has failed to act by a vote of the majority of the Commission members, once the application has been forwarded to the City Council without~~

recommendation.

What is the benefit of the proposed amendment?

The proposed amendment reflects the actual purpose of the motion phase to direct the Law Department to prepare an ordinance approving an application—rather than the motion approving the application by itself—or to deny the application.

The proposed amendment also updates outdated text by recognizing that every commission vote (or deferral past deadline) will result in a recommendation of approval, denial, or effective denial, and since there are no longer votes of no recommendation, language addressing no recommendation votes are no longer needed.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.3.D.4.b

What is the problem that needs to be addressed?

This section contains language addressing the City Council’s deadline to act by motion when the City Planning Commission has made no recommendation. Recent changes to the text of the zoning ordinance mean that any time the Commission fails to adopt an approval or denial vote, the matter will receive a recommendation of effective denial for lack of legal majority. No matter will not receive a recommendation, so language addressing a no recommendation scenario is no longer needed.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

The staff recommends correcting the problem by changing in the section’s text as follows:

4.3.D.4 Action by the City Council

b. If the City Council fails to take action by motion sixty (60) days from receipt of the City Planning Commission recommendation, the application is denied. ~~If the application is forwarded to the City Council without recommendation from the City Planning Commission and the City Council fails to take action by motion sixty (60) days from the date it received the application, the application is denied.~~

What is the benefit of the proposed amendment?

The proposed amendment updates outdated text by recognizing that every commission vote (or deferral past deadline) will result in a recommendation of approval, denial, or effective denial. Since there are no longer votes of no recommendation, language addressing no recommendation votes are no longer needed.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.3.D.4.c

What is the problem that needs to be addressed?

Section 4.3.D.4.c, when addressing the Council's action on a zoning matter at the ordinance phase, repeats Charter language requiring the layover of an ordinance for 20 days before it is adopted. The inclusion of this language is not necessarily problematic, but is also unnecessary because the requirement is from the Charter and need not be repeated in the zoning ordinance.

A second issue that this item addresses is what happens when the Council adopts a motion instructing the Law Department to draft an ordinance approving a zoning matter but then decides not to introduce the ordinance. Currently, there is no requirement of an affirmative statement that the ordinance will not be introduced, which means the decision to not introduce it is often not reflected in the public record. This makes it difficult for the public to track the Council's approval or denial of a zoning matter from motion to introduction of ordinance through adoption of ordinance.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 provides specific language to complete the amendment. The staff agrees with the proposed language. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.3.D.4 Action by the City Council

~~c. If the City Council takes action by motion of approval or modified approval, the City Council may forward the motion to the City Law Department for preparation of an ordinance. If the ordinance is introduced by the City Council, the ordinance shall lay over for a minimum of twenty (20) days following introduction before the Council may adopt it. The City Council's adoption of a motion~~
under 4.3.D.4.a shall not be construed as an approval of a zoning matter unless and until an ordinance is introduced and adopted in accordance with the Charter; introduction of an ordinance does not indicate the City Council's approval of a zoning matter. **Should a Council office elect not to introduce an ordinance despite passage of a motion directing the preparation of an ordinance, they shall notify the Clerk of Council of this intention in writing within sixty (60) days of the passage of the motion.** Failure by the City Council to take action on a zoning ordinance within ninety (90) days of the date the City Council ~~took action by~~ **passed the** motion shall mean that the application is denied.

What is the benefit of the proposed amendment?

The proposed amendment makes the section more concise by deleting language that repeats procedural requirements that already exist in the Charter. It also bolsters the record when an approval motion is adopted but an ordinance is not introduced by requiring a statement be made to the Clerk of Council that an ordinance will not be introduced.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.3.E.1

What is the problem that needs to be addressed?

Conditional use applications are typically approved subject to conditions (also called “provisos”) that are included as requirement of the approval to ensure compatibility of the use in terms of design, operation, and other characteristics with the surrounding development. This allows the City Council to impose special conditions that are tailored for the particular nature of the site, use and surroundings, and which augment the general requirements of the zoning ordinance. At least in recent years, the City Planning Commission staff has routinely recommended the inclusion of provisos that simply restate general requirements of the zoning ordinance that relate to the proposed use, such as operational requirements, parking requirements, or design requirements. The problem with this approach is that, if a proviso restates a requirement that is later changed, the proviso will no longer accurately represent the requirement. This change address this by requiring provisos to not merely restate zoning requirements.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

The existing regulations are silent as to whether provisos can or should restate existing requirements of the zoning ordinance. The Council motion suggested that the Section 4.3.E.1, which speaks generally to the Council’s ability to add conditions to conditional use approval, should require provisos to not simply re-state zoning requirements.

The staff understands the motivation behind this matter but believes it does not require codification in the zoning ordinance. The City Planning Commission can accomplish this without a legislative change but it is important to identify and work through all of the potential consequences of doing so. The staff will work with the City Council staff and Safety and Permits zoning division to create a workable solution.

What is the benefit of the proposed amendment?

The staff believes no amendment is needed and will address the issue through other means.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.3.E.4

What is the problem that needs to be addressed?

The problem that needs to be addressed is that the City Council, when reviewing a conditional use application, will sometimes grant waivers of requirements that were not requested when the matter was being reviewed by the City Planning Commission and, as a result, were not addressed in the City Planning Commission's report. The problem with this is that the public does not receive notice that a waiver is being considered until it occurs as part of the Council action at the end of the process.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 provides specific language to complete the amendment. The staff agrees with the proposed language. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

The staff recommends correcting the problem by changing in the section's text as follows:

4.3.E Conditions

4. The City Council may grant a ~~variance~~ **waiver** from specific zoning standards otherwise applicable to the use by this Ordinance to secure the general objectives of this section, provided however that any such shall be based on a finding that the case meets the approval standards of Section 4.6.F. However, the City Council cannot waive or modify any approval standards of this section **or any other section for which variances may not be granted under the terms of this Ordinance. Any waiver which was not considered by the City Planning Commission must be included in the motion directing the preparation of an ordinance described in 4.3.D.4.a.**

What is the benefit of the proposed amendment?

The proposed amendment addresses the problem by requiring that any waivers be stated at the motion phase. Because there is significant time between the adoption of a motion and an ordinance (up to ninety days and usually about six weeks), including the waiver in the motion provides ample time for the public to comment on the waiver prior to final action on the matter by ordinance.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.3.H.1

What is the problem that needs to be addressed?

For approved conditional uses, Article 4, Section 4.3.H.1 provide deadlines to record plans that demonstrate compliance with the terms of the conditional use ordinance and then to begin substantial construction/establish the use. In practice, these deadlines have proven to be unnecessarily limiting, as they do not sufficiently account for the time a developer must spend on other aspects of the development process (financing, permit review, historic agency review, construction) that generally occur after a zoning entitlement is granted and before a building permit is issued.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion No. M-25-380 provides the following language to complete the amendment. Proposed deletions are shown below in strikethrough text while proposed insertions are shown below with new language shown in **bold underlined** text and deletions shown in ~~strikethrough~~ text:

4.3.H.1 Expiration

a. Plans Deadline. For all conditional uses, plans stamped as approved by the City Planning Commission must be recorded in the Conveyance Records of Orleans Parish within two (2) years of the effective date granting the conditional use.

b. Construction/Use Deadline

i. For new construction, the conditional use approval will expire within ~~three (3)~~ **five (5)** years from the date the Executive Director of the City Planning Commission approves the final drawings for a conditional use if a building permit has not been issued ~~and substantial construction has not commenced~~, and no request for an extension of time is pending.

ii. For conditional uses approved for existing structures or for a parcel of land where no structure is planned, if the use has not been established for a period of ~~three (3)~~ **five (5)** years from the date the Executive Director of the City Planning Commission approves the final drawings for a conditional use, then the conditional use will expire.

What is the benefit of the proposed amendment?

The proposed amendment adds an additional year for conditional use plans to be recorded (extending the deadline from 1 to 2 years) as well as extending from 3 years to 5 years the deadline for conditional use construction to substantially begun (if construction is required) or for the use to be established (if construction is not required). The reason for this is to acknowledge the fact that there can be multiple regulatory process at the local, state, and federal levels that must be completed before construction can begin, in addition to the need for ample time to secure financing and have construction drawings produced, among other time-consuming aspects of the development process. Extending the zoning entitlement deadlines would recognize these constraints and eliminate the potential for the loss of a zoning entitlement while a developer works toward completing the obligations.

Article 4, Item 3.H.2.a

What is the Article/Section for proposed amendment?

Article 4, Section 4.3.H.2.a

What is the problem that needs to be addressed?

The amendment clarifies the CZO language pertaining to administrative extensions granted by the Executive Director of the City Planning Commission to more accurately reflect the CPC staff's standard practice since the new CZO was adopted in 2015. A recent determination by the Department of Safety & Permits indicated that the language was not clear, and could be interpreted in a way that unreasonably limits administrative extensions. This proposed amendment makes it clear that the Executive Director can administratively extend both the deadline to submit final development plans and the deadline to begin substantial construction (for conditional use applications involving construction) or establish the use (for conditional use applications not involving construction).

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion No. M-25-380 provides language to complete the amendment. The staff recommends a modified version, shown below, that would retain the ability for an extension to be granted by the City Planning Commission when the original period of validity for a CPC staff-level extension has lapsed. Proposed deletions are shown below in strikethrough text while proposed insertions are shown below with new language shown in **bold underlined** text:

Article 4, Section 4.3.H.2.a

Unless otherwise prohibited, the Executive Director of the City Planning Commission may extend the time for expiration of ~~the deadline established in Section 4.3.E.2~~ for a period not to exceed one (1) year upon a showing of good cause by the applicant. **Additionally, unless otherwise prohibited, the Executive Director of the City Planning Commission may extend the time for expiration of the deadlines established in Section 4.3.H.1 for a period not to exceed on (1) year upon a showing of good cause by the applicant. When granting the request, the Executive Director shall articulate in writing the showing of good cause justifying the extension.** A request for extension shall be made in writing within the original period of validity. A request made after the original period of validity but within one (1) year of the original period of validity must be considered by the City Planning Commission. Any extension for a period in excess of one (1) year may be granted only by the City Council in accordance with Paragraph b below. Any extension that does not meet all of these conditions may only be granted by the City Council in accordance with Paragraph b below.

What is the benefit of the proposed amendment?

The proposed amendment is beneficial because it clarifies the language in the CZO and eliminates an ambiguity about administrative extensions. It is also in keeping with the CPC's findings in the Land Use Barriers Study suggesting that the City should eliminate unnecessary and overly-burdensome regulations and processes. Having longer deadlines that more accurately reflect the realities of the real estate market, financing, and construction management achieves this goal.

The Council motion also proposes deleting language that says, "[a] request made after the original period of validity but within one (1) year of the original period of validity must be considered by the City Planning

Commission.” This language was recently added to address a circumstance where an applicant holding a valid conditional use ordinance loses that entitlement because they narrowly miss the deadline for recording plans or beginning construction. The existing regulations allow the City Planning Commission to extend the deadline at that point. This has proven effective because it provides an opportunity in a public hearing for a lost property right to be restored without requiring the entire, lengthy conditional use process to be restarted. Again, this provision is in keeping with the CPC’s recommendations in the Land Use Barriers Study. The CPC staff recommends that this language be retained.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.3.H.2.b

What is the problem that needs to be addressed?

Article 4, Section 4.3.H.2.b clarifies the current process by establishing that the applicant of a conditional use can request a longer extension for a final development plan OR to complete construction than what the Executive Director of the City Planning Commission may authorize. It clarifies that the City Council may consider additional extensions, as well as adds language on how long the City Council has to act on said extension request.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion No. M-25-380 provides the following language to complete the amendment. Proposed deletions are shown below in strikethrough text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.3.H.2 Extension of Time

b. The holder of a conditional use may petition the City Council **for an extension of time longer than the Executive Director of the City Planning Commission may authorize. The holder of a conditional use may also petition the City Council for a second extension of either/both the plans deadline or the construction/use deadline.** A request for extension shall be made in writing within the original period of validity. The City Council shall hold a public hearing and decide whether to extend the time period. Notice for the public hearing is required in accordance with Section 3.3. The applicant and the owner of record of the property shall be notified of a public hearing to be conducted by the City Council. Following the public hearing, the City Council shall render its decision whether to terminate or extend the approval, taking into account hardship to the applicant or property owner, changes in surrounding circumstances that have occurred since the original approval, and the likelihood that substantial construction will occur during any period of extension **by motion within sixty (60) days of receipt of the request.**

What is the benefit of the proposed amendment?

The amended text provides more clarity and flexibility for applicants by stating when and how they may seek additional extensions for conditional uses. It also adds an explicit deadline of 60 days for Council

action to provide more concrete timelines for both staff and the applicant to follow.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.3.J to be replaced by Article 3, Section 3.5.

What is the problem that needs to be addressed?

The Comprehensive Zoning Ordinance states that Conditional Uses must be mapped “[w]ithin (30) thirty days of receiving the approval.” However, this requirement does not include Zoning Changes, Planned Developments, or Minor Map Adjustments. The proposed regulation removes Article 4, Section 4.3.J in its entirety and replaces it with a new section in Article 3. Section 3.5 to include any land use changes that require subsequent mapping, not just conditional uses.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

This item is not included in the attachment to Council Motion M-25-380 and is suggested by the staff under the authority granted to the City Planning Commission by the motion. The staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~strikethrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

~~4.3.J Zoning Map Record of Conditional Use~~

~~Within thirty (30) days of receiving evidence of the recording of an approved conditional use, the City Planning Commission shall designate the location of the conditional use on the Official Zoning Map with the symbol “CU” and shall indicate the boundaries of the conditional use in a manner that is distinct from the manner in which zoning district boundary lines are indicated. The City Planning Commission shall remove the symbol for and boundaries of a conditional use from the Official Zoning Map upon a determination by the Director of Safety and Permits that the conditional use has expired or upon the revocation of the conditional use by the City Council.~~

3.5 Official Zoning Map Amendments

Within thirty (30) days of receiving evidence of the recording of an approved conditional use/planned development, or within thirty (30) days of receiving approval of a zoning map amendment or minor map adjustment, the official Zoning Map shall be modified to reflect such change. Additionally, within thirty (30) days of receiving determination that a conditional use/planned development has been rescinded by the City Council, the official Zoning Map shall be modified to reflect such change.

What is the benefit of the proposed amendment?

The proposed amendment ensures that all land use requests resulting in a change to the Zoning Map have been recognized within a thirty (30) day period.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.3.Chart

What is the problem that needs to be addressed?

The City Council action on a conditional use includes, first, action on a motion and, section, action on an ordinance. When the motion is for approval, it simply directs the Law Department to draft an ordinance to approve the application. The motion does not itself approve the application. The purpose of the motion to direct the preparation of an ordinance is not accurately captured in the flow chart outlining the conditional use process.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 provides specific language to complete the amendment. The staff agrees with the proposed language. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.3.Chart Conditional Use Process

“Motion to Approve **Direct the Preparation of an Ordinance** / ~~Motion to Approve with Modifications~~ / Motion to Deny”

What is the benefit of the proposed amendment?

The proposed amendment reflects the actual purpose of the motion phase to direct the Law Department to prepare an ordinance approving an application—rather than the motion approving the application by itself—or to deny the application.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.3.Chart – Conditional Use Process

What is the problem that needs to be addressed?

Section 4.3.Chart includes a flow chart that outlines the steps in the conditional use process, beginning with the pre-application Neighborhood Participation Program, including the various steps at the City Planning Commission and Council levels, and concluding with the recording of final development plans.

In one of the steps, the chart reads that the ordinance approving the conditional use, once introduced, must layover at least 21 days before adoption. This is not accurate. The ordinance must lay over at least 20 days per City Charter Section 3-112(5). The chart must be corrected to be accurate.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

“Introduction of Ordinance by City Council. The Ordinance will layover a minimum of ~~21~~ **20** days before adoption”

What is the benefit of the proposed amendment?

The proposed amendment ensures that the conditional use process chart accurately reflects City Charter requirements.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.4.C

What is the problem that needs to be addressed?

Article 4, Section 4.4.C of the Comprehensive Zoning Ordinance states that the City Council shall take formal action on requests for Planned Developments and cites two sections of the City’s Charter. The proposed language clarifies what actions the City Council is required to take and is more accurate than the existing language.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 provides specific language to complete the amendment. The staff agrees with the proposed language and recommends the following changes to the CZO. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.4.C. Authority

The City Council, ~~after receiving a recommendation from the City Planning Commission, shall~~ **may** take formal action on requests for planned developments after receiving a recommendation from the City Planning Commission, in accordance with Sections 5-406 and 5-407 of the City Charter. **The City Council shall receive the Commission's recommendation related to requests for planned developments and shall calendar said requests for hearing in accordance with Section 4.4.E.4.**

What is the benefit of the proposed amendment?

The proposed amendment removes the word, “shall” and replaces it with “may” and clarifies that the City Council must calendar planned development requests for consideration. This word swap more accurately reflects what actions the City Council is required to take. The City Council is not required to take formal

action on requests and may elect not to act on the request at either the Motion or Ordinance stage.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.4.E.4.a

What is the problem that needs to be addressed?

Article 4, Section 4.4.E.4.a of the Comprehensive Zoning Ordinance addresses action by the City Council as it relates to Planned Development requests. This section states the City Council shall hold a public hearing within 60 days from receipt of a City Planning Commission recommendation and specifies that adoption of a Motion does not automatically translate to an approval of the request but rather initiates the preparation of an Ordinance.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 does not provide specific language to complete the amendment; therefore, staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.4.E.4 Action by City Council

a. The City Council shall hold a public hearing ~~in accordance with Section 3.4 and take action by motion of approval, modified approval, or denial~~ **to determine by motion whether the zoning docket should be heard as an ordinance within** sixty (60) days from receipt of a City Planning Commission recommendation. **This motion shall direct the preparation of an ordinance effectuating the zoning action, specifying any changes to be made from the requested amendment, or shall deny the amendment application.** The City Council may not take official action upon any application requiring a recommendation of the City Planning Commission until the report of the Commission has been received, ~~or, if the City Planning Commission has failed to act by a vote of the majority of the Commission members, once the application has been forwarded to the City Council without recommendation.~~

What is the benefit of the proposed amendment?

The proposed amendment recognizes and clarifies that the purpose of the motion phase is to direct the preparation of the Ordinance. This clarification helps set public expectations and aligns it with case law. Additionally, the proposed amendment removes language regarding outcomes with no legal majority. Regardless of the outcome of the City Planning Commission vote, the application will be forwarded to City Council, thus, this language is unnecessary and redundant.

Moreover, there was a recent text amendment to the Comprehensive Zoning Ordinance (Zoning Docket 11/25; Ordinance No. 30345 M.C.S.) that removes the language that an application will be forwarded to the City Council “without recommendation of no legal majority” and replaces it with “with a

recommendation of effective denial for lack of legal majority” in section 4.2.D.3.c, section 4.3.D.3.c, and section 4.4.E.3.c. The proposed text amendment aligns the language in Section 4.4.E.4.b with the recently adopted text amendment.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.4.E.4.b

What is the problem that needs to be addressed?

Article 4, Section 4.4.E.4.b of the Comprehensive Zoning Ordinance addresses action by the City Council as it relates to Planned Development Requests. This section states that if City Council fails to take action by motion within sixty (60) days from receipt of the City Planning Commission recommendation, then the application is effectively denied. There is an added sentence in this section pertaining to a “no recommendation” from the City Planning Commission. This sentence should be removed because it is redundant and uses language that is inconsistent with a recently adopted text amendment (Ordinance No. 30345 M.C.S.).

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 does not provide specific language to complete the amendment; therefore, staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.4.E.4 Action by City Council

b. If the City Council fails to take action by motion sixty (60) days from receipt of the City Planning Commission recommendation, the application is denied. ~~If the application is forwarded to the City Council without recommendation from the City Planning Commission and the City Council fails to take action by motion sixty (60) days from the date it received the application, the application is denied.~~

What is the benefit of the proposed amendment?

The proposed amendment would remove language stating that if an application is forwarded to City Council with a “no recommendation” from the City Planning Commission, and the City Council fails to take action by motion within sixty (60) days from the date it’s received, then the application is effectively denied. This language is redundant and is captured in the first sentence in that section. All applications heard by the City Planning Commission requiring City Council consideration are forwarded to City Council, regardless of how the City Planning Commission voted.

Moreover, there was a recent text amendment to the Comprehensive Zoning Ordinance (Zoning Docket 11/25; Ordinance No. 30345 M.C.S.) that removes the language that an application will be forwarded to the City Council “without recommendation of no legal majority” and replaces it with “with a recommendation of effective denial for lack of legal majority” in section 4.2.D.3.c, section 4.3.D.3.c, and section 4.4.E.3.c of the Comprehensive Zoning Ordinance. The proposed text amendment aligns the language in Section 4.4.E.4.b with the recently adopted text amendment.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.4.E.4.c

What is the problem that needs to be addressed?

Article 4, Section 4.4.E.4.c of the Comprehensive Zoning Ordinance addresses action by the City Council as it relates to Planned Development Requests. This section states that if City Council acts by motion of approval or modified approval, the preparation of an Ordinance follows. However, the adoption of a Motion does not constitute approval of the zoning matter nor does it guarantee the introduction and adoption of an ordinance. Should the City Council elect not to introduce an Ordinance, this section does not provide a process in which to inform the Clerk of Council. The proposed language below would rectify this omission.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 does not provide specific language to complete the amendment; therefore, staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.4.E.4 Action by City Council

~~c. If the City Council takes action by motion of approval or modified approval, the City Council may forward the motion to the City Law Department for preparation of an ordinance. If the ordinance is introduced by the City Council, the ordinance shall lay over for a minimum of twenty (20) days following introduction before the Council may adopt it. The City Council's adoption of a motion~~
under Section 4.4.E.4.a shall not be construed as an approval of a zoning matter unless and until an ordinance is introduced and adopted in accordance with the Charter; introduction of an ordinance does not indicate the City Council's approval of a zoning matter. **Should a Council office elect not to introduce an ordinance despite passage of a motion directing the preparation of an ordinance, they shall notify the Clerk of Council of this intention in writing within sixty (60) days of the passage of the motion.** Failure by the City Council to take action on a zoning ordinance within ninety (90) days of the date the City Council ~~took action by~~ **passed the** motion shall mean that the application is denied.

What is the benefit of the proposed amendment?

The proposed amendment would add language that reconciles proposed changes to Section 4.4.E.4.a with Section 4.4.E.4.c. It would also remove redundant language between this section and the City Charter requirements. Lastly, the proposed language clarifies a process to inform the Clerk of Council when an Ordinance is not introduced despite passage of a Motion directing the preparation of an ordinance.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.4.I.1

What is the problem that needs to be addressed?

For approved planned developments, Article 4, Section 4.4.I.1 provide deadlines to record plans that demonstrate compliance with the terms of the conditional use ordinance and then to begin substantial construction/establish the use. In practice, these deadlines have proven to be unnecessarily limiting, as they do not sufficiently account for the time a developer must spend on other aspects of the development process (financing, permit review, historic agency review, construction) that generally occur after a zoning entitlement is granted and before a building permit is issued.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion No. M-25-380 provides the following language to complete the amendment. Proposed deletions are shown below in strikethrough text while proposed insertions are shown below with new language shown in **bold underlined** text and deletions shown in ~~strikethrough~~ text:

4.4.I.1 Expiration

a. Plans Deadline. For all planned developments, plans stamped as approved by the City Planning Commission must be recorded in the Conveyance Records of Orleans Parish within two (2) years of the effective date granting the planned development.

b. Construction/Use Deadline

i. For new construction, the planned development approval will expire within ~~three (3)~~ **five (5)** years from the date the Executive Director of the City Planning Commission approves the final drawings for a planned development if a building permit has not been issued ~~and substantial construction has not commenced,~~ and no request for an extension of time is pending.

ii. For planned developments approved for existing structures or for a parcel of land where no structure is planned, if the planned development has not been established for a period of ~~three (3)~~ **five (5)** years from the date the Executive Director of the City Planning Commission approves the final drawings for a planned development, then the planned development will expire.

What is the benefit of the proposed amendment?

The proposed amendment adds an additional year for planned development drawings to be recorded (extending the deadline from 1 to 2 years) as well as extending from 3 years to 5 years the deadline for planned development construction to substantially begun (if construction is required) or for the planned development to be established (if construction is not required). The reason for this is to acknowledge the fact that there can be multiple regulatory process at the local, state, and federal levels that must be completed before construction can begin, in addition to the need for ample time to secure financing and have construction drawings produced, among other time-consuming aspects of the development process. Extending the zoning entitlement deadlines would recognize these constraints and eliminate the potential for the loss of a zoning entitlement while a developer works toward completing the obligations.

What is the Article/Section for proposed amendment?

Article 4, Section 4.4.I.2.a

What is the problem that needs to be addressed?

Article 4, Section 4.4.I of the Comprehensive Zoning Ordinance addresses expiration and extension of time as it relates to Planned Development requests. Section 4.4.I.2.a states that a one year extension may be granted by the Executive Director of the City Planning Commission and an extension for a period over one year may only be granted by the City Council. This section does not specify if the extension is for the plans deadline or the construction/use deadline.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 does not provide specific language to complete the amendment; therefore, staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~strike through~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.4.I.2 Extension of Time

- a. Unless otherwise prohibited, the Executive Director of the City Planning Commission may extend the time for expiration of **either the plans deadline or the construction/use deadline for** a planned development approval for a period not to exceed one (1) year upon a showing of good cause by the applicant. A request for extension shall be made in writing within the original period of validity. ~~A request made after the original period of validity but within one (1) year of the original period of validity must be considered by the City Planning Commission. An extension for a period in excess of one (1) year may be granted only by the City Council in accordance with Paragraph b below.~~ Any extension that does not meet all of these conditions may only be granted by the City Council in accordance with Paragraph b below.

What is the benefit of the proposed amendment?

The proposed amendment would clarify language to provide for one administrative extension request to the CPC Executive Director and one extension request to City Council for either the plans deadline or the construction/use deadline.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.4.I.2.b

What is the problem that needs to be addressed?

Article 4, Section 4.4.I of the Comprehensive Zoning Ordinance addresses expiration and extension of time as it relates to Planned Development requests. Section 4.4.I.2.b states the planned development holder may request a longer extension to the City Council. The current language does not specify if the extension is for the plans deadline or the construction/use deadline.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 does not provide specific language to complete the amendment; therefore, staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.4.1.2 Extension of Time

b. The holder of a planned development may petition the City Council for a ~~longer extension of time~~ **an extension of time longer than the Executive Director of the City Planning Commission may authorize. The holder of a planned development may also petition the City Council for a second extension of either/both the plans deadline or the construction/use deadline.** A request for extension shall be made in writing within the original period of validity. The City Council shall hold a public hearing and decide whether to extend the time period. Notice for the public hearing is required in accordance with Section 3.3. The applicant and the owner of record of the property shall be notified of a public hearing to be conducted by the City Council. Following the public hearing, the City Council shall render its decision whether to terminate or extend the approval, taking into account hardship to the applicant or property owner, changes in surrounding circumstances that have occurred since the original approval, and the likelihood that substantial construction will occur during any period of extension **by motion within sixty (60) days of receipt of the request.**

What is the benefit of the proposed amendment?

The proposed amendment would clarify language and provide for the extension of longer than one year.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.4. Chart – Planned Development Process

What is the problem that needs to be addressed?

Article 4, Section 4.4. *Chart* of the Comprehensive Zoning Ordinance illustrates the Planned Development process with a chart that contains information that needs to be revised to match proposed amendments to Section 4.2.D.4.a. *Action by City Council*. These amendments are intended to clarify the purpose of the motion phase as directing the preparation of an ordinance.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion No. M-25-380 provides the following language to complete the amendment. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.4. Chart

Motion to Approve **Direct the Preparation of an Ordinance** / ~~Motion to Approve with Modifications~~ / Motion to Deny

What is the benefit of the proposed amendment?

The proposed amendment corrects the illustrative flow chart to match the language proposed in the

related section of the Comprehensive Zoning Ordinance, Section 4.2.D.4.a. relative to the motion phase. The proposed amendment clarifies the purpose of the motion phase to set public expectations and accord with case law.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.4. Chart – Planned Development Process

What is the problem that needs to be addressed?

Article 4, Section 4.4. Chart of the Comprehensive Zoning Ordinance illustrates the Planned Development process with a chart that contains an incorrect reference to the lie-over period after Council introduction of an ordinance. The chart incorrectly states that the ordinance will layover a minimum of 21 days between introduction by City Council and adoption, which conflicts with the Charter requirement of 20 days and with existing language found elsewhere in the CZO. The proposed language corrects the minimum layover period to 20 days.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion No. M-25-380 provides the following language to complete the amendment. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.4. Chart

Introduction of Ordinance by City Council. The Ordinance will layover a minimum of ~~21~~ **20** days before adoption.

What is the benefit of the proposed amendment?

The proposed amendment corrects a conflict with the Charter requirements.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.5.B.2

What is the problem that needs to be addressed?

Article 4, Section 4.5.B lists several thresholds for applicability of design review. Items 2a and 2b both speak to developments over 40,000 square feet in floor area. Item 2a relates to multi-family dwellings or townhouse developments. Item 2b relates to non-residential or mixed-use structure. These can be combined to simplify the requirements.

Another problem with this section is that it speaks to development proposal where an existing structure(s) under 40,000 is to be over 40,000 square feet. The problem is that it does not account for existing structures over 40,000 square feet where an addition further increases the size.

In this case, it makes sense to review only if the addition results in a 10% or greater increase in square footage. These square footage increases will be substantial enough to have a meaningful design impact and should require review. Square footage increases under 10% are less likely to have a significant design impact, so review should not be required.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

This item is not included in the attachment to Council Motion M-25-380 and is suggested by the staff under the authority granted to the City Planning Commission by the motion. Proposed deletions are shown below in ~~strike through~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.5.B Applicability

2. Unless otherwise required by this section or this Ordinance, applications for additions or enlargements as follows are reviewed by the Executive Director of the City Planning Commission and the Design Advisory Committee. Developments or portions of a development that are located in an industrial or institutional zoning district and that are not visible from the public right-of-way shall be exempt.

a. Additions or enlargements to multi-family ~~dwellings~~ **developments**, or townhouse developments, **or a non-residential or mixed-use developments** that bring the total gross floor area to forty-thousand (40,000) square feet or more. **If the total square footage of the development is already over forty-thousand (40,000) square feet, then review is only required if there is a total increase of ten percent (10%) or more.**

~~b. Enlargement to a non-residential or mixed-use structure that brings the total gross floor area to forty-thousand (40,000) square feet or more.~~

~~c. Additions of new structure(s) to a non-residential or mixed-use development on a lot that bring the total gross floor area of all structures on the lot to forty-thousand (40,000) square feet or more.~~

~~d.~~ **db.** Substantial improvements to any non-residential or mixed-use structure, or group of structures on the same lot, where the total gross floor area is forty-thousand (40,000) square feet or more. Substantial improvements are defined as demolition and reconstruction of existing buildings valued at fifty percent (50%) or more of the initial value of the existing building.

What is the benefit of the proposed amendment?

The amendment clarifies what proposals for development that are 40,000+ square feet in floor area require design review and which do not. It also eliminates the review of minor expansions of developments 40+ square feet in floor area because the small size of such expansion generally have minimal design impacts.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.5.B.3.b

What is the problem that needs to be addressed?

Article 4, Section 4.5.B contains 11 thresholds that trigger design review. Currently, Item 3.b requires design review for the entirety of each block located at major intersections along design overlays. The thought is that larger, more intense uses along major corridors have more of a visual impact to the public and therefore warrant a closer look through design review. Further, the location at major intersections within these corridors could also increase the site's importance for a heightened level of design quality for development. However, this additional requirement primarily captures residentially-zoned properties. The standards for review are not relevant to many of these projects and the requirement creates unnecessary process.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 provides the following language to complete the amendment. The staff recommends maintaining the provided language. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

Article 4, Section 4.5.B.3.b

~~b. — Developments on lots within the entirety of each block located at the major intersections along a design overlay district identified in Article 18.~~

What is the benefit of the proposed amendment?

The proposed amendment to remove the requirement for all developments within the block of major intersections eliminates the need for unnecessary reviews. In practice, the requirement has captured side streets that are near major corridors, but not part of them. The fact that a property is near a major corridor does not justify it undergoing a design review if the property would not otherwise require design review.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.5.B.3.c

What is the problem that needs to be addressed?

Article 4, Section 4.5.B contains 11 thresholds that trigger design review. Currently, subsection 3.c requires review by the Design Advisory Committee for development on a through lot within an overlay district. The thought is that through-lots have more impact from the public right of way and, therefore, require a heightened level of review. However, this is not correct. In general, development of a through lot has no more impact on a design corridor than similar development on a non-through lot of similar size within that corridor.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

This item is not included in the attachment to Council Motion M-25-380 and is suggested by the staff under the authority granted to the City Planning Commission by the motion. The staff recommends the following language. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.5.B. Applicability

~~c. — Development on a through lot in an identified design overlay districts of Article 18~~

~~d. c.~~ Development with one-hundred (100) feet or more of lot frontage in an identified design overlay districts of Article 18

e- d. UAD University Area Design Overlay District

What is the benefit of the proposed amendment?

Design review by the Design Advisory Committee (which is a supplemental review that is done in addition to the normal staff-level design review) is reserved for developments that have an unusually significant design impact as a result of their size or location. The current regulation that requires DAC-level review

for all through-lots in design review overlay districts presumes that development of any through lot is inherently significant from a design perspective. This is not the case. Development on a small through lot is not necessarily more impactful from a design perspective than development on conventional lot of the same size. Requiring DAC-level review for any development of a through lot, no matter the size of the lot, is an excessive level of review that places an undue burden on the developer.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.5.B.4

What is the problem that needs to be addressed?

Article 4, Section 4.5.B lists several thresholds for applicability of design review.

The problem is that Safety and Permits cannot easily determine if a design review is necessary due to the vagueness of the language used in this section. If an application is not implicated in paragraphs 1, 2, and 3, the current language in paragraph 4 is too ambiguous for determining if a design review is necessary. Most significant, it requires review of applications for “any development,” which is undefined and could read so broadly as to require any construction activity, no matter how minor or temporary, to undergo design review.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

This item is not included in the attachment to Council Motion M-25-380 and is suggested by the staff under the authority granted to the City Planning Commission by the motion. The staff recommends the following language. Proposed deletions are shown below in ~~strikethrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

Article 4, Section 4.5.B.4

~~4. Unless otherwise required by this section or this Ordinance, applications for any development, new building construction, substantial improvement, and exterior redesign which implicates the design requirements of the base zoning or design overlay district and site plan modifications that implicate the standards of the overlay district that does not meet the thresholds of Paragraphs 1, 2, and 3 above, and sign applications, as applicable, within the following overlay districts (Article 18), are reviewed solely by the Executive Director of the City Planning Commission. Except in the UAD Overlay District, single-family dwellings, two-family dwellings, and any development or portions of a development that are located in an industrial or institutional district and that are not visible from a public right-of-way are exempt.~~

~~a. RIV Riverfront Design Overlay District~~

~~b. EC Enhancement Corridor Design Overlay District~~

~~c. CT Corridor Transformation Design Overlay District~~

~~d. GC Greenway Corridor Design Overlay District~~

~~e. UAD University Area Design Overlay District~~

4. In the RIV Riverfront Design, EC Enhancement Corridor, CT Corridor Transformation, GC Greenway, and UAD University Area Design overlay districts, applications are reviewed solely by the Executive Director.

Review is limited to applications for new construction, substantial improvement, and exterior re-design that substantially alters the architecture of a principal structure. Anything that is not visible from the public right-of-way is exempt from design review. Except in the UAD University Area Design Overlay District, single- and two-family residences are exempt from design review. The City Planning Commission may determine that no review is necessary based on the nature and scope of a proposal.

What is the benefit of the proposed amendment?

The proposed amendment clarifies ambiguous language that determines whether design review is required for a given construction project. Only new construction, substantial improvement, and exterior re-design proposals that can be seen from the public right of way is substantial enough in its design impact that it should require review. Applications containing this scope of work are substantial in their design impact and would benefit significantly from review.

In instances where it is debatable as to whether a design review is required or not, the City Planning Commission staff should be empowered to determine whether the review is warranted. The zoning ordinance recognizes the staff's urban design knowledge and, based on this knowledge, grants the staff the authority to comment on the effectiveness of a particular design application. Similarly, the staff should be granted the authority to briefly review an application and determine that a formal review is not needed given the scope of work. This is particularly important given the proposed "exterior re-design" threshold. The staff should be required to review construction work that fundamentally alters the architecture of a structure. It should not be required to review construction that only minimally alters exterior design, such as the replacement of exterior windows, doors, or other work that generally preserves the existing design. If a design review is located in one of the Article 18 overlay districts, CPC staff can determine if the nature and scope of the project requires a design review.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.5.B.10

What is the problem that needs to be addressed?

Article 4, Section 4.5.B.10 suggests that the City Planning Commission may review the design of traffic signals, fire hydrants, utilities, and other infrastructure. This infrastructure and equipment is generally standard in design. Their appearance is dictated by function rather than by urban design or architectural principles. In no way do they benefit from the design review performed by the City Planning Commission.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

This item is not included in the attachment to Council Motion M-25-380 and is suggested by the staff under the authority granted to the City Planning Commission by the motion. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.5.B Applicability

~~10. All essential services described in Section 6.4. Unless otherwise required by this section or this Ordinance, such applications are reviewed solely by the Executive Director of the City Planning Commission. However, the Executive Director of the City Planning Commission may waive this requirement.~~

~~11.~~ **10.** When a property is located within the Vieux Carré Historic District or within the Historic Districts Landmark Commission's full control Historic Districts, those developments are exempt from site plan and design review, but are subject to the review procedures of the Vieux Carré Commission or Historic Districts Landmark Commission, as applicable. Properties within full control local historic districts are not exempt from design review of site design by the City Planning Commission Executive Director or Design Advisory Committee. Properties within partial control local historic districts are not exempt from design review. Properties with the RIV Riverfront Design Overlay District are not exempt.

What is the benefit of the proposed amendment?

The proposed amendment eliminates unnecessary review of essential services.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.5.B.11

What is the problem that needs to be addressed?

Article 4, Section 4.5.B contains 11 thresholds that trigger design review. Item 11 focuses on properties that require multiple reviews. For example, some properties are both within a City Planning Commission design overlay district and a Historic District Landmarks Commission local historic district. In such cases, the Historic District Landmarks Commission may review building design, and the City Planning Commission will review the site design. The problem that needs to be addressed is clarifying requirements as to when and to what extent site plan and design review are required for developments located in historic districts.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

The staff recommends maintaining the following language. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.5.B Applicability

~~11. When a property is located within the Vieux Carré Historic District or within the Historic Districts Landmark Commission's full control Historic Districts, those developments are exempt~~

~~from site plan and design review, but are subject to the review procedures of the Vieux Carré Commission or Historic Districts Landmark Commission, as applicable. Properties within full control local historic districts are not exempt from design review of site design by the City Planning Commission Executive Director or Design Advisory Committee. Properties within partial control local historic districts are not exempt from design review. Properties with the RIV Riverfront Design Overlay District are not exempt.~~ **When a property is located within the Vieux Carré Historic District, development is exempt from site plan and design review by the City Planning Commission. However, development is subject to the site plan and design review procedures of the Vieux Carré Commission.**

When a property is located within the Historic Districts Landmark Commission's full control Historic Districts, development is exempt from site plan and design review by the City Planning Commission. However, development is subject to the site plan and design review procedures of the Historic Districts Landmark Commission.

When a property is located within the Historic Districts Landmark Commission's partial control local Historic Districts, developments upon the property are subject to site plan and design review procedures established by the City Planning Commission.

When a property is located within the RIV Riverfront Design Overlay District, developments upon the property are subject to site plan and design review procedures established by the City Planning Commission.

What is the benefit of the proposed amendment?

The benefit of the amendment is twofold. First, the revised language clearly states when CPC site plan and design review is required in local historic districts.

Second, the revised language eliminates instances where design review is required by both the CPC and the VCC or HDLC. Currently, some developments are subject to reviews by both entities, with the building design review typically done by VCC or HDLC and site plan review done by CPC. This is problematic because the VCC/HDLC and CPC may make recommendations that are inconsistent with one another. It is also burdensome to the developer, who must navigate two agencies handling design review, each with their own review standards, submittal requirements, and review timelines. The amendment rectifies these problems by eliminating CPC design review in full control districts (where the HDLC/VCC does a full design review) and requiring CPC design review in partial control districts (where HDLC does not conduct a full design review; the VCC does not have any partial control districts).

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.5.C

What is the problem that needs to be addressed?

The submittal requirements for design reviews found in Article 4, Section 4.5.C currently do not emphasize the presentation-style submission that is needed, especially for applications considered by the Design Advisory Committee. The staff often receives a construction document that does not clearly show how the design goals are met. The design review process would be enhanced with better submissions.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

This item is not included in the attachment to Council Motion M-25-380 and is suggested by the staff under the authority granted to the City Planning Commission by the motion. Proposed deletions are shown below in ~~striktrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.5.C Submittal Requirements

7. **Architectural elevations or perspectives that convey the visual character of the development.** ~~Building elevations, locations, and dimensions.~~ **Contextual drawings that are drawn to scale and show the streetscape, including the proposed structure and adjacent structures. Label the height of the adjacent structures. A materials sheet that identifies all proposed exterior materials, finishes, and colors.**
8. General location of parking and site circulation.
9. General location, height, and material of all fences, walls, screening, and landscape.
10. A tabulation of the total gross area in square feet or acres of the project site and the floor area in square feet of any building(s) in the proposed development.
11. Landscape and stormwater management plan, where applicable.
12. Such other information as may be required in order to meet standards in the district in which the use is to be located.
13. A narrative description of how the proposed development addresses the design goals, **including compatibility with adjacent property, landscape and open space, circulation systems, and building design strategies.** ~~Reference published design guides and principles and how they informed the design concept in terms of sustainability, transit-oriented design, architectural, landscape architectural, and urban design, etc.~~
14. **A color-rendered site plan and landscape plan that clearly illustrates the design concept and spatial relationships.**
15. **Site context plans that highlight opportunities and constraints.**
16. **Images or specifications of proposed fixtures, furnishings, and lighting elements.**
17. **Design precedent images to show architectural styles or urban design strategies.**

The Executive Director of the City Planning Commission may waive submittal requirements where such information is not necessary to determine the nature of the development or that the development meets relevant approval criteria.

What is the benefit of the proposed amendment?

The proposed amendment facilitates the review of design review applications by emphasizing presentation-style materials that clearly depict the design of structures, their relationship to surrounding development, and indicate how the design addresses relevant approval criteria.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.5.D.3 (New Section)

What is the problem that needs to be addressed?

The process for design reviews does not currently include a time limit that begins with application submittal and ends with approved plans. Oftentimes plans must be revised before they can be approved. The duration of the revisions phase depends on the applicant's timely response. With no specified limit, design comments may remain open for extended periods of time.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 provides the following language to complete the amendment. The staff recommends maintaining the provided language. Proposed deletions are shown below in ~~strikethrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

Article 4, Section 4.5.D.3 (New Section)

The applicant shall have a maximum of one (1) year from the date of the application submittal to meet the stated conditions for approval in 4.5.E. At the written request of the applicant, the Executive Director may grant an extension not to exceed one (1) year. If the stated conditions have not been met by the expiration of this period, the application will be deemed denied.

What is the benefit of the proposed amendment?

The proposed amendment establishes a process for the City Planning Commission staff to follow when design review comments remain open due to the failure of an applicant to respond with compliant plans within a timeframe.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.5.F.2

What is the problem that needs to be addressed?

Article 4, Section 4.5.F.2 outlines the approval process when changes are made to previously approved development or design review plans and delineates the threshold of changes that require review by the City Planning Commission. Section 4.5.F.2.a states the Commission may approve changes to approved plans that do not increase “total building coverage” beyond 20 percent. The Comprehensive Zoning Ordinance does not define nor use the term “total building coverage” in other sections of the Ordinance. This term is commonly known as “floor area.” To remove ambiguity and confusion, “total building coverage” should be change to “floor area.”

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

The attachment to Council Motion M-25-380 provides specific language for this amendment, which is shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.5.F.2. Changes Approved by the City Planning Commission

- a. ~~Increases in total building coverage of any structure beyond twenty percent (20%) in any part of the development plan.~~ **a. Any increase in floor area of structures beyond 20% that does not exceed the bulk regulations of the underlying zoning district.**

What is the benefit of the proposed amendment?

The proposed amendment removes the undefined term “building coverage” that is not used elsewhere in the Comprehensive Zoning Ordinance and replaces it with a term that is defined. Additionally, it creates consistency with Section 4.5.F.1.b which uses the terminology of “floor area.” The proposed change removes ambiguity from the Ordinance and ensures consistent language is used.

Article 4,

What is the Article/Section for proposed amendment?

Article 4, Section 4.6.C.6 (New Section)

What is the problem that needs to be addressed?

The Comprehensive Zoning Ordinance currently mandates that two separate processes are required for CPC to grant any variances in connection with a subdivision. These variances could include yard setback or permeable open space requirements. The applicant must receive approval from the City Planning Commission for the subdivision and separate approval from the Board of Zoning Adjustments for the variance(s). There is no streamlined way to process both requests for a singular project at once, creating additional burden for both staff and the applicant.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 does not provide specific language to complete the amendment; therefore, staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.6.C Authority

6. In considering a subdivision application, the City Planning Commission may grant variances of zoning requirements where the need for the variances results from the subdivision.

What is the benefit of the proposed amendment?

The proposed amendment would allow the City Planning Commission to grant variances in connection with a subdivision, thus streamlining multiple requests at once instead of having to go through multiple approval bodies. This would limit the administrative burden for staff, as well as the financial burden for applicants, furthering efficiency in CPC processes.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.6.C.7 (New Section)

What is the problem that needs to be addressed?

Design overlay district design review approval standards are, by and large, subjective standards that are only required to be *considered*. For instance, Article 18.17.C states that “[n]ew development should promote safe, convenient and attractive pedestrian and bicycle access to the greenway” but does not provide a specific rubric for accomplishing this.

In contrast, development standards (e.g., building height, bulk and yard regulations, and design requirements such as transparency percentage) are quantifiable and have clearly defined requirements (e.g., an interior side yard setback requirement of 3 feet). In these instances, it is easily determinable whether a particular development plan is compliant with a particular requirement or not.

The Comprehensive Zoning Ordinance does not currently preclude the Board of Zoning Adjustments from granting variances of most design overlay district design review approval standards.¹ However, the Board is not best suited to reviewing these types of requests due to their subjective nature. The proposed amendment clarifies that only the Executive Director of the City Planning Commission has the authority to consider these standards when making final decisions on development plans. Appeals of the Executive Director’s decisions are available pursuant to Section 4.5.H of the CZO.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 does not provide specific language to complete the amendment; therefore, staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

¹ One such exception, outlined in Section 4.6.C.5, states that “[t]he variance process shall not be used to allow prohibited sign types...” As a result, the additional design review approval standard delineated in Section 18.16.B.7 that prohibits neon signage on the interior or exterior of windows, except for an open sign, would be ineligible for consideration by the BZA. However, other additional design review approval standards of Article 18 may be eligible for consideration if they are not explicitly exempt by Section 4.6.

4.6.C Authority

7. The additional design review approval standards of Article 18 shall not be subject to variances by the Board of Zoning Adjustments.

What is the benefit of the proposed amendment?

The proposed amendment would prohibit the Board of Zoning Adjustments from granting variances of design overlay district design review approval standards and would result in clarifying the Executive Director's authority "[t]o make final decisions on development plan and design review applications..." already outlined in Article 2.8.A, which includes consideration of these standards.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.6.D.2

What is the problem that needs to be addressed?

The Comprehensive Zoning Ordinance currently requires all multi-family developments (three or more dwelling units) to include a Project Neighborhood Participation Program (Project NPP) when requesting a variance, creating a regulatory barrier for small multi-family developers. This contributes to the red taping of housing development at large in the city, further burdening City agencies and developers with superfluous procedures and resulting administrative work. Ultimately, this undermines the goals and intent of the Master Plan, which is to both improve access to and supply of market rate and affordable housing.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 does not provide specific language to complete the amendment; therefore, staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~strikethrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.6.D.2 Pre-Application Meeting and Project Neighborhood Participation Program

All applications for variances, with the exception of applications for variances involving a ~~single-family or two-family~~ **residential development with less than five (5) dwelling units**, shall include a Project Neighborhood Participation Program (Project NPP). During a time of declared emergency by the Governor or Mayor, when in-person meetings are not an available option, the City Planning Commission Director shall be authorized to require teleconferencing, virtual, or other remote meeting formats to satisfy NPP requirements.

What is the benefit of the proposed amendment?

The proposed amendment would exempt 3- and 4-unit residential developments from a Project Neighborhood Participation Program (Project NPP) when requesting variances, decreasing regulatory barriers to provide small multi-family housing. This is a measure responsive to the context and character of neighborhoods these developments would likely be present in, limiting the NPP exemption to lower-impact developments. The intention is to incentivize smaller multi-family unit developments throughout the city, increasing housing supply broadly.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.6.D.3.c

What is the problem that needs to be addressed?

The Comprehensive Zoning Ordinance currently allows for variance cases to be deferred indefinitely, indefinitely expending both BZA staff and applicants' time and resources. This increases administrative and financial burden and further deteriorates public trust and perceptions of governmental efficiency.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 does not provide specific language to complete the amendment; therefore, staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.6.D.3 Action by the Board of Zoning Adjustments

c. The Board of Zoning Adjustments may approve, approve with modifications, ~~or~~ **deny, or defer** the application ~~within forty-five (45) days of the close of the public hearing. The Board of Zoning Adjustments may also vote to defer action within City Charter required timeframes in cases where it discovers applicants have not submitted complete and accurate information, including but not limited to errors or omissions in following the Project NPP.~~ **No application may be deferred for longer than a total of 180 days, including all individual deferrals of shorter time periods. Any item deferred for longer than 180 days will be deemed denied for deferral past deadline.** The failure to resolve a finding of incomplete or inaccurate information may be grounds for denial **at any time.**

What is the benefit of the proposed amendment?

The proposed amendment sets deadlines for BZA action, offering greater transparency and clear expectations of Board processes for the public. By managing public expectations, the Board may expect improved communications and relations with the public at large. Additionally, the Board may be able to move forward with items with greater legal clarity and ease, allowing for potentially quicker turnaround

times on assignments.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.6.F

What is the problem that needs to be addressed?

The Comprehensive Zoning Ordinance currently lists the BZA approval standards in an order that does not make sense from a review standpoint. This has also proved confusing for applicants, as the approval standards are currently listed at random, rather than ordered and categorized.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 does not provide specific language to complete the amendment; therefore, staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~strikethrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

The Board of Zoning Adjustments may authorize a variance only when the evidence presented supports a finding that each case indicates all of the following:

4.6.F Approval Standards

A. The basic elements for a variance exist because the below standards have been met:

1. Special conditions and circumstances exist that are peculiar to the land or structure involved and are not generally applicable to other ~~lands~~ **land** or structures in the same zoning district.
2. ~~Literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.~~ **The special conditions and circumstances do not result from the actions of the applicant or any other person who may have had an interest in the property.**
3. ~~The special conditions and circumstances do not result from the actions of the applicant or any other person who may have had an interest in the property.~~ **Literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.**
4. ~~Granting the variance requested will not confer on the applicant any special privilege which is denied by this Ordinance to other lands or structures in the same district or similarly situated.~~ **The request for the variance is not based primarily upon a desire to serve the convenience or profit of the property owner or other interested party(s).**

5. ~~The variance, if granted, will not alter the essential character of the locality.~~ **Strict adherence to the regulation by the property would result in a demonstrable hardship upon the owner, as distinguished from mere inconvenience.**

B. The impacts of granting a variance are acceptable because the below standards are met:

- 1. 6.** ~~Strict adherence to the regulation by the property would result in a demonstrable hardship upon the owner, as distinguished from mere inconvenience.~~ **Granting the variance requested will not confer on the applicant any special privilege which is denied by this Ordinance to other lands or structures in the same district or otherwise similarly situated.**
- 2. 7.** ~~The request for the variance is not based primarily upon a desire to serve the convenience or profit of the property owner or other interested party(s).~~ **The variance, if granted, will not alter the essential character of the locality.**
- 3. 8.** ~~The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood where the property is located.~~
- 4. 9.** ~~The proposed variance will not impair an adequate supply of light and air to adjacent property, increase substantially the congestion in the public street, increase the danger of fire, or endanger the public safety.~~

What is the benefit of the proposed amendment?

The proposed amendment provides clarity for applicants by separating the variance approval standards into two sections: standards that apply to the applicant and project site itself, and standards that explore potential impacts from a variance. Certainly, this would improve applicants' understanding of the approval standards and their ability to respond to whether or not their variance request meets each one. This will also allow a more streamlined approach to staff's review process as they evaluate the approval standards.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.6.G

What is the problem that needs to be addressed?

The Comprehensive Zoning Ordinance does not currently have introductory text for Article 4.6.G, which governs expiration and extensions of time for approved variances. Other application types, including conditional uses (Article 4.3.H) and planned developments (Article 4.4.I), for example, do provide this section. This text amendment proposes to better align variance expiration and extension language with other land use entitlement processes.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

ZD 048/25

Council Motion M-25-380 does not provide specific language to complete the amendment; therefore, staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.6.G Expiration of Approvals and Extension of Time

Termination of approval of a variance for failure to obtain final approval, a building permit and to start substantial construction, or to commence the use, or an extension of the time is governed as follows:

- ~~1. A variance expires one (1) year from the date of approval unless a building permit is obtained within such period and substantial construction is started or the use is commenced within such period. Unless otherwise prohibited, the Executive Director of the City Planning Commission may extend the time for expiration of a variance for a period not to exceed one (1) year upon a showing of good cause by the applicant. A request for extension shall be made in writing within the original period of validity. An extension for a period in excess of one (1) year may be granted only by the Board of Zoning Adjustments in accordance with number 2 below.~~
- ~~2. The holder of a variance may petition the Board of Zoning Adjustments for a longer extension of time not to exceed two (2) additional years. A request for extension shall be made in writing within the original period of validity. The Board shall hold a public hearing and decide whether to extend the time period. Notice for the public hearing is required in accordance with Article 3, Section 3.3. The applicant and the owner of record of the property shall be notified of a public hearing to be conducted by the Board of Zoning Adjustments. Following the public hearing, the Board shall render its decision whether to grant an extension of such period with good cause shown, subject to verification that the approval standards of Paragraph F above are still met.~~

What is the benefit of the proposed amendment?

The proposed amendment provides an introduction for Article 4.6.G, which governs expiration and extensions of time for approved variances. This aligns the section with those for conditional uses and planned developments.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.6.G.1

What is the problem that needs to be addressed?

The Comprehensive Zoning Ordinance currently sets expiration of variances as one (1) year from the date of approval "... unless a building permit is obtained within such period and substantial construction is

started or the use is commenced within such period.” This requires that applicants work to satisfy conditions of the variance approval, receive final approval from the Executive Director of the City Planning Commission, obtain a building permit, and complete substantial construction (or commence the use if no construction is required) all within one (1) year. This can result in the need for extensions, which creates unnecessary administrative work for staff, or expiration of variance approvals, which may delay or be fatal to development projects. This text amendment would provide a more realistic timeframe and would create separate deadlines for applicants to first finalize variance approvals and then to obtain a permit or commence the use.

This text amendment also eliminates the “begin substantial construction” requirement because it is unnecessary and difficult to enforce. First, there is no “begin substantial construction” event that is monitored by the Department of Safety & Permits that would definitively establish compliance, and it would be difficult to establish one. Once the building permit is issued, there are legal effects related to the vesting of property rights, which would make it difficult to enforce if the approval lapsed after the permit but before the start of construction. Additionally, the building permit is only valid for a limited period of time if there is no activity or an extension, which effectively provides the same protection as the “begin substantial construction” requirement.

Additionally, this text amendment would provide clarity as to when a variance approval expires and would better align with the Board of Zoning Adjustments’ Rules, Policies, and Procedures. A discrepancy currently exists between the Comprehensive Zoning Ordinance, which provisions that a variance expires one (1) year from the date of approval, and the Rules, which state that variance approvals are valid for one (1) year from the BZA "Filed" date.²

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 does not provide specific language to complete the amendment; therefore, staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~strike through~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.6.G Expiration of Approvals and Extension of Time

1 EXPIRATION

a. The Board of Zoning Adjustments’ approval of a A variance ~~is valid for~~ expires one (1) year from the ~~resolution "Filed"~~ **date. If the Executive Director of the City Planning Commission, or their designee, has not signed the development plan indicating final approval, or has not authorized an extension of time in accordance with Article 4, Section 4.6.G.2, the variance approval will expire.**

b. A variance expires ~~of approval unless if~~ a building permit is ~~not~~ obtained ~~within such period and substantial construction is started or the use is commenced within such period~~ **two (2) years of the final approval of the Executive Director of the City Planning Commission, or their designee, unless an extension of time is authorized in accordance with Article 4, Section 4.6.G.2.b.** ~~Unless otherwise prohibited, the Executive Director of the City Planning Commission~~

² The “Filed” date refers to the date that a disposition notice is stamped and filed, which can occur on any date within 10 days of the hearing.

~~may extend the time for expiration of a variance for a period not to exceed one (1) year upon a showing of good cause by the applicant. A request for extension shall be made in writing within the original period of validity. An extension for a period in excess of one (1) year may be granted only by the Board of Zoning Adjustments in accordance with number 2 below.~~

What is the benefit of the proposed amendment?

The proposed amendment would provide both clarity and longer timeframes for applicants to proceed through the development process. This may result in fewer expirations and reduce barriers to development. A portion of the deleted language will be relocated to Article 4, Section 4.8.G.2.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.6.G.2

What is the problem that needs to be addressed?

The Comprehensive Zoning Ordinance currently allows for a maximum extension period of three additional years from the Board of Zoning Adjustments' original approval. As part of that, the Executive Director of the City Planning Commission has the authority to grant a single one-year extension. Any extension request in excess of that, and no greater than two additional years, must be heard at a Board of Zoning Adjustments meeting and granted by the Board themselves. This text amendment would set new extension timetables and clarify the process for variance extensions.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 does not provide specific language to complete the amendment; therefore, staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~strikethrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.6.G Expiration of Approvals and Extension of Time

2. **EXTENSION OF TIME**

- a. Unless otherwise prohibited, the Executive Director of the City Planning Commission may extend the time for expiration of a variance in accordance with the provisions of this section **upon a showing of good cause by the applicant. A request for extension shall be made in writing within the original period of validity. An extension for a period in excess of either of the below may be granted only by the Board of Zoning Adjustments in accordance with Paragraph b below.**
- i. **One (1) year from the Board of Zoning Adjustments' approval as indicated by the resolution "Filed" date; or**

- ii. **Two (2) years from the final approval of the Executive Director of the City Planning Commission, or their designee.**

~~2-~~ **b.** The holder of a variance may petition the Board of Zoning Adjustments for a longer extension of time not to exceed two (2) additional years **from the date of the final approval of the Executive Director of the City Planning Commission, or their designee.** A request for extension shall be made in writing within the ~~original~~ period of validity. The Board shall hold a public hearing and decide whether to extend the time period. Notice for the public hearing is required in accordance with Article 3, Section 3.3. The applicant and the owner of record of the property shall be notified of a public hearing to be conducted by the Board of Zoning Adjustments. Following the public hearing, the Board shall render its decision whether to grant an extension of such period with good cause shown, subject to verification that the approval standards of Paragraph F above are still met.

What is the benefit of the proposed amendment?

The proposed amendment would provide for longer periods of extension, including granting the Executive Director of the City Planning Commission the authority to grant extensions of up to three additional years in total from the date of the Board's approval. This has the potential to reduce barriers to development and set clearer expectations for variance extensions for applicants.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.6.H

What is the problem that needs to be addressed?

The Comprehensive Zoning Ordinance text concerning the time limit for the appeal of the Board of Zoning Adjustments (BZA) to Civil District Court is currently not in alignment with state enabling legislation.³ This creates a legal discrepancy and complicates determining appeal legitimacy.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 does not provide specific language to complete the amendment; therefore, staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

³ See Louisiana R.S. 33:4727(E)(1): Any person or persons jointly or severally aggrieved by any decision by the board of adjustment of any officer, department, board, or bureau of the municipality, may present to the district court of the parish or city in which the property affected is located a petition, duly verified, setting forth that the decision is illegal, in whole or in part, specifying the grounds of the illegality. The petition shall be presented to the court *within thirty days after the filing of the decision in the office of the board.* **(emphasis added)**

4.6.H Appeals

An aggrieved party may appeal the Board of Zoning Adjustments' decisions on variance applications to the Orleans Parish Civil District Court within thirty (30) days of **the filing of the decision in the office of the** Board of Zoning Adjustments' ~~decision~~.

What is the benefit of the proposed amendment?

The proposed amendment aligns current CZO language with pertinent state legislation, thus legitimizing the appeal process and clarifying what officiates a “decision” with regards to an appeal.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.7.B

What is the problem that needs to be addressed?

Article 4, Section 4.7.B addresses the initiation of minor map amendments but the regulations do not provide language addressing what constitutes a minor map adjustment. However, a Zoning Interpretation Memorandum (Z-18-1) was published in 2018 by the Department of Safety and Permits, defining the term “minor” for the purposes of application of Section 4.7 *Minor Map Adjustments*. The term “Minor” was defined as follows: “A portion of a lot or multiple lots which do not constitute a reasonably developable portion of ground and where the resultant adjustment does not expand the portion of a lot within the proposed zoning classification which is greater than 15% of the portion of the lot from which the District boundary is proposed to be adjusted.”

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion No. M-25-380 provides the following language to complete the amendment. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.7.B. Initiation

Applications for minor map adjustments may be initiated by a property owner in the city or a person expressly authorized in writing by a property owner, the City Planning Commission, Director of the Department of Safety and Permits, and the City Council in the following instances: **provided that the adjustment results in a change to no more than 15% of the total area of the lots affected by the adjustment:**

What is the benefit of the proposed amendment?

The proposed amendment adds clarifying language that codifies the Department of Safety and Permits interpretation relative to the threshold for what constitutes a minor map adjustment, as opposed to zoning map adjustment that would require a zoning change.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.7.D.2.c (new section)

What is the problem that needs to be addressed?

Article 4, Section 4.4.D.2 addresses minor map amendments to the Future Land Use Map considered by the Executive Director of the City Planning Commission. Once a decision has been made, the regulations do not provide language addressing how the decision is memorialized.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 does not provide specific language to complete the amendment; therefore, staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.7.D.2. Action on Application

c. The decision on an application for a minor map adjustment shall be communicated to the applicant in writing and shall be made available on OneStop and the City's electronic notification system for any interested parties.

What is the benefit of the proposed amendment?

The proposed amendment adds clarifying language that codifies the procedure for noticing the applicant of when a decision is made.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.8.B

What is the problem that needs to be addressed?

Article 4, Section 4.8.B of the Comprehensive Zoning Ordinance identifies the types of decisions of the Director of the Department of Safety and Permits that may be appealed to the Board of Zoning Adjustments: zoning verifications, zoning ordinance interpretations, and permits issued under the Comprehensive Zoning Ordinance.

The problem at hand is two-fold:

Firstly, per the City of New Orleans Home Rule Charter Section 5-408(2), the Board only has the authority to hear appeals of *zoning* decisions. While Article 2, Section 2.6 of the CZO clearly reiterates the Board's powers, per the Charter, there is a lack of clarity in Article 4, Section 4.8.B. This has resulted in assumptions that any administrative decision whatsoever of the Director of the Department of Safety and Permits is appealable to BZA, which has created confusion for both applicants and City staff. This text amendment would provide further clarity about the types of decisions that may be appealed.

Secondly, there has been a longstanding interpretation that allows for appeals of any written decision of the Director of the Department of Safety and Permits under the Comprehensive Zoning Ordinance. This has included email correspondence and comments in the LAMA permitting database, for example. This text amendment would officially authorize this longstanding interpretation in the Comprehensive Zoning Ordinance and clarify applicants' understanding that any type of documentation bearing a decision of the

Director of the Department of Safety and Permits, in accordance with the City of New Orleans Home Rule Charter Section 5-408(2) et al., is acceptable.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

A portion of this item is not included in Council Motion M-25-380 and is suggested by the staff under the authority granted to the City Planning Commission by the motion. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.8.B Applicability

- 1. Appeals are authorized by the Board of Zoning Adjustments in accordance with Article 2, Section 2.6, Louisiana Revised Statute 33:4780.46, and Section 5-408 of the City Charter.**
- 2. Appeals may be filed concerning any decision of the Director of the Department of Safety and Permits ~~in the enforcement of the zoning ordinance of the City~~ on the following applications of this Ordinance (Section 2.6):**
 - a. ~~1.~~ The decision of the Director of the Department of Safety and Permits on zoning verifications.**
 - b. ~~2.~~ The decision of the Director of the Department of Safety and Permits on Zoning Ordinance interpretations.**
 - c. ~~3.~~ The decision of the Director of the Department of Safety and Permits on permits issued under the Comprehensive Zoning Ordinance.**
- 3. These decisions need not be formal, and any written communication of such a decision, including but not limited to an email or LAMA approval or disapproval, shall be considered appealable.**
- 4. For purposes of this Section, a decision made “in the enforcement of the zoning ordinance of the City” shall be those decisions that specifically apply the provisions of the zoning ordinance. Appeals made pursuant to this Section must therefore allege an error in the application of a provision of the zoning ordinance.**

What is the benefit of the proposed amendment?

The proposed amendment would provide further clarity around the types of decisions of the Director of the Department of Safety and Permits that are appealable. In addition, it would formalize a longstanding interpretation of the types of documentation that are considered appealable. Overall, this amendment furthers applicant understanding of what they are entitled to appeal and provides clarity for staff.

Article 4

What is the Article/Section for proposed amendment?

What is the problem that needs to be addressed?

The Comprehensive Zoning Ordinance does not currently provide specific detail on determining whether an appeal application is proper. This amendment authorizes a clearer process through which appeal applications are received and handled, providing greater clarity for both staff and the applicant.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 does not provide specific language to complete the amendment; therefore, staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.8.D Procedure

1. **Applications for appeal of the decision of the Director of the Department of Safety and Permits or Executive Director of the City Planning Commission shall be made in writing to the Board of Zoning Adjustments within forty-five (45) days of the decision.**
2. **All applications shall be filed with the Executive Director of the City Planning Commission in accordance with the requirements of Section 3.2 and reviewed for completeness by the Executive Director who shall determine whether the application is ripe for review by the Board, not moot, or otherwise unable to be heard in accordance with Section 4.8.B.**
 - a. **If the application is determined to be incomplete, unripe, moot, or otherwise unhearable, this determination will be conveyed to the applicant by the Board of Zoning Adjustments in writing.**
 - b. **Notwithstanding this determination, the Department of Safety and Permits or other interested parties may present arguments to the Board that an application is incomplete, unripe, moot, or otherwise unhearable and the Board may make a finding in accordance with this argument rather than rule on the merits of the appeal.**
3. ~~Upon the filing of an application for an appeal of a Director of the Department of Safety and Permits or Executive Director of the City Planning Commission decision, the Board of Zoning Adjustments shall conduct a public hearing in accordance with Sections 3.4 and make a final decision within forty-five (45) days from the date the public hearing is closed. The Director of the Department of Safety and Permits or the Executive Director of the City Planning Commission shall produce all papers, correspondence, and records requested by the Board of Zoning Adjustments for any hearing or meeting held by the Board. The Board shall owe no deference to interpretations by the Director of the Department of Safety and Permits. In reviewing factual determinations by the Director, the Board must determine, based upon the totality of the record evidence, that the Director committed clear error and that the error was material to the Director's determination.~~

What is the benefit of the proposed amendment?

The proposed amendment would elaborate on the overall procedure for appeal applications, including determining whether an appeal application is able to be heard. This amendment would result in enhanced

cooperation between the Board of Zoning Adjustments and the Department of Safety and Permits, as well as better applicant understanding of the process.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.8.E – 4.8.G (new section)

What is the problem that needs to be addressed?

The Comprehensive Zoning Ordinance does not currently provide a distinct section for the standard of review for zoning appeals. In order to insert a section listing those standards, two existing sections must be renumbered.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion No. M-25-380 recommends the following changes to the CZO. Proposed deletions are shown below in ~~strike through~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.8.E ~~Stay of Proceedings~~ **Standard of Review**

4.8.F Appeals **Stay of Proceedings**

4.8.G Appeals

What is the benefit of the proposed amendment?

The proposed amendment simply reorganizes existing sections to allow the insertion of a section related to approval standards of zoning appeals.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.8.E

What is the problem that needs to be addressed?

The Comprehensive Zoning Ordinance does not currently provide a distinct section for the standard of review for appeals in the same way that it does for other application types (i.e., “Approval Standards”). Instead, this language is currently part of a single paragraph under Article 4, Section 4.8.D Procedure, which also addresses several other procedural processes, and can be difficult for applicants and others to locate. Thus, this must be extracted from Article 4, Section 4.8.D Procedure and given its own section for better organization and clarity.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 does not provide specific language to complete the amendment; therefore, staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.8.E Stay of Proceedings

~~An appeal stays all administrative proceedings in furtherance of the action appealed from, unless the Director of the Department of Safety and Permits certifies to the Board of Zoning Adjustments, after the notice of appeal is filed, by reason of facts stated in the certificate, that a stay would, in the Director's opinion, cause imminent peril of life or property. In such case, proceedings may not be stayed after application to the Board or to the Civil District Court and notice to the Director of the Department of Safety and Permits, for due cause shown thereon, unless a restraining order is issued.~~ **The Board shall owe no deference to interpretations by the Director of the Department of Safety and Permits. In reviewing factual determinations by the Director, the Board must determine, based upon the totality of the record evidence, that the Director committed clear error and that the error was material to the Director's determination.**

What is the benefit of the proposed amendment?

The proposed amendment would streamline the decision appeal application section of the CZO for both the public and internal purposes, specifically concerning the standard of review for appeals, and make it more easily identifiable. Deleted language will be moved to a separate section for better organization of text (see Article 4, Section 4.8.F).

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.8.F

What is the problem that needs to be addressed?

In concurrence with the proposed amendments to Article 4, Section 4.8.E, the deleted section must be relocated as sections are reordered. Additionally, further legal clarity for both staff and the public is needed in that an appeal stays all administrative *enforcement* proceedings rather than all administrative proceedings.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 does not provide specific language to complete the amendment; therefore, staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.8.F Appeals

~~An aggrieved party may appeal the Board of Zoning Adjustments' decisions on zoning appeals to the Orleans Parish Civil District Court within thirty (30) days of the Board's decision.~~

An appeal stays all administrative enforcement proceedings in furtherance of the action appealed from, unless the Director of the Department of Safety and Permits certifies to the Board of Zoning Adjustments, after the notice of appeal is filed, by reason of facts stated in the certificate, that a stay would, in the Director's opinion, cause imminent peril of life or property. In such case, proceedings may not be stayed after application to the Board or to the Civil District Court and notice to the Director of the Department of Safety and Permits, for due cause shown thereon, unless a restraining order is issued.

What is the benefit of the proposed amendment?

The proposed amendment would contribute to streamlining the decision appeal section of the CZO for both the public and internal purposes, in that it would clarify that an appeal only stays administrative *enforcement* proceedings rather than all administrative proceedings. It would also reorder the section to after the new standard of review section proposed under Article 4, Section 4.8.E. Language removed from that former section is included here for better organization. Deleted language will be moved to a new section for better organization of text (see Article 4, Section 4.8.G).

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.8.G

What is the problem that needs to be addressed?

Another text amendment currently under consideration would strike the existing language of Article 4, Section 4.8.E and shift that language to Article 4, Section 4.8.F. As a result, the existing language of Article 4, Section 4.8.F, which would also be stricken, must be relocated. This would require the creation of a new section as Article 4, Section 4.8.G does not currently exist. This amendment would continue the restructuring of Article 4, Section 4.8 initiated in other pending text amendments to provide better organization.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 does not provide specific language to complete the amendment; therefore, staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.8.G Appeals

An aggrieved party may appeal the Board of Zoning Adjustments' decisions on zoning appeals to the Orleans Parish Civil District Court within thirty (30) days of the Board's decision.

What is the benefit of the proposed amendment?

The proposed amendment would streamline the zoning appeal application section of the CZO for both the public and internal purposes. This text amendment aligns with several others currently under consideration that would moderately restructure Article 4, Section 4.8 to provide better organization and clarity. The language proposed here was relocated from a prior section.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.9.D.2

What is the problem that needs to be addressed?

Article 4, Section 4.9.D provides the process for zoning verifications issued by the Department of Safety and Permits. The existing language in Section 4.9.D.2 however, does not fully recognize existing practice.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion No. M-25-380 provides the following language to complete the amendment. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.9.D Process

2. The Director of the Department of Safety and Permits issues a zoning verification as part of a building permit, certificate of occupancy, or business license. **These verifications may take the form of an approval or denial in the City's permit review system (LAMA).**

What is the benefit of the proposed amendment?

The proposed amendment would specify that LAMA approvals and denials constitute zoning verifications, thus recognizing existing practice and setting accurate expectations from the public.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.9.D.4

What is the problem that needs to be addressed?

Article 4, Section 4.9.D address zoning verifications and subsection 4.9.D.4 states the interest party shall

submit an application containing the subsequent list of documentation. Specifically is uses the word “material” which isn’t necessary and is ultimately redundant.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-38 does not provide specific language to complete the amendment; therefore, staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.9.D Process

4. The interested party shall submit an application containing the following ~~material~~, unless waived by the Director of the Department of Safety and Permits:

What is the benefit of the proposed amendment?

The proposed amendment does not change the meaning of the regulation, but simply removes an unnecessary word.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.9.D.4.e (new section)

What is the problem that needs to be addressed?

Article 4, Section 4.9.D.4 addresses what constitutes a complete application for zoning determinations. However, the list of required items is missing a section for application fees.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 does not provide specific language to complete the amendment; therefore, staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.9.D. Process

4. The interested party shall submit an application containing the following materials, unless waived by the Director of the Department of Safety and Permits:

e. Required application fees, if any. Application fees may not be waived by the Director of the Department of Safety and Permits.

What is the benefit of the proposed amendment?

The proposed amendment adds language that aligns with a recent update to section 70-564 of the City Code. This section states that zoning verification fees are \$100.00 and non-conforming use determinations are \$200.00. The proposed amendment to the CZO simply adds that a fee is required to set applicants’ expectations.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.9.E

What is the problem that needs to be addressed?

The Comprehensive Zoning Ordinance does not currently mandate appeal deadlines be included in zoning verifications from the Department of Safety and Permits (DSP), resulting in lack of transparency and ease of access to pertinent information for applicants.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 does not provide specific language to complete the amendment; therefore, staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

Section 4.9.E. Appeals

An interested party may appeal the zoning verification decision by the ~~Director of the~~ Department of Safety and Permits to the Board of Zoning Adjustments within forty-five (45) days of the decision. **All verifications issued by the Director of the Department of Safety and Permits must contain a statement explaining that there is a right to appeal to the Board of Zoning Adjustments and the deadline to do so.**

What is the benefit of the proposed amendment?

The proposed amendment would require that appeal deadlines be provided to applicants with any and all zoning determinations from the Department of Safety and Permits (DSP). This provides greater ease of access to and sooner communication of pertinent deadlines associated with an applicant's case.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Sections 4.10.E.

What is the problem that needs to be addressed?

Zoning text interpretations are made by the Director of the Department of Safety and Permits. Interpretations of the zoning map and the Master Plan future land use map (FLUM) are made by the Executive Director of the City Planning Commission. The Safety and Permits Director and City Planning Commission Executive Director are required to maintain a written record of all interpretations. Currently, there is no requirement to make interpretations available online and through NoticeMe. Also, there is no statement for the right to appeal.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 provides the following language to complete the amendment. The staff recommends maintaining the provided language. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.10.E Procedure

1. All applications for a zoning text interpretation shall be filed with the Director of the Department of Safety and Permits in accordance with the requirements in Section 3.2. The Director of the

Department of Safety and Permits shall review a request for an interpretation and render the written interpretation within forty-five (45) days of receipt of a complete application. The Director of the Department of Safety and Permits has the authority to request additional information prior to rendering an interpretation. The Director of the Department of Safety and Permits shall maintain a written record of all interpretations **and shall make all interpretations available on their publicly-accessible website. The Director of the Department of Safety and Permits shall also provide notice of interpretations to interested parties through the City's electronic notification system. All interpretations issued by the Director of the Department of Safety and Permits must contain a statement explaining that there is a right to appeal to the Board of Zoning Adjustments and the deadline to do so.**

2. All applications for a zoning map or Future Land Use Map interpretation shall be filed with the Executive Director of the City Planning Commission in accordance with the requirements in Section 3.2. The Executive Director of the City Planning Commission shall review a request for an interpretation and render the written interpretation within forty-five (45) days of receipt of a complete application. The Executive Director of the City Planning Commission has the ability to request additional information prior to rendering an interpretation. The Executive Director of the City Planning Commission shall maintain a written record of all interpretations **and shall make all interpretations available on their publicly-accessible website. The Executive Director of the City Planning Commission shall also provide notice of interpretations to interested parties through the City's electronic notification system. All interpretations issued by the Executive Director of the City Planning Commission must contain a statement explaining that there is a right to appeal to the City Planning Commission and the deadline to do so.**

What is the benefit of the proposed amendment?

The proposed amendment ensures that interpretations are publicly available through NoticeMe or an equivalent electronic system. In addition, it ensures that interested parties are notified of interpretations and provided appeal procedures.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Table (Table 4-3) Administrative Summary Table

What is the problem that needs to be addressed?

Two issues need to be addressed. The first is a formatting issue that wrongfully labels the table as Table 4-2 instead of Table 4-3. The proposed amendment would renumber it to Table 4-3. Further the table calls for the submittal of a Zoning Appeal from a decision made by the Department of Safety and Permits to be

taken in by the Director of Safety and Permits. However, this has historically not been the case, as it is the City Planning Commission who handles intake of zoning appeal applications. Those appeals are then sent to the Board of Zoning Adjustments, which the CPC serves as staff for. This amendment clarifies the correct department for submission.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

The updated text adds the following in **bold and underlined**:

Table 4-~~23~~: Administrative Summary Table *** Application Filing and Completeness
Determination / Zoning Appeal: ~~Director of the Department of Safety and Permits~~ **Executive
Director of the City Planning Commission**

What is the benefit of the proposed amendment?

The proposed amendment is a corrective measure and an administrative change to ensure consistency in the code.

Article 4

What is the Article/Section for proposed amendment?

Article 19, Section 19.3.C.2

What is the problem that needs to be addressed?

Article 19, Section 19.3.C.2 currently states that, if a motion for an Interim Zoning District (IZD) is brought to the council "by request," the respective party who requested that motion may be required to fulfill Neighborhood Participation Program (NPP) requirements. This can delay certain emergency IZDs that may need to be quickly addressed.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion No. M-25-380 provides the following language to complete the amendment. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

19.3.C Procedure

1. The zoning text amendment creating an interim zoning district or moratorium shall be initiated by the adoption of a motion by the City Council. Except as otherwise provided in this section, an interim zoning district or moratorium for a particular area shall be established on the Official Zoning Map.

~~2. Prior to the initiation of the City Council motion, the City Councilmember sponsoring the motion shall follow the procedure established in Section 4.2 for zoning map amendments. If the interim zoning district or moratorium is initiated "by request," the sponsoring City Councilmember may designate the requestor to fulfill the Project NPP requirements.~~

~~3~~2. The City Council motion initiating the interim zoning district or moratorium shall specify the type of review or study required in order to achieve the objectives of the temporary

prohibition. The motion shall also specify the City agency responsible for the review or study. The designated agency shall complete its review and provide its report to the Council within the time limits established for such temporary prohibitions.

43. The motion initiating the interim zoning district or moratorium shall also incorporate regulations addressing the following factors, where applicable:

- a. Intent of the interim zoning district or moratorium.
- b. Delineation of interim district boundaries or area subject to the moratorium.
- c. Uses permitted.
- d. Limitations on uses.
- e. Land use intensity, yard, lot area, and similar requirements.
- f. Special provisions necessary to the accomplishment of the intended intent and purpose of the district (i.e. landscape requirements, site plan review, etc.).
- g. Submittal requirements, if any.
- h. Appeal procedure

54. Upon adoption of the City Council's motion authorizing the City Planning Commission to conduct a public hearing to consider an amendment to this Ordinance to create an interim zoning district or moratorium, all appropriate agencies shall refuse to accept any new applications for permits that are in conflict with the intent and provisions of the proposed interim zoning district or moratorium. However, applications determined to be complete and received prior to adoption of such motion, may be reviewed and processed under existing regulations.

What is the benefit of the proposed amendment?

The proposed amendment allows for emergency action by the City Council which is the purpose of the Interim Zoning Districts (IZD).

Evaluation of approval standards

The City Planning Commission recommendation and the City Council decision on any zoning text amendment are matters of legislative discretion. In making their recommendation and decision, the City Planning Commission and the City Council are required to consider the standards in **Table 4-1: Standards for Zoning Amendments** of the Comprehensive Zoning Ordinance. In this section,

the staff evaluates the application using those standards

The proposed amendment is compatible with the Master Plan and Future Land Use Map.

The Home Rule Charter of the City of New Orleans requires all land use actions to be consistent with the Master Plan. A land use action is consistent with the Plan for the 21st Century, commonly known as the Master Plan, if it furthers, or at least does not interfere with, the goals, policies, and is compatible with the proposed future uses, densities, and intensities designated in the Land Use Element of the Plan. The recommended changes are consistent with the Master Plan because they are all minor edits that continue to work within the CZO's administrative purposes and place-based regulations that implement the Master Plan.

The proposed amendment is compatible with the place designations of this Ordinance.

This standard is met. The amendment will not alter the place designations of the Ordinance.

The proposed amendment promotes the public health, safety, and welfare of the City.

This standard is met. The text amendments will have a minor positive impact on the welfare of the city by making the zoning ordinance clearer, more usable, and more accessible to development professionals, property owners, as well as neighbors and community stakeholders.

The proposed amendment is compatible with the intent and general regulations of this Ordinance.

This standard is met. The recommended text amendments provide minor clarifications to address needs, efficiency, and to codify or correct existing interpretations.

The proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy.

The recommended amendments correct omissions and errors and add clarification to exiting requirements. Generally, they do not constitute a significant change in policy.

The proposed amendment benefits the citizens of the City as a whole.

This standard is met. The amendments address minor issues identified by City staff as hampering the usability of the zoning ordinance.

The proposed amendment provides a more workable way to achieve the intent and purposes of this Ordinance and the Master Plan.

This text amendments are all generally seen as a more workable and practical way to achieve the purposes of the CZO and Master Plan

The proposed amendment does not create a significant number of nonconformities.

The text amendment generally does not affect property-specific regulations and do not create nonconformities.

Staff Recommendation

Staff recommend approval of Zoning Docket 050/25 with the changes stated in this report.

City Planning Commission Meeting (October 28, 2025)

Following deferrals at the September 9 and October 14 City Planning Commission meetings, the Commission acted on the application at the October 28 meeting. The Commission received a presentation from the staff, followed by comments in objection from one speaker, Jeffrey Seymour. The staff responded to the speaker's comments at the Commission's request.

Commissioner Steeg made a motion for approval as recommended by the staff. Commissioner Josh-Gupta seconded the motion, and it was adopted unanimously.

MOTION:

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 049/25 IS HEREBY RECOMMENDED FOR APPROVAL. BE IT FURTHER MOVED THAT THE EXECUTIVE DIRECTOR IS HEREBY AUTHORIZED TO NOTIFY THE CITY COUNCIL OF SAID ACTION.

YEAS: Joshi-Gupta, Kepper, Poché, Steeg, Stewart, Witry

NAYS:

ABSENT: Flick, Jordan

Section	Summary of Change	Need for Change	Current Text	Proposed Change
Article 3 amendments				
Purpose: Refine the NPP regulations to be easier for the public to understand				
3.5 (new section)	Create a dedicated section for NPP procedures	Resolve inconsistencies between NPPs for different application types and create authoritative citation	None	<i>See word document</i>
Purpose: Make a legal requirement for the existing NoticeMe public notice system.				
3.6 (new section)	Codify the requirement for an electronic notification system	Ensures that NoticeMe or an equivalent system is used for land use	None	3.6 Electronic Notification System. City Planning Commission staff will maintain an electronic notification system capable of providing notice of all land use actions specified in the Comprehensive Zoning Ordinance to interested parties. This system may require participants to sign up and to indicate which notices they are interested in receiving. The City's NoticeMe system shall be deemed to fulfill this requirement, or the City Planning Commission may designate an alternative system if NoticeMe becomes unavailable for a considerable length of time or otherwise does not meet the requirements herein. The unavailability or failure of such a system shall not be reason to invalidate any application or action taken under this ordinance.
Purpose: Create limitations on zoning appeal re-applications that are consistent with limitations on other re-applications				
3.2.E.1	Add zoning appeals		1. An application for a zoning text or map amendment, conditional use, planned development, or variance that has been denied will not be reviewed or heard within two (2) years of the date of denial unless substantial new evidence is available or a significant mistake of law or of fact affected the prior denial. The official charged with receiving applications in Table 3-1 shall decide whether the subsequent application is appropriate for resubmittal before expiration of the two (2) year wait requirement.	1. An application for a zoning text or map amendment, conditional use, planned development, zoning appeal or variance that has been denied will not be reviewed or heard within two (2) years of the date of denial unless substantial new evidence is available or a significant mistake of law or of fact affected the prior denial. The official charged with receiving applications in Table 3-1 shall decide whether the subsequent application is appropriate for resubmittal before expiration of the two (2) year wait requirement.
Article 4 amendments				
Purpose: Enhance public notice of decisions and appeal rights				
4.10.E.1	Specify that interpretations must be available online and through NoticeMe and must include statement of the right to appeal	Ensure that interpretations are publicly available, that interested parties are notified of new interpretations for appeal purposes, and provide additional information to applicants	All applications for a zoning text interpretation shall be filed with the Director of the Department of Safety and Permits in accordance with the requirements in Section 3.2. The Director of the Department of Safety and Permits shall review a request for an interpretation and render the written interpretation within forty-five (45) days of receipt of a complete application. The Director of the Department of Safety and Permits has the authority to request additional information prior to rendering an interpretation. The Director of the Department of Safety and Permits shall maintain a written record of all interpretations.	All applications for a zoning text interpretation shall be filed with the Director of the Department of Safety and Permits in accordance with the requirements in Section 3.2. The Director of the Department of Safety and Permits shall review a request for an interpretation and render the written interpretation within forty-five (45) days of receipt of a complete application. The Director of the Department of Safety and Permits has the authority to request additional information prior to rendering an interpretation. The Director of the Department of Safety and Permits shall maintain a written record of all interpretations and shall make all interpretations available on their publicly-accessible website. The Director of the Department of Safety and Permits shall also provide notice of interpretations to interested parties through the City's electronic notification system. All interpretations issued by the Director of the Department of Safety and Permits must contain a statement explaining that there is a right to appeal to the Board of Zoning Adjustments and the deadline to do so.
4.10.F.3 (new section)	Require DSP to include appeal deadline in zoning interpretations	Provide additional information to applicants	None	3. All formal interpretation decisions by the Department of Safety and Permits must contain a statement explaining that there is a right to appeal to the Board of Zoning Adjustments and the deadline to do so.
4.7.D.2.c (new section)	Codifies how decision is memorialized	Current text is silent, provides public clarity	None.	c. The decision on an application for a minor map adjustment shall be communicated to the applicant in writing and shall be made available on OneStop and the City's electronic notification system for any interested parties.
4.8.B.	Add language that any written communication from DSP is appealable	Clarity on longstanding interpretation	Appeals may be filed concerning any decision of the Director of the Department of Safety and Permits on the following applications of this Ordinance: 1. The decision of the Director of the Department of Safety and Permits on zoning verifications. 2. The decision of the Director of the Department of Safety and Permits on Zoning Ordinance interpretations. 3. The decision of the Director of the Department of Safety and Permits on permits issued under the Comprehensive Zoning Ordinance.	Appeals may be filed concerning any decision of the Director of the Department of Safety and Permits on the following applications of this Ordinance: 1. The decision of the Director of the Department of Safety and Permits on zoning verifications. 2. The decision of the Director of the Department of Safety and Permits on Zoning Ordinance interpretations. 3. The decision of the Director of the Department of Safety and Permits on permits issued under the Comprehensive Zoning Ordinance. These decisions need not be formal, and any written communication of such a decision, including but not limited to an email or LAMA approval or disapproval, shall be considered appealable.
4.9.D.2	Specify that LAMA approvals and denials constitute zoning verifications	Recognize existing practice and set accurate expectations	The Director of the Department of Safety and Permits issues a zoning verification as part of a building permit, certificate of occupancy, or business license.	The Director of the Department of Safety and Permits issues a zoning verification as part of a building permit, certificate of occupancy, or business license. These verifications may take the form of an approval or denial in the City's permit review system (LAMA).
4.9.E	Require DSP to include appeal deadline in zoning verifications	Provide additional information to applicants	An interested party may appeal the zoning verification decision by the Director of the Department of Safety and Permits to the Board of Zoning Adjustments within forty-five (45) days of the decision.	An interested party may appeal the zoning verification decision by the ~~Director of the~~ Department of Safety and Permits to the Board of Zoning Adjustments within forty-five (45) days of the decision. All verifications issued by the Director of the Department of Safety and Permits must contain a statement explaining that there is a right to appeal to the Board of Zoning Adjustments and the deadline to do so.
Purpose: Create a process for regular CZO updates				
4.2.G (new section)	Add section requiring CPC to report to council annually on proposed changes to code	Makes the "omnibus amendment" process routine	None	By June 1 of each year, the City Planning Commission will transmit a report to the City Council containing recommended administrative amendments to the Comprehensive Zoning Ordinance. These recommended amendments shall not reflect policy changes, but shall consist of amendments which would achieve one of the following goals, as well as a statement of the necessity for each change. 1. Provide clarity to existing text of the Comprehensive Zoning Ordinance; 2. Correct an error or address a conflict in the existing text of the Comprehensive Zoning Ordinance; or 3. Codify an interpretation of the Department of Safety and Permits.
Purpose: Makes minor technical amendments to improve CZO language around the City Council consideration of a zoning ordinance				

Section	Summary of Change	Need for Change	Current Text	Proposed Change
4.2.C	Clarify what actions Council is required to take	More accurate than existing language	The City Council shall take formal action on requests for zoning text or map amendments after receiving a recommendation from the City Planning Commission, in accordance with Sections 5-406 and 5-407 of the City Charter.	The City Council ~~shall~~ may take formal action on requests for zoning text or map amendments after receiving a recommendation from the City Planning Commission, in accordance with Sections 5-406 and 5-407 of the City Charter. <u>The City Council shall receive the Commission's recommendation related to requests for zoning text or map amendments and shall calendar said requests for hearing in accordance with Section 4.2.D.4.</u>
4.2.Chart	Correct lie-over period after council introduction of ordinance to 20 days	Current reference to 21 days conflicts with charter requirements	Introduction of Ordinance by City Council. The Ordinance will layover a minimum of 21 days before adoption.	Introduction of Ordinance by City Council. The Ordinance will lay over a minimum of ~~21~~ 20 days before adoption.
4.2.Chart	Change motion to approve/approve with modifications to draft ordinance	Revise language to match proposed 4.2.D.4.a changes	Motion to Approve / Motion to Approve with Modifications / Motion to Deny	Motion to Approve Direct <u>the Preparation of an Ordinance</u> / ~~Motion to Approve with Modifications~~ / Motion to Deny
4.2.D.4.a	Recognize the purpose of the motion phase as directing the preparation of an ordinance, delete language regarding outcome with no legal majority	Clarify the purpose of the motion phase to set public expectations and accord with case law	a. The City Council shall hold a public hearing in accordance with its rules and take action by motion of approval, modified approval, or denial sixty (60) days from receipt of a City Planning Commission recommendation. The City Council may not take official action upon any application requiring a recommendation of the City Planning Commission until the report of the Commission has been received or, if the City Planning Commission has failed to act by a vote of the majority of the Commission members, once the application has been forwarded to the City Council without recommendation.	a. The City Council shall hold a public hearing ~~in accordance with its rules and take action by motion of approval, modified approval, or denial~~ <u>determine by motion whether the zoning docket should be heard as an ordinance within</u> sixty (60) days from receipt of a City Planning Commission recommendation. <u>This motion shall direct the preparation of an ordinance effectuating the zoning change, specifying any changes to be made from the requested amendment, or shall deny the amendment application.</u> The City Council may not take official action upon any application requiring a recommendation of the City Planning Commission until the report of the Commission has been received, ~~or, if the City Planning Commission has failed to act by a vote of the majority of the Commission members, once the application has been forwarded to the City Council without recommendation:~~
4.2.D.4.b	Delete sentence regarding outcome with no legal majority	Recognize changes made to similar sections regarding CPC failure to reach legal majority	b. If the City Council fails to take action by motion sixty (60) days from receipt of the City Planning Commission recommendation, the application is denied. If the application is forwarded to the City Council without recommendation from the City Planning Commission and the City Council fails to take action by motion sixty (60) days from the date it received the application, the application is denied.	b. If the City Council fails to take action by motion sixty (60) days from receipt of the City Planning Commission recommendation, the application is denied. ~~If the application is forwarded to the City Council without recommendation from the City Planning Commission and the City Council fails to take action by motion sixty (60) days from the date it received the application, the application is denied:~~
4.2.D.4.c	Provides process for ordinances which are not introduced after passage of a motion	Reconcile proposed changes to 4.2.D.4.a and remove provisions duplicative of Charter requirements	If the City Council takes action by motion of approval or modified approval, the City Council may forward the motion to the City Law Department for preparation of an ordinance. If the ordinance is introduced by the City Council, the ordinance shall lay over for a minimum of twenty (20) days following introduction before the Council may adopt it. The City Council's adoption of a motion shall not be construed as an approval of a zoning matter unless and until an ordinance is introduced and adopted in accordance with the Charter; introduction of an ordinance does not indicate the City Council's approval of a zoning matter. Failure by the City Council to take action on a zoning ordinance within ninety (90) days of the date the City Council took action by motion shall mean that the application is denied.	~~If the City Council takes action by motion of approval or modified approval, the City Council may forward the motion to the City Law Department for preparation of an ordinance. If the ordinance is introduced by the City Council, the ordinance shall lay over for a minimum of twenty (20) days following introduction before the Council may adopt it.~~ The City Council's adoption of a motion <u>under 4.2.D.4.a</u> shall not be construed as an approval of a zoning matter unless and until an ordinance is introduced and adopted in accordance with the Charter; introduction of an ordinance does not indicate the City Council's approval of a zoning matter. <u>Should a Council office elect not to introduce an ordinance despite passage of a motion directing the preparation of an ordinance, they shall notify the Clerk of Council of this intention in writing within sixty (60) days of the passage of the motion.</u> Failure by the City Council to take action on a zoning ordinance within ninety (90) days of the date the City Council ~~took action by~~ <u>passed the</u> motion shall mean that the application is denied.
4.3.C	Clarify what actions Council is required to take	More accurate than existing language	The City Council, after receiving a recommendation from the City Planning Commission, shall take formal action on requests for conditional uses, in accordance with Sections 5-406 and 5-407 of the City Charter.	The City Council; ~~after receiving a recommendation from the City Planning Commission; shall~~ <u>may</u> take formal action on requests for conditional uses after receiving a recommendation from the City Planning Commission, in accordance with Sections 5-406 and 5-407 of the City Charter. <u>The City Council shall receive the Commission's recommendation related to requests for conditional uses and shall calendar said requests for hearing in accordance with Section 4.3.D.4.</u>
4.3.Chart	Correct lie-over period after council introduction of ordinance to 20 days	Current reference to 21 days conflicts with charter requirements	Introduction of Ordinance by City Council. The Ordinance will layover a minimum of 21 days before adoption.	Introduction of Ordinance by City Council. The Ordinance will lay over a minimum of ~~21~~ 20 days before adoption.
4.3.Chart	Change motion to approve/approve with modifications to draft ordinance	Revise language to match proposed 4.2.D.4.a changes	Motion to Approve / Motion to Approve with Modifications / Motion to Deny	Motion to Approve Direct <u>the Preparation of an Ordinance</u> / ~~Motion to Approve with Modifications~~ / Motion to Deny
4.3.D.4.a	Recognize the purpose of the motion phase as directing the preparation of an ordinance, delete language regarding outcome with no legal majority	Clarify the purpose of the motion phase to set public expectations and accord with case law	a. The City Council shall hold a public hearing in accordance with its rules and take action by motion of approval, modified approval, or denial sixty (60) days from receipt of a City Planning Commission recommendation. The City Council may not take official action upon any application requiring a recommendation of the City Planning Commission until the report of the Commission has been received or, if the City Planning Commission has failed to act by a vote of the majority of the Commission members, once the application has been forwarded to the City Council without recommendation.	a. The City Council shall hold a public hearing ~~in accordance with its rules and take action by motion of approval, modified approval, or denial~~ <u>determine by motion whether the zoning docket should be heard as an ordinance within</u> sixty (60) days from receipt of a City Planning Commission recommendation. <u>This motion shall direct the preparation of an ordinance effectuating the zoning change, specifying any changes to be made from the requested conditional use as well as any needed provisos or waivers, or shall deny the conditional use application.</u> The City Council may not take official action upon any application requiring a recommendation of the City Planning Commission until the report of the Commission has been received, ~~or, if the City Planning Commission has failed to act by a vote of the majority of the Commission members, once the application has been forwarded to the City Council without recommendation:~~
4.3.D.4.b	Delete sentence regarding outcome with no legal majority	Recognize changes made to similar sections regarding CPC failure to reach legal majority	b. If the City Council fails to take action by motion sixty (60) days from receipt of the City Planning Commission recommendation, the application is denied. If the application is forwarded to the City Council without recommendation from the City Planning Commission and the City Council fails to take action by motion sixty (60) days from the date it received the application, the application is denied.	b. If the City Council fails to take action by motion sixty (60) days from receipt of the City Planning Commission recommendation, the application is denied. ~~If the application is forwarded to the City Council without recommendation from the City Planning Commission and the City Council fails to take action by motion sixty (60) days from the date it received the application, the application is denied:~~

Section	Summary of Change	Need for Change	Current Text	Proposed Change
4.3.D.4.c	Provides process for ordinances which are not introduced after passage of a motion	Reconcile proposed changes to 4.2.D.4.a and remove provisions duplicative of Charter requirements	If the City Council takes action by motion of approval or modified approval, the City Council may forward the motion to the City Law Department for preparation of an ordinance. If the ordinance is introduced by the City Council, the ordinance shall lay over for a minimum of twenty (20) days following introduction before the Council may adopt it. The City Council's adoption of a motion shall not be construed as an approval of a zoning matter unless and until an ordinance is introduced and adopted in accordance with the Charter; introduction of an ordinance does not indicate the City Council's approval of a zoning matter. Failure by the City Council to take action on a zoning ordinance within ninety (90) days of the date the City Council took action by motion shall mean that the application is denied.	~~If the City Council takes action by motion of approval or modified approval, the City Council may forward the motion to the City Law Department for preparation of an ordinance. If the ordinance is introduced by the City Council, the ordinance shall lay over for a minimum of twenty (20) days following introduction before the Council may adopt it.~~ The City Council's adoption of a motion <u>under 4.3.D.4.a</u> shall not be construed as an approval of a zoning matter unless and until an ordinance is introduced and adopted in accordance with the Charter; introduction of an ordinance does not indicate the City Council's approval of a zoning matter. Should a Council office elect not to introduce an ordinance despite passage of a motion directing the preparation of an ordinance, they shall notify the Clerk of Council of this intention in writing within sixty (60) days of the passage of the motion. Failure by the City Council to take action on a zoning ordinance within ninety (90) days of the date the City Council ~~took action by~~ passed the motion shall mean that the application is denied.
4.4.C	Clarify what actions Council is required to take	More accurate than existing language	The City Council, after receiving a recommendation from the City Planning Commission, shall take formal action on requests for planned developments, in accordance with Sections 5-406 and 5-407 of the City Charter.	The City Council; ~~after receiving a recommendation from the City Planning Commission; shall~~ may take formal action on requests for planned developments after receiving a recommendation from the City Planning Commission, in accordance with Sections 5-406 and 5-407 of the City Charter. The City Council shall receive the Commission's recommendation related to requests for planned developments and shall calendar said requests for hearing in accordance with Section 4.4.E.4.
4.4.Chart	Correct lie-over period after council introduction of ordinance to 20 days	Current reference to 21 days conflicts with charter requirements	Introduction of Ordinance by City Council. The Ordinance will layover a minimum of 21 days before adoption.	Introduction of Ordinance by City Council. The Ordinance will layover a minimum of ~~21~~ 20 days before adoption.
4.4.Chart	Change motion to approve/approve with modifications to draft ordinance	Revise language to match proposed 4.2.D.4.a changes	Motion to Approve / Motion to Approve with Modifications / Motion to Deny	Motion to Approve Direct ~~the Preparation of an Ordinance~~ / ~~Motion to Approve with Modifications~~ / Motion to Deny
4.4.E.4.a	Recognize the purpose of the motion phase as directing the preparation of an ordinance, delete language regarding outcome with no legal majority	Clarify the purpose of the motion phase to set public expectations and accord with case law	a. The City Council shall hold a public hearing in accordance with Sectio 3.4 and take action by motion of approval, modified approval, or denial sixty (60) days from receipt of a City Planning Commission recommendation. The City Council may not take official action upon any application requiring a recommendation of the City Planning Commission until the report of the Commission has been received or, if the City Planning Commission has failed to act by a vote of the majority of the Commission members, once the application has been forwarded to the City Council without recommendation.	a. The City Council shall hold a public hearing ~~in accordance with Section 3-4 and take action by motion of approval; modified approval; or denial~~ determine by motion whether the zoning docket should be heard as an ordinance within sixty (60) days from receipt of a City Planning Commission recommendation. This motion shall direct the preparation of an ordinance effectuating the zoning change, specifying any changes to be made from the requested amendment, or shall deny the amendment application. The City Council may not take official action upon any application requiring a recommendation of the City Planning Commission until the report of the Commission has been received, ~~or, if the City Planning Commission has failed to act by a vote of the majority of the Commission members; once the application has been forwarded to the City Council without recommendation;~~
4.4.E.4.b	Delete sentence regarding outcome with no legal majority	Recognize changes made to similar sections regarding CPC failure to reach legal majority	b. If the City Council fails to take action by motion sixty (60) days from receipt of the City Planning Commission recommendation, the application is denied. If the application is forwarded to the City Council without recommendation from the City Planning Commission and the City Council fails to take action by motion sixty (60) days from the date it received the application, the application is denied.	b. If the City Council fails to take action by motion sixty (60) days from receipt of the City Planning Commission recommendation, the application is denied. ~~If the application is forwarded to the City Council without recommendation from the City Planning Commission and the City Council fails to take action by motion sixty (60) days from the date it received the application, the application is denied;~~
4.4.E.4.c	Provides process for ordinances which are not introduced after passage of a motion	Reconcile proposed changes to 4.2.D.4.a and remove provisions duplicative of Charter requirements	If the City Council takes action by motion of approval or modified approval, the City Council may forward the motion to the City Law Department for preparation of an ordinance. If the ordinance is introduced by the City Council, the ordinance shall lay over for a minimum of twenty (20) days following introduction before the Council may adopt it. The City Council's adoption of a motion shall not be construed as an approval of a zoning matter unless and until an ordinance is introduced and adopted in accordance with the Charter; introduction of an ordinance does not indicate the City Council's approval of a zoning matter. Failure by the City Council to take action on a zoning ordinance within ninety (90) days of the date the City Council took action by motion shall mean that the application is denied.	~~If the City Council takes action by motion of approval or modified approval, the City Council may forward the motion to the City Law Department for preparation of an ordinance. If the ordinance is introduced by the City Council, the ordinance shall lay over for a minimum of twenty (20) days following introduction before the Council may adopt it.~~ The City Council's adoption of a motion <u>under 4.4.E.4.a</u> shall not be construed as an approval of a zoning matter unless and until an ordinance is introduced and adopted in accordance with the Charter; introduction of an ordinance does not indicate the City Council's approval of a zoning matter. Should a Council office elect not to introduce an ordinance despite passage of a motion directing the preparation of an ordinance, they shall notify the Clerk of Council of this intention in writing within sixty (60) days of the passage of the motion. Failure by the City Council to take action on a zoning ordinance within ninety (90) days of the date the City Council ~~took action by~~ passed the motion shall mean that the application is denied.
Purpose: Eliminate unnecessary administrative barriers				
4.2.D.3.c	Add language allowing Council to provide for more time	Enables Council to ensure adequate review and public engagement for complex amendments	The City Planning Commission shall recommend approval, modified approval, or denial sixty (60) days from the opening of the public hearing. The City Planning Commission may also vote to defer action within City Charter required timeframes in cases where it discovers applicants have not submitted complete and accurate information, including but not limited to errors or omissions in following the Project NPP. The failure to resolve a finding of incomplete or inaccurate information may be grounds for recommending denial. If the City Planning Commission fails to act by a vote of the majority of the Commission members, the application will be forwarded to the City Council without recommendation of no legal majority. The City Planning Commission's written recommendations, together with the staff report and recommendation, if any, shall be filed with the Clerk of the City Council.	The City Planning Commission shall recommend approval, modified approval, or denial sixty (60) days from the opening of the public hearing. For amendments initiated by Council motion, the City Council may provide for a longer period than sixty (60) days for good cause. The City Planning Commission may also vote to defer action within City Charter required timeframes in cases where it discovers applicants have not submitted complete and accurate information, including but not limited to errors or omissions in following the Project NPP. The failure to resolve a finding of incomplete or inaccurate information may be grounds for recommending denial. If the City Planning Commission fails to act by a vote of the majority of the Commission members, the application will be forwarded to the City Council without recommendation of no legal majority. The City Planning Commission's written recommendations, together with the staff report and recommendation, if any, shall be filed with the Clerk of the City Council.

Section	Summary of Change	Need for Change	Current Text	Proposed Change
4.3.E.4	Provide longer period before expiration of conditional use, add deadline to submit plans	Recognize realities of current financing and construction industries and consolidate all requirements pertaining to expiration in one section	a. For new construction, the conditional use approval will expire within three (3) years from the date the Executive Director of the City Planning Commission approves the final drawings for a conditional use if a building permit has not been issued and substantial construction has not been commenced, and no request for an extension of time is pending. b. For conditional uses approved for existing structures or for a parcel of land where no structure is planned, if the use has not been established within a period of three (3) years from the date the Executive Director of the City Planning Commission approves the final drawings for a conditional use, then the conditional use will expire.	a. <u>Plans Deadline. For all conditional uses, plans stamped as approved by the City Planning Commission must be recorded in the Conveyance Records of Orleans Parish within two (2) years of the effective date of the ordinance granting the conditional use.</u> <u>b. Construction/Use Deadline. (i)</u> For new construction, the conditional use approval will expire within ~~three (3)~~ <u>five (5)</u> years from the date the Executive Director of the City Planning Commission approves the final drawings for a conditional use if a building permit has not been issued and substantial construction has not been commenced, and no request for an extension of time is pending. ~~b. (ii)~~ For conditional uses approved for existing structures or for a parcel of land where no structure is planned, if the use has not been established within a period of ~~three (3)~~ <u>five (5)</u> years from the date the Executive Director of the City Planning Commission approves the final drawings for a conditional use, then the conditional use will expire.
4.3.H.2.a	Provide for one administrative extension request to CPC Executive Director and one extension request to council for each deadline	Clarify current process	Unless otherwise prohibited, the Executive Director of the City Planning Commission may extend the time for expiration of a conditional use approval for a period not to exceed one (1) year upon a showing of good cause by the applicant. A request for extension shall be made in writing within the original period of validity. A request made after the original period of validity but within one (1) year of the original period of validity must be considered by the City Planning Commission. An extension for a period in excess of one (1) year may be granted only by the City Council in accordance with Paragraph b below.	Unless otherwise prohibited, the Executive Director of the City Planning Commission may extend the time for expiration of ~~either the plans deadline or the construction/use deadline for~~ a conditional use approval for a period not to exceed one (1) year upon a showing of good cause by the applicant. A request for extension shall be made in writing within the original period of validity. ~~A request made after the original period of validity but within one (1) year of the original period of validity must be considered by the City Planning Commission. An extension for a period in excess of one (1) year may be granted only by the City Council in accordance with Paragraph b below.~~ Any extension that does not meet all of these conditions may only be granted by the City Council in accordance with Paragraph b below.
4.3.H.2.b	Provide for council extension of either deadline, including extensions longer than one year	Clarify current process	The holder of a conditional use may petition the City Council for a longer extension of time. A request for extension shall be made in writing within the original period of validity. The City Council shall hold a public hearing and decide whether to extend the time period. Notice for the public hearing is required in accordance with Section 3.3. The applicant and the owner of record of the property shall be notified of a public hearing to be conducted by the City Council. Following the public hearing, the City Council shall render its decision whether to terminate or extend the approval, taking into account hardship to the applicant or property owner, changes in surrounding circumstances that have occurred since the original approval, and the likelihood that substantial construction will occur during any period of extension.	The holder of a conditional use may petition the City Council ~~for an extension of time longer than the Executive Director of the City Planning Commission may authorize. The holder of a conditional use may also petition the City Council for a second extension of either both the plans deadline or the construction/use deadline.~~ A request for extension shall be made in writing within the original period of validity. The City Council shall hold a public hearing and decide whether to extend the time period. Notice for the public hearing is required in accordance with Section 3.3. The applicant and the owner of record of the property shall be notified of a public hearing to be conducted by the City Council. Following the public hearing, the City Council shall render its decision whether to terminate or extend the approval, taking into account hardship to the applicant or property owner, changes in surrounding circumstances that have occurred since the original approval, and the likelihood that substantial construction will occur during any period of extension. <u>by motion within sixty (60) days of receipt of the request.</u>
4.4.I.1	Provide longer period before expiration of planned development, add deadline to submit plans	Recognize realities of current financing and construction industries and consolidate all requirements pertaining to expiration in one section, ensure consistency with conditional uses	a. The planned development will expire within three (3) years from the date the Executive Director of the City Planning Commission approves the final drawings for a planned development if a building permit has not been issued and substantial construction has not been commenced, and no request for an extension of time is pending. b. For planned developments approved for existing structures, if the planned development has not been established within a period of three (3) years from the date the Executive Director of the City Planning Commission approves the final drawings for a conditional use, then the planned development will expire.	a. <u>Plans Deadline. For all planned developments, plans stamped as approved by the City Planning Commission must be recorded in the Conveyance Records of Orleans Parish within two (2) years of the effective date of the ordinance granting the planned development.</u> <u>b. Construction/Use Deadline. (i)</u> For new construction, the planned development approval will expire within ~~three (3)~~ <u>five (5)</u> years from the date the Executive Director of the City Planning Commission approves the final drawings for a planned development if a building permit has not been issued and substantial construction has not been commenced, and no request for an extension of time is pending. ~~b. (ii)~~ For planned developments approved for existing structures <u>or for a parcel of land where no structure is planned,</u> if the planned development has not been established within a period of ~~three (3)~~ <u>five (5)</u> years from the date the Executive Director of the City Planning Commission approves the final drawings for a planned development, then the planned development will expire.
4.6.d.2	Adding 3- and 4- unit developments to the NPP exemption	Barrier for small MF housing developments	All applications for variances, with the exception of applications for variances involving a single-family or two-family dwelling, shall include a Project Neighborhood Participation Program (Project NPP). During a time of declared emergency by the Governor or Mayor, when in-person meetings are not an available option, the City Planning Commission Director shall be authorized to require teleconferencing, virtual, or other remote meeting formats to satisfy NPP requirements.	All applications for variances, with the exception of applications for variances involving a ~~single-family or two-family~~ a dwelling <u>with under 5 residential units.</u> shall include a Project Neighborhood Participation Program (Project NPP). During a time of declared emergency by the Governor or Mayor, when in-person meetings are not an available option, the City Planning Commission Director shall be authorized to require teleconferencing, virtual, or other remote meeting formats to satisfy NPP requirements.
Purpose: Improve				
4.2.E (Table 4-1)	Remove references to place designations	Place designations are not meaningfully defined in the CZO and do not provide helpful standards of analysis	2. The proposed amendment is compatible with the place designations of this Ordinance.	~~2: The proposed amendment is compatible with the place designations of this Ordinance:~~
4.3.A	Clarify public need justification for conditional uses	Additional explanation is helpful	However there are certain uses that, because of their unique characteristics, cannot be properly classified in certain districts without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location.	However there are certain uses that, because of their unique characteristics, cannot be properly classified in certain districts without consideration, in each case, of the impact of those uses upon neighboring land, ~~and of~~ <u>as well as</u> the public need for ~~or public benefit of~~ the particular use at the particular location, <u>if any.</u>

Section	Summary of Change	Need for Change	Current Text	Proposed Change
4.6.C.3	Amend BZA Approval Standards	Provide additional clarity to applicants	The Board of Zoning Adjustments may authorize a variance only when the evidence presented supports a finding that each case indicates all of the following: 1. Special conditions and circumstances exist that are peculiar to the land or structure involved and are not generally applicable to other lands or structures in the same zoning district. 2. Literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance. 3. The special conditions and circumstances do not result from the actions of the applicant or any other person who may have had an interest in the property. 4. Granting the variance requested will not confer on the applicant any special privilege which is denied by this Ordinance to other lands or structures in the same district or similarly situated. 5. The variance, if granted, will not alter the essential character of the locality. 6. Strict adherence to the regulation by the property would result in a demonstrable hardship upon the owner, as distinguished from mere inconvenience. 7. The request for the variance is not based primarily upon a desire to serve the convenience or profit of the property owner or other interested party(s). 8. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located. 9. The proposed variance will not impair an adequate supply of light and air to adjacent property, increase substantially the congestion in the public street, increase the danger of fire, or endanger the public safety.	(Delete existing text; not reproduced here to preserve space.) The Board of Zoning Adjustments may authorize a variance only when the evidence presented supports a finding that each case indicates all of the following: A. The basic elements for a variance exist because the below standards have been met: 1. Special conditions and circumstances exist that are peculiar to the land or structure involved and are not generally applicable to other land or structures in the same zoning district. 2. The special conditions and circumstances do not result from the actions of the applicant or any other person who may have had an interest in the property. 3. Literal interpretation of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance. 4. The request for the variance is not based primarily upon a desire to serve the convenience or profit of the property owner or other interested party. 5. Strict adherence to the regulation by the owner or their agent would result in a demonstrable hardship upon the owner, as distinguished from mere inconvenience. B. The impacts of granting a variance are acceptable because the below standards are met: 1. Granting the variance requested will not confer on the applicant any special privilege which is denied by this Ordinance to other lands or structures in the same district or otherwise similarly situated. 2. The variance, if granted, will not alter the essential character of the locality. 3. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood where the property is located. 4. The proposed variance will not impair an adequate supply of light and air to adjacent property. Increase substantially the congestion of nearby streets, increase the danger of fire, or otherwise endanger the public safety.
Purpose: Improve notice and content of waivers and provisos				
4.3.E.1	Add language preventing provisos that restate the CZO	Ensure that provisos do not contain outdated general CZO requirements	The City Planning Commission may recommend and the City Council may impose such conditions and restrictions upon the establishment, location, design, construction, maintenance, and operation of the conditional use as deemed necessary for the protection of the public health, safety, and welfare.	The City Planning Commission may recommend and the City Council may impose such conditions and restrictions upon the establishment, location, design, construction, maintenance, and operation of the conditional use as deemed necessary for the protection of the public health, safety, and welfare. Said restrictions and conditions, codified as provisos, shall not merely restate the text of the Comprehensive Zoning Ordinance.
4.3.E.4	Specify that waivers must be noticed by motion directing preparation of ordinance if they do not appear in the CPC's report	Ensure notice to the public of any potential waivers associated with a conditional use	The City Council may grant a variance from specific zoning standards otherwise applicable to the use by this Ordinance to secure the general objectives of this section, provided however that any such shall be based on a finding that the case meets the approval standards of Section 4.6.F. However, the City Council cannot waive or modify any approval standards of this section.	The City Council may grant a variance waiver from specific zoning standards otherwise applicable to the use by this Ordinance to secure the general objectives of this section, provided however that any such shall be based on a finding that the case meets the approval standards of Section 4.6.F. However, the City Council cannot waive or modify any approval standards of this section or any other section for which variances may not be granted under the terms of this Ordinance. Any waiver which was not considered by the City Planning Commission must be included in the motion directing the preparation of an ordinance described in 4.3.D.4.a.
Purpose: Codify interpretations that have been made by the Department of Safety and Permits				
4.4.1.2.a	Provide for one administrative extension request to CPC Executive Director and one extension request to council for each deadline	Clarify current process	Unless otherwise prohibited, the Executive Director of the City Planning Commission may extend the time for expiration of a planned development approval for a period not to exceed one (1) year upon a showing of good cause by the applicant. A request for extension shall be made in writing within the original period of validity. A request made after the original period of validity but within one (1) year of the original period of validity must be considered by the City Planning Commission. An extension for a period in excess of one (1) year may be granted only by the City Council in accordance with Paragraph b below.	Unless otherwise prohibited, the Executive Director of the City Planning Commission may extend the time for expiration of either the plans deadline or the construction/use deadline for a planned development approval for a period not to exceed one (1) year upon a showing of good cause by the applicant. A request for extension shall be made in writing within the original period of validity. A request made after the original period of validity but within one (1) year of the original period of validity must be considered by the City Planning Commission. An extension for a period in excess of one (1) year may be granted only by the City Council in accordance with Paragraph b below. Any extension that does not meet all of these conditions may only be granted by the City Council in accordance with Paragraph b below.
4.4.1.2.b	Provide for council extension of either deadline, including extensions longer than one year	Clarify current process	The holder of a planned development may petition the City Council for a longer extension of time. A request for extension shall be made in writing within the original period of validity. The City Council shall hold a public hearing and decide whether to extend the time period. Notice for the public hearing is required in accordance with Section 3.3. The applicant and the owner, if owned at this property shall be notified of a public hearing to be conducted by the City Council. Following the	The holder of a planned development may petition the City Council for a longer extension of time or for a second extension of either hearing and decide whether to extend the time period. Notice for the public hearing is required in accordance with Section 3.3. The applicant and the owner, if owned at this property shall be notified of a public hearing to be conducted by the City Council. Following the
4.7.B	Create a threshold for what constitutes a minor map adjustment	Resolve unclear text and codify DSP interpretation	Applications for minor map adjustments may be initiated by a property owner in the city or a person expressly authorized in writing by a property owner, the City Planning Commission, Director of the Department of Safety and Permits, and the City Council in the following instances:	Applications for minor map adjustments may be initiated by a property owner in the city, a person expressly authorized in writing by a property owner, the City Planning Commission, Director of the Department of Safety and Permits, or the City Council in the following instances, provided that the adjustment results in a change to no more than 15% of the total area of the lots affected by the adjustment.
Amend section 4.5.F to clean up	Make clear that reductions in scope can be admin approved; reconcile lot coverage/floor area			Revise 4.5.F
19.3.C.2	Delete in entirety; renumber remaining sections accordingly	Allows for emergency action (purpose of IZDs)	Prior to the initiation of the City Council motion, the City Councilmember sponsoring the motion shall follow the procedure established in Section 4.2 for zoning map amendments. If the interim zoning district or moratorium is initiated "by request," the sponsoring City Councilmember may designate the requestor to fulfill the Project NPP requirements.	Prior to the initiation of the City Council motion, the City Councilmember sponsoring the motion shall follow the procedure established in Section 4.2 for zoning map amendments. If the interim zoning district or moratorium is initiated "by request," the sponsoring City Councilmember may designate the requestor to fulfill the Project NPP requirements.
Purpose: Clarify CPC design review requirements and processes				

Section	Summary of Change	Need for Change	Current Text	Proposed Change
4.5.B.11	Clarifies the requirements as to when and to what extent site plan and design review are required for developments located in historic districts.	Provide clarity as to what areas do or do not require site plan review	When a property is located within the Vieux Carré Historic District or within the Historic Districts Landmark Commission's full control Historic Districts, those developments are exempt from site plan and design review, but are subject to the review procedures of the Vieux Carré Commission or Historic Districts Landmark Commission, as applicable. Properties within full control local historic districts are not exempt from design review of site design by the City Planning Commission Executive Director or Design Advisory Committee. Properties within partial control local historic districts are not exempt from design review. Properties with the RIV Riverfront Design Overlay District are not exempt.	~~When a property is located within the Vieux Carré Historic District or within the Historic Districts Landmark Commission's full control Historic Districts, those developments are exempt from site plan and design review, but are subject to the review procedures of the Vieux Carré Commission or Historic Districts Landmark Commission, as applicable. Properties within full control local historic districts are not exempt from design review of site design by the City Planning Commission Executive Director or Design Advisory Committee. Properties within partial control local historic districts are not exempt from design review. Properties with the RIV Riverfront Design Overlay District are not exempt.~~ When a property is located within the Vieux Carré Historic District, developments upon the property are exempt from site plan and design review by the City Planning Commission. However, such developments are subject to the site plan and design review procedures of the Vieux Carré Commission.. When a property is located within the Historic Districts Landmark Commission's full control Historic Districts, developments upon the property are subject to site plan review procedures established by the City Planning Commission. Such developments are further subject to review procedures established by the Historic Districts Landmark Commission.. Unless otherwise specified by law, when a property is located within the Historic Districts Landmark Commission's partial control local Historic Districts, developments upon the property are subject to site plan and design review procedures established by the City Planning Commission.. When a property is located within the RIV Riverfront Design Overlay District, developments upon the property are subject to site plan and design review procedures established by the City Planning Commission..
4.5.B.3.b	Delete standard requiring Design Review for all developments within the block of major intersections	Requires design review for residentially-zoned property not subject to overlay, causing unnecessary process	b. Developments on lots within the entirety of each block located at the major intersections along a design overlay district identified in Article 18.	~~b. Developments on lots within the entirety of each block located at the major intersections along a design overlay district identified in Article 18:~~
4.5.D.3 (New Section)	Include time limit for design reviews	No time limit in text currently, allows design reviews to sit for extended periods of time	None	<u>4.5.D.3 The applicant shall have a maximum of one (1) year from the date of the application submittal to meet the stated conditions for approval in 4.5.E. At the written request of the applicant, the Executive Director may grant an extension not to exceed one (1) year. If the stated conditions have not been met by the expiration of this period, the application will be deemed denied.</u>
Purpose: Rectify inconsistencies with				
4.5.F.2	Remove references to "total building coverage"	Undefined term not used elsewhere in CZO	The City Planning Commission, upon recommendation of other applicable City departments or commissions, may approve the following changes: a. Increases in total building coverage of any structure beyond twenty percent (20%) in any part of the development plan. b. Increases in height of any individual structure beyond ten percent (10%) and up to twenty percent (20%) of the approved height of said structure, provided that the requested height does not exceed the height limit established in the district. c. Increases in the number of structures permitted in any part of the development plan. All applications for amendments to approved Conditional Use plans requiring City Planning Commission approval shall include a Project Neighborhood Participation Program (Project NPP) in accordance with Article 4, Section 4.3.D.2 Pre-Application Meeting and Project Neighborhood Participation Program.	The City Planning Commission, upon recommendation of other applicable City departments or commissions, may approve the following changes: ~~a. Increases in total building coverage of any structure beyond twenty percent (20%) in any part of the development plan.~~ a. Any increase in floor area of structures beyond 20% that does not exceed the bulk regulations of the underlying zoning district. b. Increases in height of any individual structure beyond ten percent (10%) and up to twenty percent (20%) of the approved height of said structure, provided that the requested height does not exceed the height limit established in the district. c. Increases in the number of structures permitted in any part of the development plan. All applications for amendments to approved Conditional Use plans requiring City Planning Commission approval shall include a Project Neighborhood Participation Program (Project NPP) in accordance with Article 4, Section 4.3.D.2 Pre-Application Meeting and Project Neighborhood Participation Program.
Purpose: Clarify the variance process				
4.6.C.6 (New Section)	Allow the City Planning Commission to grant variances in connection with a subdivision	Two separate processes are currently required to achieve this--BZA and CPC hearings.	None	<u>4.6.C.6 The City Planning Commission may grant a variance from specific zoning standards otherwise applicable to the subdivision by this Ordinance to secure the general objectives of this section, provided however that any such shall be based on a finding that the case meets the approval standards of Section 4.6.F. The Commission cannot waive or modify any approval standards of this section.</u>
4.6.C.7 (New Section)	Prohibit variances of design review standards in overlays	These standards are reviewable by executive director and variance standards can be considered in that review	None	<u>4.6.C.7 The additional design review approval standards of Article 18 shall not be subject to variances by the Board of Zoning Adjustments.</u>
4.6.D.3.c	Set clear deadlines for BZA action	BZA cases can currently be deferred indefinitely	c. The Board of Zoning Adjustments may approve, approve with modifications, or deny the application within forty-five (45) days of the close of the public hearing. The Board of Zoning Adjustments may also vote to defer action within City Charter required timeframes in cases where it discovers applicants have not submitted complete and accurate information, including but not limited to errors or omissions in following the Project NPP. The failure to resolve a finding of incomplete or inaccurate information may be grounds for denial.	~~c. The Board of Zoning Adjustments may approve, approve with modifications, or deny the application within forty-five (45) days of the close of the public hearing. The Board of Zoning Adjustments may also vote to defer action within City Charter required timeframes in cases where it discovers applicants have not submitted complete and accurate information, including but not limited to errors or omissions in following the Project NPP. The failure to resolve a finding of incomplete or inaccurate information may be grounds for denial, deny, or defer the application. No item may be deferred for longer than a total of 180 days, including all individual deferrals of shorter time periods. Any item deferred for longer than 180 days will be deemed denied for deferral past deadline.~~
4.6.H	Clarify time limit for appeal of BZA to Civil District Court	Current text is not in alignment with state enabling legislation	An aggrieved party may appeal the Board of Zoning Adjustments' decisions on variance applications to the Orleans Parish Civil District Court within thirty (30) days of the Board of Zoning Adjustments' decision.	An aggrieved party may appeal the Board of Zoning Adjustments' decisions on variance applications to the Orleans Parish Civil District Court within thirty (30) days of <u>the filing of the decision in the office of the</u> Board of Zoning Adjustments' ~~decision~~ .
4.6.G (new section)	Provide introductory text	Administrative change	None	<u>Termination of approval of a variance for failure to obtain final approval, a building permit or to commence the use, or an extension of the time is governed as follows:</u>

Section	Summary of Change	Need for Change	Current Text	Proposed Change
4.6.G.1	Specifies actions required to prevent variance expiration	Clarity for applicants	1. A variance expires one (1) year from the date of approval unless a building permit is obtained within such period and substantial construction is started or the use is commenced within such period. Unless otherwise prohibited, the Executive Director of the City Planning Commission may extend the time for expiration of a variance for a period not to exceed one (1) year upon a showing of good cause by the applicant. A request for extension shall be made in writing within the original period of validity. An extension for a period in excess of one (1) year may be granted only by the Board of Zoning Adjustments in accordance with number 2 below.	4.6.G.1 EXPIRATION a. ~~The Board of Zoning Adjustments' approval of a~~ A variance is valid for ~~expires one (1) year from the resolution "Filed" date, if the Executive Director of the City Planning Commission, or their designee, has not signed the development plan indicating final approval, or has not authorized an extension of time submitted by such date by the holder of the variance, in accordance with Article 4, Section 4.2, the variance approval will expire.~~ b. A variance expires ~~if approval is not obtained within such period and substantial construction has started, or the use is commenced within such period; two (2) years of the date of the Executive Director of the City Planning Commission's, or their designee's, final approval, unless an extension of time at the holder of the variance 's request, submitted by such date, is authorized by the Executive Director of the City Planning Commission, or their designee, or by the Board of Zoning Adjustments, in accordance with Article 4, Section 4.~~
4.6.G.2	Provide process for variance extensions	Clarity for applicants	2. The holder of a variance may petition the Board of Zoning Adjustments for a longer extension of time not to exceed two (2) additional years. A request for extension shall be made in writing within the original period of validity. The Board shall hold a public hearing and decide whether to extend the time period. Notice for the public hearing is required in accordance with Article 3, Section 3.3. The applicant and the owner of record of the property shall be notified of a public hearing to be conducted by the Board of Zoning Adjustments. Following the public hearing, the Board shall render its decision whether to grant an extension of such period with good cause shown, subject to verification that the approval standards of Paragraph F above are still met.	4.6.G.2 EXTENSION OF TIME a. Unless otherwise prohibited, the Executive Director of the City Planning Commission may extend the time for expiration of a variance for a period not to exceed one (1) ~~additional year from either of the following deadlines upon a showing of good cause by the applicant. A request for extension shall be made in writing within the original period of validity. An extension for a period in excess of one (1) year from either of the below dates may be granted only by the Board of Zoning Adjustments in accordance with number 2 b. below.~~ i. One (1) year from the Board of Zoning Adjustments' approval as indicated by the resolution "Filed" date; or ii. Two (2) years from the Executive Director of the City Planning Commission's, or their designee's, final approval date upon a showing of good cause by the applicant. A request for extension shall be made in writing within the original period of validity. An extension for a period in excess of one (1) year may be granted only by the Board of Zoning Adjustments in accordance with number 2 below; b. The holder of a variance may petition the Board of Zoning Adjustments for a longer extension of time not to exceed two (2) additional years ~~from the date of the Executive Director of the City Planning Commission's, or their designee's, final approval.~~ A request for extension shall be made in writing within the original period of validity. The Board shall hold a public hearing and decide whether to extend the time period. Notice for the public hearing is required in accordance with Article 3, Section 3.3. The applicant and the owner of record of the property shall be notified of a public hearing to be conducted by the Board of Zoning Adjustments. Following the public hearing, the Board shall render its decision whether to grant an extension of such period with good cause shown, subject to verification that the approval standards of Paragraph F above are still met.
4.8.D	Add additional detail about completeness and sufficiency review of appeal applications	Current text is silent, provides public clarity	Upon the filing of an application for an appeal of a Director of the Department of Safety and Permits or Executive Director of the City Planning Commission decision, the Board of Zoning Adjustments shall conduct a public hearing in accordance with Sections 3.4 and make a final decision within forty-five (45) days from the date the public hearing is closed. The Director of the Department of Safety and Permits or the Executive Director of the City Planning Commission shall produce all papers, correspondence, and records requested by the Board of Zoning Adjustments for any hearing or meeting held by the Board. The Board shall owe no deference to interpretations by the Director of the Department of Safety and Permits. In reviewing factual determinations by the Director, the Board must determine, based upon the totality of the record evidence, that the Director committed clear error and that the error was material to the Director's determination.	1. Applications for appeal of the decision of the Director of the Department of Safety and Permits or Executive Director of the City Planning Commission shall be made in writing to the Board of Zoning Adjustments within forty-five (45) days of the decision. 2. The Board of Zoning Adjustments will review the application for completeness and shall consult with the Law Department to determine whether the application is ripe for review by the Board, not moot, or otherwise unable to be heard. If the application is determined to be incomplete, unripe, moot, or otherwise unhearable, this determination will be conveyed to the applicant by the Board of Zoning Appeals in writing. Notwithstanding this determination, the Department of Safety and Permits or other interested parties may present arguments to the Board that an application is incomplete, unripe, moot, or otherwise unhearable and the Board may make a finding in accordance with this argument rather than rule on the merits of the appeal. 3. Once the appeal is determined to be complete and hearable, it shall be docketed for hearing by the Board of Zoning Adjustments and the Department of Safety and Permits will be notified of the pendency of the appeal in writing. 4. No less than ten (10) business days before the hearing, the Department of Safety and Permits shall provide their entire record relating to the appeal, including but not limited to all papers, correspondence, records and other documents to the Board of Zoning Adjustments and the applicant. This record may be provided digitally.
4.8.E	Provide separate section for standard of review	Administrative change to provide better organization	An appeal stays all administrative proceedings in furtherance of the action appealed from, unless the Director of the Department of Safety and Permits certifies to the Board of Zoning Adjustments, after the notice of appeal is filed, by reason of facts stated in the certificate, that a stay would, in the Director's opinion, cause imminent peril of life or property. In such case, proceedings may not be stayed after application to the Board or to the Civil District Court and notice to the Director of the Department of Safety and Permits, for due cause shown thereon, unless a restraining order is issued.	~~An appeal stays all administrative proceedings in furtherance of the action appealed from, unless the Director of the Department of Safety and Permits certifies to the Board of Zoning Adjustments, after the notice of appeal is filed, by reason of facts stated in the certificate, that a stay would, in the Director's opinion, cause imminent peril of life or property. In such case, proceedings may not be stayed after application to the Board or to the Civil District Court and notice to the Director of the Department of Safety and Permits, for due cause shown thereon, unless a restraining order is issued. The Board shall owe no deference to interpretations by the Director of the Department of Safety and Permits. In reviewing factual determinations by the Director, the Board must determine, based upon the totality of the record evidence, that the Director committed clear error and that the error was material to the Director's determination.~~
4.8.E - 4.8.G (new section)	Provide separate section for standard of review, renumber sections accordingly	Administrative change to provide better organization	4.8.E Stay of Proceedings; 4.8.F Appeals	4.8.E Standard of Review Stay of Proceedings 4.8.F Stay of Proceedings Appeals ~~4.8.G Appeals~~
4.8.F	Renumbered section, clarify regarding when stays apply	Administrative change to provide better organization, additional details for clarity	An aggrieved party may appeal the Board of Zoning Adjustments' decisions on zoning appeals to the Orleans Parish Civil District Court within thirty (30) days of the Board's decision.	An appeal stays all administrative enforcement proceedings in furtherance of the action appealed from, unless the Director of the Department of Safety and Permits certifies to the Board of Zoning Adjustments, after the notice of appeal is filed, by reason of facts stated in the certificate, that a stay would, in the Director's opinion, cause imminent peril of life or property. In such case, proceedings may not be stayed after application to the Board or to the Civil District Court and notice to the Director of the Department of Safety and Permits, for due cause shown thereon, unless a restraining order is issued.

Section	Summary of Change	Need for Change	Current Text	Proposed Change
4.8.G (new section)	Renumbered section	Administrative change to provide better organization	None	An aggrieved party may appeal the Board of Zoning Adjustments' decisions on zoning appeals to the Orleans Parish Civil District Court within thirty (30) days of the Board's decision.
Purpose: Make updates to facilitate the administration of the zoning ordinance				
4.9.D.4.e (new section)	Add payment of application fee to application requirements	Recognizes code change in 70-564	None	e. Required application fees. If any. Application fees may not be waived by the Director of the Department of Safety and Permits.
Add new section in Article 3, Article 4, or Article 6 re: mapping land use actions	There's a regulation that CUs have to be mapped within 30 days but not one for zoning changes, minor map adjustments	Make the 30 day mapping requirement apply for all changes to the map	Delete 4.3.J.in its entirety	Add section that says "Within thirty (30) days of receiving evidence of the recording of an approved conditional use/planned development or within thirty (30) days of receiving the approval of a zoning map amendment or minor map adjustment, the Official Zoning Map shall be modified to reflect such change. Additonally, within thirty (30) days of receiving determination that a conditional use/planned development has been expired or rescinded by the City Council, the Official Zoning Map shall be modified to reflect such change.
4.9.D.4	Remove the word material	Administrative cleanup to make language flow	The interested party shall submit an application containing the following material, unless waived by the Director of the Department of Safety and Permits:	The interested party shall submit an application containing the following ~~material~~ , unless waived by the Director of the Department of Safety and Permits:
4. Table (Table 4-3)	Update table to reflect changes, correct table number	Administrative change to ensure consistency in code	Table 4-2: Administrative Summary Table *** Application Filing and Completeness Determination / Zoning Appeal: Director of the Department of Safety and Permits	Table 4- ~~2~~ g : Administrative Summary Table *** Application Filing and Completeness Determination / Zoning Appeal: ~~Director of the Department of Safety and Permits~~ Executive Director of the City Planning Commission
4.8.B.3		Clarify language to reflect city charter language - 5-408(2)	3. The decision of the Director of the Department of Safety and Permits on permits issued under the Comprehensive Zoning Ordinance.	Make consistent with the Charter's language

Article 3

What is the Article/Section for proposed amendment?

Article 3, Section 3.2.E.1

What is the problem that needs to be addressed?

The Comprehensive Zoning Ordinance mandates a two-year waiting period before any denied zoning text or map amendment, conditional use, planned development, or variance application can be resubmitted.

Without such a waiting period, the City Planning Commission, Board of Zoning Adjustments, and staff could be subjected to repeatedly reviewing the same request within short periods of time. Unless there is substantial new evidence, or a significant mistake of law or fact affected the prior denial, the recommendation/decision would remain the same. This provision reduces unnecessary administrative burdens for staff and the waste of City resources.

Zoning appeals are one application type not included in this provision. There have been instances in which applicants have submitted zoning appeals (e.g., appealing the Department of Safety and Permits' zoning review comment on a building permit application) to the Board of Zoning Adjustments and been denied, only to later submit another appeal application (e.g., appealing the building permit issuance) citing the same argument they raised in the first appeal. As noted above, this is an unnecessary use of City resources, only to rehash something that had been previously denied, which is why zoning appeals should have the same two-year waiting period.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

This item is not included in the attachment to Council Motion M-25-380 and is suggested by the staff under the authority granted to the City Planning Commission by the motion. The staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

3.2.E Resubmittal of Denied Applications

1. An application for a zoning text or map amendment, conditional use, planned development, ~~or variance,~~ **or zoning appeal** that has been denied will not be reviewed or heard within two (2) years of the date of denial unless substantial new evidence is available or a significant mistake of law or of fact affected the prior denial. The official charged with receiving applications in Table 3-1 shall decide whether the subsequent application is appropriate for resubmittal before expiration of the two (2) year wait requirement.

What is the benefit of the proposed amendment?

The proposed amendment would align zoning appeals with other application types that prohibit resubmittal of the same request within a two-year period. As noted, this would reduce unnecessary administrative burdens and use of City resources. This would not preclude an applicant from resubmitting a denied application in cases where substantial new evidence becomes available or a significant mistake of law or fact affected the prior denial.

Article 3

What is the Article/Section for proposed amendment?

Article 3, Section 3.5 (new section)

What is the problem that needs to be addressed?

In the years that the requirement for a pre-application Neighborhood Participation Program has been in place, the staff has consistently heard feedback from applicants as to how difficult the process is for applicants to understand and navigate. Much of this difficulty stems from the fact that the meeting and notification requirements are cumbersome and overcomplicated, and the language explaining how to fulfill them is unclear.

For example, the regulations list a series of requirements, but do not indicate the order in which the actions must be taken. Second, the process requires an applicant to draft their own public notice letter, but makes the technical requirements of the notice so daunting and unclear that many applicants struggle to understand how to fulfill them. Oftentimes, these public notice letters are rejected based on a technical deficiency, such as a missing citation, even when the letters are effective in providing actual notice of the application. Third, the NPP requirements vary slightly across different types of zoning applications even when there is no need for different requirements, creating unnecessary confusion for applicants submitting NPPs for multiple application types.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

The Council motion proposing consolidating all of the existing Neighborhood Participation Program regulations in Article 4, Sections 4.2.D.2, 4.3.D.2, 4.4.E.2, and 4.6.D.2 into an entirely new section, Article 3, Section 3.5. The new section would clearly outline the steps that must be taken to hold an NPP and the sequence in which they must occur.

3.5 Neighborhood Participation Plans

3.5.A. Purpose.

Pursuant to Sec. 5-411 of the City Charter, the Neighborhood Participation Plan (NPP) is intended to provide timely initial notification to a neighborhood of any proposed land use action affecting the neighborhood and provide the opportunity for meaningful neighborhood review of and comment on such proposals.

3.5.B. Applicability.

NPPs are required for the following types of applications:

1. Zoning Text and Map Amendments
2. Conditional Uses
3. Planned Developments

4. Variances (except variances for single- and two-family residences)
5. Major Subdivisions

NPPs are also required for changes to the Master Plan. These Master Plan NPPs shall be facilitated by the City Planning Commission staff and are not subject to the procedural rules of this Section.

3.5.C. NPP Procedure.

1. Applicants begin the NPP process by applying with the CPC staff, who will provide a list of required parties to be noticed.
2. Applicants must provide CPC staff with a copy of the NPP meeting notice.
3. Applicants must send the required notice to all parties listed by CPC staff. Proof of actual delivery is not required. For notice sent through the U.S. mail, an attestation of mailing alongside a copy of the notice is sufficient. For notice sent through e-mail, a copy of the email including addresses the email was sent to with the notice embedded in the body or attached as a pdf is sufficient.
4. Applicants must hold the required NPP meeting at the date, time, and location included in the notice, and must keep the necessary records for submission of the NPP Report. If the NPP meeting is rescheduled, notice of the rescheduling must be sent by the same means as the original notice.
5. Applicants must submit the NPP Report as part of their application for a zoning text or map amendment, conditional use, planned development, major subdivision or variance. This application will not be considered complete until a satisfactory NPP Report has been received by CPC staff.

3.5.D. Parties to Receive Notice.

1. Applications affecting up to one city square or its equivalent must provide notice to all property owners (as indicated in the records of the Orleans Parish Assessor's Office) and residents within 300 feet of the property lines of the subject property. However, if the subject property is twenty-five thousand (25,000) square feet or more in area or the subject development is twenty-five thousand (25,000) square feet or more in floor area, such notice shall be provided to all owners and residents of properties within six-hundred (600) feet of the property lines of the subject property.

Notice shall also be provided to any neighborhood associations registered with the city representing the area encompassing the city square. CPC staff will, upon application, provide a list of these properties as well as relevant neighborhood associations and their designated contact information. Notice to neighboring properties must be sent by U.S. Mail or hand-delivered, while notice to neighborhood associations registered with the city and notice to the City Planning Commission must be sent by e-mail. Notice to other interested parties may be sent through the City's electronic notification system.

2. Applications affecting more than one city square or its equivalent must provide notice to all neighborhood associations registered with the city by e-mail.

3.5.E. Contents of Required Notice.

Notice of the NPP must include the following information, at a minimum:

1. The date, time, and location of a meeting to be held to receive review and comment on the proposal. NPPs affecting more than one city square or its equivalent may hold their meeting virtually, through a commercially accepted virtual meeting service, such as Zoom, Teams, or WebEx. Virtual meetings must have the option for participants to call in without requiring video services. The meeting must be held within 14-30 days of mailing or emailing of the required notice.
2. A brief description of the proposal:
 - a. Map amendment applications shall include the type of land use request, the name of the existing and proposed zoning district, and the article of the Comprehensive Zoning Ordinance for the proposed zoning district. Map amendment applications shall also include an outlined area map.
 - b. Text amendment applications shall include the citation and existing language of the Comprehensive Zoning Ordinance, if applicable, the proposed changes or additions to the language of the Comprehensive Zoning Ordinance and which zoning district(s) the amendment would affect, or a statement that the changes would be effective citywide.
 - c. Conditional use applications shall include a brief description of the proposal, including the type of land use request, and known needed variances
 - d. Planned development applications shall include a brief description of the proposal, including known needed variances.,
 - e. Variance applications shall include a brief description of the proposal, including known needed variances.
 - f. Major subdivision applications shall include a description of how the lots are being subdivided (ex: Resubdivision of Lot(s) x into Lot(s) y)
 - g. All parties should recognize that the proposal may change as part of the usual review process and that failure to notice every possible permutation of the proposal shall not render the NPP insufficient.
6. Contact information for the applicants, including at a minimum a telephone number and email address, so that parties who may not attend the NPP meeting due to time constraints can participate in the process.

3.5.F. NPP Meeting.

1. NPP meetings must be held in generally accessible public locations at reasonable times and should be sufficiently large to accommodate all attendees.

2. Virtual NPP meetings may require pre-registration to facilitate a “webinar” style presentation with the ability to mute participants, provided that there is a dedicated period of time for participants to provide comment with the technical ability for them to do so.
3. Meetings may end at a specified time, even if all participants have not yet had a chance to speak, provided that there is at least 30 minutes provided for public comment and that the set end time is included in the notice for the NPP.

3.5.G. NPP Report.

The applicant shall submit a Project NPP report with the application. The report shall provide the following information:

1. The names of the individuals and entities that were notified.
2. A list of the concerns, issues, and problems expressed by the participants.
3. A statement as to how each concern, issue, and problem is addressed and how the applicant intends to continue to address them. If the concern, issue, or problem is not being addressed, the applicant should state the reasons.
4. Copies of emails, letters, communications affidavits, meeting invitations, newsletters, publications, and petitions requesting additional information related to the project, received in support of or in opposition to the proposed project, and any other materials pertaining to the notification process.
5. The date, time, and location of all meetings held with interested parties, or a statement indicating the reasons if no meeting was held. No information pertaining to any meeting held more than one hundred eighty (180) days prior to the submittal of the application shall be accepted as part of the Project NPP report, except where subsequent meetings with interested parties have occurred within the one hundred eighty (180) days preceding the submittal of the Project NPP report.
6. A completed sign-in sheet that includes the names, addresses, and contact information for meeting attendees. A list of participants prepared by the virtual meeting service is acceptable for virtual meetings.

What is the benefit of the proposed amendment?

The problems with the existing NPP regulations would be solved by starting from scratch with a fresh set of regulations. These regulations would not change the real substance of the NPP process, but would make it easier to understand the process and fulfill its requirements. The steps of the NPP process should be listed in the order that they are to be performed. Instructions on how to fulfill each step should be detailed, clear, and there should be no unnecessary requirements. The regulation should be consolidated into a single section of the zoning ordinance, rather than being restated in slightly different form in multiple sections.

These revisions would help ensure that the NPP process is effective in fulfilling its true purpose of encouraging real, meaningful community engagement, rather than being perceived simply as a burdensome part of the application process.

Article 3

What is the Article/Section for proposed amendment?

Article 3, Section 3.6 (new section)

What is the problem that needs to be addressed?

The Comprehensive Zoning Ordinance does not codify the requirement to electronically notice interested parties for land-use projects.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 does not provide specific language to complete the amendment; therefore, staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

3.6 Electronic Notification System.

CPC staff will maintain an electronic notification system capable of providing notice of all land use actions specified in the Comprehensive Zoning Ordinance to interested parties. This system may require participants to sign up and to indicate which notices they are interested in receiving. The City's NoticeMe system shall be deemed to fulfill this requirement, or the CPC may designate an alternative system if NoticeMe becomes unavailable for a considerable length of time or otherwise does not meet the requirements herein.

What is the benefit of the proposed amendment?

The proposed amendment ensures that NoticeMe or an equivalent electronic system is used for land use notifications. NoticeMe is currently used by the City Planning Commission staff and codification of this procedure secures this procedure into the future as a requirement of the land-use process.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.2.B.4 (new section)

What is the problem that needs to be addressed?

The Comprehensive Zoning Ordinance does not currently allow CPC to introduce Zoning Text and Map amendments in connection with Master Plan revisions, land use plans or studies. Instead, Article 4 Section 4.2.B reserves these rights for City Council or “property owners” in the city. This creates difficulty in allowing the City Planning Commission to ensure consistency between adopted Future Land Use Map changes and the underlying zoning district, or to implement adopted recommendations in CPC studies.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 does not provide specific language to complete the amendment; therefore, staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.2.B Initiation

4. The City Planning Commission may initiate zoning map and text amendments in connection with Master Plan revisions, land use studies, land use plans or as otherwise required by this Ordinance.

What is the benefit of the proposed amendment?

The proposed amendment reflects City Charter language in Section 5-402 contemplating CPC-introduced zoning amendments, allowing for the CPC to introduce Zoning Text and Map amendments in connection with Master Plan revisions, land use plans and land use studies. This amendment allows the CPC to align a property’s future land use map (FLUM) designation with its underlying zoning district and creates a clear path for implementing CPC study recommendations once adopted.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.2.D.3.c

What is the problem that needs to be addressed?

Section 4.2.D.3.c - Action by the City Planning Commission for zoning text and map amendments states that the City Planning Commission shall provide a recommendation 60 days from the opening of the public hearing. This timeline is not feasible for some complex amendments that are initiated by the City Council.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 provides the following language to complete the amendment. The staff recommends maintaining the provided language. Proposed insertions are shown below with new language shown in **bold underlined** text:

Article 4, Section 4.2.D.3.c

The City Planning Commission shall recommend approval, modified approval, or denial sixty (60) days from the opening of the public hearing. **For amendments initiated by Council motion, the City Council may provide for a longer period than sixty (60) days for good cause.** The City Planning Commission may also vote to defer action within City Charter required timeframes in cases where it discovers applicants have not submitted complete and accurate information, including but not limited to errors or omissions in following the Project NPP. The failure to resolve a finding of incomplete or inaccurate information may be grounds for recommending denial. If the City Planning Commission fails to act by a vote of the majority of the Commission members, the application will be forwarded to the City Council without recommendation of no legal majority. The City Planning Commission's written recommendations, together with the staff report and recommendation, if any, shall be filed with the Clerk of the City Council.

What is the benefit of the proposed amendment?

The proposed amendment adds language allowing the City Council to ensure adequate review and public engagement for complex amendments.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.2.D.4.a

What is the problem that needs to be addressed?

This item is intended to accurately describe the purpose of City Council action by motion on a conditional use application. When the motion is for approval, it simply directs the Law Department to draft an ordinance to approve the application. The motion does not itself approve the application. The existing language in the zoning ordinance does not correctly address this, instead indicating that the motion itself approves the application.

Additionally, the existing language is outdated regarding instances where the City Planning Commission fails to approve or deny an application with a majority vote of the commission members. Until recently, when the commission failed to obtain a majority vote, it was considered that the commission took no action. After a recent amendment, the zoning ordinance now states that when there is no majority vote by the commission, a matter is effectively denied for lack of a legal majority. Thus, because any vote will result in an approval, denial, or effective denial, there is no possibility for a no recommendation vote and this section no longer needs to address instances where there is no recommendation.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

The staff recommends correcting the problem by changing in the section's text as follows:

4.2.D.4 Action by City Council

a. The City Council shall hold a public hearing ~~in accordance with its rules and take action by motion of approval, modified approval, or denial~~ **determine by motion whether the zoning docket should be heard as an ordinance within** sixty (60) days from receipt of a City Planning Commission recommendation. **This motion shall direct the preparation of an ordinance effectuating the zoning change, specifying any changes to be made from the requested amendment, or shall deny the amendment application.** The City Council may not take official action upon any application requiring a recommendation of the City Planning Commission until the report of the Commission has been received, ~~or, if the City Planning Commission has failed to act by a vote of the majority of the Commission members, once the application has been forwarded to the City Council without recommendation.~~

What is the benefit of the proposed amendment?

The proposed amendment reflects the actual purpose of the motion phase to direct the Law Department to prepare an ordinance approving an application—rather than the motion approving the application by itself—or to deny the application.

The proposed amendment also updates outdated text by recognizing that every commission vote (or deferral past deadline) will result in a recommendation of approval, denial, or effective denial, and since there are no longer votes of no recommendation, language addressing no recommendation votes are no longer needed.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.2.D.4.b

What is the problem that needs to be addressed?

This section contains language addressing the City Council's deadline to act by motion when the City Planning Commission has made no recommendation. Recent changes to the text of the zoning ordinance mean that any time the Commission fails to adopt an approval or denial vote, the matter will receive a recommendation of effective denial for lack of legal majority. No matter will not receive a recommendation, so language addressing a no recommendation scenario is no longer needed.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

The staff recommends correcting the problem by changing in the section's text as follows:

4.2.D.4 Action by City Council

b. If the City Council fails to take action by motion sixty (60) days from receipt of the City Planning Commission recommendation, the application is denied. ~~If the application is forwarded to the City Council without recommendation from the City Planning Commission and the City Council fails to take action by motion sixty (60) days from the date it received the application, the application is denied.~~

What is the benefit of the proposed amendment?

The proposed amendment updates outdated text by recognizing that every commission vote (or deferral past deadline) will result in a recommendation of approval, denial, or effective denial. Since there are no longer votes of no recommendation, language addressing no recommendation votes are no longer needed.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.2.D.4.c

What is the problem that needs to be addressed?

Section 4.2.D.4.c, when addressing the Council's action on a zoning matter at the ordinance phase, repeats Charter language requiring the layover of an ordinance for 20 days before it is adopted. The inclusion of this language is not necessarily problematic, but is also unnecessary because the requirement is from the Charter and need not be repeated in the zoning ordinance.

A second issue that this item addresses is what happens when the Council adopts a motion instructing the Law Department to draft an ordinance approving a zoning matter but then decides not to introduce the ordinance. Currently, there is no requirement of an affirmative statement that the ordinance will not be introduced, which means the decision to not introduce it is often not reflected in the public record. This makes it difficult for the public to track the Council's approval or denial of a zoning matter from motion to introduction of ordinance through adoption of ordinance.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

The staff recommends correcting the problem by changing in the section's text as follows:

Article 4, Section 4.2.D.4.c

~~If the City Council takes action by motion of approval or modified approval, the City Council may forward the motion to the City Law Department for preparation of an ordinance. If the ordinance is introduced by the City Council, the ordinance shall lay over for a minimum of twenty (20) days following introduction before the Council may adopt it.~~ The City Council's adoption of a motion **under 4.2.D.4.a** shall not be construed as an approval of a zoning matter unless and until an ordinance is introduced and adopted in accordance with the Charter; introduction of an ordinance does not indicate the City Council's approval of a zoning matter. **Should a Council office elect not to introduce an ordinance despite passage of a motion directing the preparation of an ordinance, they should notify the Clerk of Council of this intention in writing within sixty (60) days of the passage of the motion.** Failure by the City Council to take action on a zoning ordinance within ninety (90) days of the date the City Council ~~took action by~~ **passed the** motion shall mean that the application is denied.

What is the benefit of the proposed amendment?

The proposed amendment makes the section more concise by deleting language that repeats procedural requirements that already exist in the Charter. It also bolsters the record when an approval motion is adopted but an ordinance is not introduced by requiring a statement be made to the Clerk of Council that an ordinance will not be introduced.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.2.E (Table 4-1)

What is the problem that needs to be addressed?

Table 4-1 Standards for Zoning Amendments contains 12 approval standards that the City Planning Commission and the City Council shall consider. Standard 2 requires the proposed amendment to be compatible with the place designations of the Comprehensive Zoning Ordinance. In practice, the staff has determined that including this approval standard is not advisable. This is for two reasons. First, the Comprehensive Zoning Ordinance does not meaningfully define place designations. Second, most zoning changes do not implicate the place designations. When they are implicated, this implication can be discussed in another approval standard. There does not need to be a separate approval standard solely addressing place designations.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 provides the following language to complete the amendment. The staff recommends maintaining the provided language. Proposed deletions are shown below in strikethrough text.

Article 4, Section 4.2.E (Table 4-1)

~~2. The proposed amendment is compatible with the place designations of this Ordinance.~~

What is the benefit of the proposed amendment?

The proposed amendment removes the reference to “place designations” a vague term not defined within the Comprehensive Zoning Ordinance. Where an application does require a discussion and analysis of place designations, this can be done in the response to other approval standards, such ones addressing compatibility with the Master Plan’s future land use map, existing use and zoning and land, and the suitability of a proposed zoning classification given a site’s location and context.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.2.G (new section)

What is the problem that needs to be addressed?

The Comprehensive Zoning Ordinance does not consider necessary amendments to the Comprehensive Zoning Ordinance that do not require their own text amendment. These minor amendments should be compiled and addressed on a yearly basis.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 does not provide specific language to complete the amendment; therefore, staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~strike through~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.2.G Administrative Amendments

By June 1st of each year, the City Planning Commission will transmit a report to the City Council containing recommended administrative amendments to the Comprehensive Zoning Ordinance. These recommended amendments shall not reflect policy changes, but shall consist of amendments which would achieve one of the following goals, as well as a statement of the necessity for each change. 1. Provide clarity to existing text of the Comprehensive Zoning Ordinance; 2. Correct an error or address a conflict in the existing text of the Comprehensive Zoning Ordinance; or 3. Codify an interpretation of the Department of Safety and Permits.

What is the benefit of the proposed amendment?

The City Planning Commission staff retains an ongoing list of minor amendments to the Comprehensive Zoning Ordinance. The list is typically comprised of small changes to clarify processes or address inconsistencies. These amendments are more substantive than a technical correction but less substantial than what would normally go through the text amendment process. The Omnibus list - as it's known to the City Planning Commission staff – isn't addressed on a consistent basis because the process isn't codified. Therefore, the list can grow to hundreds of amendments before a Motion is adopted directing the CPC staff to provide the City Council with its recommended text changes. The proposed amendment would codify this process and ensure it happens on a yearly basis.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.2.Chart

What is the problem that needs to be addressed?

Chart 4.2 outlines the zoning amendment process. There is a slight error in one of the steps – “introduction of ordinance by City Council”. The chart states a 21-day lie-over period. Whereas, the City Charter states 20-days.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 does not provide specific language for this amendment. Staff’s proposed deletions are shown below in ~~strike through~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.2.Chart

Introduction of Ordinance by City Council. The Ordinance will layover a minimum of 21 **20** days before adoption.

What is the benefit of the proposed amendment?

The proposed amendment creates consistency in timelines between the Comprehensive Zoning Ordinance and the City Charter. The correct lie-over period after City Council introduction of an ordinance is 20 days.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.2.Chart

What is the problem that needs to be addressed?

The City Council action on a zoning amendment includes, first, action on a motion and, section, action on an ordinance. When the motion is for approval, it simply directs the Law Department to draft an ordinance to approve the application. The motion does not itself approve the application. The purpose of the motion to direct the preparation of an ordinance is not accurately captured in the flow chart outlining the zoning amendment process.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 provides the following language to complete the amendment. The staff recommends maintaining the provided language. Proposed deletions are shown below in ~~strike through~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

Article 4, Section 4.2.Chart

Motion to ~~Approve~~ Direct **the Preparation of an Ordinance** / ~~Motion to Approve with Modifications~~ / Motion to Deny.

What is the benefit of the proposed amendment?

The proposed amendment reflects the actual purpose of the motion phase to direct the Law Department to prepare an ordinance approving an application—rather than the motion approving the application by itself—or to deny the application.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.3.A

What is the problem that needs to be addressed?

This section outlines the purpose of the conditional use process. The purpose statement suffers from phrasing that emphasizes consideration in the approval process of the *need* for the particular use. This consideration of need alone is problematic in that it seemingly adds an additional approval standard that preempts the approval standards itemized in Section 4.3.F: that a land use is only permissible when there is an undisputed need for it (which is subjective in itself) without giving consideration to whether it benefits its surroundings.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 does not provide specific language to complete the amendment; therefore, staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.3.A Purpose

Within each zoning district, the use of land and structures are substantially uniform. However there are certain uses that, because of their unique characteristics, cannot be properly classified in certain districts without consideration, in each case, of the impact of those uses upon neighboring land, ~~and of~~ **as well as** the public **benefit or** need for the particular use at the particular location. These uses are allowed as conditional uses within the zoning districts. This section sets forth the standards used to evaluate proposed conditional uses and the procedures for approving conditional uses. The designation of a use in a zoning district as a conditional use does not constitute an authorization or assurance that such use will be approved. No conditional use may be established and no building permit may be issued for any use designated as a conditional use within a zoning district until a conditional use ordinance is adopted by the City Council and final drawings are submitted to and approved by the Executive Director of the City Planning Commission.

What is the benefit of the proposed amendment?

The proposed revisions are effective in resolving the problem with the existing regulation. Allowing the City Planning Commission and City Council to apply the designated approval standards in Section 4.3.F in a way that considers both whether a proposed land use is needed and whether it has any public benefit is beneficial in that it ensures that the “Purpose” articulated in Section 4.3.A provides an appropriate context for the application of the approval standards in Section 4.3.F, rather than suggesting an additional, preemptive and highly subjective standard

based solely upon a demonstrated need. This proposed change is consistent with the recommendations of the CPC's recent Land Use Barriers Study, which recommends eliminating regulations that lack clarity and/or add unpredictability to development review processes. This proposed change is also more consistent with the broader conditional use provisions in the CZO, which allow for consideration of numerous uses such as coffee shops, bookstores, yoga studios, and similar uses that may be beneficial to the neighborhood quality of life even if they are not absolutely necessary to day to day living.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.3.C

What is the problem that needs to be addressed?

This section authorizes the City Council to act upon conditional use applications after receiving the recommendation of the City Planning Commission. There are minor aspects of the current language that could be improved. The current language says that the Council shall act upon a conditional use application, when the reality is that the Council also has the option of not acting, with the result being that the application is denied for a lack of action. The current language is also silent as to when City Council action on conditional use applications is to occur, making no reference to Section 4.3.D.4, which states when such action is to occur.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

The staff recommends making clear that the Council has the option of not acting on a conditional use application by stating that the Council may act, not that it shall. The staff suggests clarifying the time limitations on Council action by referencing Section 4.3.D.4.

Council Motion M-25-380 does not provide specific language to complete the amendment; therefore, staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.3.C Authority

The City Council, ~~after receiving a recommendation from the City Planning Commission,~~ **shall may** take formal action on requests for conditional uses after receiving a recommendation from the City Planning Commission, in accordance with Sections 5-406 and 5-407 of the City Charter. **The City Council shall receive the Commission's recommendation related to requests for conditional uses and shall calendar said requests for hearing in accordance with Section 4.3.D.4.**

What is the benefit of the proposed amendment?

The proposed revisions are effective in clarifying the existing regulation. They make it explicitly clear that the Council may act on a conditional use application but is not required to. The revisions also link the authority for the Council to act upon applications with a statement of when this must happen. In combination, these changes eliminate any ambiguity in the existing language as to what Council may do and when Council is required to do it.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.3.D.4.a

What is the problem that needs to be addressed?

As with the previous item, this item is intended to accurately describe the purpose of City Council action by motion on a conditional use application. When the motion is for approval, it simply directs the Law Department to draft an ordinance to approve the application. The motion does not itself approve the application. The existing language in the zoning ordinance does not correctly address this, instead indicating that the motion itself approves the application.

Additionally, the existing language is outdated regarding instances where the City Planning Commission fails to approve or deny an application with a majority vote of the commission members. Until recently, when the commission failed to obtain a majority vote, it was considered that the commission took no action. After a recent amendment, the zoning ordinance now states that when there is no majority vote by the commission, a matter is effectively denied for lack of a legal majority. Thus, because any vote will result in an approval, denial, or effective denial, there is no possibility for a no recommendation vote and this section no longer needs to address instances where there is no recommendation.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 does not provide specific language to complete the amendment; therefore, staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.3.D.4 Action by the City Council

- a. The City Council shall hold a public hearing ~~in accordance with its rules and take action by motion of approval, modified approval, or denial~~ **determine by motion whether the zoning docket should be heard as an ordinance within** sixty (60) days from receipt of a City Planning Commission recommendation. **This motion shall direct the preparation of an ordinance effectuating the zoning change, specifying any changes to be made from the requested conditional use as well as any needed provisos or waivers, or shall deny the conditional use application.** The City Council may not take official action upon any application requiring a recommendation of the City Planning Commission until the report of the Commission has been received, ~~or, if the City Planning Commission has failed to act by a vote of the majority of the Commission members, once the application has been forwarded to the City Council without recommendation.~~

What is the benefit of the proposed amendment?

The proposed amendment reflects the actual purpose of the motion phase to direct the Law Department to prepare an ordinance approving an application—rather than the motion approving the application by itself—or to deny the application.

The proposed amendment also updates outdated text by recognizing that every commission vote (or deferral past deadline) will result in a recommendation of approval, denial, or effective denial, and since there are no longer votes of no recommendation, language addressing no recommendation votes are no longer needed.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.3.D.4.b

What is the problem that needs to be addressed?

This section contains language addressing the City Council's deadline to act by motion when the City Planning Commission has made no recommendation. Recent changes to the text of the zoning ordinance mean that any time the Commission fails to adopt an approval or denial vote, the matter will receive a recommendation of effective denial for lack of legal majority. No matter will not receive a recommendation, so language addressing a no recommendation scenario is no longer needed.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

The staff recommends correcting the problem by changing in the section's text as follows:

4.3.D.4 Action by the City Council

b. If the City Council fails to take action by motion sixty (60) days from receipt of the City Planning Commission recommendation, the application is denied. ~~If the application is forwarded to the City Council without recommendation from the City Planning Commission and the City Council fails to take action by motion sixty (60) days from the date it received the application, the application is denied.~~

What is the benefit of the proposed amendment?

The proposed amendment updates outdated text by recognizing that every commission vote (or deferral past deadline) will result in a recommendation of approval, denial, or effective denial. Since there are no longer votes of no recommendation, language addressing no recommendation votes are no longer needed.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.3.D.4.c

What is the problem that needs to be addressed?

Section 4.3.D.4.c, when addressing the Council's action on a zoning matter at the ordinance phase, repeats Charter language requiring the layover of an ordinance for 20 days before it is adopted. The inclusion of this language is not necessarily problematic, but is also unnecessary because the requirement is from the Charter and need not be repeated in the zoning ordinance.

A second issue that this item addresses is what happens when the Council adopts a motion instructing the Law Department to draft an ordinance approving a zoning matter but then decides not to introduce the ordinance. Currently, there is no requirement of an affirmative statement that the ordinance will not be introduced, which means the decision to not introduce it is often not reflected in the public record. This makes it difficult for the public to track the Council's approval or denial of a zoning matter from motion to introduction of ordinance through adoption of ordinance.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 provides specific language to complete the amendment. The staff agrees with the proposed language. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.3.D.4 Action by the City Council

c. ~~If the City Council takes action by motion of approval or modified approval, the City Council may forward the motion to the City Law Department for preparation of an ordinance. If the ordinance is introduced by the City Council, the ordinance shall lay over for a minimum of twenty (20) days following introduction before the Council may adopt it.~~ The City Council's adoption of a motion **under 4.3.D.4.a** shall not be construed as an approval of a zoning matter unless and until an ordinance is introduced and adopted in accordance with the Charter; introduction of an ordinance does not indicate the City Council's approval of a zoning matter. **Should a Council office elect not to introduce an ordinance despite passage of a motion directing the preparation of an ordinance, they shall notify the Clerk of Council of this intention in writing within sixty (60) days of the passage of the motion.** Failure by the City Council to take action on a zoning ordinance within ninety (90) days of the date the City Council ~~took action by~~ **passed the** motion shall mean that the application is denied.

What is the benefit of the proposed amendment?

The proposed amendment makes the section more concise by deleting language that repeats procedural requirements that already exist in the Charter. It also bolsters the record when an approval motion is adopted but an ordinance is not introduced by requiring a statement be made to the Clerk of Council that an ordinance will not be introduced.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.3.E.1

What is the problem that needs to be addressed?

Conditional use applications are typically approved subject to conditions (also called “provisos”) that are included as requirement of the approval to ensure compatibility of the use in terms of design, operation, and other characteristics with the surrounding development. This allows the City Council to impose special conditions that are tailored for the particular nature of the site, use and surroundings, and which augment the general requirements of the zoning ordinance. At least in recent years, the City Planning Commission staff has routinely recommended the inclusion of provisos that simply restate general requirements of the zoning ordinance that relate to the proposed use, such as operational requirements, parking requirements, or design requirements. The problem with this approach is that, if a proviso restates a requirement that is later changed, the proviso will no longer accurately represent the requirement. This change address this by requiring provisos to not merely restate zoning requirements.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

The existing regulations are silent as to whether provisos can or should restate existing requirements of the zoning ordinance. The Council motion suggested that the Section 4.3.E.1, which speaks generally to the Council’s ability to add conditions to conditional use approval, should require provisos to not simply re-state zoning requirements.

In the staff’s experience, it is often helpful for provisos to restate relevant zoning requirements as a way of putting a developer on notice that the requirement applies. For example, a conditional use application to use an existing building as a reception hall may result in a requirement that additional off-street parking spaces be provided. Since this requirement results directly from the change of use, and the final development plans that are approved by CPC following Council approval must indicate compliance with the use’s parking requirements, it is helpful to make the applicant aware of the parking requirement by writing it directly into the conditional use approval in the form of a proviso. That way, the applicant is not surprised when asked by CPC staff to depict the required parking on final development plans.

Council Motion M-25-380 provides specific language to complete the amendment but the staff does not support the proposed language. The staff suggests an alternative way of addressing the concern that provisos restating zoning requirements can become outdated when the underlying requirement changes. Section 4.5.E should be updated to include additional language saying that when a proviso re-states a general zoning requirement, what is required by the proviso changes when the requirement changes. For example, if a proviso states that a reception hall must provide the required parking spaces, and in time, the requirement changes from 10 to 5 spaces, for example,

the reception hall could reduce its parking count to 5 spaces without requiring a change to the conditional use ordinance.

The staff recommends correcting the problem by changing the section's text as follows. Proposed deletions are shown below in strikethrough text while proposed insertions are shown below with new language shown in **bold underlined** text:

Section 4.3.E Conditions

1. The City Planning Commission may recommend and the City Council may impose such conditions and restrictions upon the establishment, location, design, construction, maintenance, and operation of the conditional use as deemed necessary for the protection of the public health, safety, and welfare.

2. When a conditional use ordinance includes conditions that merely reference general zoning requirements without modifying the requirements, the conditions are automatically updated when the underlying general zoning requirement changes.

2 **3.** Any conditions imposed shall be set forth in the ordinance approving the conditional use and incorporated into or noted on the development plan for final approval. The applicant shall submit the revised development plan incorporating all conditions within one (1) year of adoption of the conditional use ordinance by the City Council. The Executive Director of the City Planning Commission shall verify that the development plan incorporates all conditions set forth in the ordinance authorizing the conditional use, and shall sign the plan to indicate final plan approval.

3 **4.** The applicant shall record the signed development plan in the Office of the Clerk of the Civil District Court for the Parish of Orleans within thirty (30) days of the date of final approval and shall submit evidence of such recordation to the Executive Director of the City Planning Commission. If the applicant fails to record the signed development plan within this period, the ordinance approving the conditional use is deemed null. No permits or licenses for the conditional use may be issued until the development plan has been recorded and evidence of the recording has been provided to the Executive Director of the City Planning Commission. The City Planning Commission shall maintain a record of such approved conditional uses, the development plans, and any conditions attached thereto.

4 **5.** The City Council may grant a variance from specific zoning standards otherwise applicable to the use by this Ordinance to secure the general objectives of this section, provided however that any such shall be based on a finding that the case meets the approval standards of [Section 4.6.F](#). However, the City Council cannot waive or modify any approval standards of this section.

What is the benefit of the proposed amendment?

The benefit of the staff suggested approach is that it recognizes that provisos restating zoning requirements can be helpful in notifying applicants of the requirements. It also addresses the

concern that the provisos can be outdated if the underlying requirement is changed. It does this by making clear that the proviso is automatically updated to reflect the revised requirement.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.3.E.4

What is the problem that needs to be addressed?

The problem that needs to be addressed is that the City Council, when reviewing a conditional use application, will sometimes grant waivers of requirements that were not requested when the matter was being reviewed by the City Planning Commission and, as a result, were not addressed in the City Planning Commission's report. The problem with this is that the public does not receive notice that a waiver is being considered until it occurs as part of the Council action at the end of the process.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 provides specific language to complete the amendment. The staff agrees with the proposed language. Proposed deletions are shown below in ~~strike through~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

The staff recommends correcting the problem by changing in the section's text as follows:

4.3.E Conditions

4. The City Council may grant a ~~variance~~ **waiver** from specific zoning standards otherwise applicable to the use by this Ordinance to secure the general objectives of this section, provided however that any such shall be based on a finding that the case meets the approval standards of Section 4.6.F. However, the City Council cannot waive or modify any approval standards of this section **or any other section for which variances may not be granted under the terms of this Ordinance. Any waiver which was not considered by the City Planning Commission must be included in the motion directing the preparation of an ordinance described in 4.3.D.4.a.**

What is the benefit of the proposed amendment?

The proposed amendment addresses the problem by requiring that any waivers be stated at the motion phase. Because there is significant time between the adoption of a motion and an ordinance (up to ninety days and usually about six weeks), including the waiver in the motion provides ample time for the public to comment on the waiver prior to final action on the matter by ordinance.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.3.H.1

What is the problem that needs to be addressed?

For approved conditional uses, Article 4, Section 4.3.H.1 provide deadlines to record plans that demonstrate compliance with the terms of the conditional use ordinance and then to begin substantial construction/establish the use. In practice, these deadlines have proven to be unnecessarily limiting, as they do not sufficiently account for the time a developer must spend on other aspects of the development process (financing, permit review, historic agency review, construction) that generally occur after a zoning entitlement is granted and before a building permit is issued.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion No. M-25-380 provides the following language to complete the amendment. Proposed deletions are shown below in strikethrough text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.3.H.1 Expiration

a. Plans Deadline. For all conditional uses, plans stamped as approved by the City Planning Commission must be recorded in the Conveyance Records of Orleans Parish within two (2) years of the effective date granting the conditional use.

b. Construction/Use Deadline

i. For new construction, the conditional use approval will expire within ~~three (3)~~ **five (5)** years from the date the Executive Director of the City Planning Commission approves the final drawings for a conditional use if a building permit has not been issued and substantial construction has not commenced, and no request for an extension of time is pending.

ii. For conditional uses approved for existing structures or for a parcel of land where no structure is planned, if the use has not been established for a period of ~~three (3)~~ **five (5)** years from the date the Executive Director of the City Planning Commission approves the final drawings for a conditional use, then the conditional use will expire.

What is the benefit of the proposed amendment?

The proposed amendment adds an additional year for conditional use plans to be recorded (extending the deadline from 1 to 2 years) as well as extending from 3 years to 5 years the deadline for conditional use construction to substantially begun (if construction is required) or for the use to be established (if construction is not required). The reason for this is to acknowledge the fact that there can be multiple regulatory process at the local, state, and federal levels that must be completed before construction can begin, in addition to the need for ample time to secure financing and have construction drawings produced, among other time-consuming aspects of the

development process. Extending the zoning entitlement deadlines would recognize these constraints and eliminate the potential for the loss of a zoning entitlement while a developer works toward completing the obligations.

Article 4, Item 3.H.2.a

What is the Article/Section for proposed amendment?

Article 4, Section 4.3.H.2.a

What is the problem that needs to be addressed?

The amendment clarifies the CZO language pertaining to administrative extensions granted by the Executive Director of the City Planning Commission to more accurately reflect the CPC staff's standard practice since the new CZO was adopted in 2015. A recent determination by the Department of Safety & Permits indicated that the language was not clear, and could be interpreted in a way that unreasonably limits administrative extensions. This proposed amendment makes it clear that the Executive Director can administratively extend both the deadline to submit final development plans and the deadline to begin substantial construction (for conditional use applications involving construction) or establish the use (for conditional use applications not involving construction).

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion No. M-25-380 provides language to complete the amendment. The staff recommends a modified version, shown below, that would retain the ability for an extension to be granted by the City Planning Commission when the original period of validity for a CPC staff-level extension has lapsed. Proposed deletions are shown below in strikethrough text while proposed insertions are shown below with new language shown in **bold underlined** text:

Article 4, Section 4.3.H.2.a

Unless otherwise prohibited, the Executive Director of the City Planning Commission may extend the time for expiration of **the deadline established in Section 4.3.E.2** for a period not to exceed one (1) year upon a showing of good cause by the applicant. **Additionally, unless otherwise prohibited, the Executive Director of the City Planning Commission may extend the time for expiration of the deadlines established in Section 4.3.H.1 for a period not to exceed on (1) year upon a showing of good cause by the applicant. When granting the request, the Executive Director shall articulate in writing the showing of good cause justifying the extension.** A request for extension shall be made in writing within the original period of validity. A request made after the original period of validity but within one (1) year of the original period of validity must be considered by the City Planning Commission. Any extension for a period in excess of one (1) year may be granted only by the City Council in accordance with Paragraph b below. Any extension that does not meet all of these conditions may only be granted by the City Council in accordance with Paragraph b below.

What is the benefit of the proposed amendment?

The proposed amendment is beneficial because it clarifies the language in the CZO and eliminates an ambiguity about administrative extensions. It is also in keeping with the CPC's findings in the

Land Use Barriers Study suggesting that the City should eliminate unnecessary and overly-burdensome regulations and processes. Having longer deadlines that more accurately reflect the realities of the real estate market, financing, and construction management achieves this goal.

The Council motion also proposes deleting language that says, “[a] request made after the original period of validity but within one (1) year of the original period of validity must be considered by the City Planning Commission.” This language was recently added to address a circumstance where an applicant holding a valid conditional use ordinance loses that entitlement because they narrowly miss the deadline for recording plans or beginning construction. The existing regulations allow the City Planning Commission to extend the deadline at that point. This has proven effective because it provides an opportunity in a public hearing for a lost property right to be restored without requiring the entire, lengthy conditional use process to be restarted. Again, this provision is in keeping with the CPC’s recommendations in the Land Use Barriers Study. The CPC staff recommends that this language be retained.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.3.H.2.b

What is the problem that needs to be addressed?

Article 4, Section 4.3.H.2.b clarifies the current process by establishing that the applicant of a conditional use can request a longer extension for a final development plan OR to complete construction than what the Executive Director of the City Planning Commission may authorize. It clarifies that the City Council may consider additional extensions, as well as adds language on how long the City Council has to act on said extension request.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion No. M-25-380 provides the following language to complete the amendment. Proposed deletions are shown below in strikethrough text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.3.H.2 Extension of Time

b. The holder of a conditional use may petition the City Council **for an extension of time longer than the Executive Director of the City Planning Commission may authorize. The holder of a conditional use may also petition the City Council for a second extension of either/both the plans deadline or the construction/use deadline.** A request for extension shall be made in writing within the original period of validity. The City Council shall hold a public hearing and decide whether to extend the time period. Notice for the public hearing is required in accordance with Section 3.3. The applicant and the owner of record of the property shall be notified of a public hearing to be conducted by the City Council. Following the public hearing, the City Council shall render its decision whether to terminate or extend the approval, taking into account hardship to the applicant or property owner, changes in surrounding circumstances that have occurred since the original approval, and the likelihood that substantial construction will occur during any period of extension **by motion within sixty (60) days of receipt of the request.**

What is the benefit of the proposed amendment?

The amended text provides more clarity and flexibility for applicants by stating when and how they may seek additional extensions for conditional uses. It also adds an explicit deadline of 60 days for Council action to provide more concrete timelines for both staff and the applicant to follow.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.3.J to be replaced by Article 3, Section 3.5.

What is the problem that needs to be addressed?

The Comprehensive Zoning Ordinance states that Conditional Uses must be mapped “[w]ithin (30) thirty days of receiving the approval.” However, this requirement does not include Zoning Changes, Planned Developments, or Minor Map Adjustments. The proposed regulation removes Article 4, Section 4.3.J in its entirety and replaces it with a new section in Article 3, Section 3.5 to include any land use changes that require subsequent mapping, not just conditional uses.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

This item is not included in the attachment to Council Motion M-25-380 and is suggested by the staff under the authority granted to the City Planning Commission by the motion. The staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~strike through~~ text while proposed insertions are shown below with new language shown in **underlined** text:

~~4.3.J Zoning Map Record of Conditional Use~~

~~Within thirty (30) days of receiving evidence of the recording of an approved conditional use, the City Planning Commission shall designate the location of the conditional use on the Official Zoning Map with the symbol “CU” and shall indicate the boundaries of the conditional use in a manner that is distinct from the manner in which zoning district boundary lines are indicated. The City Planning Commission shall remove the symbol for and boundaries of a conditional use from the Official Zoning Map upon a determination by the Director of Safety and Permits that the conditional use has expired or upon the revocation of the conditional use by the City Council.~~

3.5 Official Zoning Map Amendments

Within thirty (30) days of receiving evidence of the recording of an approved conditional use/planned development, or within thirty (30) days of receiving approval of a zoning map amendment or minor map adjustment, the official Zoning Map shall be modified to reflect such change. Additionally, within thirty (30) days of receiving determination that a conditional use/planned development has been rescinded by the City Council, the official Zoning Map shall be modified to reflect such change.

What is the benefit of the proposed amendment?

The proposed amendment ensures that all land use requests resulting in a change to the Zoning Map have been recognized within a thirty (30) day period.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.3.Chart

What is the problem that needs to be addressed?

The City Council action on a conditional use includes, first, action on a motion and, section, action on an ordinance. When the motion is for approval, it simply directs the Law Department to draft an ordinance to approve the application. The motion does not itself approve the application. The purpose of the motion to direct the preparation of an ordinance is not accurately captured in the flow chart outlining the conditional use process.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 provides specific language to complete the amendment. The staff agrees with the proposed language. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.3.Chart Conditional Use Process

“Motion to ~~Approve~~ **Direct the Preparation of an Ordinance** / ~~Motion to Approve with Modifications~~ / Motion to Deny”

What is the benefit of the proposed amendment?

The proposed amendment reflects the actual purpose of the motion phase to direct the Law Department to prepare an ordinance approving an application—rather than the motion approving the application by itself—or to deny the application.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.3.Chart – Conditional Use Process

What is the problem that needs to be addressed?

Section 4.3.Chart includes a flow chart that outlines the steps in the conditional use process, beginning with the pre-application Neighborhood Participation Program, including the various steps at the City Planning Commission and Council levels, and concluding with the recording of final development plans.

In one of the steps, the chart reads that the ordinance approving the conditional use, once introduced, must layover at least 21 days before adoption. This is not accurate. The ordinance must lay over at least 20 days per City Charter Section 3-112(5). The chart must be corrected to be accurate.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~strike through~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

“Introduction of Ordinance by City Council. The Ordinance will layover a minimum of ~~21~~ **20** days before adoption”

What is the benefit of the proposed amendment?

The proposed amendment ensures that the conditional use process chart accurately reflects City Charter requirements.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.4.C

What is the problem that needs to be addressed?

Article 4, Section 4.4.C of the Comprehensive Zoning Ordinance states that the City Council shall take formal action on requests for Planned Developments and cites two sections of the City's Charter. The proposed language clarifies what actions the City Council is required to take and is more accurate than the existing language.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 provides specific language to complete the amendment. The staff agrees with the proposed language and recommends the following changes to the CZO. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.4.C. Authority

The City Council, ~~after receiving a recommendation from the City Planning Commission,~~ **shall** **may** take formal action on requests for planned developments after receiving a recommendation from the City Planning Commission, in accordance with Sections 5-406 and 5-407 of the City Charter. **The City Council shall receive the Commission's recommendation related to requests for planned developments and shall calendar said requests for hearing in accordance with Section 4.4.E.4.**

What is the benefit of the proposed amendment?

The proposed amendment removes the word, "shall" and replaces it with "may" and clarifies that the City Council must calendar planned development requests for consideration. This word swap more accurately reflects what actions the City Council is required to take. The City Council is not required to take formal action on requests and may elect not to act on the request at either the Motion or Ordinance stage.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.4.E.4.a

What is the problem that needs to be addressed?

Article 4, Section 4.4.E.4.a of the Comprehensive Zoning Ordinance addresses action by the City Council as it relates to Planned Development requests. This section states the City Council shall hold a public hearing within 60 days from receipt of a City Planning Commission recommendation and specifies that adoption of a Motion does not automatically translate to an approval of the request but rather initiates the preparation of an Ordinance.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 does not provide specific language to complete the amendment; therefore, staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.4.E.4 Action by City Council

a. The City Council shall hold a public hearing ~~in accordance with Section 3.4 and take action by motion of approval, modified approval, or denial~~ **to determine by motion whether the zoning docket should be heard as an ordinance within** sixty (60) days from receipt of a City Planning Commission recommendation. **This motion shall direct the preparation of an ordinance effectuating the zoning action, specifying any changes to be made from the requested amendment, or shall deny the amendment application.**
The City Council may not take official action upon any application requiring a recommendation of the City Planning Commission until the report of the Commission has been received, ~~or, if the City Planning Commission has failed to act by a vote of the majority of the Commission members, once the application has been forwarded to the City Council without recommendation.~~

What is the benefit of the proposed amendment?

The proposed amendment recognizes and clarifies that the purpose of the motion phase is to direct the preparation of the Ordinance. This clarification helps set public expectations and aligns it with case law. Additionally, the proposed amendment removes language regarding outcomes with no legal majority. Regardless of the outcome of the City Planning Commission vote, the application will be forwarded to City Council, thus, this language is unnecessary and redundant.

Moreover, there was a recent text amendment to the Comprehensive Zoning Ordinance (Zoning Docket 11/25; Ordinance No. 30345 M.C.S.) that removes the language that an application will be forwarded to the City Council “without recommendation of no legal majority” and replaces it with “with a recommendation of effective denial for lack of legal majority” in section 4.2.D.3.c, section

4.3.D.3.c, and section 4.4.E.3.c. The proposed text amendment aligns the language in Section 4.4.E.4.b with the recently adopted text amendment.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.4.E.4.b

What is the problem that needs to be addressed?

Article 4, Section 4.4.E.4.b of the Comprehensive Zoning Ordinance addresses action by the City Council as it relates to Planned Development Requests. This section states that if City Council fails to take action by motion within sixty (60) days from receipt of the City Planning Commission recommendation, then the application is effectively denied. There is an added sentence in this section pertaining to a “no recommendation” from the City Planning Commission. This sentence should be removed because it is redundant and uses language that is inconsistent with a recently adopted text amendment (Ordinance No. 30345 M.C.S.).

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 does not provide specific language to complete the amendment; therefore, staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.4.E.4 Action by City Council

b. If the City Council fails to take action by motion sixty (60) days from receipt of the City Planning Commission recommendation, the application is denied. ~~If the application is forwarded to the City Council without recommendation from the City Planning Commission and the City Council fails to take action by motion sixty (60) days from the date it received the application, the application is denied.~~

What is the benefit of the proposed amendment?

The proposed amendment would remove language stating that if an application is forwarded to City Council with a “no recommendation” from the City Planning Commission, and the City Council fails to take action by motion within sixty (60) days from the date it’s received, then the application is effectively denied. This language is redundant and is captured in the first sentence in that section. All applications heard by the City Planning Commission requiring City Council consideration are forwarded to City Council, regardless of how the City Planning Commission voted.

Moreover, there was a recent text amendment to the Comprehensive Zoning Ordinance (Zoning Docket 11/25; Ordinance No. 30345 M.C.S.) that removes the language that an application will be forwarded to the City Council “without recommendation of no legal majority” and replaces it with “with a recommendation of effective denial for lack of legal majority” in section 4.2.D.3.c, section 4.3.D.3.c, and section 4.4.E.3.c of the Comprehensive Zoning Ordinance. The proposed text amendment aligns the language in Section 4.4.E.4.b with the recently adopted text amendment.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.4.E.4.c

What is the problem that needs to be addressed?

Article 4, Section 4.4.E.4.c of the Comprehensive Zoning Ordinance addresses action by the City Council as it relates to Planned Development Requests. This section states that if City Council acts by motion of approval or modified approval, the preparation of an Ordinance follows. However, the adoption of a Motion does not constitute approval of the zoning matter nor does it guarantee the introduction and adoption of an ordinance. Should the City Council elect not to introduce an Ordinance, this section does not provide a process in which to inform the Clerk of Council. The proposed language below would rectify this omission.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 does not provide specific language to complete the amendment; therefore, staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.4.E.4 Action by City Council

c. ~~If the City Council takes action by motion of approval or modified approval, the City Council may forward the motion to the City Law Department for preparation of an ordinance. If the ordinance is introduced by the City Council, the ordinance shall lay over for a minimum of twenty (20) days following introduction before the Council may adopt it.~~ The City Council's adoption of a motion **under Section 4.4.E.4.a** shall not be construed as an approval of a zoning matter unless and until an ordinance is introduced and adopted in accordance with the Charter; introduction of an ordinance does not indicate the City Council's approval of a zoning matter. **Should a Council office elect not to introduce an ordinance despite passage of a motion directing the preparation of an ordinance, they shall notify the Clerk of Council of this intention in writing within sixty (60) days of the passage of the motion.** Failure by the City Council to take action on a zoning ordinance within ninety (90) days of the date the City Council ~~took action by~~ **passed the** motion shall mean that the application is denied.

What is the benefit of the proposed amendment?

The proposed amendment would add language that reconciles proposed changes to Section 4.4.E.4.a with Section 4.4.E.4.c. It would also remove redundant language between this section and the City Charter requirements. Lastly, the proposed language clarifies a process to inform the Clerk of Council when an Ordinance is not introduced despite passage of a Motion directing the preparation of an ordinance.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.4.I.1

What is the problem that needs to be addressed?

For approved planned developments, Article 4, Section 4.4.I.1 provide deadlines to record plans that demonstrate compliance with the terms of the conditional use ordinance and then to begin substantial construction/establish the use. In practice, these deadlines have proven to be unnecessarily limiting, as they do not sufficiently account for the time a developer must spend on other aspects of the development process (financing, permit review, historic agency review, construction) that generally occur after a zoning entitlement is granted and before a building permit is issued.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion No. M-25-380 provides the following language to complete the amendment. Proposed deletions are shown below in strikethrough text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.4.I.1 Expiration

a. Plans Deadline. For all planned developments, plans stamped as approved by the City Planning Commission must be recorded in the Conveyance Records of Orleans Parish within two (2) years of the effective date granting the planned development.

b. Construction/Use Deadline

i. For new construction, the planned development approval will expire within ~~three (3)~~ **five (5)** years from the date the Executive Director of the City Planning Commission approves the final drawings for a planned development if a building permit has not been issued and substantial construction has not commenced, and no request for an extension of time is pending.

ii. For planned developments approved for existing structures or for a parcel of land where no structure is planned, if the planned development has not been established for a period of ~~three (3)~~ **five (5)** years from the date the Executive Director of the City Planning Commission approves the final drawings for a planned development, then the planned development will expire.

What is the benefit of the proposed amendment?

The proposed amendment adds an additional year for planned development drawings to be recorded (extending the deadline from 1 to 2 years) as well as extending from 3 years to 5 years the deadline for planned development construction to substantially begun (if construction is required) or for the planned development to be established (if construction is not required). The

reason for this is to acknowledge the fact that there can be multiple regulatory process at the local, state, and federal levels that must be completed before construction can begin, in addition to the need for ample time to secure financing and have construction drawings produced, among other time-consuming aspects of the development process. Extending the zoning entitlement deadlines would recognize these constraints and eliminate the potential for the loss of a zoning entitlement while a developer works toward completing the obligations.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.4.I.2.a

What is the problem that needs to be addressed?

Article 4, Section 4.4.I of the Comprehensive Zoning Ordinance addresses expiration and extension of time as it relates to Planned Development requests. Section 4.4.I.2.a states that a one year extension may be granted by the Executive Director of the City Planning Commission and an extension for a period over one year may only be granted by the City Council. This section does not specify if the extension is for the plans deadline or the construction/use deadline.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 does not provide specific language to complete the amendment; therefore, staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.4.I.2 Extension of Time

- a. Unless otherwise prohibited, the Executive Director of the City Planning Commission may extend the time for expiration of **either the plans deadline or the construction/use deadline for** a planned development approval for a period not to exceed one (1) year upon a showing of good cause by the applicant. A request for extension shall be made in writing within the original period of validity. ~~A request made after the original period of validity but within one (1) year of the original period of validity must be considered by the City Planning Commission. An extension for a period in excess of one (1) year may be granted only by the City Council in accordance with Paragraph b below.~~ Any extension that does not meet all of these conditions may only be granted by the City Council in accordance with Paragraph b below.

What is the benefit of the proposed amendment?

The proposed amendment would clarify language to provide for one administrative extension request to the CPC Executive Director and one extension request to City Council for either the plans deadline or the construction/use deadline.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.4.I.2.b

What is the problem that needs to be addressed?

Article 4, Section 4.4.I of the Comprehensive Zoning Ordinance addresses expiration and extension of time as it relates to Planned Development requests. Section 4.4.I.2.b states the planned development holder may request a longer extension to the City Council. The current language does not specify if the extension is for the plans deadline or the construction/use deadline.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 does not provide specific language to complete the amendment; therefore, staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.4.I.2 Extension of Time

b. The holder of a planned development may petition the City Council for a ~~longer extension of time~~ **an extension of time longer than the Executive Director of the City Planning Commission may authorize. The holder of a planned development may also petition the City Council for a second extension of either/both the plans deadline or the construction/use deadline.** A request for extension shall be made in writing within the original period of validity. The City Council shall hold a public hearing and decide whether to extend the time period. Notice for the public hearing is required in accordance with Section 3.3. The applicant and the owner of record of the property shall be notified of a public hearing to be conducted by the City Council. Following the public hearing, the City Council shall render its decision whether to terminate or extend the approval, taking into account hardship to the applicant or property owner, changes in surrounding circumstances that have occurred since the original approval, and the likelihood that substantial construction will occur during any period of extension **by motion within sixty (60) days of receipt of the request.**

What is the benefit of the proposed amendment?

The proposed amendment would clarify language and provide for the extension of longer than one year.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.4. Chart – Planned Development Process

What is the problem that needs to be addressed?

Article 4, Section 4.4. *Chart* of the Comprehensive Zoning Ordinance illustrates the Planned Development process with a chart that contains information that needs to be revised to match proposed amendments to Section 4.2.D.4.a. *Action by City Council*. These amendments are intended to clarify the purpose of the motion phase as directing the preparation of an ordinance.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion No. M-25-380 provides the following language to complete the amendment. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.4. Chart

Motion to ~~Approve~~ **Direct the Preparation of an Ordinance** / ~~Motion to Approve with Modifications~~ / Motion to Deny

What is the benefit of the proposed amendment?

The proposed amendment corrects the illustrative flow chart to match the language proposed in the related section of the Comprehensive Zoning Ordinance, Section 4.2.D.4.a. relative to the motion phase. The proposed amendment clarifies the purpose of the motion phase to set public expectations and accord with case law.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.4. Chart – Planned Development Process

What is the problem that needs to be addressed?

Article 4, Section 4.4. Chart of the Comprehensive Zoning Ordinance illustrates the Planned Development process with a chart that contains an incorrect reference to the lie-over period after Council introduction of an ordinance. The chart incorrectly states that the ordinance will layover a minimum of 21 days between introduction by City Council and adoption, which conflicts with the Charter requirement of 20 days and with existing language found elsewhere in the CZO. The proposed language corrects the minimum layover period to 20 days.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion No. M-25-380 provides the following language to complete the amendment. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.4. Chart

Introduction of Ordinance by City Council. The Ordinance will layover a minimum of ~~21~~
20 days before adoption.

What is the benefit of the proposed amendment?

The proposed amendment corrects a conflict with the Charter requirements.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.5.B.2

What is the problem that needs to be addressed?

Article 4, Section 4.5.B lists several thresholds for applicability of design review. Items 2a and 2b both speak to developments over 40,000 square feet in floor area. Item 2a relates to multi-family dwellings or townhouse developments. Item 2b relates to non-residential or mixed-use structure. These can be combined to simplify the requirements.

Another problem with this section is that it speaks to development proposal where an existing structure(s) under 40,000 is to be over 40,000 square feet. The problem is that it does not account for existing structures over 40,000 square feet where an addition further increases the size.

In this case, it makes sense to review only if the addition results in a 10% or greater increase in square footage. These square footage increases will be substantial enough to have a meaningful design impact and should require review. Square footage increases under 10% are less likely to have a significant design impact, so review should not be required.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

This item is not included in the attachment to Council Motion M-25-380 and is suggested by the staff under the authority granted to the City Planning Commission by the motion. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.5.B Applicability

2. Unless otherwise required by this section or this Ordinance, applications for additions or enlargements as follows are reviewed by the Executive Director of the City Planning Commission and the Design Advisory Committee. Developments or portions of a development that are located in an industrial or institutional zoning district and that are not visible from the public right-of-way shall be exempt.

a. Additions or enlargements to multi-family ~~dwellings developments,~~ **or a non-residential or mixed-use developments** that bring the total gross floor area to forty-thousand (40,000) square feet or more. **If the total square footage of the development is already over forty-thousand (40,000) square feet, then review is only required if there is a total increase of ten percent (10%) or more.**

b. ~~Enlargement to a non-residential or mixed-use structure that brings the total gross floor area to forty thousand (40,000) square feet or more.~~

~~e. Additions of new structure(s) to a non-residential or mixed-use development on a lot that bring the total gross floor area of all structures on the lot to forty thousand (40,000) square feet or more.~~

db. Substantial improvements to any non-residential or mixed-use structure, or group of structures on the same lot, where the total gross floor area is forty-thousand (40,000) square feet or more. Substantial improvements are defined as demolition and reconstruction of existing buildings valued at fifty percent (50%) or more of the initial value of the existing building.

What is the benefit of the proposed amendment?

The amendment clarifies what proposals for development that are 40,000+ square feet in floor area require design review and which do not. It also eliminates the review of minor expansions of developments 40+ square feet in floor area because the small size of such expansion generally have minimal design impacts.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.5.B.3.b

What is the problem that needs to be addressed?

Article 4, Section 4.5.B contains 11 thresholds that trigger design review. Currently, Item 3.b requires design review for the entirety of each block located at major intersections along design overlays. The thought is that larger, more intense uses along major corridors have more of a visual impact to the public and therefore warrant a closer look through design review. Further, the location at major intersections within these corridors could also increase the site's importance for a heightened level of design quality for development. However, this additional requirement primarily captures residentially-zoned properties. The standards for review are not relevant to many of these projects and the requirement creates unnecessary process.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 provides the following language to complete the amendment. The staff recommends maintaining the provided language. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

Article 4, Section 4.5.B.3.b

~~b. — Developments on lots within the entirety of each block located at the major intersections along a design overlay district identified in Article 18.~~

What is the benefit of the proposed amendment?

The proposed amendment to remove the requirement for all developments within the block of major intersections eliminates the need for unnecessary reviews. In practice, the requirement has captured side streets that are near major corridors, but not part of them. The fact that a property is near a major corridor does not justify it undergoing a design review if the property would not otherwise require design review.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.5.B.3.c

What is the problem that needs to be addressed?

Article 4, Section 4.5.B contains 11 thresholds that trigger design review. Currently, subsection 3.c requires review by the Design Advisory Committee for development on a through lot within an overlay district. The thought is that through-lots have more impact from the public right of way and, therefore, require a heightened level of review. However, this is not correct. In general, development of a through lot has no more impact on a design corridor than similar development on a non-through lot of similar size within that corridor.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

This item is not included in the attachment to Council Motion M-25-380 and is suggested by the staff under the authority granted to the City Planning Commission by the motion. The staff recommends the following language. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.5.B. Applicability

~~e. — Development on a through lot in an identified design overlay districts of Article 18~~

~~d. c.~~ Development with one-hundred (100) feet or more of lot frontage in an identified design overlay districts of Article 18

~~e. d.~~ **UAD University Area Design Overlay District**

What is the benefit of the proposed amendment?

Design review by the Design Advisory Committee (which is a supplemental review that is done in addition to the normal staff-level design review) is reserved for developments that have an unusually significant design impact as a result of their size or location. The current regulation that requires DAC-level review for all through-lots in design review overlay districts presumes that development of any through lot is inherently significant from a design perspective. This is not the case. Development on a small through lot is not necessarily more impactful from a design perspective than development on conventional lot of the same size. Requiring DAC-level review for any development of a through lot, no matter the size of the lot, is an excessive level of review that places an undue burden on the developer.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.5.B.4

What is the problem that needs to be addressed?

Article 4, Section 4.5.B lists several thresholds for applicability of design review.

The problem is that Safety and Permits cannot easily determine if a design review is necessary due to the vagueness of the language used in this section. If an application is not implicated in paragraphs 1, 2, and 3, the current language in paragraph 4 is too ambiguous for determining if a design review is necessary. Most significant, it requires review of applications for “any development,” which is undefined and could read so broadly as to require any construction activity, no matter how minor or temporary, to undergo design review.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

This item is not included in the attachment to Council Motion M-25-380 and is suggested by the staff under the authority granted to the City Planning Commission by the motion. The staff recommends the following language. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

Article 4, Section 4.5.B.4

~~4. Unless otherwise required by this section or this Ordinance, applications for any development, new building construction, substantial improvement, and exterior redesign which implicates the design requirements of the base zoning or design overlay district and site plan modifications that implicate the standards of the overlay district that does not meet the thresholds of Paragraphs 1, 2, and 3 above, and sign applications, as applicable, within the following overlay districts (Article 18), are reviewed solely by the Executive Director of the City Planning Commission. Except in the UAD Overlay District, single family dwellings, two family dwellings, and any development or portions of a development that are located in an industrial or institutional district and that are not visible from a public right of way are exempt.~~

~~a. RIV Riverfront Design Overlay District~~

~~b. EC Enhancement Corridor Design Overlay District~~

~~c. CT Corridor Transformation Design Overlay District~~

~~d. GC Greenway Corridor Design Overlay District~~

~~e. UAD University Area Design Overlay District~~

4. In the RIV Riverfront Design, EC Enhancement Corridor, CT Corridor Transformation, GC Greenway, and UAD University Area Design overlay districts, applications are reviewed solely by the Executive Director.

Review is limited to applications for new construction, substantial improvement, and exterior re-design that substantially alters the architecture of a principal structure. Anything that is not visible from the public right-of-way is exempt from design review. Except in the UAD University Area Design Overlay District, single- and two-family residences are exempt from design review. The City Planning Commission may determine that no review is necessary based on the nature and scope of a proposal.

What is the benefit of the proposed amendment?

The proposed amendment clarifies ambiguous language that determines whether design review is required for a given construction project. Only new construction, substantial improvement, and exterior re-design proposals that can be seen from the public right of way is substantial enough in its design impact that it should require review. Applications containing this scope of work are substantial in their design impact and would benefit significantly from review.

In instances where it is debatable as to whether a design review is required or not, the City Planning Commission staff should be empower to determine whether the review is warranted. The zoning ordinance recognizes the staff's urban design knowledge and, based on this knowledge, grants the staff the authority to comment on the effectiveness of a particular design application. Similarly, the staff should be granted the authority to briefly review an application and determine that a formal review is not needed given the scope of work. This is particularly important given the proposed "exterior re-design" threshold. The staff should be required to review construction work that fundamentally alters the architecture of a structure. It should not be required to review construction that only minimally alters exterior design, such as the replacement of exterior windows, doors, or other work that generally preserves the existing design. If a design review is located in one of the Article 18 overlay districts, CPC staff can determine if the nature and scope of the project requires a design review.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.5.B.10

What is the problem that needs to be addressed?

Article 4, Section 4.5.B.10 suggests that the City Planning Commission may review the design of traffic signals, fire hydrants, utilities, and other infrastructure. This infrastructure and equipment is generally standard in design. Their appearance is dictated by function rather than by urban design or architectural principles. In no way do they benefit from the design review performed by the City Planning Commission.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

This item is not included in the attachment to Council Motion M-25-380 and is suggested by the staff under the authority granted to the City Planning Commission by the motion. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.5.B Applicability

~~10. All essential services described in Section 6.4. Unless otherwise required by this section or this Ordinance, such applications are reviewed solely by the Executive Director of the City Planning Commission. However, the Executive Director of the City Planning Commission may waive this requirement.~~

~~11.~~ **10.** When a property is located within the Vieux Carré Historic District or within the Historic Districts Landmark Commission's full control Historic Districts, those developments are exempt from site plan and design review, but are subject to the review procedures of the Vieux Carré Commission or Historic Districts Landmark Commission, as applicable. Properties within full control local historic districts are not exempt from design review of site design by the City Planning Commission Executive Director or Design Advisory Committee. Properties within partial control local historic districts are not exempt from design review. Properties with the RIV Riverfront Design Overlay District are not exempt.

What is the benefit of the proposed amendment?

The proposed amendment eliminates unnecessary review of essential services.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.5.B.11

What is the problem that needs to be addressed?

Article 4, Section 4.5.B contains 11 thresholds that trigger design review. Item 11 focuses on properties that require multiple reviews. For example, some properties are both within a City Planning Commission design overlay district and a Historic District Landmarks Commission local historic district. In such cases, the Historic District Landmarks Commission may review building design, and the City Planning Commission will review the site design. The problem that needs to be addressed is clarifying requirements as to when and to what extent site plan and design review are required for developments located in historic districts.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

The staff recommends maintaining the following language. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.5.B Applicability

~~11. When a property is located within the Vieux Carré Historic District or within the Historic Districts Landmark Commission's full control Historic Districts, those developments are exempt from site plan and design review, but are subject to the review procedures of the Vieux Carré Commission or Historic Districts Landmark Commission, as applicable. Properties within full control local historic districts are not exempt from design review of site design by the City Planning Commission Executive Director or Design Advisory Committee. Properties within partial control local historic districts are not exempt from design review. Properties with the RIV Riverfront Design Overlay District are not exempt.~~ **When a property is located within the Vieux Carré Historic District, development is exempt from site plan and design review by the City Planning Commission. However, development is subject to the site plan and design review procedures of the Vieux Carré Commission.**

When a property is located within the Historic Districts Landmark Commission's full control Historic Districts, development is exempt from site plan and design review by the City Planning Commission. However, development is subject to the site plan and design review procedures of the Historic Districts Landmark Commission.

When a property is located within the Historic Districts Landmark Commission's partial control local Historic Districts, developments upon the property are subject to site plan and design review procedures established by the City Planning Commission.

When a property is located within the RIV Riverfront Design Overlay District, developments upon the property are subject to site plan and design review procedures established by the City Planning Commission.

What is the benefit of the proposed amendment?

The benefit of the amendment is twofold. First, the revised language clearly states when CPC site plan and design review is required in local historic districts.

Second, the revised language eliminates instances where design review is required by both the CPC and the VCC or HDLC. Currently, some developments are subject to reviews by both entities, with the building design review typically done by VCC or HDLC and site plan review done by CPC. This is problematic because the VCC/HDLC and CPC may make recommendations that are inconsistent with one another. It is also burdensome to the developer, who must navigate two agencies handling design review, each with their own review standards, submittal requirements, and review timelines. The amendment rectifies these problems by eliminating CPC design review in full control districts (where the HDLC/VCC does a full design review) and requiring CPC design review in partial control districts (where HDLC does not conduct a full design review; the VCC does not have any partial control districts).

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.5.C

What is the problem that needs to be addressed?

The submittal requirements for design reviews found in Article 4, Section 4.5.C currently do not emphasize the presentation-style submission that is needed, especially for applications considered by the Design Advisory Committee. The staff often receives a construction document that does not clearly show how the design goals are met. The design review process would be enhanced with better submissions.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

This item is not included in the attachment to Council Motion M-25-380 and is suggested by the staff under the authority granted to the City Planning Commission by the motion. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.5.C Submittal Requirements

7. ~~Architectural elevations or perspectives that convey the visual character of the development. Building elevations, locations, and dimensions. Contextual drawings that are drawn to scale and show the streetscape, including the proposed structure and adjacent structures. Label the height of the adjacent structures. A materials sheet that identifies all proposed exterior materials, finishes, and colors.~~
8. General location of parking and site circulation.
9. General location, height, and material of all fences, walls, screening, and landscape.
10. A tabulation of the total gross area in square feet or acres of the project site and the floor area in square feet of any building(s) in the proposed development.
11. Landscape and stormwater management plan, where applicable.
12. Such other information as may be required in order to meet standards in the district in which the use is to be located.
13. A narrative description of how the proposed development addresses the design goals, **including compatibility with adjacent property, landscape and open space, circulation systems, and building design strategies. Reference published design guides and principles and how they informed the design concept in terms of sustainability, transit-oriented design, architectural, landscape architectural, and urban design, etc.**

14. A color-rendered site plan and landscape plan that clearly illustrates the design concept and spatial relationships.
15. Site context plans that highlight opportunities and constraints.
16. Images or specifications of proposed fixtures, furnishings, and lighting elements.
17. Design precedent images to show architectural styles or urban design strategies.

The Executive Director of the City Planning Commission may waive submittal requirements where such information is not necessary to determine the nature of the development or that the development meets relevant approval criteria.

What is the benefit of the proposed amendment?

The proposed amendment facilitates the review of design review applications by emphasizing presentation-style materials that clearly depict the design of structures, their relationship to surrounding development, and indicate how the design addresses relevant approval criteria.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.5.D.3 (New Section)

What is the problem that needs to be addressed?

The process for design reviews does not currently include a time limit that begins with application submittal and ends with approved plans. Oftentimes plans must be revised before they can be approved. The duration of the revisions phase depends on the applicant's timely response. With no specified limit, design comments may remain open for extended periods of time.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 provides the following language to complete the amendment. The staff recommends maintaining the provided language. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold** text:

Article 4, Section 4.5.D.3 (New Section)

The applicant shall have a maximum of one (1) year from the date of the application submittal to meet the stated conditions for approval in 4.5.E. At the written request of the applicant, the Executive Director may grant an extension not to exceed one (1) year. If the stated conditions have not been met by the expiration of this period, the application will be deemed denied.

What is the benefit of the proposed amendment?

The proposed amendment establishes a process for the City Planning Commission staff to follow when design review comments remain open due to the failure of an applicant to respond with compliant plans within a timeframe.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.5.F.2

What is the problem that needs to be addressed?

Article 4, Section 4.5.F.2 outlines the approval process when changes are made to previously approved development or design review plans and delineates the threshold of changes that require review by the City Planning Commission. Section 4.5.F.2.a states the Commission may approve changes to approved plans that do not increase “total building coverage” beyond 20 percent. The Comprehensive Zoning Ordinance does not define nor use the term “total building coverage” in other sections of the Ordinance. This term is commonly known as “floor area.” To remove ambiguity and confusion, “total building coverage” should be change to “floor area.”

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

The attachment to Council Motion M-25-380 provides specific language for this amendment, which is shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.5.F.2. Changes Approved by the City Planning Commission

- a. ~~Increases in total building coverage of any structure beyond twenty percent (20%) in any part of the development plan.~~ **a. Any increase in floor area of structures beyond 20% that does not exceed the bulk regulations of the underlying zoning district.**

What is the benefit of the proposed amendment?

The proposed amendment removes the undefined term “building coverage” that is not used elsewhere in the Comprehensive Zoning Ordinance and replaces it with a term that is defined. Additionally, it creates consistency with Section 4.5.F.1.b which uses the terminology of “floor area.” The proposed change removes ambiguity from the Ordinance and ensures consistent language is used.

Article 4,

What is the Article/Section for proposed amendment?

Article 4, Section 4.6.C.6 (New Section)

What is the problem that needs to be addressed?

The Comprehensive Zoning Ordinance currently mandates that two separate processes are required for CPC to grant any variances in connection with a subdivision. These variances could include yard setback or permeable open space requirements. The applicant must receive approval from the City Planning Commission for the subdivision and separate approval from the Board of Zoning Adjustments for the variance(s). There is no streamlined way to process both requests for a singular project at once, creating additional burden for both staff and the applicant.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 does not provide specific language to complete the amendment; therefore, staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.6.C Authority

6. In considering a subdivision application, the City Planning Commission may grant variances of zoning requirements where the need for the variances results from the subdivision.

What is the benefit of the proposed amendment?

The proposed amendment would allow the City Planning Commission to grant variances in connection with a subdivision, thus streamlining multiple requests at once instead of having to go through multiple approval bodies. This would limit the administrative burden for staff, as well as the financial burden for applicants, furthering efficiency in CPC processes.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.6.C.7 (New Section)

What is the problem that needs to be addressed?

Design overlay district design review approval standards are, by and large, subjective standards that are only required to be *considered*. For instance, Article 18.17.C states that “[n]ew development should promote safe, convenient and attractive pedestrian and bicycle access to the greenway” but does not provide a specific rubric for accomplishing this.

In contrast, development standards (e.g., building height, bulk and yard regulations, and design requirements such as transparency percentage) are quantifiable and have clearly defined requirements (e.g., an interior side yard setback requirement of 3 feet). In these instances, it is easily determinable whether a particular development plan is compliant with a particular requirement or not.

The Comprehensive Zoning Ordinance does not currently preclude the Board of Zoning Adjustments from granting variances of most design overlay district design review approval standards.¹ However, the Board is not best suited to reviewing these types of requests due to their subjective nature. The proposed amendment clarifies that only the Executive Director of the City Planning Commission has the authority to consider these standards when making final decisions on development plans. Appeals of the Executive Director’s decisions are available pursuant to Section 4.5.H of the CZO.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 does not provide specific language to complete the amendment; therefore, staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.6.C Authority

7. The additional design review approval standards of Article 18 shall not be subject to variances by the Board of Zoning Adjustments.

¹ One such exception, outlined in Section 4.6.C.5, states that “[t]he variance process shall not be used to allow prohibited sign types...” As a result, the additional design review approval standard delineated in Section 18.16.B.7 that prohibits neon signage on the interior or exterior of windows, except for an open sign, would be ineligible for consideration by the BZA. However, other additional design review approval standards of Article 18 may be eligible for consideration if they are not explicitly exempt by Section 4.6.

What is the benefit of the proposed amendment?

The proposed amendment would prohibit the Board of Zoning Adjustments from granting variances of design overlay district design review approval standards and would result in clarifying the Executive Director's authority "[t]o make final decisions on development plan and design review applications..." already outlined in Article 2.8.A, which includes consideration of these standards.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.6.D.2

What is the problem that needs to be addressed?

The Comprehensive Zoning Ordinance currently requires all multi-family developments (three or more dwelling units) to include a Project Neighborhood Participation Program (Project NPP) when requesting a variance, creating a regulatory barrier for small multi-family developers. This contributes to the red taping of housing development at large in the city, further burdening City agencies and developers with superfluous procedures and resulting administrative work. Ultimately, this undermines the goals and intent of the Master Plan, which is to both improve access to and supply of market rate and affordable housing.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 does not provide specific language to complete the amendment; therefore, staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.6.D.2 Pre-Application Meeting and Project Neighborhood Participation Program

All applications for variances, with the exception of applications for variances involving a ~~single-family or two-family~~ **residential development with less than five (5) dwelling units**, shall include a Project Neighborhood Participation Program (Project NPP). During a time of declared emergency by the Governor or Mayor, when in-person meetings are not an available option, the City Planning Commission Director shall be authorized to require teleconferencing, virtual, or other remote meeting formats to satisfy NPP requirements.

What is the benefit of the proposed amendment?

The proposed amendment would exempt 3- and 4-unit residential developments from a Project Neighborhood Participation Program (Project NPP) when requesting variances, decreasing regulatory barriers to provide small multi-family housing. This is a measure responsive to the context and character of neighborhoods these developments would likely be present in, limiting the NPP exemption to lower-impact developments. The intention is to incentivize smaller multi-family unit developments throughout the city, increasing housing supply broadly.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.6.D.3.c

What is the problem that needs to be addressed?

The Comprehensive Zoning Ordinance currently allows for variance cases to be deferred indefinitely, indefinitely expending both BZA staff and applicants' time and resources. This increases administrative and financial burden and further deteriorates public trust and perceptions of governmental efficiency.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 does not provide specific language to complete the amendment; therefore, staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.6.D.3 Action by the Board of Zoning Adjustments

c. The Board of Zoning Adjustments may approve, approve with modifications, ~~or~~ **deny, or defer** the application ~~within forty five (45) days of the close of the public hearing. The Board of Zoning Adjustments may also vote to defer action within City Charter required timeframes in cases where it discovers applicants have not submitted complete and accurate information, including but not limited to errors or omissions in following the Project NPP.~~ **No application may be deferred for longer than a total of 180 days, including all individual deferrals of shorter time periods. Any item deferred for longer than 180 days will be deemed denied for deferral past deadline.** The failure to resolve a finding of incomplete or inaccurate information may be grounds for denial **at any time.**

What is the benefit of the proposed amendment?

The proposed amendment sets deadlines for BZA action, offering greater transparency and clear expectations of Board processes for the public. By managing public expectations, the Board may expect improved communications and relations with the public at large. Additionally, the Board may be able to move forward with items with greater legal clarity and ease, allowing for potentially quicker turnaround times on assignments.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.6.F

What is the problem that needs to be addressed?

The Comprehensive Zoning Ordinance currently lists the BZA approval standards in an order that does not make sense from a review standpoint. This has also proved confusing for applicants, as the approval standards are currently listed at random, rather than ordered and categorized.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 does not provide specific language to complete the amendment; therefore, staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

The Board of Zoning Adjustments may authorize a variance only when the evidence presented supports a finding that each case indicates all of the following:

4.6.F Approval Standards

A. The basic elements for a variance exist because the below standards have been met:

1. Special conditions and circumstances exist that are peculiar to the land or structure involved and are not generally applicable to other ~~lands~~ **land** or structures in the same zoning district.
2. ~~Literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.~~ **The special conditions and circumstances do not result from the actions of the applicant or any other person who may have had an interest in the property.**
3. ~~The special conditions and circumstances do not result from the actions of the applicant or any other person who may have had an interest in the property.~~ **Literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.**
4. ~~Granting the variance requested will not confer on the applicant any special privilege which is denied by this Ordinance to other lands or structures in the same district or~~

~~similarly situated. The request for the variance is not based primarily upon a desire to serve the convenience or profit of the property owner or other interested party(s).~~

5. ~~The variance, if granted, will not alter the essential character of the locality. Strict adherence to the regulation by the property would result in a demonstrable hardship upon the owner, as distinguished from mere inconvenience.~~

B. The impacts of granting a variance are acceptable because the below standards are met:

1. ~~6. Strict adherence to the regulation by the property would result in a demonstrable hardship upon the owner, as distinguished from mere inconvenience. Granting the variance requested will not confer on the applicant any special privilege which is denied by this Ordinance to other lands or structures in the same district or otherwise similarly situated.~~
2. ~~7. The request for the variance is not based primarily upon a desire to serve the convenience or profit of the property owner or other interested party(s). The variance, if granted, will not alter the essential character of the locality.~~
3. ~~8. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood where the property is located.~~
4. ~~9. The proposed variance will not impair an adequate supply of light and air to adjacent property, increase substantially the congestion in the public street, increase the danger of fire, or endanger the public safety.~~

What is the benefit of the proposed amendment?

The proposed amendment provides clarity for applicants by separating the variance approval standards into two sections: standards that apply to the applicant and project site itself, and standards that explore potential impacts from a variance. Certainly, this would improve applicants' understanding of the approval standards and their ability to respond to whether or not their variance request meets each one. This will also allow a more streamlined approach to staff's review process as they evaluate the approval standards.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.6.G

What is the problem that needs to be addressed?

The Comprehensive Zoning Ordinance does not currently have introductory text for Article 4.6.G, which governs expiration and extensions of time for approved variances. Other application types, including conditional uses (Article 4.3.H) and planned developments (Article 4.4.I), for example, do provide this section. This text amendment proposes to better align variance expiration and extension language with other land use entitlement processes.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 does not provide specific language to complete the amendment; therefore, staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.6.G Expiration of Approvals and Extension of Time

Termination of approval of a variance for failure to obtain final approval, a building permit and to start substantial construction, or to commence the use, or an extension of the time is governed as follows:

- ~~1. A variance expires one (1) year from the date of approval unless a building permit is obtained within such period and substantial construction is started or the use is commenced within such period. Unless otherwise prohibited, the Executive Director of the City Planning Commission may extend the time for expiration of a variance for a period not to exceed one (1) year upon a showing of good cause by the applicant. A request for extension shall be made in writing within the original period of validity. An extension for a period in excess of one (1) year may be granted only by the Board of Zoning Adjustments in accordance with number 2 below.~~
- ~~2. The holder of a variance may petition the Board of Zoning Adjustments for a longer extension of time not to exceed two (2) additional years. A request for extension shall be made in writing within the original period of validity. The Board shall hold a public hearing and decide whether to extend the time period. Notice for the public hearing is required in accordance with Article 3, Section 3.3. The applicant and the owner of record of the property shall be notified of a public hearing to be conducted by the Board of Zoning Adjustments. Following the public hearing, the Board shall render its decision whether to grant an extension of such period with good cause~~

~~shown, subject to verification that the approval standards of Paragraph F above are still met.~~

What is the benefit of the proposed amendment?

The proposed amendment provides an introduction for Article 4.6.G, which governs expiration and extensions of time for approved variances. This aligns the section with those for conditional uses and planned developments.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.6.G.1

What is the problem that needs to be addressed?

The Comprehensive Zoning Ordinance currently sets expiration of variances as one (1) year from the date of approval "... unless a building permit is obtained within such period and substantial construction is started or the use is commenced within such period." This requires that applicants work to satisfy conditions of the variance approval, receive final approval from the Executive Director of the City Planning Commission, obtain a building permit, and complete substantial construction (or commence the use if no construction is required) all within one (1) year. This can result in the need for extensions, which creates unnecessary administrative work for staff, or expiration of variance approvals, which may delay or be fatal to development projects. This text amendment would provide a more realistic timeframe and would create separate deadlines for applicants to first finalize variance approvals and then to obtain a permit or commence the use.

This text amendment also eliminates the "begin substantial construction" requirement because it is unnecessary and difficult to enforce. First, there is no "begin substantial construction" event that is monitored by the Department of Safety & Permits that would definitively establish compliance, and it would be difficult to establish one. Once the building permit is issued, there are legal effects related to the vesting of property rights, which would make it difficult to enforce if the approval lapsed after the permit but before the start of construction. Additionally, the building permit is only valid for a limited period of time if there is no activity or an extension, which effectively provides the same protection as the "begin substantial construction" requirement.

Additionally, this text amendment would provide clarity as to when a variance approval expires and would better align with the Board of Zoning Adjustments' Rules, Policies, and Procedures. A discrepancy currently exists between the Comprehensive Zoning Ordinance, which provisions that a variance expires one (1) year from the date of approval, and the Rules, which state that variance approvals are valid for one (1) year from the BZA "Filed" date.²

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 does not provide specific language to complete the amendment; therefore, staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

² The "Filed" date refers to the date that a disposition notice is stamped and filed, which can occur on any date within 10 days of the hearing.

4.6.G Expiration of Approvals and Extension of Time

1 EXPIRATION

a. The Board of Zoning Adjustments' approval of a A variance **is valid for** expires one (1) year from the **resolution "Filed"** date. **If the Executive Director of the City Planning Commission, or their designee, has not signed the development plan indicating final approval, or has not authorized an extension of time in accordance with Article 4, Section 4.6.G.2, the variance approval will expire.**

b. A variance expires of approval unless **if** a building permit is **not** obtained within such period and substantial construction is started or the use is commenced within such period **two (2) years of the final approval of the Executive Director of the City Planning Commission, or their designee, unless an extension of time is authorized in accordance with Article 4, Section 4.6.G.2.b.** Unless otherwise prohibited, the Executive Director of the City Planning Commission may extend the time for expiration of a variance for a period not to exceed one (1) year upon a showing of good cause by the applicant. A request for extension shall be made in writing within the original period of validity. An extension for a period in excess of one (1) year may be granted only by the Board of Zoning Adjustments in accordance with number 2 below.

What is the benefit of the proposed amendment?

The proposed amendment would provide both clarity and longer timeframes for applicants to proceed through the development process. This may result in fewer expirations and reduce barriers to development. A portion of the deleted language will be relocated to Article 4, Section 4.8.G.2.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.6.G.2

What is the problem that needs to be addressed?

The Comprehensive Zoning Ordinance currently allows for a maximum extension period of three additional years from the Board of Zoning Adjustments' original approval. As part of that, the Executive Director of the City Planning Commission has the authority to grant a single one-year extension. Any extension request in excess of that, and no greater than two additional years, must be heard at a Board of Zoning Adjustments meeting and granted by the Board themselves. This text amendment would set new extension timetables and clarify the process for variance extensions.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 does not provide specific language to complete the amendment; therefore, staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.6.G Expiration of Approvals and Extension of Time

2. **EXTENSION OF TIME**

- a. **Unless otherwise prohibited, the Executive Director of the City Planning Commission may extend the time for expiration of a variance in accordance with the provisions of this section upon a showing of good cause by the applicant. A request for extension shall be made in writing within the original period of validity. An extension for a period in excess of either of the below may be granted only by the Board of Zoning Adjustments in accordance with Paragraph b below.**
 - i. **One (1) year from the Board of Zoning Adjustments' approval as indicated by the resolution "Filed" date; or**
 - ii. **Two (2) years from the final approval of the Executive Director of the City Planning Commission, or their designee.**
2. **b.** The holder of a variance may petition the Board of Zoning Adjustments for a longer extension of time not to exceed two (2) additional years **from the date of the final approval of the Executive Director of the City Planning Commission, or their designee.** A request for extension shall be made in writing within the ~~original~~ period

of validity. The Board shall hold a public hearing and decide whether to extend the time period. Notice for the public hearing is required in accordance with Article 3, Section 3.3. The applicant and the owner of record of the property shall be notified of a public hearing to be conducted by the Board of Zoning Adjustments. Following the public hearing, the Board shall render its decision whether to grant an extension of such period with good cause shown, subject to verification that the approval standards of Paragraph F above are still met.

What is the benefit of the proposed amendment?

The proposed amendment would provide for longer periods of extension, including granting the Executive Director of the City Planning Commission the authority to grant extensions of up to three additional years in total from the date of the Board's approval. This has the potential to reduce barriers to development and set clearer expectations for variance extensions for applicants.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.6.H

What is the problem that needs to be addressed?

The Comprehensive Zoning Ordinance text concerning the time limit for the appeal of the Board of Zoning Adjustments (BZA) to Civil District Court is currently not in alignment with state enabling legislation.³ This creates a legal discrepancy and complicates determining appeal legitimacy.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 does not provide specific language to complete the amendment; therefore, staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.6.H Appeals

An aggrieved party may appeal the Board of Zoning Adjustments' decisions on variance applications to the Orleans Parish Civil District Court within thirty (30) days of **the filing of the decision in the office of the** Board of Zoning Adjustments'-~~decision~~.

What is the benefit of the proposed amendment?

The proposed amendment aligns current CZO language with pertinent state legislation, thus legitimizing the appeal process and clarifying what officiates a “decision” with regards to an appeal.

³ See Louisiana R.S. 33:4727(E)(1): Any person or persons jointly or severally aggrieved by any decision by the board of adjustment of any officer, department, board, or bureau of the municipality, may present to the district court of the parish or city in which the property affected is located a petition, duly verified, setting forth that the decision is illegal, in whole or in part, specifying the grounds of the illegality. The petition shall be presented to the court *within thirty days after the filing of the decision in the office of the board.* **(emphasis added)**

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.7.B

What is the problem that needs to be addressed?

Article 4, Section 4.7.B addresses the initiation of minor map amendments but the regulations do not provide language addressing what constitutes a minor map adjustment. However, a Zoning Interpretation Memorandum (Z-18-1) was published in 2018 by the Department of Safety and Permits, defining the term “minor” for the purposes of application of Section 4.7 *Minor Map Adjustments*. The term “Minor” was defined as follows: “A portion of a lot or multiple lots which do not constitute a reasonably developable portion of ground and where the resultant adjustment does not expand the portion of a lot within the proposed zoning classification which is greater than 15% of the portion of the lot from which the District boundary is proposed to be adjusted.”

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion No. M-25-380 provides the following language to complete the amendment. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.7.B. Initiation

Applications for minor map adjustments may be initiated by a property owner in the city or a person expressly authorized in writing by a property owner, the City Planning Commission, Director of the Department of Safety and Permits, and the City Council in the following instances: **, provided that the adjustment results in a change to no more than 15% of the total area of the lots affected by the adjustment:**

What is the benefit of the proposed amendment?

The proposed amendment adds clarifying language that codifies the Department of Safety and Permits interpretation relative to the threshold for what constitutes a minor map adjustment, as opposed to zoning map adjustment that would require a zoning change.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.7.D.2.c (new section)

What is the problem that needs to be addressed?

Article 4, Section 4.4.D.2 addresses minor map amendments to the Future Land Use Map considered by the Executive Director of the City Planning Commission. Once a decision has been made, the regulations do not provide language addressing how the decision is memorialized.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 does not provide specific language to complete the amendment; therefore, staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~strike through~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.7.D.2. Action on Application

c. The decision on an application for a minor map adjustment shall be communicated to the applicant in writing and shall be made available on OneStop and the City's electronic notification system for any interested parties.

What is the benefit of the proposed amendment?

The proposed amendment adds clarifying language that codifies the procedure for noticing the applicant of when a decision is made.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.8.B

What is the problem that needs to be addressed?

Article 4, Section 4.8.B of the Comprehensive Zoning Ordinance identifies the types of decisions of the Director of the Department of Safety and Permits that may be appealed to the Board of Zoning Adjustments: zoning verifications, zoning ordinance interpretations, and permits issued under the Comprehensive Zoning Ordinance.

The problem at hand is two-fold:

Firstly, per the City of New Orleans Home Rule Charter Section 5-408(2), the Board only has the authority to hear appeals of *zoning* decisions. While Article 2, Section 2.6 of the CZO clearly reiterates the Board's powers, per the Charter, there is a lack of clarity in Article 4, Section 4.8.B. This has resulted in assumptions that any administrative decision whatsoever of the Director of the Department of Safety and Permits is appealable to BZA, which has created confusion for both applicants and City staff. This text amendment would provide further clarity about the types of decisions that may be appealed.

Secondly, there has been a longstanding interpretation that allows for appeals of any written decision of the Director of the Department of Safety and Permits under the Comprehensive Zoning Ordinance. This has included email correspondence and comments in the LAMA permitting database, for example. This text amendment would officially authorize this longstanding interpretation in the Comprehensive Zoning Ordinance and clarify applicants' understanding that any type of documentation bearing a decision of the Director of the Department of Safety and Permits, in accordance with the City of New Orleans Home Rule Charter Section 5-408(2) et al., is acceptable.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

A portion of this item is not included in Council Motion M-25-380 and is suggested by the staff under the authority granted to the City Planning Commission by the motion. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.8.B Applicability

- 1. Appeals are authorized by the Board of Zoning Adjustments in accordance with Article 2, Section 2.6, Louisiana Revised Statute 33:4780.46, and Section 5-408 of the City Charter.**
- 2. Appeals may be filed concerning any decision of the Director of the Department of Safety and Permits in the enforcement of the zoning ordinance of the City on the following applications of this Ordinance ([Section 2.6](#)):**
 - a.** ~~1.~~ The decision of the Director of the Department of Safety and Permits on zoning verifications.
 - b.** ~~2.~~ The decision of the Director of the Department of Safety and Permits on Zoning Ordinance interpretations.
 - c.** ~~3.~~ The decision of the Director of the Department of Safety and Permits on permits issued under the Comprehensive Zoning Ordinance.
- 3. These decisions need not be formal, and any written communication of such a decision, including but not limited to an email or LAMA approval or disapproval, shall be considered appealable.**
- 4. For purposes of this Section, a decision made “in the enforcement of the zoning ordinance of the City” shall be those decisions that specifically apply the provisions of the zoning ordinance. Appeals made pursuant to this Section must therefore allege an error in the application of a provision of the zoning ordinance.**

What is the benefit of the proposed amendment?

The proposed amendment would provide further clarity around the types of decisions of the Director of the Department of Safety and Permits that are appealable. In addition, it would formalize a longstanding interpretation of the types of documentation that are considered appealable. Overall, this amendment furthers applicant understanding of what they are entitled to appeal and provides clarity for staff.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.8.D

What is the problem that needs to be addressed?

The Comprehensive Zoning Ordinance does not currently provide specific detail on determining whether an appeal application is proper. This amendment authorizes a clearer process through which appeal applications are received and handled, providing greater clarity for both staff and the applicant.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 does not provide specific language to complete the amendment; therefore, staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.8.D Procedure

1. **Applications for appeal of the decision of the Director of the Department of Safety and Permits or Executive Director of the City Planning Commission shall be made in writing to the Board of Zoning Adjustments within forty-five (45) days of the decision.**
2. **All applications shall be filed with the Executive Director of the City Planning Commission in accordance with the requirements of Section 3.2 and reviewed for completeness by the Executive Director who shall determine whether the application is ripe for review by the Board, not moot, or otherwise unable to be heard in accordance with Section 4.8.B.**
 - a. **If the application is determined to be incomplete, unripe, moot, or otherwise unhearable, this determination will be conveyed to the applicant by the Board of Zoning Adjustments in writing.**
 - b. **Notwithstanding this determination, the Department of Safety and Permits or other interested parties may present arguments to the Board that an application is incomplete, unripe, moot, or otherwise unhearable and the Board may make a finding in accordance with this argument rather than rule on the merits of the appeal.**
3. ~~Upon the filing of an application for an appeal of a Director of the Department of Safety and Permits or Executive Director of the City Planning Commission decision, the Board of Zoning Adjustments shall conduct a public hearing in accordance with~~

~~Sections 3.4 and make a final decision within forty-five (45) days from the date the public hearing is closed. The Director of the Department of Safety and Permits or the Executive Director of the City Planning Commission shall produce all papers, correspondence, and records requested by the Board of Zoning Adjustments for any hearing or meeting held by the Board. The Board shall owe no deference to interpretations by the Director of the Department of Safety and Permits. In reviewing factual determinations by the Director, the Board must determine, based upon the totality of the record evidence, that the Director committed clear error and that the error was material to the Director's determination.~~

What is the benefit of the proposed amendment?

The proposed amendment would elaborate on the overall procedure for appeal applications, including determining whether an appeal application is able to be heard. This amendment would result in enhanced cooperation between the Board of Zoning Adjustments and the Department of Safety and Permits, as well as better applicant understanding of the process.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.8.E – 4.8.G (new section)

What is the problem that needs to be addressed?

The Comprehensive Zoning Ordinance does not currently provide a distinct section for the standard of review for zoning appeals. In order to insert a section listing those standards, two existing sections must be renumbered.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion No. M-25-380 recommends the following changes to the CZO. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.8.E ~~Stay of Proceedings~~ **Standard of Review**

4.8.F ~~Appeals~~ **Stay of Proceedings**

4.8.G Appeals

What is the benefit of the proposed amendment?

The proposed amendment simply reorganizes existing sections to allow the insertion of a section related to approval standards of zoning appeals.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.8.E

What is the problem that needs to be addressed?

The Comprehensive Zoning Ordinance does not currently provide a distinct section for the standard of review for appeals in the same way that it does for other application types (i.e., “Approval Standards”). Instead, this language is currently part of a single paragraph under Article 4, Section 4.8.D Procedure, which also addresses several other procedural processes, and can be difficult for applicants and others to locate. Thus, this must be extracted from Article 4, Section 4.8.D Procedure and given its own section for better organization and clarity.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 does not provide specific language to complete the amendment; therefore, staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.8.E Stay of Proceedings

~~An appeal stays all administrative proceedings in furtherance of the action appealed from, unless the Director of the Department of Safety and Permits certifies to the Board of Zoning Adjustments, after the notice of appeal is filed, by reason of facts stated in the certificate, that a stay would, in the Director’s opinion, cause imminent peril of life or property. In such case, proceedings may not be stayed after application to the Board or to the Civil District Court and notice to the Director of the Department of Safety and Permits, for due cause shown thereon, unless a restraining order is issued.~~ **The Board shall owe no deference to interpretations by the Director of the Department of Safety and Permits. In reviewing factual determinations by the Director, the Board must determine, based upon the totality of the record evidence, that the Director committed clear error and that the error was material to the Director's determination.**

What is the benefit of the proposed amendment?

The proposed amendment would streamline the decision appeal application section of the CZO for both the public and internal purposes, specifically concerning the standard of review for appeals, and make it more easily identifiable. Deleted language will be moved to a separate section for better organization of text (see Article 4, Section 4.8.F).

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.8.F

What is the problem that needs to be addressed?

In concurrence with the proposed amendments to Article 4, Section 4.8.E, the deleted section must be relocated as sections are reordered. Additionally, further legal clarity for both staff and the public is needed in that an appeal stays all administrative *enforcement* proceedings rather than all administrative proceedings.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 does not provide specific language to complete the amendment; therefore, staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.8.F Appeals

~~An aggrieved party may appeal the Board of Zoning Adjustments' decisions on zoning appeals to the Orleans Parish Civil District Court within thirty (30) days of the Board's decision.~~

An appeal stays all administrative enforcement proceedings in furtherance of the action appealed from, unless the Director of the Department of Safety and Permits certifies to the Board of Zoning Adjustments, after the notice of appeal is filed, by reason of facts stated in the certificate, that a stay would, in the Director's opinion, cause imminent peril of life or property. In such case, proceedings may not be stayed after application to the Board or to the Civil District Court and notice to the Director of the Department of Safety and Permits, for due cause shown thereon, unless a restraining order is issued.

What is the benefit of the proposed amendment?

The proposed amendment would contribute to streamlining the decision appeal section of the CZO for both the public and internal purposes, in that it would clarify that an appeal only stays administrative *enforcement* proceedings rather than all administrative proceedings. It would also reorder the section to after the new standard of review section proposed under Article 4, Section 4.8.E. Language removed from that former section is included here for better organization. Deleted

language will be moved to a new section for better organization of text (see Article 4, Section 4.8.G).

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.8.G

What is the problem that needs to be addressed?

Another text amendment currently under consideration would strike the existing language of Article 4, Section 4.8.E and shift that language to Article 4, Section 4.8.F. As a result, the existing language of Article 4, Section 4.8.F, which would also be stricken, must be relocated. This would require the creation of a new section as Article 4, Section 4.8.G does not currently exist. This amendment would continue the restructuring of Article 4, Section 4.8 initiated in other pending text amendments to provide better organization.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 does not provide specific language to complete the amendment; therefore, staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.8.G Appeals

An aggrieved party may appeal the Board of Zoning Adjustments' decisions on zoning appeals to the Orleans Parish Civil District Court within thirty (30) days of the Board's decision.

What is the benefit of the proposed amendment?

The proposed amendment would streamline the zoning appeal application section of the CZO for both the public and internal purposes. This text amendment aligns with several others currently under consideration that would moderately restructure Article 4, Section 4.8 to provide better organization and clarity. The language proposed here was relocated from a prior section.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.9.D.2

What is the problem that needs to be addressed?

Article 4, Section 4.9.D provides the process for zoning verifications issued by the Department of Safety and Permits. The existing language in Section 4.9.D.2 however, does not fully recognize existing practice.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion No. M-25-380 provides the following language to complete the amendment. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.9.D Process

2. The Director of the Department of Safety and Permits issues a zoning verification as part of a building permit, certificate of occupancy, or business license. **These verifications may take the form of an approval or denial in the City's permit review system (LAMA).**

What is the benefit of the proposed amendment?

The proposed amendment would specify that LAMA approvals and denials constitute zoning verifications, thus recognizing existing practice and setting accurate expectations from the public.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.9.D.4

What is the problem that needs to be addressed?

Article 4, Section 4.9.D address zoning verifications and subsection 4.9.D.4 states the interest party shall submit an application containing the subsequent list of documentation. Specifically is uses the word “material” which isn’t necessary and is ultimately redundant.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-38 does not provide specific language to complete the amendment; therefore, staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.9.D Process

4. The interested party shall submit an application containing the following ~~material~~, unless waived by the Director of the Department of Safety and Permits:

What is the benefit of the proposed amendment?

The proposed amendment does not change the meaning of the regulation, but simply removes an unnecessary word.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.9.D.4.e (new section)

What is the problem that needs to be addressed?

Article 4, Section 4.9.D.4 addresses what constitutes a complete application for zoning determinations. However, the list of required items is missing a section for application fees.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 does not provide specific language to complete the amendment; therefore, staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.9.D. Process

4. The interested party shall submit an application containing the following materials, unless waived by the Director of the Department of Safety and Permits:

e. Required application fees, if any. Application fees may not be waived by the Director of the Department of Safety and Permits.

What is the benefit of the proposed amendment?

The proposed amendment adds language that aligns with a recent update to section 70-564 of the City Code. This section states that zoning verification fees are \$100.00 and non-conforming use determinations are \$200.00. The proposed amendment to the CZO simply adds that a fee is required to set applicants' expectations.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Section 4.9.E

What is the problem that needs to be addressed?

The Comprehensive Zoning Ordinance does not currently mandate appeal deadlines be included in zoning verifications from the Department of Safety and Permits (DSP), resulting in lack of transparency and ease of access to pertinent information for applicants.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 does not provide specific language to complete the amendment; therefore, staff recommends the following changes to the CZO. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

Section 4.9.E. Appeals

An interested party may appeal the zoning verification decision by the ~~Director of the~~ Department of Safety and Permits to the Board of Zoning Adjustments within forty-five (45) days of the decision. **All verifications issued by the Director of the Department of Safety and Permits must contain a statement explaining that there is a right to appeal to the Board of Zoning Adjustments and the deadline to do so.**

What is the benefit of the proposed amendment?

The proposed amendment would require that appeal deadlines be provided to applicants with any and all zoning determinations from the Department of Safety and Permits (DSP). This provides greater ease of access to and sooner communication of pertinent deadlines associated with an applicant's case.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Sections 4.10.E.

What is the problem that needs to be addressed?

Zoning text interpretations are made by the Director of the Department of Safety and Permits. Interpretations of the zoning map and the Master Plan future land use map (FLUM) are made by the Executive Director of the City Planning Commission. The Safety and Permits Director and City Planning Commission Executive Director are required to maintain a written record of all interpretations. Currently, there is no requirement to make interpretations available online and through NoticeMe. Also, there is no statement for the right to appeal.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion M-25-380 provides the following language to complete the amendment. The staff recommends maintaining the provided language. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

4.10.E Procedure

1. All applications for a zoning text interpretation shall be filed with the Director of the Department of Safety and Permits in accordance with the requirements in Section 3.2. The Director of the Department of Safety and Permits shall review a request for an interpretation and render the written interpretation within forty-five (45) days of receipt of a complete application. The Director of the Department of Safety and Permits has the authority to request additional information prior to rendering an interpretation. The Director of the Department of Safety and Permits shall maintain a written record of all interpretations **and shall make all interpretations available on their publicly-accessible website. The Director of the Department of Safety and Permits shall also provide notice of interpretations to interested parties through the City's electronic notification system. All interpretations issued by the Director of the Department of Safety and Permits must contain a statement explaining that there is a right to appeal to the Board of Zoning Adjustments and the deadline to do so.**
2. All applications for a zoning map or Future Land Use Map interpretation shall be filed with the Executive Director of the City Planning Commission in accordance with the requirements in Section 3.2. The Executive Director of the City Planning Commission shall review a request for an interpretation and render the written interpretation within forty-five (45) days of receipt of a complete application. The Executive Director of the City Planning

Commission has the ability to request additional information prior to rendering an interpretation. The Executive Director of the City Planning Commission shall maintain a written record of all interpretations **and shall make all interpretations available on their publicly-accessible website. The Executive Director of the City Planning Commission shall also provide notice of interpretations to interested parties through the City's electronic notification system. All interpretations issued by the Executive Director of the City Planning Commission must contain a statement explaining that there is a right to appeal to the City Planning Commission and the deadline to do so.**

What is the benefit of the proposed amendment?

The proposed amendment ensures that interpretations are publicly available through NoticeMe or an equivalent electronic system. In addition, it ensures that interested parties are notified of interpretations and provided appeal procedures.

Article 4

What is the Article/Section for proposed amendment?

Article 4, Table (Table 4-3) Administrative Summary Table

What is the problem that needs to be addressed?

Two issues need to be addressed. The first is a formatting issue that wrongfully labels the table as Table 4-2 instead of Table 4-3. The proposed amendment would renumber it to Table 4-3. Further the table calls for the submittal of a Zoning Appeal from a decision made by the Department of Safety and Permits to be taken in by the Director of Safety and Permits. However, this has historically not been the case, as it is the City Planning Commission who handles intake of zoning appeal applications. Those appeals are then sent to the Board of Zoning Adjustments, which the CPC serves as staff for. This amendment clarifies the correct department for submission.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

The updated text adds the following in **bold and underlined**:

Table 4-~~23~~: Administrative Summary Table *** Application Filing and Completeness Determination / Zoning Appeal: ~~Director of the Department of Safety and Permits~~
Executive Director of the City Planning Commission

What is the benefit of the proposed amendment?

The proposed amendment is a corrective measure and an administrative change to ensure consistency in the code.

Article 4

What is the Article/Section for proposed amendment?

Article 19, Section 19.3.C.2

What is the problem that needs to be addressed?

Article 19, Section 19.3.C.2 currently states that, if a motion for an Interim Zoning District (IZD) is brought to the council “by request,” the respective party who requested that motion may be required to fulfill Neighborhood Participation Program (NPP) requirements. This can delay certain emergency IZDs that may need to be quickly addressed.

What are the existing regulations and changes proposed by the City Planning Commission staff to address the problem?

Council Motion No. M-25-380 provides the following language to complete the amendment. Proposed deletions are shown below in ~~striketrough~~ text while proposed insertions are shown below with new language shown in **bold underlined** text:

19.3.C Procedure

1. The zoning text amendment creating an interim zoning district or moratorium shall be initiated by the adoption of a motion by the City Council. Except as otherwise provided in this section, an interim zoning district or moratorium for a particular area shall be established on the Official Zoning Map.

~~2. Prior to the initiation of the City Council motion, the City Councilmember sponsoring the motion shall follow the procedure established in Section 4.2 for zoning map amendments. If the interim zoning district or moratorium is initiated "by request," the sponsoring City Councilmember may designate the requestor to fulfill the Project NPP requirements.~~

~~3~~2. The City Council motion initiating the interim zoning district or moratorium shall specify the type of review or study required in order to achieve the objectives of the temporary prohibition. The motion shall also specify the City agency responsible for the review or study. The designated agency shall complete its review and provide its report to the Council within the time limits established for such temporary prohibitions.

~~4~~3. The motion initiating the interim zoning district or moratorium shall also incorporate regulations addressing the following factors, where applicable:

- a. Intent of the interim zoning district or moratorium.
- b. Delineation of interim district boundaries or area subject to the moratorium.

- c. Uses permitted.
- d. Limitations on uses.
- e. Land use intensity, yard, lot area, and similar requirements.
- f. Special provisions necessary to the accomplishment of the intended intent and purpose of the district (i.e. landscape requirements, site plan review, etc.).
- g. Submittal requirements, if any.
- h. Appeal procedure

54. Upon adoption of the City Council's motion authorizing the City Planning Commission to conduct a public hearing to consider an amendment to this Ordinance to create an interim zoning district or moratorium, all appropriate agencies shall refuse to accept any new applications for permits that are in conflict with the intent and provisions of the proposed interim zoning district or moratorium. However, applications determined to be complete and received prior to adoption of such motion, may be reviewed and processed under existing regulations.

What is the benefit of the proposed amendment?

The proposed amendment allows for emergency action by the City Council which is the purpose of the Interim Zoning Districts (IZD).

Article 1-4 Meeting – 10.3.25

Article 1 – Title Purpose Intent & Application – 0 amendments

Article 1 officially establishes the Comprehensive Zoning Ordinance as the legal framework for land use across New Orleans. The article sets broad objectives such as promoting public health, safety, and welfare, supporting efficient development, preserving neighborhood character, and promoting sustainability and resilience. It establishes zoning districts that regulate land use, height, density, yard sizes, open space, and the arrangement of buildings.

- Provides for the purpose of the CZO
- Provides regulations for when new laws go into effect; for example, when there's a city-wide zoning change that nullifies a prior conditional use on a property.

Article 2 – Ordinance Administrators – 0 amendments

Article 2 details the roles, powers, and responsibilities of the boards, commissions, and officials who administer the Zoning Ordinance. It designates which bodies grant approvals and issue decisions on land use matters and amendments. The City Council has final authority over amendments to the zoning map and text, conditional use, and planned development applications, while the City Planning Commission gives recommendations on those matters. The Board of Zoning Adjustments handles appeals, variances, and determinations of errors in enforcement. The Design Advisory Committee reviews development plan and design applications. The Director of the Department of Safety and Permits has authority to issue permits, conduct inspections, and enforce compliance. Historic districts have additional oversight by commissions such as the Vieux Carré Commission, which regulates exterior changes in the French Quarter but not building use.

- Outlines the specific power of the different boards, commissions and officials as they relate to the CZO.
 - City Council
 - City Planning Commission
 - Board of Zoning Adjustments
 - Design Advisory Committee (DAC)
 - Executive Director of the City Planning Commission
 - Director of the Department of Safety and Permits
 - Vieux Carre Commission
 - Historic District Landmarks Commission

Article 3 – Administrative Procedures – 2 amendments

Article 3 outlines the step-by-step procedures for nearly every type of zoning application—text or map amendments, conditional uses, variances, developments, and appeals. It specifies which city officials accept applications, what information and documents are required, and the standards for completeness. Public participation is ensured through notification procedures, including mailed, posted, and published notices for hearings. The article establishes timelines for application processing, withdrawal, and resubmittal. It further details applicant withdrawal rights and limits the frequency of reapplication after denials, unless substantial new evidence is provided. The public hearing process is clearly described, from place and time to required notifications, and any technical error in notification does not invalidate a council action as long as the applicant received adequate notice.

- Outlines the general application, notice and public hearing procedures for the applications and approvals found within the CZO.
 - The section details the submittal of application process (completeness reviews), fees involved with the application and the resubmittal procedures of withdrawn or denied applications.
 - Details the NPP process and posted notice requirements

Proposed amendments:

- Refine the NPP regulations to be easier for the public to understand
- Make a legal requirement for the existing NoticeMe public notice system
- Create limitations on zoning appeal re-applications that are consistent with limitations on other re-applications

Article 4 – Applications and Approvals – ~71 amendments

Article 4 of the New Orleans Comprehensive Zoning Ordinance provides a detailed structure for how zoning requests, amendments, conditional uses, and planned developments are reviewed and approved in the city.

Article 4 delineates the types of applications covered, including zoning text amendments, zoning map amendments, conditional uses, and planned developments. It emphasizes compliance with the Master Plan and consistent evaluation of each application against established citywide standards. All applications must undergo the Neighborhood Participation Program (NPP), which mandates public notification and input opportunities prior to formal hearings. Applicants must submit detailed documentation specifying the purpose, existing conditions, and proposed changes.

This section details the purpose, initiation, authority, procedure, approval standards, appeal process and provides a charted diagram for the following projects:

- Conditional uses
- Zoning Text and Map Amendments
- Planned Developments
- Development plan and Design Review
- Variances
- The section also details the procedure of
 - Minor map adjustments
 - Zoning appeals
 - Zoning verifications
 - Interpretations
 - Sign permits; and
 - Campus development plans

Proposed Amendments:

- Enhance public notice of decisions and appeal rights
- Create a process for regular CZO updates
- Makes minor technical amendments to improve CZO language around the City Council consideration of a zoning ordinance
- Eliminate unnecessary administrative barriers
- Improve approval standards for zoning applications
- Improve notice and content of waivers and provisos
- Codifies interpretations that have been made by the Department of Safety and Permits
- Clarify CPC design review requirement and processes
- Rectify inconsistencies with the language used for changes to approved plans that may be allowed by CPC staff, City Planning Commission, or City Council
- Clarify the variance process
- Make updates to fulfill the administration of the zoning ordinance



October 20, 2025

Via Email: CPCINFO@NOLA.GOV

Mr. Robert D. Rivers, Executive Director
New Orleans City Planning Commission
1300 Perdido Street, 7th Floor
New Orleans, LA 70112

RE: ZD 049/25 CZO Text Amendments

Dear Mr. Rivers,

On behalf of the membership and Board of Directors of the Garden District Association we are pleased to submit comments regarding the subject matter. In general, we appreciate the administrative clarifications and efforts to remove inconsistencies. We have included comments but have also included recommended underlined text that should be noted as additional to the proposed amendments provided in the Staff Report. We included the specific articles, sections and page numbers of the Staff Report for easy reference. Our specific comments include the following:

1. Article 3, Section 3.5 (Staff Report pages 7-10): We concur with consolidating the Neighborhood Participation Program (NPP) into a new section. We propose however, that a minimum of 45 to 60 minutes of time be provided for participants to provide public comment. See proposed Section 3.5.6.3 (page 9) recommending a minimum of 30 minutes.
2. Article 3, Section 3.6 (Staff Report pages 10-11): We very much appreciate codification of an electronic notification system (NoticeMe) however, we propose that such notices also include appeals of zoning verifications and zoning interpretations.
3. Article 4, Section 4.2.B (Staff Report pages 11-12): We recommend the language include the City Planning Commission may initiate zoning map amendments in connection with Master Plan revisions that are a result of an approved Master Plan revision, land use studies that are a result of the recommendations of a specific study or as otherwise required by this Ordinance.
4. Article 4, Section 4.2.G (Staff Report pages 16-17): We concur with the proposed amendment however, we propose including language that will specify such ... “administrative amendments shall not include text amendments to any zoning districts, zoning uses, standards, definitions, and/or site development requirements to the Comprehensive Zoning Ordinance.” (See page 17.)
5. Article 4, Section 4.3.A (Staff Report page 19): We recommend that “public benefit” and “public need” be defined.
6. Article 4, Section 4.3.E.1 (Staff Report page 24): We propose that any and all existing provisos as outlined in the CZO continue to be included Conditional Use ordinances. We recognize that provisos as stated in the CZO may change over time however, the provisos are relevant for the time at which the Conditional Use was approved.

7. Article 4, Section 4.3.E (Staff Report page 25): We are **opposed** to the City Council granting any waivers to Conditional Uses. We realize this is the current practice and the intent of the amendment is to have it noticed in the City Council motion, we are of the opinion that any waivers proposed by the City Council shall go back for Planning Commission review and recommendation.
8. Article 4, Section 4.5.B.3.b (Staff Report pages 39-40): We are **opposed** to deleting item “b” and removing design review along major corridors and the entirety of the blocks along the referenced corridors in Article 18.14, CPC Character Preservation Corridor Design District and the associated sub-districts including:
 - Section 18.14: CPC Character Preservation Corridor Design Overlay District and the associated sub-districts identified in Sections 18.14.C.1 and 18.14.C.2,
 - Section 18.15: EC Enhancement Corridor Design Overlay District and the associated sub-districts identified in Sections 18.15.C.1 through 18.15.C.18, and
 - Section 18.16: CT Corridor Transformation Design Overlay District and the associated sub-districts identified in Sections 18.16.C.1.b, 18.16.C.2.b and 18.16.C.3.b.

The amendment will effectively eliminate design review on all intersections that are part of Article 18 design review for the above referenced Overlay District. At the Staff Report notes, “more intense uses along major corridors have more of a visual impact to the public and therefore warrant a closer look through design review. Further, the location at major intersections within these corridors could also increase the site’s importance for heightened level of design quality for development.”

Suggested language Section 4.5.B.3.b: *Developments on lots within the entirety of each block (exclusive of residentially zoned lots) located at the major intersections along a design overlay district identified in Article 18.*

9. Article 4, Section 4.5.B.11 (Staff Report pages 43-44): We are **opposed** to this amendment if the HDLC is removed from design review of new construction and additions and alterations in partial control local Historic Districts. Further, the CPC should maintain review of site plans.
10. Article 4, Section 4.6.D.2 (Staff Report pages 49-50): We are **opposed** to removing small multi-family (less than 5 dwelling units) dwelling units from the NPP process for variances when located in a historical district and/or the university area overlay district. A variance is not a regulatory barrier but a safeguard for setbacks, etc. which if insufficient may decrease public safety.

We very much appreciate the time and effort involved in updating the CZO. We are available to discuss our recommended changes.

Sincerely,

Shelley Landrieu

Shelley Landrieu, *Executive Director*

Fw: Oct 3 call on CZO Sections 1-4

From Robert D. Rivers <rdrivers@nola.gov>

Date Fri 9/26/2025 11:49 AM

To Stephen K. Kroll <skroll@nola.gov>

Was this announced or posted in any way? If not, could you post a brief announcement with a link?

Thanks

From: Jeffrey Seymour <jseymour8@gmail.com>

Sent: Friday, September 26, 2025 7:12 AM

To: Robert D. Rivers <rdrivers@nola.gov>

Cc: Allen Johnson <hajohnson1418@gmail.com>

Subject: Oct 3 call on CZO Sections 1-4

Bob,

Where on the CPC website can folks find info on next Friday's call?

Fw: Waiving NPP Requirements

From Robert D. Rivers <rdrivers@nola.gov>
Date Tue 10/14/2025 11:07 AM
To Stephen K. Kroll <skroll@nola.gov>; Ashley J. Becnel <ajbecnel@nola.gov>

FYI

From: Robert D. Rivers <rdrivers@nola.gov>
Sent: Tuesday, October 14, 2025 11:06 AM
To: Jeffrey Seymour <jseymour8@gmail.com>; Wheeler L. Manouchehri <wheeler.manouchehri@nola.gov>
Cc: Allen Johnson <ajohnson@faubourgmarigny.org>
Subject: Re: Waiving NPP Requirements

Hi Jefferey:

You are asking for a legal opinion, which I am not authorized to give. You should contact the Council directly.

Thanks,

Bob

Robert D. Rivers

(he/him/his)

Executive Director

New Orleans City Planning Commission

Office of Business and External Services

1300 Perdido Street, NOLA 70112

504.658.7018

rdrivers@nola.gov

<https://nola.gov/city-planning/>

From: Jeffrey Seymour <jseymour8@gmail.com>

Sent: Tuesday, October 14, 2025 7:22 AM

To: Robert D. Rivers <rdrivers@nola.gov>; Wheeler L. Manouchehri <wheeler.manouchehri@nola.gov>

Cc: Allen Johnson <ajohnson@faubourgmarigny.org>

Subject: Waiving NPP Requirements

Bob & Wheeler,

I'm not sure which of you is the person to answer this question.

Section 5-411 of the Home Rule Charter requires an NPP for **any** "Land Use Action" affecting the neighborhood.

[Section 5-411. Neighborhood Participation.](#)

*The City shall establish by ordinance a system for organized and effective neighborhood participation in **land use decisions and other issues that affect quality of life**. It shall provide for timely notification to a neighborhood of **any proposed Land Use Action** affecting the neighborhood; it shall also provide the opportunity for meaningful neighborhood review of and comment on such proposals. In addition, it shall provide the opportunity for meaningful neighborhood participation in the formulation of the Master Plan or any amendment thereto.*

Land Use Action is defined as:

*"Land Use Action" means the **preliminary or final approval** of a **zoning map amendment**, a **zoning ordinance text change**, **subdivision plat**, site plan, planned unit development, or **conditional use**; the **granting of a variance**, **adoption of a development agreement**, or **issuance of a certificate of appropriateness**; a decision by the City or any of its administrative authorities to construct a capital improvement, acquire land for community facilities, including transportation facilities, or for redevelopment. Approval as used in this paragraph includes approval subject to conditions.*

Under what authority can the City Council, or any body for that matter, unilaterally choose to waive this requirement of the Home Rule Charter?

Please let me know if there is someone else I should be directing this question to (perhaps the City Legal Department?).

Thank you



October 20, 2025

Via Email: CPCINFO@NOLA.GOV

Mr. Robert D. Rivers, Executive Director
New Orleans City Planning Commission
1300 Perdido Street, 7th Floor
New Orleans, LA 70112

RE: ZD 049/25 CZO Text Amendments

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We very much appreciate the time and effort involved in updating the CZO. We are available to discuss our recommended changes.

Sincerely,

Shelley Landrieu

Shelley Landrieu, *Executive Director*

Input session for Articles 1-4 amendment, October 3, 2025

Meeting chat:

Stephen K. Kroll named the meeting Input session for CZO Articles 1-4 amendment.

10/3 10:42 AM Meeting started

Kelsey added read.ai meeting notes to the meeting (recording enabled). View Privacy Policy: <https://www.read.ai/pp>. To opt out and delete this recording, click here: <https://app.read.ai/analytics/opt-out/01K6NCEWB92QQQ779DPVWN908Z>

Hi, I'm an AI assistant helping Jeffrey Seymour take notes for this meeting. Follow along the transcript here: https://otter.ai/u/uzSpo1R2ETGUvUBXNiEbfzsCPK8?utm_source=va_chat_link_1

You can see screenshots and add highlights and comments. After the meeting, you'll get a summary and action items.

Trying to be respectful, but I'm nervous that 1 hour is not going to be enough time to cover all of the questions if we have two (2) presentations by Staff Members.

Hi, I'm an AI assistant helping Jeffrey Seymour take notes for this meeting. Follow along the transcript here: https://otter.ai/u/uzSpo1R2ETGUvUBXNiEbfzsCPK8?utm_source=va_chat_link_2

You can see screenshots and add highlights and comments. After the meeting, you'll get a summary and action items.

May I suggest we go through Exhibit A to City Council Motion M-25-380? This is the language that will become law and is more relevant than general discussion.

I jumped on a few minutes late. Can we get access (or is there already) to the first document you has on the screen? (3 pages, I think)

https://cityofno.granicus.com/MetaViewer.php?view_id=&event_id=24178&meta_id=747258

Erin, the link above is for the Motion. Are you asking for that link or for the document that summarizes Articles 1-4?

Thanks Rachel. I have this document - was the first one something different? I just want to make sure we have everything we need to fully understand the potential changes.

Allen, I have always been told that the current procedure is to stop the Staff from having to monitor a volley back and forth. I do think there should be a mechanism for correcting incorrect information in a Staff Report before the hearing.

Rachel - yes that document, not the spreadsheet.

the first document was just a summary of Articles 1-4

Jeffrey is on a Basic Otter plan with 30 minute meetings. To record longer meetings, upgrade to Pro: https://otter.ai/pricing?utm_source=oa-chat-basic

I would like to see a complete prohibition of the Council waiving all NPP requirements.

@ justin schmidt Agreed.

@sueklein—Sue, you've got a serious echo on your audio. Not sure how to remedy.

I also need to leave so I'll have to stop sharing my screen.

- **Section 5-411. - Neighborhood Participation.**

The City shall establish by ordinance a system for organized and effective neighborhood participation in land use decisions and other issues that affect quality of life. It shall provide for timely notification to a neighborhood of any proposed Land Use Action affecting the neighborhood; it shall also provide the opportunity for meaningful neighborhood review of and comment on such proposals. In addition, it shall provide the opportunity for meaningful neighborhood participation in the formulation of the Master Plan or any amendment thereto.

Annotation: Pursuant to the provisions of Section 10 of Ordinance No. 23,141 M.C.S., this section as written became effective in May 2010.

10/3 1:37 PM Meeting ended: 2h 56m Input session for CZO Articles 1-4
amendmentFriday, October 3, 2025 11:00 AM - 12:00 PMView
recapContentTranscriptAttendance2h 34m 22sExpires in 103 days

1. Summary

Meeting title	Input session for CZO Articles 1-4 amendment
Attended participants	26
Start time	10/03/25, 10:41:36 AM
End time	10/03/25, 1:37:35 PM
Meeting duration	2h 55m 59s
Average attendance time	1h 46m 12s

2. Participants

Name	First Join	Last Leave
Stephen K. Kroll	10/03/25, 11:00:29 AM	10/03/25, 1:10:12 PM
Sarah C King	10/03/25, 10:54:17 AM	10/03/25, 11:24:06 AM
Robert D. Rivers	10/03/25, 10:57:31 AM	10/03/25, 1:25:35 PM
Rachael Berg	10/03/25, 10:57:53 AM	10/03/25, 1:01:34 PM
Mitchell S Kogan	10/03/25, 10:59:08 AM	10/03/25, 1:25:40 PM
Haley M. Delery	10/03/25, 10:59:41 AM	10/03/25, 11:50:03 AM
Gabriel D Bordenave	10/03/25, 11:00:30 AM	10/03/25, 1:25:34 PM
read.ai meeting notes (Unverified)	10/03/25, 11:00:43 AM	10/03/25, 12:05:07 PM
Justin Schmidt (Unverified)	10/03/25, 11:00:43 AM	10/03/25, 1:25:33 PM
Susan Klein	10/03/25, 11:00:44 AM	10/03/25, 1:37:35 PM
Charles Bourg	10/03/25, 11:00:44 AM	10/03/25, 1:18:09 PM
Sue Klein (Unverified)	10/03/25, 11:00:44 AM	10/03/25, 1:25:35 PM
Jeffrey's Notetaker (Otter.ai) (Unverified)	10/03/25, 11:00:44 AM	10/03/25, 11:43:24 AM
Calvin Lopes (Unverified)	10/03/25, 11:00:44 AM	10/03/25, 1:01:16 PM
Rene Pastorek	10/03/25, 11:00:44 AM	10/03/25, 11:59:22 AM
Sabine E. Lebailleur	10/03/25, 11:00:45 AM	10/03/25, 1:25:17 PM
Susan Johnson (Unverified)	10/03/25, 11:01:34 AM	10/03/25, 1:25:36 PM
Larry W. Massey Jr.	10/03/25, 11:02:39 AM	10/03/25, 1:03:51 PM
Julia I Nickle	10/03/25, 11:02:53 AM	10/03/25, 1:25:31 PM
Troy Henry (External)	10/03/25, 11:04:45 AM	10/03/25, 11:38:11 AM
Erin Holmes	10/03/25, 11:08:01 AM	10/03/25, 12:11:54 PM
Dawn Hebert (Unverified)	10/03/25, 11:12:11 AM	10/03/25, 1:25:34 PM
Allen Johnson (Unverified)	10/03/25, 11:20:15 AM	10/03/25, 1:25:32 PM
Frain (Unverified)	10/03/25, 11:33:57 AM	10/03/25, 1:25:42 PM
Candice Taylor	10/03/25, 11:45:44 AM	10/03/25, 12:04:23 PM
Jeffrey Seymour (Unverified)	10/03/25, 11:47:38 AM	10/03/25, 1:28:42 PM

3. In-Meeting Activities

Name	Join Time	Leave Time
Stephen K. Kroll	10/03/25, 11:00:29 AM	10/03/25, 1:10:12 PM
Sarah C King	10/03/25, 10:54:17 AM	10/03/25, 10:55:18 AM
Sarah C King	10/03/25, 10:58:31 AM	10/03/25, 11:24:06 AM
Robert D. Rivers	10/03/25, 10:57:31 AM	10/03/25, 1:25:35 PM
Rachael Berg	10/03/25, 10:57:53 AM	10/03/25, 1:01:34 PM

Mitchell S Kogan	10/03/25, 10:59:08 AM	10/03/25, 1:25:40 PM
Haley M. Delery	10/03/25, 10:59:41 AM	10/03/25, 11:50:03 AM
Gabriel D Bordenave	10/03/25, 11:00:30 AM	10/03/25, 1:25:34 PM
read.ai meeting notes (Unverified)	10/03/25, 11:00:43 AM	10/03/25, 12:05:07 PM
Justin Schmidt (Unverified)	10/03/25, 11:00:43 AM	10/03/25, 1:25:33 PM
Susan Klein	10/03/25, 11:00:44 AM	10/03/25, 1:37:35 PM
Charles Bourg	10/03/25, 11:00:44 AM	10/03/25, 1:18:09 PM
Sue Klein (Unverified)	10/03/25, 11:00:44 AM	10/03/25, 1:25:35 PM
Jeffrey's Notetaker (Otter.ai) (Unverified)	10/03/25, 11:00:44 AM	10/03/25, 11:43:24 AM
Calvin Lopes (Unverified)	10/03/25, 11:00:44 AM	10/03/25, 1:01:16 PM
Rene Pastorek	10/03/25, 11:00:44 AM	10/03/25, 11:59:22 AM
Sabine E. Lebailleur	10/03/25, 11:00:45 AM	10/03/25, 12:31:07 PM
Sabine E. Lebailleur	10/03/25, 12:49:00 PM	10/03/25, 1:25:17 PM
Susan Johnson (Unverified)	10/03/25, 11:01:34 AM	10/03/25, 11:04:51 AM
Susan Johnson (Unverified)		10/03/25, 11:05:22 AM
Susan Johnson (Unverified)	10/03/25, 11:05:22 AM	10/03/25, 1:25:36 PM
Larry W. Massey Jr.	10/03/25, 11:02:39 AM	10/03/25, 1:03:51 PM
Julia I Nickle	10/03/25, 11:02:53 AM	10/03/25, 1:25:31 PM
Troy Henry (External)	10/03/25, 11:04:45 AM	10/03/25, 11:38:11 AM
Erin Holmes	10/03/25, 11:08:01 AM	10/03/25, 12:11:54 PM
Dawn Hebert (Unverified)	10/03/25, 11:12:11 AM	10/03/25, 1:25:34 PM
Allen Johnson (Unverified)	10/03/25, 11:20:15 AM	10/03/25, 1:25:32 PM
Frain (Unverified)	10/03/25, 11:33:57 AM	10/03/25, 1:25:42 PM
Candice Taylor	10/03/25, 11:45:44 AM	10/03/25, 12:04:23 PM
Jeffrey Seymour (Unverified)	10/03/25, 11:47:38 AM	10/03/25, 1:28:42 PM

In-Meeting Duration	Email	Participant ID (UPN)
2h 9m 43s	skroll@nola.gov	skroll@Cityofno.com
26m 35s	Sarah.King@nola.gov	scking@cityofno.com
2h 28m 3s	rdrivers@nola.gov	rdrivers@Cityofno.com
2h 3m 40s	rberg@nola.gov	rberg@Cityofno.com
2h 26m 32s	Mitchell.Kogan@nola.gov	mskogan@cityofno.com
50m 22s	hdelery@nola.gov	hdelery@Cityofno.com
2h 25m 3s	Gabriel.Bordenave@nola.gov	gdbordenave@cityofno.com
1h 4m 23s		
2h 24m 49s		
2h 36m 51s		
2h 17m 25s	cbourg@downtownnola.com	cbourg@downtownnola.com
2h 24m 51s		
42m 39s		
2h 31s		
58m 37s	Rpastorek@downtownnola.com	Rpastorek@downtownnola.c
2h 6m 38s	selebailleux@nola.gov	selebailleux@Cityofno.com
2h 23m 29s		
2h 1m 11s	lwmassey@nola.gov	lwmassey@Cityofno.com
2h 22m 38s	Julia.Nickle@nola.gov	jinickle@cityofno.com
33m 25s	troy.henry@henryconsulting.com	troy.henry@henryconsulting.
1h 3m 53s	erinholmes@vcpora.org	erinholmes_vcpora.org#EXT#
2h 13m 22s		
2h 5m 17s		
1h 51m 44s		
18m 38s		
1h 41m 3s		

Duration	Email	Role
2h 9m 43s	skroll@nola.gov	Organizer
1m	Sarah.King@nola.gov	Presenter
25m 35s	Sarah.King@nola.gov	Presenter
2h 28m 3s	rdrivers@nola.gov	Presenter
2h 3m 40s	rberg@nola.gov	Presenter

2h 26m 32s	Mitchell.Kogan@nola.gov	Presenter
50m 22s	hdelery@nola.gov	Presenter
2h 25m 3s	Gabriel.Bordenave@nola.gov	Presenter
1h 4m 23s		Presenter
2h 24m 49s		Presenter
2h 36m 51s		Presenter
2h 17m 25s	cbourg@downtownnola.com	Presenter
2h 24m 51s		Presenter
42m 39s		Presenter
2h 31s		Presenter
58m 37s	Rpastorek@downtownnola.com	Presenter
1h 30m 22s	selebailleux@nola.gov	Presenter
36m 16s	selebailleux@nola.gov	Presenter
3m 16s		Presenter
		Presenter
2h 20m 13s		Presenter
2h 1m 11s	lwmassey@nola.gov	Presenter
2h 22m 38s	Julia.Nickle@nola.gov	Presenter
33m 25s	troy.henry@henryconsulting.com	Presenter
1h 3m 53s	erinholmes@vcpora.org	Presenter
2h 13m 22s		Presenter
2h 5m 17s		Presenter
1h 51m 44s		Presenter
18m 38s		Presenter
1h 41m 3s		Presenter

Role

Organizer

Presenter

Presenter

Presenter

Presenter

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Louisiana Landmarks Society

Pitot House • 1440 Moss Street • New Orleans, Louisiana 70119

Phone: [504-482-0312](tel:504-482-0312) • www.louisianalandmarks.org

October 20, 2025

City Planning Commission
1300 Perdido Street
New Orleans, LA 70112

RE: No. M-25-380 -Proposed Amendments to CZO Sections 1, 2, 3, 4, 19 & 24

Dear City Planning Commission,

Louisiana Landmarks Society supports the staff recommendation and respectfully requests that the City Planning Commission defer consideration of M-25-380. These proposed amendments to the Comprehensive Zoning Ordinance require more thorough public review and clearer legal justification before adoption.

Major Concerns:

- 1. "Public Need or Benefit" Standard for Conditional Uses** The proposed change to conditional use language fundamentally alters the evaluation framework without explaining how this vague standard will be applied. The Commission should provide clear definitions, examples of how this differs from current requirements, and opportunity for meaningful public input before adopting such a significant policy shift.
- 2. Elimination of Defective Notice Protections** The proposed elimination of any recognition that notice can be defective or absent undermines basic due process protections. Property owners and residents have a fundamental right to proper notification of actions affecting their properties. Eliminating the ability to challenge inadequate notice removes accountability and may create legal vulnerabilities for the City.
- 3. Reorganization of Nine Criteria Without Explanation** The motion provides no clear explanation of why the reorganization is necessary, what substantive changes are intended, or how reordering might affect the evaluative framework. This appears to be more than housekeeping and warrants detailed justification.
- 4. Lack of Clarity on Council Variance Authority** The amendments fail to provide clarity on the current policy, process, and procedures that are being used by the Council to approve variances, including where the authority is derived. Given the significant impact these decisions have on neighborhoods, the legal basis and transparent standards must be established.
- 5. NPP Waiver Authority** The motion does not explain how the Council can waive Neighborhood Participation Program requirements when the Home Rule Charter clearly mandates them without providing a waiver mechanism. This raises fundamental questions about Charter compliance and undermines community engagement.

Request for Deferral

Louisiana Landmarks Society respectfully requests deferral until:

1. Comprehensive legal analysis is provided, particularly regarding notice requirements, Council variance authority, and NPP waiver provisions
2. Detailed justifications for each amendment are made publicly available
3. Adequate time is provided for meaningful public review and comment

Our zoning ordinance is fundamental to protecting property rights and neighborhood character. Changes of this magnitude deserve careful consideration, not rushed approval.

Thank you for your consideration.

Sincerely,



Sandra Stokes
Chair of Advocacy
Louisiana Landmarks Society

Fw: Landmarks Society Comments on M-25-380 CZO Section 1,2,3,4,19,24

From CPCINFO <CPCINFO@nola.gov>

Date Tue 10/21/2025 9:06 AM

To Julia I Nickle <Julia.Nickle@nola.gov>

 1 attachment (545 KB)

LLS CPC comments on CZO Section 1-4, 19, 20 M-25-380.pdf;

From: Sandra Stokes <sandrastokes.nola@outlook.com>

Sent: Monday, October 20, 2025 4:53 PM

To: CPCINFO <CPCINFO@nola.gov>

Cc: Michael Mancuso <mmancuso@elkinsplc.com>; MICHAEL DUPLANTIER <duplantier@bellsouth.net>; Keith Hardie <keithhardie@yahoo.com>; Jim Logan <jlogan@loganlawoffices.com>; Steve McDaniel <smcdaniel78@aol.com>; Tony Marino <campari.nola@gmail.com>

Subject: Landmarks Society Comments on M-25-380 CZO Section 1,2,3,4,19,24

Dear CPC:

Attached please find comments from Louisiana Landmarks Society.

Thank you,

Sandra Stokes
Chair of Advocacy
Louisiana Landmarks Society



Louisiana Landmarks Society

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October 20, 2025

City Planning Commission
1300 Perdido Street
New Orleans, LA 70112

RE: No. M-25-380 -Proposed Amendments to CZO Sections 1, 2, 3, 4, 19 & 24

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- 3. Reorganization of Nine Criteria Without Explanation** The motion provides no clear explanation of why the reorganization is necessary, what substantive changes are intended, or how reordering might affect the evaluative framework. This appears to be more than housekeeping and warrants detailed justification.
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Request for Deferral

Louisiana Landmarks Society respectfully requests deferral until:

1. Comprehensive legal analysis is provided, particularly regarding notice requirements, Council variance authority, and NPP waiver provisions
2. Detailed justifications for each amendment are made publicly available
3. Adequate time is provided for meaningful public review and comment

Our zoning ordinance is fundamental to protecting property rights and neighborhood character. Changes of this magnitude deserve careful consideration, not rushed approval.

Thank you for your consideration.

Sincerely,



Sandra Stokes
Chair of Advocacy
Louisiana Landmarks Society

**MOTION
NO. M-25-380**

CITY HALL: July 10, 2025

BY: COUNCILMEMBER GIARRUSSO

SECONDED BY: COUNCILMEMBER KING

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 consider amendments to Ordinance No. 4264 M.C.S., as amended, the Comprehensive Zoning Ordinance, to amend Articles 1, 2, 3, 4, 19, and 26 of the Comprehensive Zoning Ordinance in order to streamline administrative processes, clarify unclear provisions, and codify evolving practices, and to include as part of its consideration the amendments illustrated in Exhibit A, attached hereto and made a part hereof.

BE IT FURTHER MOVED, That in so doing, the City Planning Commission is directed to work with the Council Land Use Officer and the Department of Safety and Permits to ensure that the changes are workable, desirable, and reflect best practices.

BE IT FURTHER MOVED, That the application fees in the amount of \$1,500.00 are hereby waived.

BE IT FURTHER MOVED, That in the process of its review, the City Planning Commission staff is directed and granted the flexibility to make all appropriate changes to the proposed amendments 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 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 its 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, Moreno, Morrell, Thomas - 7

NAYS: 0

ABSENT: 0

AND THE MOTION WAS ADOPTED.

h:\clerk_of_council\docs\joycelyn\council\motions-resolutions\2025\july 10\m-380.docx

THE FOREGOING IS CERTIFIED
TO BE A TRUE AND CORRECT COPY


Aisha Collier

ASSISTANT CLERK OF COUNCIL

EXHIBIT A TO M-25-380

Proposed Amendments to the Comprehensive Zoning Ordinance in Chapters 1, 2, 3, 4, 19, and 26

1. Proposed New Section 3.5:

3.5 Neighborhood Participation Plans

3.5.A. Purpose.

Pursuant to Sec. 5-411 of the City Charter, the Neighborhood Participation Plan (NPP) is intended to provide timely initial notification to a neighborhood of any proposed land use action affecting the neighborhood and provide the opportunity for meaningful neighborhood review of and comment on such proposals.

3.5.B. Applicability.

NPPs are required for the following types of applications:

1. Zoning Text and Map Amendments
2. Conditional Uses
3. Planned Developments
4. Variances (except variances for single- and two-family dwelling units)
5. Major Subdivisions

NPPs are also required for changes to the Master Plan. These Master Plan NPPs shall be facilitated by the City Planning Commission staff and are not subject to the procedural rules of this Section.

3.5.C. NPP Procedure.

1. Applicants begin the NPP process by applying with the CPC staff, who will provide a list of required parties to be noticed.

2. Applicants must provide CPC staff with a copy of the NPP meeting notice. CPC staff will ensure that the NPP meeting notice is sent through the City's electronic verification system to interested parties. The failure of CPC to publish notice through the City's electronic verification system or the unavailability of the electronic verification system shall not be grounds for deeming a NPP to be insufficient.

3. Applicants must send the required notice to all parties listed by CPC staff. Proof of actual delivery is not required. For notice sent through the U.S. mail, an attestation of mailing alongside a copy of the notice is sufficient. For notice sent through e-mail, a copy of the email including addresses the email was sent to with the notice embedded in the body or attached as a pdf is sufficient.

4. Applicants must hold the required NPP meeting at the date, time, and location included in the notice, and must keep the necessary records for submission of the NPP Report. If the NPP meeting is rescheduled, notice of the rescheduling must be sent by the same means as the original notice and CPC staff must be notified by email.

5. Applicants must submit the NPP Report as part of their application for the types of applications set forth in 3.5.B. This application will not be considered complete until a satisfactory NPP Report has been received by CPC staff.

3.5.D. Parties to Receive Notice.

1. Applications affecting up to one city square or its equivalent must provide notice to all properties within a 300' radius for properties up to 25,000 square feet in area and a 600' for properties that are 25,000+ square feet of the relevant property, as well as to any neighborhood associations registered with the city representing the area encompassing the city square. CPC staff will, upon request, provide a list of these properties as well as relevant neighborhood associations and their designated contact information. Notice to neighboring properties must be sent by U.S. Mail or hand-delivered, while notice

to neighborhood associations registered with the city may be sent by e-mail. Notice to other interested parties may be sent through the City's electronic notification system.

2. Applications affecting more than one city square or its equivalent must provide notice to all neighborhood associations registered with the city by e-mail. Other interested parties may receive notice through the City's electronic notification system.

3.5.E. Contents of Required Notice.

Notice of the NPP must include the following information, at a minimum:

1. The date, time, and location of a meeting to be held to receive review and comment on the proposal. NPPs affecting more than one city square or its equivalent may hold their meeting virtually, through a commercially accepted virtual meeting service, such as Zoom, Teams, or WebEx. Virtual meetings must have the option for participants to call in without requiring video services. The meeting must be held within 14-30 days of mailing or emailing of the required notice.
2. A brief description of the proposal:
 - a. Map amendment applications shall include the type of land use request, the name of the existing and proposed zoning district, and the article of the Comprehensive Zoning Ordinance for the proposed zoning district. Map amendment applications shall also include an outlined area map.
 - b. Text amendment applications shall include the citation and existing language of the Comprehensive Zoning Ordinance, if applicable, the proposed changes or additions to the language of the Comprehensive Zoning Ordinance and which zoning district(s) the amendment would affect, or a statement that the changes would be effective citywide.
 - c. Conditional use applications shall include a brief description of the proposal, including the type of land use request, and known needed variances.
 - d. Planned development applications shall include a brief description of the proposal, including known needed variances.
 - e. Variance applications shall include a brief description of the proposal, including known needed variances.
 - f. Major subdivision applications shall include a description of how the lots are being subdivided (ex: Resubdivision of Lot(s) x into Lot(s) y).
 - g. All parties should recognize that the proposal may change as part of the usual review process and that failure to notice every possible permutation of the proposal shall not render the NPP insufficient.
6. Contact information for the applicants, including at a minimum a telephone number and email address, so that parties who may not attend the NPP meeting due to time constraints can participate in the process.

3.5.F. NPP Meeting.

1. NPP meetings must be held in generally accessible public locations at reasonable times and should be sufficiently large to accommodate all attendees.

2. Virtual NPP meetings may require pre-registration to facilitate a "webinar" style presentation with the ability to mute participants, provided that there is a dedicated period of time for participants to provide comment with the technical ability for them to do so.

3. Meetings may end at a specified time, even if all participants have not yet had a chance to speak, provided that there is at least 30 minutes provided for public comment and that the set end time is included in the notice for the NPP.

3.5.G. NPP Report.

The applicant shall submit a Project NPP report with the application. The report shall provide the following information:

- 1. The names of the individuals and entities that were notified.**
- 2. A list of the concerns, issues, and problems expressed by the participants.**
- 3. A statement as to how each concern, issue, and problem is addressed and how the applicant intends to continue to address them. If the concern, issue, or problem is not being addressed, the applicant should state the reasons.**
- 4. Copies of emails, letters, communications affidavits, meeting invitations, newsletters, publications, and petitions requesting additional information related to the project, received in support of or in opposition to the proposed project, and any other materials pertaining to the notification process.**
- 5. The date, time, and location of all meetings held with interested parties, or a statement indicating the reasons if no meeting was held. No information pertaining to any meeting held more than one hundred eighty (180) days prior to the submittal of the application shall be accepted as part of the Project NPP report, except where subsequent meetings with interested parties have occurred within the one hundred eighty (180) days preceding the submittal of the Project NPP report.**
- 6. A completed sign-in sheet that includes the names, addresses, and contact information for meeting attendees. A list of participants prepared by the virtual meeting service is acceptable for virtual meetings.**

2. Proposed New Section 3.6:

3.6 Electronic Notification System. City Planning Commission staff will maintain an electronic notification system capable of providing notice of all land use actions specified in the Comprehensive Zoning Ordinance to interested parties. This system may require participants to sign up and to indicate which notices they are interested in receiving. The City's NoticeMe system shall be deemed to fulfill this requirement, or the City Planning Commission may designate an alternative system if NoticeMe becomes unavailable for a considerable length of time or otherwise does not meet the requirements herein. The unavailability or failure of such a system shall not be reason to invalidate any application or action taken under this ordinance.

3. Proposed New Section 4.2.B.4:

4. The City Planning Commission may initiate zoning map and text amendments in connection with Master Plan revisions, land use studies and land use plans.

4. Proposed Change to 4.2.C:

The City Council ~~shall~~ **may** take formal action on requests for zoning text or map amendments after receiving a recommendation from the City Planning Commission, in accordance with Sections 5-406 and 5-407 of the City Charter. **The City Council shall receive the Commission's recommendation related to requests for zoning text or map amendments and shall calendar said requests for hearing in accordance with Section 4.2.D.4.**

5. Proposed Change to 4.2.Chart:

Introduction of Ordinance by City Council. The Ordinance will lay over a minimum of ~~21~~ **20** days before adoption.

6. Proposed Change to 4.2.Chart:

Motion to Approve Direct the Preparation of an Ordinance / ~~Motion to Approve with Modifications~~ / Motion to Deny

7. Proposed Change to 4.2.D.3.c:

The City Planning Commission shall recommend approval, modified approval, or denial sixty (60) days from the opening of the public hearing. For amendments initiated by Council motion, the City Council may provide for a longer period than sixty (60) days for good cause. The City Planning Commission may also vote to defer action within City Charter required timeframes in cases where it discovers applicants have not submitted complete and accurate information, including but not limited to errors or omissions in following the Project NPP. The failure to resolve a finding of incomplete or inaccurate information may be grounds for recommending denial. If the City Planning Commission fails to act by a vote of the majority of the Commission members, the application will be forwarded to the City Council without recommendation of no legal majority. The City Planning Commission's written recommendations, together with the staff report and recommendation, if any, shall be filed with the Clerk of the City Council.

8. Proposed Change to 4.2.D.4.a:

a. The City Council shall hold a public hearing ~~in accordance with its rules and take action by motion of approval, modified approval, or denial~~ determine by motion whether the zoning docket should be heard as an ordinance within sixty (60) days from receipt of a City Planning Commission recommendation. This motion shall direct the preparation of an ordinance effectuating the zoning change, specifying any changes to be made from the requested amendment, or shall deny the amendment application. The City Council may not take official action upon any application requiring a recommendation of the City Planning Commission until the report of the Commission has been received, ~~or, if the City Planning Commission has failed to act by a vote of the majority of the Commission members, once the application has been forwarded to the City Council without recommendation.~~

9. Proposed Change to 4.2.D.4.b:

b. If the City Council fails to take action by motion sixty (60) days from receipt of the City Planning Commission recommendation, the application is denied. ~~If the application is forwarded to the City Council without recommendation from the City Planning Commission and the City Council fails to take action by motion sixty (60) days from the date it received the application, the application is denied.~~

10. Proposed Change to 4.2.D.4.c:

~~If the City Council takes action by motion of approval or modified approval, the City Council may forward the motion to the City Law Department for preparation of an ordinance. If the ordinance is introduced by the City Council, the ordinance shall lay over for a minimum of twenty (20) days following introduction before the Council may adopt it. The City Council's adoption of a motion under 4.2.D.4.a shall not be construed as an approval of a zoning matter unless and until an ordinance is introduced and adopted in accordance with the Charter; introduction of an ordinance does not indicate the City Council's approval of a zoning matter.~~ Should a Council office elect not to introduce an ordinance despite passage of a motion directing the preparation of an ordinance, they shall notify the Clerk of Council of this intention in writing within sixty (60) days of the passage of the motion. Failure by the City Council to take action on a zoning ordinance within ninety (90) days of the date the City Council took action by ~~passed the~~ motion shall mean that the application is denied.

11. Proposed Change to 4.2.E (Table 4-1):

~~2. The proposed amendment is compatible with the place designations of this Ordinance.~~

12. Proposed New Section 4.2.G:

By June 1 of each year, the City Planning Commission will transmit a report to the City Council containing recommended administrative amendments to the Comprehensive Zoning Ordinance. These recommended amendments shall not reflect policy changes, but shall consist of amendments which would achieve one of the following goals, as well as a statement of the necessity for each change. 1. Provide clarity to existing text of the Comprehensive Zoning Ordinance; 2. Correct an error or address a conflict in the existing text of the Comprehensive Zoning Ordinance; or 3. Codify an interpretation of the Department of Safety and Permits.

13. Proposed Change to 4.3.A:

However there are certain uses that, because of their unique characteristics, cannot be properly classified in certain districts without consideration, in each case, of the impact of those uses upon neighboring land, and of as well as the public need for or public benefit of the particular use at the particular location, if any.

14. Proposed Change to 4.3.C:

The City Council, ~~after receiving a recommendation from the City Planning Commission, shall~~ may take formal action on requests for conditional uses after receiving a recommendation from the City Planning Commission, in accordance with Sections 5-406 and 5-407 of the City Charter. The City Council shall receive the Commission's recommendation related to requests for conditional uses and shall calendar said requests for hearing in accordance with Section 4.3.D.4.

15. Proposed Change to 4.3.Chart:

Introduction of Ordinance by City Council. The Ordinance will lay over a minimum of ~~21~~ 20 days before adoption.

16. Proposed Change to 4.3.Chart:

Motion to Approve Direct the Preparation of an Ordinance / ~~Motion to Approve with Modifications~~ / Motion to Deny

17. Proposed Change to 4.3.D.4.a:

a. The City Council shall hold a public hearing in accordance with its rules and take action by motion of approval, modified approval, or denial ~~determine by motion whether the zoning docket should be heard as~~ an ordinance within sixty (60) days from receipt of a City Planning Commission recommendation. This motion shall direct the preparation of an ordinance effectuating the zoning change, specifying any changes to be made from the requested conditional use as well as any needed provisos or waivers, or shall deny the conditional use application. The City Council may not take official action upon any application requiring a recommendation of the City Planning Commission until the report of the Commission has been received, ~~or, if the City Planning Commission has failed to act by a vote of the majority of the Commission members, once the application has been forwarded to the City Council without recommendation.~~

18. Proposed Change to 4.3.D.4.b:

b. If the City Council fails to take action by motion sixty (60) days from receipt of the City Planning Commission recommendation, the application is denied. ~~If the application is forwarded to the City Council without recommendation from the City Planning Commission and the City Council fails to take action by motion sixty (60) days from the date it received the application, the application is denied.~~

19. Proposed Change to 4.3.D.4.c:

If the City Council takes action by motion of approval or modified approval, the City Council may forward the motion to the City Law Department for preparation of an ordinance. If the ordinance is introduced by the City Council, the ordinance shall lay over for a minimum of twenty (20) days following introduction before the Council may adopt it. The City Council's adoption of a motion under 4.3.D.4.a shall not be construed as an approval of a zoning matter unless and until an ordinance is introduced and adopted in accordance with the Charter; introduction of an ordinance does not indicate the City Council's approval of a zoning matter. **Should a Council office elect not to introduce an ordinance despite passage of a motion directing the preparation of an ordinance, they shall notify the Clerk of Council of this intention in writing within sixty (60) days of the passage of the motion.** Failure by the City Council to take action on a zoning ordinance within ninety (90) days of the date the City Council took action by passed the motion shall mean that the application is denied.

20. Proposed Change to 4.3.E.1:

The City Planning Commission may recommend and the City Council may impose such conditions and restrictions upon the establishment, location, design, construction, maintenance, and operation of the conditional use as deemed necessary for the protection of the public health, safety, and welfare. **Said restrictions and conditions, codified as provisos, shall not merely restate the text of the Comprehensive Zoning Ordinance.**

21. Proposed Change to 4.3.E.4:

The City Council may grant a variance waiver from specific zoning standards otherwise applicable to the use by this Ordinance to secure the general objectives of this section, provided however that any such shall be based on a finding that the case meets the approval standards of Section 4.6.F. However, the City Council cannot waive or modify any approval standards of this section or any other section for which variances may not be granted under the terms of this Ordinance. **Any waiver which was not considered by the City Planning Commission must be included in the motion directing the preparation of an ordinance described in 4.3.D.4.a.**

22. Proposed Change to 4.3.H.1:

a. Plans Deadline. For all conditional uses, plans stamped as approved by the City Planning Commission must be recorded in the Conveyance Records of Orleans Parish within two (2) years of the effective date of the ordinance granting the conditional use. **b. Construction/Use Deadline. (i)** For new construction, the conditional use approval will expire within three (3) **five (5)** years from the date the Executive Director of the City Planning Commission approves the final drawings for a conditional use if a building permit has not been issued and substantial construction has not been commenced, and no request for an extension of time is pending. **(ii)** For conditional uses approved for existing structures or for a parcel of land where no structure is planned, if the use has not been established within a period of three (3) **five (5)** years from the date the Executive Director of the City Planning Commission approves the final drawings for a conditional use, then the conditional use will expire.

23. Proposed Change to 4.3.H.2.a:

Unless otherwise prohibited, the Executive Director of the City Planning Commission may extend the time for expiration of either the plans deadline or the construction/use deadline for a conditional use approval for a period not to exceed one (1) year upon a showing of good cause by the applicant. A request for extension shall be made in writing within the original period of validity. ~~A request made after the original period of validity~~

but within one (1) year of the original period of validity must be considered by the City Planning Commission. ~~An extension for a period in excess of one (1) year may be granted only by the City Council in accordance with Paragraph b below.~~ Any extension that does not meet all of these conditions may only be granted by the City Council in accordance with Paragraph b below.

24. Proposed Change to 4.3.H.2.b:

The holder of a conditional use may petition the City Council for a longer extension of time or for a second extension of either deadline. A request for extension shall be made in writing within the original period of validity. The City Council shall hold a public hearing and decide whether to extend the time period. Notice for the public hearing is required in accordance with Section 3.3. The applicant and the owner of record of the property shall be notified of a public hearing to be conducted by the City Council. Following the public hearing, the City Council shall render its decision whether to terminate or extend the approval, taking into account hardship to the applicant or property owner, changes in surrounding circumstances that have occurred since the original approval, and the likelihood that substantial construction will occur during any period of extension by motion within sixty (60) days of receipt of the request.

25. Proposed Change to 4.4.C:

The City Council, ~~after receiving a recommendation from the City Planning Commission, shall~~ may take formal action on requests for planned developments after receiving a recommendation from the City Planning Commission, in accordance with Sections 5-406 and 5-407 of the City Charter. The City Council shall receive the Commission's recommendation related to requests for planned developments and shall calendar said requests for hearing in accordance with Section 4.4.E.4.

26. Proposed Change to 4.4.Chart:

Introduction of Ordinance by City Council. The Ordinance will lay over a minimum of ~~21~~ 20 days before adoption.

27. Proposed Change to 4.4.Chart:

Motion to Approve Direct the Preparation of an Ordinance / ~~Motion to Approve with Modifications~~ / Motion to Deny

28. Proposed Change to 4.4.E.4.a:

a. The City Council shall hold a public hearing in accordance with Section 3.4 and ~~take action by motion of approval, modified approval, or denial~~ determine by motion whether the zoning docket should be heard as an ordinance within sixty (60) days from receipt of a City Planning Commission recommendation. This motion shall direct the preparation of an ordinance effectuating the zoning change, specifying any changes to be made from the requested amendment, or shall deny the amendment application. The City Council may not take official action upon any application requiring a recommendation of the City Planning Commission until the report of the Commission has been received, ~~or, if the City Planning Commission has failed to act by a vote of the majority of the Commission members, once the application has been forwarded to the City Council without recommendation.~~

29. Proposed Change to 4.4.E.4.b:

b. If the City Council fails to take action by motion sixty (60) days from receipt of the City Planning Commission recommendation, the application is denied. ~~If the application is forwarded to the City Council without recommendation from the City Planning Commission and the City Council fails to take action by motion sixty (60) days from the date it received the application, the application is denied.~~

30. Proposed Change to 4.4.E.4.c:

~~If the City Council takes action by motion of approval or modified approval, the City Council may forward the motion to the City Law Department for preparation of an ordinance. If the ordinance is introduced by the City Council, the ordinance shall lay over for a minimum of twenty (20) days following introduction before the Council may adopt it.~~ The City Council's adoption of a motion under 4.4.E.4.a shall not be construed as an approval of a zoning matter unless and until an ordinance is introduced and adopted in accordance with the Charter; introduction of an ordinance does not indicate the City Council's approval of a zoning matter. **Should a Council office elect not to introduce an ordinance despite passage of a motion directing the preparation of an ordinance, they shall notify the Clerk of Council of this intention in writing within sixty (60) days of the passage of the motion.** Failure by the City Council to take action on a zoning ordinance within ninety (90) days of the date the City Council took action by **passed the** motion shall mean that the application is denied.

31. Proposed Change to 4.4.I.1:

a. **Plans Deadline. For all planned developments, plans stamped as approved by the City Planning Commission must be recorded in the Conveyance Records of Orleans Parish within two (2) years of the effective date of the ordinance granting the planned development.** b. **Construction/Use Deadline. (i) For new construction,** the planned development **approval** will expire within three ~~(3)~~ **five (5)** years from the date the Executive Director of the City Planning Commission approves the final drawings for a planned development if a building permit has not been issued and substantial construction has not been commenced, and no request for an extension of time is pending. ~~b. (ii)~~ **For planned developments approved for existing structures or for a parcel of land where no structure is planned,** if the planned development has not been established within a period of three ~~(3)~~ **five (5)** years from the date the Executive Director of the City Planning Commission approves the final drawings for a planned development, then the planned development will expire.

32. Proposed Change to 4.4.I.2.a:

Unless otherwise prohibited, the Executive Director of the City Planning Commission may extend the time for expiration of **either the plans deadline or the construction/use deadline** for a planned development approval for a period not to exceed one (1) year upon a showing of good cause by the applicant. A request for extension shall be made in writing within the original period of validity. ~~A request made after the original period of validity but within one (1) year of the original period of validity must be considered by the City Planning Commission. An extension for a period in excess of one (1) year may be granted only by the City Council in accordance with Paragraph b below.~~ Any extension that does not meet all of these conditions may only be granted by the City Council in accordance with Paragraph b below.

33. Proposed Change to 4.4.I.2.b:

The holder of a planned development may petition the City Council for a longer extension of time **or for a second extension of either deadline.** A request for extension shall be made in writing within the original period of validity. The City Council shall hold a public hearing and decide whether to extend the time period. Notice for the public hearing is required in accordance with Section 3.3. The applicant and the owner of record of the property shall be notified of a public hearing to be conducted by the City Council. Following the public hearing, the City Council shall render its decision whether to terminate or extend the approval, taking into account hardship to the applicant or property owner, changes in surrounding circumstances that have occurred since the original approval, and the likelihood that substantial construction will occur during any period of extension **by motion within sixty (60) days of receipt of the request.**

34. Proposed Change to 4.5.B.11:

~~When a property is located within the Vieux Carré Historic District or within the Historic Districts Landmark Commission's full control Historic Districts, those developments are exempt from site plan and design review, but are subject to the review procedures of the Vieux Carré Commission or Historic Districts Landmark Commission, as applicable. Properties within full control local historic districts are not exempt from design review of site design by the City Planning Commission Executive Director or Design Advisory Committee. Properties within partial control local historic districts are not exempt from design review. Properties with the RIV Riverfront Design Overlay District are not exempt. When a property is located within the Vieux Carré Historic District, developments upon the property are exempt from site plan and design review by the City Planning Commission. However, such developments are subject to the site plan and design review procedures of the Vieux Carré Commission. When a property is located within the Historic Districts Landmark Commission's full control Historic Districts, developments upon the property are subject to site plan review procedures established by the City Planning Commission. Such developments are further subject to review procedures established by the Historic Districts Landmark Commission. Unless otherwise specified by law, when a property is located within the Historic Districts Landmark Commission's partial control local Historic Districts, developments upon the property are subject to site plan and design review procedures established by the City Planning Commission. When a property is located within the RIV Riverfront Design Overlay District, developments upon the property are subject to site plan and design review procedures established by the City Planning Commission.~~

35. Proposed Change to 4.5.B.3.b:

~~b. Developments on lots within the entirety of each block located at the major intersections along a design overlay district identified in Article 18:~~

36. Proposed New Section 4.5.D.3:

4.5.D.3 The applicant shall have a maximum of one (1) year from the date of the application submittal to meet the stated conditions for approval in 4.5.E. At the written request of the applicant, the Executive Director may grant an extension not to exceed one (1) year. If the stated conditions have not been met by the expiration of this period, the application will be deemed denied.

37. Proposed Change to 4.5.F.2:

The City Planning Commission, upon recommendation of other applicable City departments or commissions, may approve the following changes: a. ~~Increases in total building coverage of any structure beyond twenty percent (20%) in any part of the development plan.~~ **a. Any increase in floor area of structures beyond 20% that does not exceed the bulk regulations of the underlying zoning district.** b. ~~Increases in height of any individual structure beyond ten percent (10%) and up to twenty percent (20%) of the approved height of said structure, provided that the requested height does not exceed the height limit established in the district.~~ c. ~~Increases in the number of structures permitted in any part of the development plan. All applications for amendments to approved Conditional Use plans requiring City Planning Commission approval shall include a Project Neighborhood Participation Program (Project NPP) in accordance with Article 4, Section 4.3.D.2 Pre-Application Meeting and Project Neighborhood Participation Program.~~

38. Proposed Change to 4.6.F:

~~The Board of Zoning Adjustments may authorize a variance only when the evidence presented supports a finding that each case indicates all of the following: 1. Special conditions and circumstances exist that are peculiar to the land or structure involved and are not generally applicable to other lands or structures in the~~

same zoning district. 2. Literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance. 3. The special conditions and circumstances do not result from the actions of the applicant or any other person who may have had an interest in the property. 4. Granting the variance requested will not confer on the applicant any special privilege which is denied by this Ordinance to other lands or structures in the same district or similarly situated. 5. The variance, if granted, will not alter the essential character of the locality. 6. Strict adherence to the regulation by the property would result in a demonstrable hardship upon the owner, as distinguished from mere inconvenience. 7. The request for the variance is not based primarily upon a desire to serve the convenience or profit of the property owner or other interested party(s). 8. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located. 9. The proposed variance will not impair an adequate supply of light and air to adjacent property, increase substantially the congestion in the public street, increase the danger of fire, or endanger the public safety.

The Board of Zoning Adjustments may authorize a variance only when the evidence presented supports a finding that each case indicates all of the following: A. The basic elements for a variance exist because the below standards have been met: 1. Special conditions and circumstances exist that are peculiar to the land or structure involved and are not generally applicable to other land or structures in the same zoning district. 2. The special conditions and circumstances do not result from the actions of the applicant or any other person who may have had an interest in the property. 3. Literal interpretation of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance. 4. The request for the variance is not based primarily upon a desire to serve the convenience or profit of the property owner or other interested party. 5. Strict adherence to the regulation by the owner or their agent would result in a demonstrable hardship upon the owner, as distinguished from mere inconvenience. B. The impacts of granting a variance are acceptable because the below standards are met: 1. Granting the variance requested will not confer on the applicant any special privilege which is denied by this Ordinance to other lands or structures in the same district or otherwise similarly situated. 2. The variance, if granted, will not alter the essential character of the locality. 3. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood where the property is located. 4. The proposed variance will not impair an adequate supply of light and air to adjacent property, increase substantially the congestion of nearby streets, increase the danger of fire, or otherwise endanger the public safety.

39. Proposed New Section 4.6.C.6:

4.6.C.6 The City Planning Commission may grant a variance from specific zoning standards otherwise applicable to the subdivision by this Ordinance to secure the general objectives of this section, provided however that any such shall be based on a finding that the case meets the approval standards of Section 4.6.F. The Commission cannot waive or modify any approval standards of this section.

40. Proposed New Section 4.6.C.7:

4.6.C.7 The additional design review approval standards of Article 18 shall not be subject to variances by the Board of Zoning Adjustments.

41. Proposed Change to 4.6.D.3.c:

c. The Board of Zoning Adjustments may approve, approve with modifications, or deny the application within forty-five (45) days of the close of the public hearing. The Board of Zoning Adjustments may also vote to defer action within City Charter required timeframes in cases where it discovers applicants have not submitted complete and accurate information, including but not limited to errors or omissions in following the Project NPP. The failure to resolve a finding of incomplete or inaccurate information may be grounds for denial: ~~deny~~.

or defer the application. No item may be deferred for longer than a total of 180 days, including all individual deferrals of shorter time periods. Any item deferred for longer than 180 days will be deemed denied for deferral past deadline.

42. Proposed Change to 4.6.H:

An aggrieved party may appeal the Board of Zoning Adjustments' decisions on variance applications to the Orleans Parish Civil District Court within thirty (30) days of the filing of the decision in the office of the Board of Zoning Adjustments' decision.

43. Proposed New Section 4.6.G:

Termination of approval of a variance for failure to obtain final approval, a building permit or to commence the use, or an extension of the time is governed as follows:

44. Proposed Change to 4.6.G.1:

4.6.G.1 **EXPIRATION** a. The Board of Zoning Adjustments' approval of a A variance is valid for expires one (1) year from the resolution "Filed" date. If the Executive Director of the City Planning Commission, or their designee, has not signed the development plan indicating final approval, or has not authorized an extension of time submitted by such date by the holder of the variance , in accordance with Article 4, Section 4.2, the variance approval will expire. b. A variance expires of approval unless if a building permit is not obtained within such period and substantial construction is started, or the use is commenced within such period two (2) years of the date of the Executive Director of the City Planning Commission's, or their designee's, final approval unless an extension of time at the holder of the variance 's request, submitted by such date, is authorized by the Executive Director of the City Planning Commission, or their designee, or by the Board of Zoning Adjustments, in accordance with Article 4, Section 4.

45. Proposed Change to 4.6.G.2:

4.6.G.2 **EXTENSION OF TIME** a. Unless otherwise prohibited, the Executive Director of the City Planning Commission may extend the time for expiration of a variance for a period not to exceed one (1) additional year from either of the following deadlines upon a showing of good cause by the applicant. A request for extension shall be made in writing within the original period of validity. An extension for a period in excess of one (1) year from either of the below dates may be granted only by the Board of Zoning Adjustments in accordance with number 2 b. below. i. One (1) year from the Board of Zoning Adjustments' approval as indicated by the resolution "Filed" date; or ii. Two (2) years from the Executive Director of the City Planning Commission's, or their designee's, final approval date upon a showing of good cause by the applicant. A request for extension shall be made in writing within the original period of validity. An extension for a period in excess of one (1) year may be granted only by the Board of Zoning Adjustments in accordance with number 2 below. b. The holder of a variance may petition the Board of Zoning Adjustments for a longer extension of time not to exceed two (2) additional years from the date of the Executive Director of the City Planning Commission's, or their designee's, final approval. A request for extension shall be made in writing within the original period of validity. The Board shall hold a public hearing and decide whether to extend the time period. Notice for the public hearing is required in accordance with Article 3, Section 3.3. The applicant and the owner of record of the property shall be notified of a public hearing to be conducted by the Board of Zoning Adjustments. Following the public hearing, the Board shall render its decision whether to grant an extension of such period with good cause shown, subject to verification that the approval standards of Paragraph F above are still met.

46. Proposed Change to 4.7.B:

Applications for minor map adjustments may be initiated by a property owner in the city, a person expressly authorized in writing by a property owner, the City Planning Commission, Director of the Department of Safety and Permits, or the City Council in the following instances, provided that the adjustment results in a change to no more than 15% of the total area of the lots affected by the adjustment:

47. Proposed New Section 4.7.D.2.c:

c. The decision on an application for a minor map adjustment shall be communicated to the applicant in writing and shall be made available on OneStop and the City's electronic notification system for any interested parties.

48. Proposed Change to 4.8.B:

Appeals may be filed concerning any decision of the Director of the Department of Safety and Permits on the following applications of this Ordinance: 1. The decision of the Director of the Department of Safety and Permits on zoning verifications. 2. The decision of the Director of the Department of Safety and Permits on Zoning Ordinance interpretations. 3. The decision of the Director of the Department of Safety and Permits on permits issued under the Comprehensive Zoning Ordinance. These decisions need not be formal, and any written communication of such a decision, including but not limited to an email or LAMA approval or disapproval, shall be considered appealable.

49. Proposed Change to 4.8.D:

Upon the filing of an application for an appeal of a Director of the Department of Safety and Permits or Executive Director of the City Planning Commission decision, the Board of Zoning Adjustments shall conduct a public hearing in accordance with Sections 3.4 and make a final decision within forty-five (45) days from the date the public hearing is closed. The Director of the Department of Safety and Permits or the Executive Director of the City Planning Commission shall produce all papers, correspondence, and records requested by the Board of Zoning Adjustments for any hearing or meeting held by the Board. The Board shall owe no deference to interpretations by the Director of the Department of Safety and Permits. In reviewing factual determinations by the Director, the Board must determine, based upon the totality of the record evidence, that the Director committed clear error and that the error was material to the Director's determination.

1. Applications for appeal of the decision of the Director of the Department of Safety and Permits or Executive Director of the City Planning Commission shall be made in writing to the Board of Zoning Adjustments within forty-five (45) days of the decision. 2. The Board of Zoning Adjustments will review the application for completeness and shall consult with the Law Department to determine whether the application is ripe for review by the Board, not moot, or otherwise unable to be heard. If the application is determined to be incomplete, unripe, moot, or otherwise unhearable, this determination will be conveyed to the applicant by the Board of Zoning Appeals in writing. Notwithstanding this determination, the Department of Safety and Permits or other interested parties may present arguments to the Board that an application is incomplete, unripe, moot, or otherwise unhearable and the Board may make a finding in accordance with this argument rather than rule on the merits of the appeal. 3. Once the appeal is determined to be complete and hearable, it shall be docketed for hearing by the Board of Zoning Adjustments and the Department of Safety and Permits will be notified of the pendency of the appeal in writing. 4. No less than ten (10) business days before the hearing, the Department of Safety and Permits shall provide their entire record relating to the appeal, including but not limited to all papers, correspondence, records and other documents to the Board of Zoning Adjustments and the applicant. This record may be provided digitally.

50. Proposed Change to 4.8.E:

~~Stay of Proceedings. An appeal stays all administrative proceedings in furtherance of the action appealed from, unless the Director of the Department of Safety and Permits certifies to the Board of Zoning Adjustments, after the notice of appeal is filed, by reason of facts stated in the certificate, that a stay would, in the Director's opinion, cause imminent peril of life or property. In such case, proceedings may not be stayed after application to the Board or to the Civil District Court and notice to the Director of the Department of Safety and Permits, for due cause shown thereon, unless a restraining order is issued.~~ **Standard of Review. The Board shall owe no deference to interpretations by the Director of the Department of Safety and Permits. In reviewing factual determinations by the Director, the Board must determine, based upon the totality of the record evidence, that the Director committed clear error and that the error was material to the Director's determination.**

51. Proposed New Section 4.8.F:

Stay of Proceedings. An appeal stays all administrative enforcement proceedings in furtherance of the action appealed from, unless the Director of the Department of Safety and Permits certifies to the Board of Zoning Adjustments, after the notice of appeal is filed, by reason of facts stated in the certificate, that a stay would, in the Director's opinion, cause imminent peril of life or property. In such case, proceedings may not be stayed after application to the Board or to the Civil District Court and notice to the Director of the Department of Safety and Permits, for due cause shown thereon, unless a restraining order is issued.

52. Proposed New Section 4.8.G:

Appeals. An aggrieved party may appeal the Board of Zoning Adjustments' decisions on zoning appeals to the Orleans Parish Civil District Court within thirty (30) days of the Board's decision.

53. Proposed Change to 4.9.D.2:

The Director of the Department of Safety and Permits issues a zoning verification as part of a building permit, certificate of occupancy, or business license. **These verifications may take the form of an approval or denial in the City's permit review system (LAMA).**

54. Proposed Change to 4.9.D.4:

The interested party shall submit an application containing the following material, unless waived by the Director of the Department of Safety and Permits:

55. Proposed New Section 4.9.D.4.e:

e. Required application fees, if any. Application fees may not be waived by the Director of the Department of Safety and Permits.

56. Proposed Change to 4.9.E:

An interested party may appeal the zoning verification decision by the Director of the Department of Safety and Permits to the Board of Zoning Adjustments within forty-five (45) days of the decision. **All verifications issued by the Director of the Department of Safety and Permits must contain a statement explaining that there is a right to appeal to the Board of Zoning Adjustments and the deadline to do so.**

57. Proposed Change to 4. Table (Table 4-3):

Table 4-23: Administrative Summary Table *** Application Filing and Completeness Determination / Zoning Appeal: ~~Director of the Department of Safety and Permits~~ **Executive Director of the City Planning Commission**

58. Proposed Change to 4.10.E.1:

All applications for a zoning text interpretation shall be filed with the Director of the Department of Safety and Permits in accordance with the requirements in Section 3.2. The Director of the Department of Safety and Permits shall review a request for an interpretation and render the written interpretation within forty-five (45) days of receipt of a complete application. The Director of the Department of Safety and Permits has the authority to request additional information prior to rendering an interpretation. The Director of the Department of Safety and Permits shall maintain a written record of all interpretations and shall make all interpretations available on their publicly-accessible website. The Director of the Department of Safety and Permits shall also provide notice of interpretations to interested parties through the City's electronic notification system. All interpretations issued by the Director of the Department of Safety and Permits must contain a statement explaining that there is a right to appeal to the Board of Zoning Adjustments and the deadline to do so.

59. Proposed New Section 4.10.F.3:

3. All formal interpretation decisions by the Department of Safety and Permits must contain a statement explaining that there is a right to appeal to the Board of Zoning Adjustments and the deadline to do so.

60. Proposed Change to 19.3.C.2:

~~Prior to the initiation of the City Council motion, the City Councilmember sponsoring the motion shall follow the procedure established in Section 4.2 for zoning map amendments. If the interim zoning district or moratorium is initiated "by request," the sponsoring City Councilmember may designate the requestor to fulfill the Project NPP requirements.~~

Re: How do we access info on CZO Articles 1-4 on the CPC's website?

From Robert D. Rivers <rdrivers@nola.gov>

Date Mon 10/6/2025 11:46 AM

To Jeffrey Seymour <jseymour8@gmail.com>; Stephen K. Kroll <skroll@nola.gov>

Cc Allen Johnson <hajohnson1418@gmail.com>

Hi Jeffrey:

[City Planning - News - Recap of CZO amendment feedback session - City of New Orleans](#)

The information we promised (materials presented on Friday, as well as the recording of the feedback session) is accessible at the attached link. Apologies for not being able to get it out on Friday.

Given the feedback we received on Friday, we will move forward with posting our staff report and recommendations to the Commission on Tuesday as planned, but will recommend that the Commission defer action until the 28th. This will give everyone the opportunity to review all of the materials and submit informed responses. The new deadline for written comments will be COB on Monday, October 20th.

Thanks,

Bob

Robert D. Rivers

(he/him/his)

Executive Director

New Orleans City Planning Commission

Office of Business and External Services

1300 Perdido Street, NOLA 70112

504.658.7018

rdrivers@nola.gov

<https://nola.gov/city-planning/>

From: Jeffrey Seymour <jseymour8@gmail.com>
Sent: Monday, October 6, 2025 1:03 AM
To: Robert D. Rivers <rdrivers@nola.gov>; Stephen K. Kroll <skroll@nola.gov>
Cc: Allen Johnson <hajohnson1418@gmail.com>
Subject: How do we access info on CZO Articles 1-4 on the CPC's website?

How do we access info on CZO Articles 1-4 on the CPC's website?

I've looked everywhere I can think of.

Where do I find a copy of the Ashley Becnel 16-page spreadsheet (the green sheet)?

Where do I find the new changes that you referred to in Friday's call which were supposed to be posted on the CPC website on Friday afternoon?

Where can I find a replay of the call?

What happened to the replays of the two NPP meetings held by A. Becnel.

What happened to the "centralized clearing-house page containing all information related to the CZO 1-4 initiative"?

FW: Topics for tomorrow's "Listening Session."

From Robert D. Rivers <rdrivers@nola.gov>

Date Thu 10/2/2025 2:19 PM

To Stephen K. Kroll <skroll@nola.gov>

FYI

From: Jeffrey Seymour <jseymour8@gmail.com>

Sent: Thursday, October 2, 2025 1:12 PM

To: Robert D. Rivers <rdrivers@nola.gov>

Cc: Jeffrey Seymour <jseymour8@gmail.com>

Subject: Topics for tomorrow's "Listening Session."

Hi Bob,

If at all possible, it would be very helpful if. on tomorrow's call, you would give more clarity on a few specific points.

1. What is the purpose of a new stand-alone NPP section? Is it intended to replace the individual separate NPP sections in various places in the CZO?
2. The 9 criteria have been renumbered, and reorganized into two generic categories, each with their own new introductory sentence, but the changes that are proposed for the individual criteria themselves seem quite minor. What are these changes "fixing"
3. I see that the infamous "trigger" provision is being deleted. Is this to make the issue around the City council approving zoning variances any clearer, or does this represent a change in policy and/or procedure?
4. What is the point behind the addition of "public benefit" to "public need" as requirements for the granting of CUs? Why can't we just start complying with the rule as it is?
5. Are we reading this correctly? No matter how "effective" a public notice may be, under no circumstances or conditions can it be deemed "invalid". What's the point of even having a regulation like this? And would this be following any of the the letter, spirit, or intent of the notice provisions in the Charter, State Statutes , City Code, Louisiana Open Meetings law, etc.,etc.?
6. Lastly, could I use CZO section 2.6.B to to appeal a zoning variance granted by the council to the BZA?

Thanks again Bob for your assistance on these items.

Re: Proposed Amendments to Articles 1, 2, 3, 4, 19, and 26 of the CZO

From Jeffrey Seymour <jseymour8@gmail.com>

Date Mon 10/13/2025 3:59 PM

To Robert D. Rivers <rdrivers@nola.gov>

Cc Justin Schmidt <justinschmidtlaw@gmail.com>; Stephen K. Kroll <skroll@nola.gov>; CPCINFO <CPCINFO@nola.gov>; Ashley J. Becnel <ajbecnel@nola.gov>; Allen Johnson <hajohnson1418@gmail.com>; susanjohnson@hotmail.com <susanjohnson@hotmail.com>; Joseph I. Giarrusso <Joseph.Giarrusso@nola.gov>; Claire F. Byun <Claire.Byun@nola.gov>

Bob & Stephen,

Thanks for the update and the links.

There are various documents of information involved here, so I wanted to confirm what I'm looking at, and also make sure I'm not overlooking anything.

The link you attached provides further links to four items:

1. "City Council Motion No. M-25-380", which includes the attachment "Exhibit A to M-25-380"
2. "A summary of the purpose of each article and the themes of the amendments."

Is this the document that you referred to in your "listening session" as the list of *new proposed amendments* which are in addition to those in the Motion, which you said would be posted the afternoon of the "listening session"?

3. "A spreadsheet including the amendments suggested by the Council motion, as well as additional recommended amendments identified by CPC staff during the review process."

This appears to be an edit of Ashley Becnel's "original 16-Page green spreadsheet." How does the green spreadsheet in the link, which is 8 pages, "foot" to the "original 16-Page green spreadsheet"? Is the 8-page green spreadsheet in the link simply Ashley Becnel's "original 16-page green spreadsheet" with certain items eliminated, thus bringing the size of the green spreadsheet in the link down to a reduced size of 8 pages?

Does the 8-pager in the link supersede the original 16-pager? Does the 8-pager include items which were not on the original 16-pager? Are some, but not all, of the items in the 8-pager also in the Motion? Are all of the items in the 16-pager included in the Motion, or were some of them deleted and other ones added? Does the Motion supersede the original 16-pager?

And then how do these three lists foot to the Staff Report which was posted late on Friday? It looks like the Staff Report lists ~ 66 items, and it looks like somewhere around 44 of those 66 items are showing up in Friday's Staff Report for the first time. Is this correct?

On Mon, Oct 6, 2025 at 12:30 PM Jeffrey Seymour <jseymour8@gmail.com> wrote:
Bob,

Hope do the written public comments, **which are due October 20th**, make it into the "Staff Report and recommendations to the Commission" which **will be posted tomorrow?**

On Mon, Oct 6, 2025 at 11:47 AM Robert D. Rivers <rdrivers@nola.gov> wrote:
Hi Justin:

[City Planning - News - Recap of CZO amendment feedback session - City of New Orleans](#)

The information we promised (materials presented on Friday, as well as the recording of the feedback session) is accessible at the attached link. Apologies for not being able to get it out on Friday.

Given the feedback we received on Friday, we will move forward with posting our staff report and recommendations to the Commission on Tuesday as planned, but will recommend that the Commission defer action until the 28th. This will give everyone the opportunity to review all of the materials and submit informed responses. The new deadline for written comments will be COB on Monday, October 20th.

Thanks,

Bob

Robert D. Rivers

(he/him/his)

Executive Director

New Orleans City Planning Commission

Office of Business and External Services

1300 Perdido Street, NOLA 70112

504.658.7018

rdrivers@nola.gov

From: Justin Schmidt <justinschmidtlaw@gmail.com>

Sent: Saturday, October 4, 2025 3:15 PM

To: Robert D. Rivers <rdrivers@nola.gov>; Stephen K. Kroll <skroll@nola.gov>; CPCINFO

<CPCINFO@nola.gov>; Ashley J. Becnel <ajbecnel@nola.gov>

Cc: Jeffrey Seymour <jseymour8@gmail.com>; Allen Johnson <hajohnson1418@gmail.com>;
susanpjohnson@hotmail.com <susanpjohnson@hotmail.com>; Joseph I. Giarrusso
<Joseph.Giarrusso@nola.gov>; Claire F. Byun <Claire.Byun@nola.gov>

Subject: Proposed Amendments to Articles 1, 2, 3, 4, 19, and 26 of the CZO

Bob and Stephen,

Thank you for hosting yesterday's information session on the proposed amendments to Articles 1, 2, 3, 4, 19, and 26 of the CZO (the "Proposed Amendments"). I think it was very helpful and highlighted most of the concerns of the respective stakeholders participating. I just have a couple of follow-up questions/observations that I wanted to submit while they were fresh in my mind.

First, I went on the CPC's website earlier today and searched every corner of it for the latest spreadsheet that purportedly encompasses **all of the Proposed Amendments** that are up for consideration and not only those sixty (60) listed in Exhibit A to City Council Motion M-25-380. This spreadsheet is what was shared by CPC Staff during yesterday's meeting and is what I characterized as the "green line spreadsheet," which as you are aware, we unfortunately did not even get a quarter of the way through during the meeting. I was under the impression that per your comments, this list would be posted on the CPC's website yesterday (Friday), so that it could be reviewed by the public in enough time for it to be reviewed and meaningful comments to be submitted to CPC by the **close of the comment submission deadline of 5:00 p.m., Monday, October 6, 2025**.

Second, although you are likely to continue to disagree with me, I earnestly believe that you still have a considerable "notice" issue if you present to the Planning Commission more amendments than those set forth on Exhibit A to Motion M-25-380. To this end, I have attached a full copy of Motion M-25-380 as well as the screenshots of two (2) places on the CPC website which reference the Proposed Amendments. Given that you are an attorney by trade, I simply don't understand how you can interpret the language "[t]he City Council motion is here. **It contains all of the proposed amendments,**" as anything short of an exhaustive list of Proposed Amendments currently eligible for amendment.

However, what is even more bewildering is that you defend your position that the CPC Staff is able to present additional amendments beyond those included on Exhibit A of Motion M-25-380, and which have not yet been deiminated to the public, by relying on the language of Motion M-25-380 that states in part **"in order to streamline administrative processes, clarify unclear provisions, and codify evolving practices, and to include as part of its consideration the amendments illustrated in Exhibit A, attached hereto and made a part hereof,"** as justification for your position. The irony that the proposed legislation is intended to **"clarify unclear provisions . . ."** while the process itself is unclear should not be lost on anyone.

I'm not quite sure why we find ourselves in this position, but I have my suspicions and will keep them to myself for now. What I will say is that my utter contempt for the current City Administration is the collective and repeated manner in which the majority of department heads continue to attempt to correct otherwise innocuous mistakes made without ill-intent by fabricating absolutely absurd interpretations and positions in an effort to half-ass remediate these errors instead of simply owning the mistake and apologizing to whomever warrants an apology, if anyone.

Proceed as you will, but please add these comments to the official record as they no doubt will be relevant to any subsequent judicial review.

Regards,

Justin Schmidt

Justin B. Schmidt

Law Office of Justin B. Schmidt, LLC

1506 Seventh Street

New Orleans, LA 70115

Telephone: (504) 451-6567

Facsimile: (504) 370-7079

Email: justinschmidtlaw@gmail.com

Re: Proposed Amendments to Articles 1, 2, 3, 4, 19, and 26 of the CZO

From Jeffrey Seymour <jseymour8@gmail.com>

Date Mon 10/6/2025 12:30 PM

To Robert D. Rivers <rdrivers@nola.gov>

Cc Justin Schmidt <justinschmidtlaw@gmail.com>; Stephen K. Kroll <skroll@nola.gov>; CPCINFO <CPCINFO@nola.gov>; Ashley J. Becnel <ajbecnel@nola.gov>; Allen Johnson <hajohnson1418@gmail.com>; susanjohnson@hotmail.com <susanjohnson@hotmail.com>; Joseph I. Giarrusso <Joseph.Giarrusso@nola.gov>; Claire F. Byun <Claire.Byun@nola.gov>

Bob,

Hope do the written public comments, **which are due October 20th**, make it into the "Staff Report and recommendations to the Commission" which **will be posted tomorrow?**

On Mon, Oct 6, 2025 at 11:47 AM Robert D. Rivers <rdrivers@nola.gov> wrote:

Hi Justin:

[City Planning - News - Recap of CZO amendment feedback session - City of New Orleans](#)

The information we promised (materials presented on Friday, as well as the recording of the feedback session) is accessible at the attached link. Apologies for not being able to get it out on Friday.

Given the feedback we received on Friday, we will move forward with posting our staff report and recommendations to the Commission on Tuesday as planned, but will recommend that the Commission defer action until the 28th. This will give everyone the opportunity to review all of the materials and submit informed responses. The new deadline for written comments will be COB on Monday, October 20th.

Thanks,

Bob

Robert D. Rivers

(he/him/his)

Executive Director

New Orleans City Planning Commission

Office of Business and External Services

1300 Perdido Street, NOLA 70112

504.658.7018

From: Justin Schmidt <justinschmidtlaw@gmail.com>
Sent: Saturday, October 4, 2025 3:15 PM
To: Robert D. Rivers <rdrivers@nola.gov>; Stephen K. Kroll <skroll@nola.gov>; CPCINFO <CPCINFO@nola.gov>; Ashley J. Becnel <ajbecnel@nola.gov>
Cc: Jeffrey Seymour <jseymour8@gmail.com>; Allen Johnson <hajohnson1418@gmail.com>; susanpjohnson@hotmail.com <susanpjohnson@hotmail.com>; Joseph I. Giarrusso <Joseph.Giarrusso@nola.gov>; Claire F. Byun <Claire.Byun@nola.gov>
Subject: Proposed Amendments to Articles 1, 2, 3, 4, 19, and 26 of the CZO

Bob and Stephen,

Thank you for hosting yesterday's information session on the proposed amendments to Articles 1, 2, 3, 4, 19, and 26 of the CZO (the "Proposed Amendments"). I think it was very helpful and highlighted most of the concerns of the respective stakeholders participating. I just have a couple of follow-up questions/observations that I wanted to submit while they were fresh in my mind.

First, I went on the CPC's website earlier today and searched every corner of it for the latest spreadsheet that purportedly encompasses **all of the Proposed Amendments** that are up for consideration and not only those sixty (60) listed in Exhibit A to City Council Motion M-25-380. This spreadsheet is what was shared by CPC Staff during yesterday's meeting and is what I characterized as the "green line spreadsheet," which as you are aware, we unfortunately did not even get a quarter of the way through during the meeting. I was under the impression that per your comments, this list would be posted on the CPC's website yesterday (Friday), so that it could be reviewed by the public in enough time for it to be reviewed and meaningful comments to be submitted to CPC by the **close of the comment submission deadline of 5:00 p.m., Monday, October 6, 2025.**

Second, although you are likely to continue to disagree with me, I earnestly believe that you still have a considerable "notice" issue if you present to the Planning Commission more amendments than those set forth on Exhibit A to Motion M-25-380. To this end, I have attached a full copy of Motion M-25-380 as well as the screenshots of two (2) places on the CPC website which reference the Proposed Amendments. Given that you are an attorney by trade, I simply don't understand how you can interpret the language "[t]he City Council motion is here. **It contains all of the proposed amendments,**" as anything short of an exhaustive list of Proposed Amendments currently eligible for amendment.

However, what is even more bewildering is that you defend your position that the CPC Staff is able to present additional amendments beyond those included on Exhibit A of Motion M-25-380, and which have not yet been deiminated to the public, by relying on the language of Motion M-25-380 that states in part ***"in order to streamline administrative processes, clarify unclear provisions, and codify evolving practices, and to include as part of its consideration the amendments illustrated in Exhibit A, attached hereto and made a part hereof,"*** as justification for your position. The irony that the proposed legislation is intended to ***"clarify unclear provisions . . ."*** while the process itself is unclear should not be lost on anyone.

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collective and repeated manner in which the majority of department heads continue to attempt to correct otherwise innocuous mistakes made without ill-intent by fabricating absolutely absurd interpretations and positions in an effort to half-ass remediate these errors instead of simply owning the mistake and apologizing to whomever warrants an apology, if anyone.

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Telephone: (504) 451-6567
Facsimile: (504) 370-7079
Email: justinschmidtlaw@gmail.com

Fw: How do we access info on CZO Articles 1-4 on the CPC's website?

From Robert D. Rivers <rdrivers@nola.gov>

Date Mon 10/6/2025 7:45 AM

To Stephen K. Kroll <skroll@nola.gov>

FYI

Can you post the spreadsheet and recording?

Let me know when they're posted and I'll respond.

Thanks.

Get [Outlook for iOS](#)

From: Jeffrey Seymour <jseymour8@gmail.com>

Sent: Monday, October 6, 2025 1:03 AM

To: Robert D. Rivers <rdrivers@nola.gov>; Stephen K. Kroll <skroll@nola.gov>

Cc: Allen Johnson <hajohnson1418@gmail.com>

Subject: How do we access info on CZO Articles 1-4 on the CPC's website?

How do we access info on CZO Articles 1-4 on the CPC's website?

I've looked everywhere I can think of.

Where do I find a copy of the Ashley Becnel 16-page spreadsheet (the green sheet)?

Where do I find the new changes that you referred to in Friday's call which were supposed to be posted on the CPC website on Friday afternoon?

Where can I find a replay of the call?

What happened to the replays of the two NPP meetings held by A. Becnel.

What happened to the "centralized clearing-house page containing all information related to the CZO 1-4 initiative"?

Proposed Amendments to Articles 1, 2, 3, 4, 19, and 26 of the CZO

From Justin Schmidt <justinschmidtlaw@gmail.com>

Date Sat 10/4/2025 3:17 PM

To Robert D. Rivers <rdrivers@nola.gov>; Stephen K. Kroll <skroll@nola.gov>; CPCINFO <CPCINFO@nola.gov>; Ashley J. Becnel <ajbecnel@nola.gov>

Cc Jeffrey Seymour <jseymour8@gmail.com>; Allen Johnson <hajohnson1418@gmail.com>; susanjohnson@hotmail.com <susanjohnson@hotmail.com>; Joseph I. Giarrusso <Joseph.Giarrusso@nola.gov>; Claire F. Byun <Claire.Byun@nola.gov>

 3 attachments (2 MB)

City Council Motion M-25-380.pdf; City Planning - News - City of New Orleans.pdf; City Planning Website Re October 3, 2025 Meeting.pdf;

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! **Limited-time: The City of New Orleans is waiving late fees on overdue parking and traffic camera tickets through Oct. 31, 2025. [Pay what you owe or start a flexible payment plan here.](#)**

! **2025 Early voting is Sept. 27-Oct. 4 (excluding Sunday, Sept. 28) from 8:30 a.m.-6 p.m. [View early voting locations](#)**



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September 26, 2025 | From [City of New Orleans](#)

October 3: CPC listening session for CZO Articles 1-4 updates

The City Planning Commission staff will be holding a listening session to receive public input on the changes to Articles 1 through 4 of the [Comprehensive Zoning Ordinance](#) that are proposed by [City Council Motion No. M-25-380](#).



September 2, 2025 | From [City of New Orleans](#)

Sept. 9 CPC meeting - time/location change

The September 9 CPC public hearing will start at 3:00 pm in the 8th floor conference room in City Hall, 1300 Perdido Street.



August 8, 2025 | From [City of New Orleans](#)

Beware of Fraudulent Application Invoices

Applicants to the the City Planning Commission and Board of Zoning Adjustments should be aware of fraudulent invoices.

! Limited-time: The City of New Orleans is waiving late fees on overdue parking and traffic camera tickets through Oct. 31, 2025. [Pay what you owe or start a flexible payment plan here.](#)

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CITY PLANNING COMMISSION

News & Announcements



September 26, 2025 | From [City of New Orleans](#)

October 3: CPC listening session for CZO Articles 1-4 updates

The City Council has requested that the City Planning Commission consider a text amendment to Articles 1 through 4 of the City's [zoning ordinance](#). Articles 1 through 4 generally address the administrative requirements of the zoning ordinance. The changes are intended to update and clarify regulations to make them more workable and understandable to the public at large. [The City Council motion is here.](#) It contains all of the proposed amendments.

The City Planning Commission staff will be holding a listening session to receive public input on the proposed changes. This meeting will be held on **Friday, October 3 at 11 am via Microsoft Teams**. The meeting link is [here](#).

If you wish, you may also submit public comment to CPCinfo@nola.gov.

Last updated: 9/26/2025 12:19:18 PM

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Re: Oct 3 call on CZO Sections 1-4

From Stephen K. Kroll <skroll@nola.gov>

Date Fri 9/26/2025 12:04 PM

To Robert D. Rivers <rdrivers@nola.gov>

I haven't posted anything but I'll do that today.

From: Robert D. Rivers <rdrivers@nola.gov>

Sent: Friday, September 26, 2025 11:49 AM

To: Stephen K. Kroll <skroll@nola.gov>

Subject: Fw: Oct 3 call on CZO Sections 1-4

Was this announced or posted in any way? If not, could you post a brief announcement with a link?

Thanks

From: Jeffrey Seymour <jseymour8@gmail.com>

Sent: Friday, September 26, 2025 7:12 AM

To: Robert D. Rivers <rdrivers@nola.gov>

Cc: Allen Johnson <hajohnson1418@gmail.com>

Subject: Oct 3 call on CZO Sections 1-4

Bob,

Where on the CPC website can folks find info on next Friday's call?

Re: Proposed Changes to CZO Sections 1-4

From Jeffrey Seymour <jseymour8@gmail.com>

Date Wed 9/24/2025 11:53 AM

To Robert D. Rivers <rdrivers@nola.gov>

Cc Stephen K. Kroll <skroll@nola.gov>

Thank you for the information on the Oct 3rd meeting.

I should have been clearer regarding the 9/9 CPC meeting. As I mentioned to you several times, we were waiting for information from your office about the "feedback sessions" which the Council Land Use Office confirmed twice in writing to us would be scheduled and conducted by the CPC Staff prior to the preparation of their Staff Report to be submitted to the CPC Commissioners.

When we got to within just a small handful of days of the 9/9 CPC hearing and we still had heard nothing at all from you or your office about the promised "feedback sessions" which were to occur **before** any presentation to the full commission, that's the "blindsiding" I was referring to.

We do appreciate the communications on this topic, but I think you would agree that life would have been far easier, and more efficient, for us (at least for the FMIA) if the CPC Staff and the Council's Land Use Office had even the most basic common understanding on what the actual public comment/input process was for this initiative.

Just as a reality check for our benefit, do you think it is either unreasonable or inappropriate for us, aor any member of the public, to expect that?

And I get the very strong sense that, had we not essentially demanded in writing, and in person in front of the Commissioners at their 9/9 CPC hearing, for the promised "feedback" sessions, that these proposed CZO amendments would be on their way to the Council now with your recommendation that it be passed by the by them as is, in its entirety, without either a Staff Report or an NPP Report or even a formal application.

On Wed, Sep 24, 2025 at 10:38 AM Robert D. Rivers <rdrivers@nola.gov> wrote:

Hi Mr. Seymour:

The meeting is scheduled for Friday, October 3rd at 11 am. An invite was sent out on Monday to all of the neighborhood associations registered with the Neighborhood Engagement Office (NEO), as well as the list of stakeholders who participated in the Land Use Barriers Study, which is what we stated we would do at the CPC's 9/9 meeting. It looks like FMIA is on the list twice, as "president@faubourgmarigny.org" and

"contact@faubourgmarigny.org." We did not receive an "undeliverable" reply from either address. If that is not the correct contact for FMIA, you should contact NEO as the CPC does not maintain the neighborhood associations list.

As to the item "appearing out of nowhere" on the CPC agenda, the item was initiated by the City Council on July 10th, at a duly noticed public meeting. The Motion was transmitted to the CPC and docketed on the first available CPC meeting (within 50 days per the CZO), which was September 9th. This is how every Council-initiated Zoning Docket appears on the CPC agenda. A Public Hearing Notice was posted on GovDelivery on August 27th, and for three consecutive weeks prior to the meeting in the Advocate, per the CZO. The meeting agenda was posted on Granicus on September 2nd, and on GovDelivery on September 4th. The item did not appear "out of nowhere."

As to your concern about when the matter will appear before the CPC for action, you were present at the September 9th CPC meeting when the Commission voted to defer the matter until the October 14th meeting. Written public comment can be sent to CPCINFO@nola.gov, and must be received no later than 5pm on Monday, October 6th. Staff recommendations will be posted on October 7th.

I will forward the invite directly to you and Allen via separate email.

Please let me know if you have any additional questions.

Thanks,

Bob

Robert D. Rivers

(he/him/his)

Executive Director

New Orleans City Planning Commission

Office of Business and External Services

1300 Perdido Street, NOLA 70112

504.658.7018

rdrivers@nola.gov

<https://nola.gov/city-planning/>

From: Jeffrey Seymour <jseymour8@gmail.com>

Sent: Wednesday, September 24, 2025 8:37 AM

To: Robert D. Rivers <rdrivers@nola.gov>

Cc: Allen Johnson <hajohnson1418@gmail.com>

Subject: Proposed Changes to CZO Sections 1-4

Bob,

It's been over three weeks since you promised to give us a firm date to meet to discuss the CZO Section 1-4 project and we wanted to avoid another situation like the one in August where, out of nowhere, the CZO Section 1-4 item showed up on a CPC agenda.

Any idea when we might hear from you?

Re: Proposed Changes to CZO Sections 1-4

From Robert D. Rivers <rdrivers@nola.gov>

Date Wed 9/24/2025 10:38 AM

To Jeffrey Seymour <jseymour8@gmail.com>

Cc Allen Johnson <hajohnson1418@gmail.com>; Stephen K. Kroll <skroll@nola.gov>

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Cc: Allen Johnson <hajohnson1418@gmail.com>
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Bob,

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Any idea when we might hear from you?

Re: Request for Meeting with CPC Staff to Review Proposed Changes to CZO Sections 1-4, 19.

From Jeffrey Seymour <jseymour8@gmail.com>

Date Wed 9/3/2025 6:27 PM

To Robert D. Rivers <rdrivers@nola.gov>

Cc Rachael Berg <rberg@nola.gov>; Jenna D. Burke <Jenna.Burke@nola.gov>; Ashley J. Becnel <ajbecnel@nola.gov>; Allen Johnson <hajohnson1418@gmail.com>; Larry W. Massey Jr. <lwmasley@nola.gov>; Stephen K. Kroll <skroll@nola.gov>

Bob, thank you for getting back to us.

When can we meet?

On Tue, Sep 2, 2025 at 4:50 PM Robert D. Rivers <rdrivers@nola.gov> wrote:

Hi Jeffrey and Allen:

I saw your communication with Ashley over the weekend about the CPC conducting feedback sessions prior to making recommendations to the Commission. While I have no objection to meeting with you, please note that such meetings are not a typical component of our zoning docket review process. Note that the Council Motion directing us to consider these changes does not include any direction to conduct feedback sessions - only to work with the Council Land Use Official and the Department of Safety & Permits, which we have done. Also, please note that the CPC's Administrative Rules, Policies and Procedures do not permit us to discuss our recommendations publicly prior to the publication of our staff report. I point this out because your request for an "adequate and meaningful dialog" sounds like more than just giving feedback, and instead suggests having a more involved conversation than we may be able to have. To clarify, we can meet to hear your feedback on the proposed CZO changes, and to provide answers and/or clarity (if we can) to any questions you may have about the content and scope of the Motion, but we will not be able to discuss any potential staff recommendations. If that works for you, let me know some suggested times to meet and we can set something up. Since you mention that other organizations will want to be involved, we would likely set it up as a virtual meeting.

Regardless of whether we meet, please be sure to submit any written comments you may have if you haven't done so already.

Thanks,

Bob

Robert D. Rivers (he/him/his)

Executive Director

New Orleans City Planning Commission

Office of Business and External Services

[1300 Perdido Street](#), NOLA 70112

504.658.7018

rdrivers@nola.gov

<https://nola.gov/city-planning/>

From: Jeffrey Seymour <jseymour8@gmail.com>

Sent: Tuesday, September 2, 2025 2:58 PM

To: Rachael Berg <rberg@nola.gov>; Jenna D. Burke <Jenna.Burke@nola.gov>; Ashley J. Becnel <ajbecnel@nola.gov>; Robert D. Rivers <rdrivers@nola.gov>

Cc: Allen Johnson <hajohnson1418@gmail.com>; Larry W. Massey Jr. <lwmassey@nola.gov>; Stephen K. Kroll <skroll@nola.gov>

Subject: Request for Meeting with CPC Staff to Review Proposed Changes to CZO Sections 1-4, 19.

I understand that ZD 049-25 (Council Motion No. M-25-380) will not be on the agenda for the 9/9/25 CPC Meeting.

We were informed by Ashley Becnel on July 10 that the CPC Staff would be “conducting feedback sessions” prior to making its formal recommendation to the Commission.

However, unless we missed it, we are not aware that the CPC Staff has either held, or scheduled, any such sessions.

The FMIA would like to request an in-person meeting with the appropriate CPC Staff to provide our input and discuss our comments and concerns regarding the “Proposed Amendments to CZO Section 1-4, 19, and 26.”

We would like to schedule this meeting with the CPC Staff for early next week so that we may have sufficient time to engage in an adequate and meaningful dialog with the Staff **prior to the CPS Staff’s formal presentation of its recommendation to the full Commission.**

We have also been working with several other neighborhood leaders and advocates who we would like to participate in our meeting, if that’s agreeable with you folks. I will provide you with their names and affiliations shortly so that we can get your sign-off that we can include these other parties in our meeting.

Attached is a summary of the main issues and concerns that the FMIA has at present.

Please let us know when a meeting with the CPC Staff can be scheduled for early next week.

Thank you for this opportunity to provide public input and to express our issues and concerns.

Jeffrey Seymour & Allen Johnson

Faubourg Marigny Improvement Association Land Use Committee

-

Re: Request for Meeting with CPC Staff to Review Proposed Changes to CZO Sections 1-4, 19.

From Robert D. Rivers <rdrivers@nola.gov>

Date Tue 9/2/2025 4:50 PM

To Jeffrey Seymour <jseymour8@gmail.com>; Rachael Berg <rberg@nola.gov>; Jenna D. Burke <Jenna.Burke@nola.gov>; Ashley J. Becnel <ajbecnel@nola.gov>

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Sent: Tuesday, September 2, 2025 2:58 PM

To: Rachael Berg <rberg@nola.gov>; Jenna D. Burke <Jenna.Burke@nola.gov>; Ashley J. Becnel <ajbecnel@nola.gov>; Robert D. Rivers <rdrivers@nola.gov>

Cc: Allen Johnson <hajohnson1418@gmail.com>; Larry W. Massey Jr. <lwmassey@nola.gov>; Stephen K. Kroll <skroll@nola.gov>

Subject: Request for Meeting with CPC Staff to Review Proposed Changes to CZO Sections 1-4, 19.

I understand that ZD 049-25 (Council Motion No. M-25-380) will not be on the agenda for the 9/9/25 CPC Meeting.

We were informed by Ashley Becnel on July 10 that the CPC Staff would be “conducting feedback sessions” prior to making its formal recommendation to the Commission.

However, unless we missed it, we are not aware that the CPC Staff has either held, or scheduled, any such sessions.

The FMIA would like to request an in-person meeting with the appropriate CPC Staff to provide our input and discuss our comments and concerns regarding the “Proposed Amendments to CZO Section 1-4, 19, and 26.”

We would like to schedule this meeting with the CPC Staff for early next week so that we may have sufficient time to engage in an adequate and meaningful dialog with the Staff **prior to the CPS Staff’s formal presentation of its recommendation to the full Commission.**

We have also been working with several other neighborhood leaders and advocates who we would like to participate in our meeting, if that’s agreeable with you folks. I will provide you with their names and affiliations shortly so that we can get your sign-off that we can include these other parties in our meeting.

Attached is a summary of the main issues and concerns that the FMIA has at present.

Please let us know when a meeting with the CPC Staff can be scheduled for early next week.

Thank you for this opportunity to provide public input and to express our issues and concerns.

Jeffrey Seymour & Allen Johnson

Faubourg Marigny Improvement Association Land Use Committee

Request for Meeting with CPC Staff to Review Proposed Changes to CZO Sections 1-4, 19.

From Jeffrey Seymour <jseymour8@gmail.com>

Date Tue 9/2/2025 3:03 PM

To Rachael Berg <rberg@nola.gov>; Jenna D. Burke <Jenna.Burke@nola.gov>; Ashley J. Becnel <ajbecnel@nola.gov>; Robert D. Rivers <rdrivers@nola.gov>

Cc Allen Johnson <hajohnson1418@gmail.com>; Larry W. Massey Jr. <lwmassey@nola.gov>; Stephen K. Kroll <skroll@nola.gov>

 1 attachment (22 KB)

FMIA Comments on Proposed Amendments to CZO Sections 1-4, 19, and 26 Submitted to CPC Staff on 9125.docx;

I understand that ZD 049-25 (Council Motion No. M-25-380) will not be on the agenda for the 9/9/25 CPC Meeting.

We were informed by Ashley Becnel on July 10 that the CPC Staff would be “conducting feedback sessions” prior to making its formal recommendation to the Commission.

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Attached is a summary of the main issues and concerns that the FMIA has at present.

Please let us know when a meeting with the CPC Staff can be scheduled for early next week.

Thank you for this opportunity to provide public input and to express our issues and concerns.

Jeffrey Seymour & Allen Johnson

Faubourg Marigny Improvement Association Land Use Committee

Re: CPC Feedback Sessions for the Proposed CZO Amendment initiative.

From Ashley J. Becnel <ajbecnel@nola.gov>

Date Tue 9/2/2025 8:59 AM

To Jeffrey Seymour <jseymour8@gmail.com>

Cc Jenna D. Burke <Jenna.Burke@nola.gov>; Larry W. Massey Jr. <lwmassey@nola.gov>; Robert D. Rivers <rdrivers@nola.gov>; Stephen K. Kroll <skroll@nola.gov>; Rachael Berg <rberg@nola.gov>; Allen Johnson <hajohnson1418@gmail.com>

The Council has asked CPC to engage in feedback sessions as part of the process, but I do not have specific information on scheduling and would defer to CPC on dates/times.

Ashley J. Becnel
Council Land Use Officer & Deputy Executive Counsel
New Orleans City Council
1300 Perdido St., Room 1E06
504.658.1132
ajbecnel@nola.gov

From: Jeffrey Seymour <jseymour8@gmail.com>

Sent: Saturday, August 30, 2025 1:20 PM

To: Ashley J. Becnel <ajbecnel@nola.gov>

Cc: Jenna D. Burke <Jenna.Burke@nola.gov>; Larry W. Massey Jr. <lwmassey@nola.gov>; Robert D. Rivers <rdrivers@nola.gov>; Stephen K. Kroll <skroll@nola.gov>; Rachael Berg <rberg@nola.gov>; Allen Johnson <hajohnson1418@gmail.com>

Subject: CPC Feedback Sessions for the Proposed CZO Amendment initiative.

Hi Ashley,

You mentioned in your email of 7/10/25 that CPC would be "conducting feedback sessions" for the Proposed CZO Amendment initiative.

We are not aware that any of these have occurred, or that any are currently scheduled.

Did we miss something?

Re: Is the CZO review now being expanded beyond just Articles 1-4 ?

From Jeffrey Seymour <jseymour8@gmail.com>

Date Sat 8/30/2025 1:16 PM

To Ashley J. Becnel <ajbecnel@nola.gov>

Cc Jenna D. Burke <Jenna.Burke@nola.gov>; Larry W. Massey Jr. <lwmassey@nola.gov>; Robert D. Rivers <rdrivers@nola.gov>; Stephen K. Kroll <skroll@nola.gov>; Rachael Berg <rberg@nola.gov>; Allen Johnson <hajohnson1418@gmail.com>

Thank you Ashley for your response.

I had noticed that the proposed change for temporary prohibitions was on your excel spreadsheet but I think every reference made to Councilmember's Giarrusso initiative so far have only mentioned Articles 1-4. Is it possible that any other articles may come up for review?

I'd like to send you a list of comments we had on your proposed changes to Articles 1-4 and also other concerns we had about other aspects of the four articles. Several that come immediately to mind are

(1) whether there is a way to get both the CPC and the the Council to stop ignoring the requirement that a Conditional Uses require some evidence of "neighborhood need" (we also see enormous risks associated with you proposal to add language requiring a neighborhood need **or benefit.**) (2) There needs to be a clearer understanding of what the criteria are for the City Council to be able to grant zoning variances as part of the Conditional Use process, rather than having the BZA make the determination. We have received different answers to this question from various city agencies such as the CPC Staff and the DSP. There also needs to be clearer description on who makes the determination that a particular zoning variance can be granted by the Council as part of the CU process. More than once we have seen a procedure where, although technically DSP makes the final call of whether a zoning variance request is reviewed by the Council or the BZA, it appears that the CPC is actually making the determination as to whether or not DSP necessarily needs to be notified that such a determination needs to be made. There is a reference in the CZO that talks about the relevance of some sort of "triggering" event, but the explanations we've received on exactly how this standard is applied has been inconsistent and not always logical. There is also a reference in the CZO to the Council being granted certain variance-approval powers in order to "achieve the objectives of this section", although it is unclear specifically what "section" is being referred to, and what exactly these "objectives" are. (3) There are rules and procedures regarding the appeal process for "variances granted by the BZA" and for "CUs granted by the Council", but there are no references anywhere to "variances granted by the Council." (Admittedly these scenarios are quite infrequent, however, when they do occur, it seems that they inevitably create confusion and often disagreements on the proper interpretation of vague, or in some cases, missing provisions, regulations, and procedures. (4) Both the BZA and the Council should be applying the 9 criteria for zoning variances in a manner that is consistent with the explicit requirement in the CZO that **all 9 must** be met, and that they can neither be waived or modified by any party, including the council.

----- Forwarded message -----

From: **Ashley J. Becnel** <ajbecnel@nola.gov>

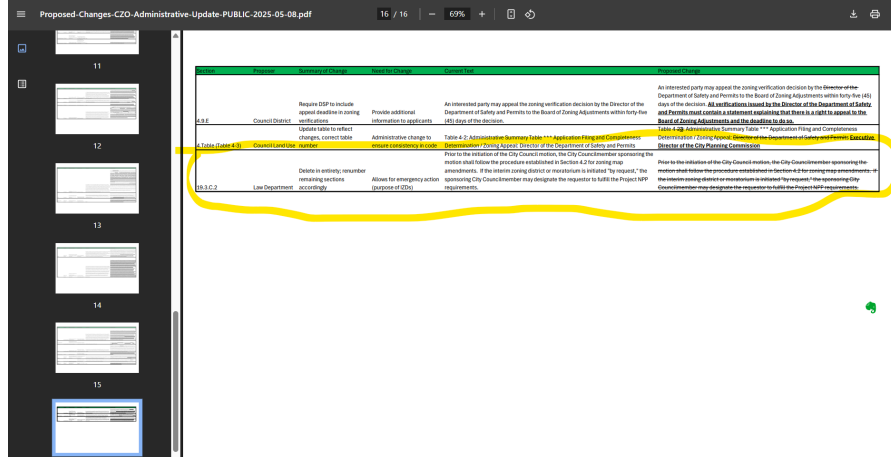
Date: Thu, Jul 10, 2025 at 10:19 AM

Subject: Re: Is the CZO review now being expanded beyond just Articles 1-4 ?

To: Jeffrey Seymour <jseymour8@gmail.com>

Hi Jeff,

The change to 19 is included at the end of the list published on that website and reads as follows:



Section	Current Text	Proposed Text
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The reference to Ch 26 is to allow CPC the freedom to define terms from the proposed changes if they see it as necessary for clarity.

The text in the motion was copy/pasted from the spreadsheet and contains no new items.

This motion merely starts the formal process and sends the issue to CPC to analyze and conduct hearings and feedback sessions. I would be happy to forward this email to them so that your comments are part of the record and can be fully considered by their staff. Nothing in the motion is final or effects an actual change to the CZO at this time.

As today is a Council meeting day, I am tied up for most of the day, but will review your concerns in more depth and review as I am able. My role is to provide legal advice to the Council and I will coordinate with them on any next steps.

Thanks,

Ashley J. Becnel
Council Land Use Officer & Deputy Executive Counsel
New Orleans City Council
1300 Perdido St., Room 1E06
504.658.1132
ajbecnel@nola.gov

From: Jeffrey Seymour <jseymour8@gmail.com>

Sent: Thursday, July 10, 2025 9:51 AM

To: Ashley J. Becnel <ajbecnel@nola.gov>

Cc: Allen Johnson <ajohnson@faubourgmarigny.org>; Allen Johnson <hajohnson1418@gmail.com>

Subject: Is the CZO review now being expanded beyond just Articles 1-4 ?

Is the CZO review now being expanded beyond just Articles 1-4 ? I see that agenda item #49 for today's (7/10/25) City Council meeting (MOTION – NO. M-25-380 – BY: COUNCILMEMBER GIARRUSSO) now references amendments to Articles 1, 2, 3, 4, **19, and 26.**

I did not see anything posted on the City Council website that you have been referencing as the up-to-date central clearinghouse for all issues related to this initiative. ([This is the page](#) I follow, please let me know if i'm not looking in the right place.)

Is there a particular reason why the suggested deletions of parts of CZO Section 19. Temporary Prohibitions were not previously "advertised"? Is it possible that more additional sections of the CZO will also be included in the initiative, and if so, how can the public be made aware of this prior to the item showing up in a particular City Council meeting agenda? And is the language in Motion No. M-25-380 the same exact language that was presented in your excel spreadsheet?

Hopefully there will be more information available to explain the thinking behind the "need" to delete section 19.3.C.2. beyond simply that it "allows for emergency action."

We view the NPP process as an important part of the Council's ability to impose temporary prohibitions. One of the reasons this has been a concern for us is that we have seen the Council waive the NPP requirement contained in the temporary prohibition rules. On that point, could you clarify for us where the Council gets the authority to unilaterally waive an NPP requirement with no public hearing and without going through the amendment mechanisms and procedures in the CZO? And additionally, to the extent any temporary prohibition would qualify as a "land use action" per the definition in the Home Rule Charter, where does the Council get the power to simply waive NPP requirements, or any other requirement for that matter, contained in the Charter itself?

Also, what amendments are being proposed for the definitions in Article 26. Definitions? Does this mean that Article 26 in its entirety is now open for review?

Lastly, another issue that we like to identify is that the temporary prohibition provisions of the CZO and the Home Rule Charter are not identical. Section 3-126 of the Home Rule Charter seems to offer a broader menu of temporary prohibitions than does Section 19.1 in the CZO. Both the CZO and the Charter reference "interim zoning districts" and "moratorium" as permissible temporary restrictions, however, the Charter also includes a rather defined category of "other temporary prohibition[s] on zoning, permitting, and other similar functions", which is the category we have seen the Council use in the past in imposing certain temporary prohibitions. To the extent this difference is substantive, would that mean that one would have to comply with the regulations in both the CZO and the Home Rule Charter? Because it is more restrictive, I assume the provisions in the CZO would be the operative ones.

Thank you for any additional information you might be able to provide on the topics mentioned above and please let me know if any of our concerns need additional clarification.

Hi Ashley,

You mentioned in your email of 7/10/25 that CPC would be "conducting feedback sessions" for the Proposed CZO Amendment initiative.

We are not aware that any of these have occurred, or that any are currently scheduled.

Did we miss something?

Re: NPP Report for ZD 049/25 Staff Report (Motion Mo.-25-380) for 10/28/25 CPC Hearing

From Robert D. Rivers <rdrivers@nola.gov>

Date Mon 10/20/2025 12:15 PM

To Jeffrey Seymour <jseymour8@gmail.com>

Cc Ashley J. Becnel <ajbecnel@nola.gov>; Wheeler L. Manouchehri <wheeler.manouchehri@nola.gov>; Allen Johnson <hajohnson1418@gmail.com>; Stephen K. Kroll <skroll@nola.gov>

Hi Jeffrey:

Apologies for not always being able to respond in real time to your inquiries. I'll attempt to provide answers below:

- With respect to your questions about legal issues, I'm assuming that you are referring to your question about the governing authority regarding the Council's granting of variances in connection with conditional uses. As we discussed previously, the Council grants variances in connection with conditional uses pursuant to its general legislative authority to make zoning decisions. Your continued questioning on the issue suggests that you are questioning that explanation and are looking for a legal opinion supporting it. Although I am an attorney, I don't represent either you or the City in an attorney-client relationship and therefore do not give legal opinions. I suggested conferring with the Council because the Council is empowered to change the provision if it chooses to. Ultimately, if you are wanting to challenge the above explanation, you should consult with your own attorney.
- As to the various communications that you say are missing from the record, we are looking into why they are missing and will correct that when we publish our staff reports tomorrow week. Some of the communication may have been sent to us prior to the motion being received and docketed, when the official record begins, which could explain its absence. As stated above, we are reviewing our correspondence - even the correspondence received prior to the official record - and will include it in the report.
- All of the information concerning this matter will be forwarded to the CPC members in accordance with the CPC's Rules - one week prior to the meeting.
- The CPC staff does not engage in the NPP process - that is for the applicant to provide information to affected neighbors. The Council Office has indicated that they have sent all of their documentation to the CPC. As stated above, we will include all such material with the staff report posted on Tuesday.
- The way the process is currently structured, the CPC staff has a limited window of time to process an application and prepare a staff report prior to the hearing. The purpose of the staff report is for the staff to analyze a proposal and provide a professional overview and recommendation to inform the Commission's consideration of the matter. It is not to analyze and address written comments that are received from the public. Those are viewed as being intended for the Commission's review. That is why written comments are due the day before the packet is sent to the Commissioners - this ensures that as many comments as possible are available to forward to the Commission.
- As to the public input for this matter, We have previously discussed the fact that the idea of "feedback sessions" is not a standard part of our review process for zoning dockets.

Thanks,

Bob

Robert D. Rivers - (he/him/his)

Executive Director - New Orleans City Planning Commission

Office of Business and External Services

1300 Perdido Street, NOLA 70112

504.658.7018

rdrivers@nola.gov

<https://nola.gov/city-planning/>

From: Jeffrey Seymour <jseymour8@gmail.com>

Sent: Friday, October 17, 2025 2:08 PM

To: Robert D. Rivers <rdrivers@nola.gov>; Ashley J. Becnel <ajbecnel@nola.gov>; Wheeler L. Manouchehri <wheeler.manouchehri@nola.gov>

Cc: Allen Johnson <hajohnson1418@gmail.com>

Subject: NPP Report for ZD 049/25 Staff Report (Motion Mo.-25-380) for 10/28/25 CPC Hearing

Hi Bob and Ashley,

Who's preparing the NPP Report for the ZD 049/25 Staff Report.

Also, there are a number of questions of a legal nature that pertain to the Proposed Amendments to CZO Articles 1-4 that we have been asking for answers to, in some cases, for several weeks now, and the only responses we have received is:

1. "This is a question for the City Attorney's office" from Wheeler Manouchehri in DSP, and
2. "You are asking for a legal opinion, which I am not authorized to give. You should contact the Council directly" from Bob Rivers.

We have followed up with both Bob and Wheeler to ask exactly who we should be talking to and how we should be contacting that person, and have received no response whatsoever.

(We would have contacted the Commissioner's directly ourselves, but our understanding is that all public communication must be filtered, often filtered, and in some cases, apparently even censored by the CPC Staff.)

Now we sit here and it's Friday at 1:18 PM and written comments are due on ZD 049/25 exactly one business day from now.

We have raised some of these issues via our two-minute in person public comments at the 9/23 25 CPC hearing, and also at the 10/14 25 CPC hearing. Also, at the 10/14/25 CPC hearing, I left a 1-page list of questions with Bob Rivers asking that it be placed into the official public record of the CPC. I also specifically asked Mr. Rivers to forward our questions and issues to the CPC Commissioners prior to the completion of the Final Staff Report so that the Commissioners will have sufficient time to address these items prior to the 10/28 25 CPC hearing.

And after finding ourselves as apparently the only party who seemed to be aware, much less, even seemed to even care, that the Council Land Use Legal Dept. and the CPC Staff were on completely separate pages as to how public comment would be received, who would receive it, and, most importantly, how these comments and concerns would be included in the Commission's consideration of ZD 049/25, and after essentially forcing the issue in person with the Commissioners at the 9/23 CPC hearing that we were being stonewalled in our efforts to get someone to follow through on the "feedback sessions" that were promised to us, we have not seen any indication whatsoever that even a single one of the issues that have been raised through public comments have been addressed, or have been included in any of the information being provided to the Commission.

None of our comments and concerns have even been acknowledged, much less addressed or responded to, and now we appear to be left with nothing but 120 seconds of public comment on 10/28 to address what, at least in our minds, are critically important and clearly relevant issues.

And so now it's 1:52 PM and written comments are due on ZD 049/25 exactly one business day from now.

Either we have completely misunderstood how this process of public comment and input is supposed to work, or the process itself at the end of the day is little more than a charade.

Are we making any sense to anyone at this point? Or is this simply the way it's supposed to work? If we're just wasting our time, tell us, and we'll stop wasting yours as well.

[Please note that the comments above are my personal comments as a private citizen of the city, and not *necessarily* those of the FMIA Land Use Committee or any other organization. Although I think there's a very realistic chance that they and others would agree with the comments above, time has not permitted me to "run all these traps" on such short notice.



THE COUNCIL
CITY OF NEW ORLEANS
COUNCIL LAND USE OFFICE

Ashley J. Becnel
Council Land Use Officer

City Hall, Suite 1E06
1300 Perdido St.
New Orleans, LA 70112
(504) 658-1132

PROJECT NPP REPORT

In accordance with CZO 4.2.D.2.d, the Council Land Use Officer submits this Project NPP Report to accompany motion M-25-XXX.

- 1. The names of the individuals and entities that were notified and the total number of the people that participated in the process.*

The Council Land Use Officer (“Council Land Use” or “CLU”) emailed all neighborhood associations provided by City Planning Commission (“CPC”) staff, at the email addresses provided by CPC staff, as set out in Exhibit A. CLU emailed certain City and Council staff, including Claire Byun of District A, Robert Rivers and Stephen Kroll of the CPC, Wheeler Manouchehri of the Department of Safety and Permits, and Hannah Rowe of the Law Department. Additional email addresses were included as “bcc” when CLU replied all to earlier messages, and the emails attached at Exhibit B will show all addresses emailed.

- 2. A list of the concerns, issues, and problems expressed by the participants.*
- 3. A statement as to how each concern, issue, and problem is addressed and how the applicant intends to continue to address them. If the concern, issue, or problem is not being addressed, the applicant shall state the reasons.*

Participants listed the following concerns, issues and problems at the two NPP meetings, and CLU offered the following in response to criteria 3 for each respective issue:

Meeting of February 12, 2025:

- Issue: Request that staff release draft of changes early for public review.
Resolution: Draft changes were released online before the second NPP meeting.
- Issue: The changes proposed are more expansive than the sections discussed in the NPP letter.
Resolution: A full list of all changes proposed to date was released online before the second NPP meeting.

- c. Issue: On-premise NPPs can be difficult to access.
Resolution: Proposed rules require a virtual component for NPPs.
- d. Issue: NPP times can be difficult for citizens with traditional working hours to attend.
Resolution: Insert proposed language requiring NPPs to be held at “reasonable” times.
- e. Issue: CPC should be encouraged to have listening sessions.
Resolution: Motion will contain this language. Proposed changes allow Council to modify CPC deadlines for matters where additional time for feedback is beneficial.
- f. Issue: Non-conforming use determinations take too long to get.
Resolution: Safety and Permits staff working to release tiered system for these to ensure that simple requests are handled more quickly than complex questions.
- g. Issue: Citizens don’t receive NPP information if they aren’t in neighborhood associations or directly adjacent to affected property.
Resolution: Proposed language allows for opting-in to NoticeMe alerts for NPPs.

Meeting of May 22, 2025:

- h. Issue: Council should be able to extend the time period for changes.
Resolution: Proposed language allows Council to extend deadlines in motions originating zoning changes.
- i. Issue: Unclear why reference to place designations were removed in proposed changes.
Resolution: Provided additional background information and referred to CPC staff.
- j. Issue: Unclear why “public benefit” language should be added to 4.3.A in proposed changes.
Resolution: Will analyze in additional depth at CPC level but explained that this change was proposed by a council district office to allow for a more holistic review of conditional uses.
- k. Issue: Nine criteria are well understood and should not be changed.
Resolution: None at the time; will refer concerns to CPC.
- l. Issue: NoticeMe presents reliability concerns.
Resolution: NoticeMe will not be the sole mechanism of notification. Also, as part of this change, the Council or CPC can ask IT to provide information regarding reliability and functionality and improvements can be requested as needed.
- m. Issue: CPC hearings are not always noticed in such a way as to be accessible to all citizens.

Resolution: Proposed changes incorporate NoticeMe for redundancy and more tailored notice preferences.

- n. Issue: Unclear why BZA would need deadlines.

Resolution: Explained that this is to prevent extended deferrals of the same item.

- 4. *Copies of letters, affidavits, meeting invitations, newsletters, publications, and petitions received in support of or in opposition to the proposed project, and any other materials pertaining to the notification process.*

No such materials have been received as of the date of this report. Copies of all relevant emails are attached as Exhibit B in globo.

- 5. *The date, time, and location of all meetings held with interested parties or a statement indicating the reasons if no meeting was held. No information pertaining to any meeting held more than one hundred eighty (180) days prior to the submittal of the application shall be accepted as part of the Project NPP report, except where subsequent meetings with interested parties have occurred within one hundred eighty (180) days preceding the submittal of the Project NPP report.*

The first meeting was held on February 12, 2025 at 6:30 p.m. via Zoom. The second meeting was held on May 22, 2025 at 6:00 p.m. via Zoom.

- 6. *A completed sign-in sheet that includes the names, addresses, and contact information for meeting attendees.*

Zoom attendance information for both meetings is attached as Exhibit C.

EXHIBIT A

Email List from City Planning Commission

Organization Name	Contact	Email	Street Boundaries
Eastern New Orleans Civic Association	Calvin Lopes	EnolaCivic@gmail.com	All New Orleans East
Hoffman Triangle Neighborhood Association	Chuck Morse	cmorsecompany@gmail.com	S. Broad St., Martin Luther King Blvd., S. Claiborne Ave., Toledano St.
Phoenix of New Orleans	Paul Ikemire	hq@pnola.org	St. Louis St., Broad St., Poydras St., Claiborne Ave.
Freret Business and Property Owner Association- New Freret	Michael Casey	michael.casey06@gmail.com	Freret Ave. from Jefferson Ave. to Napoleon Ave.
Milman Neighborhood Association	Virginia Baldwin	virginia@baldwins.tv	Napoleon Ave., Marengo St., St. Charles Ave., S. Liberty St.
Clifman Neighborhood Association	Joseph Pechaud	clifmanassociation@gmail.com;rozpey@bellsouth.net	Louisiana Ave., Napoleon Ave., S. Claiborne Ave., Freret St.
Delachaise Neighborhood Association	Donna Robertson	dnaneur@comcast.net	St. Charles Avenue to Freret Street, Louisiana Avenue to Marengo Street
Faubourg Delasize Neighborhood Association	Michael Robinson	michaelrobinson@erichousing.org	Louisiana Ave., Washington Ave., St. Charles Ave., LaSalle St.
Faubourg Avarit Neighborhood Association (FANA)	Christine Harvey	info@faubourgavart.com; www.faubourgavart.com	Upperville, Tchoupitoulas, Valmont and Prytania Street
Bouigny Improvement Association	Bruce Crutcher	bcrcruter3@gmail.com	St. Charles Ave., Napoleon Ave., Upperville St., Tchoupitoulas St.
Touro-Bouigny Neighborhood Association	Rella Zapletal	tourobna@gmail.com	St. Charles Ave., Magazine St., Louisiana Ave., Napoleon Ave.
Faubourg Marengo Neighborhood Association	Julie Graybill	juliebob@bellsouth.net	Napoleon Ave., Peniston St., Magazine St., Tchoupitoulas St.
Faubourg Delachaise Neighborhood Association	Debby Pigman	debbyfdna@gmail.com	Tchoupitoulas St., Magazine St., Louisiana Ave., Peniston St.
Irish Channel Neighborhood Association	LaMont Hayes	president@irishchannel.org	Jackson Ave., Delachaise St., Magazine St., Mississippi River
Lower Garden District Association	Derek Brown	coliseumsquarepresident@gmail.com	St. Charles Ave., Highway 90 Expressway, Jackson Ave., Mississippi River
Decatur Street Merchant Association	-	-	Decatur Street from Esplanade Avenue to Dumaine Street
Downtown Development District	Davon Barbour	ddd@downtownnola.com	Claiborne Avenue, Iberville Street, Mississippi River, and Pontchartrain Expressway
French Quarter Business Association	Brittany Mulla McGovern	brittany@fqba.org	Esplanade Avenue, Decatur Street, Iberville Street, North Rampart Street
French Quarter Citizens, Inc.	Jodi Poretto	jodi@frenchquartercitizens.org	North Rampart St., Esplanade Ave., Canal St., Mississippi River
North Rampart Main Street	Susan "Sue" Klein	h.nagendra@att.net	North Rampart St. from Canal St. to Esplanade Ave.
Vieux Carre Property Owners, Residents & Associates INC	Erin Holmes	erinholmes@vcpora.org	Canal St., North Rampart St., Esplanade Ave., Mississippi River
Warehouse District Neighborhood Association	Troy Dupuis	warehousedna@gmail.com	Callopie St., Magazine St., Poydras St., Convention Center Blvd.
Guste Homes Residents Management Corporation	Cynthia Wiggins	cwigins@ghrmc.org	Simon Bolivar Ave., M.L.K. Jr. Blvd., S. Robertson St., Erato St., Clio St.
Oretha Castle Haley Blvd. Merchants & Business Association	Linda Pompa	ochaleymaint@bellsouth.net	OC Haley Blvd. from Hwy. 90 to Philip St.
Riverside Ortiz Neighborhood Association	Marie Galatas	mariegaltas@yahoo.com	Louisiana Ave., Napoleon Ave., Tchoupitoulas St., Magazine St.
123 Walnut Street Association	Stephanie Musser	musser@msn.com	Walnut St., Audubon Zoo, Mississippi River
Audubon Area Zoning Association	Brian Keuhne	info@audubonarea.org	St. Charles Ave., Prytania St., Audubon Pk., Arabella St.
Audubon Boulevard Neighborhood Association	Al Bienvenu	albee32a@yahoo.com	Audubon Blvd., South Claiborne Ave., Willow St., Ben Weiner
Audubon Riverside Neighborhood Association	Prof. Damon Franke	damon.franke@usm.edu	The Association is bounded by the Mississippi River to the south; both sides of Camp Street to the north; Valmont Street to the east; and Exposition Boulevard to the west.
Broadmoor Improvement Association	Maggie Carroll	maggie@broadmoorimprovement.com	Toledano St., Octavia St., Jeff Davis Pkwy., Claiborne Ave., Washington Ave.
N Carrollton Area Network	H.V. Nagendra	h.nagendra@att.net	Broadway Blvd., Parish line, Mississippi River, I-10
Carrollton/Riverbend Neighborhood Association	Elaine Leyda	eleyda.crua@gmail.com	South Carrollton Ave., Leake Ave., S. Claiborne Ave., Monticello Ave.
Fontainebleau Improvement Association	Carling Dinkler	president@fia-nola.org	Broadway Blvd., Walmsley Ave., S. Carrollton Ave., S. Claiborne Ave.
Freret - Milman Neighbors United	Stan Norwood	neighborsunited.listserve@gmail.com	Jefferson Ave., South Claiborne Ave., General Taylor St., Dryades St.
Garden District Association	Shelley Landrieu	gardenstrictno@bellsouth.net	Magazine St., Carondelet St., Louisiana Ave., Josephine St.
Hollygrove-Dixon Neighborhood Association	Brenda Lomax-Brown	hollygrove.dixon@gmail.com	Palmetto, South Carrollton Mistletoe, Peach, Hamilton, Pontchartrain Expressway
Hurstville Neighborhood Association	Shelley Landrieu	gardenstrictno@bellsouth.net	Leontine St., Magazine St., Arabella St., St. Charles Ave., S. Liberty St.
Magazine St. S. Merchants Association	Alan Watts	guide@magazinstreet.com	Magazine St. from Audubon Zoo to Girod St.
Maple Area Residents Association	Richard Bienvenu	maplearearresidentsinc@gmail.com; rbienvenu@aol.com	Audubon St., St. Charles Ave., S. Carrollton Ave., Willow St., Broadway St., Freret St.
Maple Street Business Association	Sherif Sakla	ssakla@lawmedic.com	St. Charles Ave., S. Carrollton Ave., Broadway St., S. Claiborne Ave.
Maryville Neighborhood	Tim Garrett	tim@maryville.me	Audubon Street, Earhart Blvd, Octavia St, South Claiborne Ave
NorthWest Carrollton Civic Association	Jenel Hazlett	nwc Carrollton@ mindspring.com	South Claiborne Ave., South Carrollton Ave., Earhart Ave., Leonidas St.
Palm Air Improvement Association	Gwen Diggs	gbdiggs11133@aol.com	Palmetto St., Airline Hwy., Monticello St., Cecil St.
Pensiontown of Carrollton Neighborhood Association	Tilman Hardy	leonidas@house@gmail.com; tilman@coreusa.org	Oak St. S. Claiborne Ave., Monticello Ave., Dante St.
Twinbrook Neighborhood Association	Jeanne Landry	jeanne@landrylanola.net	Valence, Jefferson, Dannelle and Prytania
Upper Audubon Association	Tre Roux	kroux@deutschkerriergan.com	St. Charles Ave., Audubon Park, Broadway St. (both sides), Mississippi River
Upper Hurstville Residents Association	Patrick Talley	info@upperhurstville.com	Magazine St., Audubon Park, Prytania St., Nashville Ave.
Uptown Triangle Association	Maria Julianna Auzenne	president@uptowntriangle.com	St. Charles Ave., Broadway St., Leake St.
Broad Community Connections - Broad Street Main Street	Jeff Schwartz	jeff@broadcommunityconnections.org	Broad St. from Tulane Ave. to Bayou Rd.
De Saix Area Neighborhood Association	Wayne Benjamin	wayneben06@yahoo.com	St. Bernard Ave., Gentilly Blvd., I-610, Bayou St. John, Fairgrounds
Esplanade Ridge / Tremé Civic Association	Gregory Douglas	erca.nola@gmail.com	North Rampart St., North Broad St., Orleans Ave., St. Bernard Ave.
Fairgrounds Triangle Neighborhood Association	Morgan Clevenger	ftaiboard@hotmail.com	Bayou Rd./Gentilly Blvd., St. Bernard Ave., N. Claiborne Ave.
Faubourg Lafitte Tenants Association	Jacqueline Gibson	flta2200@gmail.com	Lafitte St, Rocheblave St., Orleans Ave, and N. Claiborne Ave.
Faubourg St. John Neighborhood Association	Linda Landesberg	president@fjsna.org	Wisner St., Moss St., Desaix St., Tensas St., Gentilly Blvd., Broad St.
Historic 7th Ward Neighborhood Improvement Association	Carolyn LeFrane Tilton	lefranelegacyfoundation@yahoo.com	Esplanade Ave., Elysian Fields Ave., Broad St., St. Claude Ave.
Historic Faubourg Tremé Association	Jarrett Cohen	president@f7ha.org	St. Claude Ave., N. Claiborne Ave., St. Bernard Ave., Basin St.
Pilotland Neighborhood Association	Rev. Lionel Davis	pbcpastordavis@bellsouth.net	Bayou St John, Harrison Ave./Park Island Dr., Paris Ave., Hwy. 610
City Park Neighborhood Association	Suzi Cobb	cobbuzzi@yahoo.com	City Park Ave. from N. Carrollton Ave. to Orleans Ave.
Country Club Gardens Association Inc.	Tim Hurley	t.hurley@hurleycot.com	Norfolk Southern Railway, Pontchartrain Expressway, Last St., Quince St., Hamilton St., Peach St., Mistletoe St., Dixon St., Cherry St., Palmetto St., Bamboo Rd., Maryland Dr.,
Lake Marina Towers Condominium Association	Dalton Truax	dalton3@wagnertruax.com	Lake Marina, West End Blvd., Lake Pontchartrain, West Robert E. Lee Blvd.
Lake Vista Property Owners Association	Paul Caboche	Paulneworleans@gmail.com	Lakeshore Dr., Robert E. Lee Blvd., Beaugard Ave., Marconi Dr.
Lakeshore Property Owner's Association	Victor Landry	victor.landry.ipoa@gmail.com	West End Blvd., Robert E. Lee Blvd., General Haig St., Lake Pontchartrain
Lakeview Civic Improvement Association	Valerie Barrilleaux	president@lakeviewcivic.org	City Park Ave., Pontchartrain Expressway/West End Blvd. Onramp, Veterans Blvd., 17th Street Canal, Lake Pontchartrain, West End Blvd., Robert E Lee Blvd., Orleans Ave.
Mid City Neighborhood Organization	Emily Leitzinger	president@mcno.org	Pontchartrain Expressway to City Park Ave., to N. Carrollton Ave., to Orleans Ave., to Rocheblave St., to the Pontchartrain Expressway
Parkview Neighborhood Association	Ian Dreyer	ian@nanolc.net	Orleans Avenue at North Carrollton to Moss Street/Bayou St John, from Orleans Ave at Moss Street to Esplanade Avenue; from Esplanade Ave to North Carrollton Avenue; from North Carrollton at Esplanade to Orleans Avenue.
West End Boathouse Owner's Association	Kerry Cuccia	kerrycc@capital.org	Lake Pontchartrain & West End Park
Bancroft Park Civic Association	Pam Larter	wapsupplies@msn.com	Bayou St John, Park Island Dr., St. Bernard Ave., Robert E Lee Blvd
Burbank Gardens Neighborhood Association	Marisol Canedo	neworleansburbankgardens@gmail.com	Leon C. Simon Dr., Prentiss Dr., London Ave. Canal, Elysian Fields Ave.
Filmore Gardens Neighborhood Association	Gloria M. DeCuir	filmore.gardens@yahoo.com	Warrington Dr. (London Canal), Elysian Fields Ave., Mirabeau Ave., Prentiss Ave.
Gentilly Heights / Voscoville Neighborhood Watch	Colette Delacroix	voscovillennwa@gmail.com, gwenhawk59@yahoo.com	Mirabeau Ave., Gentilly Blvd., St. Anthony Ave./Norman Mayer Ave. (London Ave Canal)
Gentilly Heights East Neighborhood Association	Ghena2b@att.net	ghena2b@att.net	Mirabeau Ave., Elysian Fields Ave., Gentilly Blvd., St. Anthony Ave./Norman Mayer Ave.
Gentilly Terrace & Garden Improvement Association	Norm Whitley	president@gentillyterrace.org	Gentilly Blvd., Filmore Ave., Elysian Fields Ave., People's Canal
Lake Oak Civic Association	Phalon Cornist	pcornist@gmail.com	Franklin Avenue, Elysian Fields, New York, Lake Oaks Pkwy
Lake Terrace Property Owners Association	Ashley Haspel	awhaspel@gmail.com	Bayou St John, Robert E. Lee Blvd., London Ave Canal, Lake Pontchartrain
Milneburg Neighborhood Association	Sandra Ewell	sandrewell504@gmail.com	Filmore, St. Roch, Elysian Fields Avenue, New York Street (excluding properties facing New York St)
Mirabeau Gardens Neighborhood Association	Landry Young	mirabeaugardens@outlook.com	Filmore Ave., Paris Ave., Virgil Blvd (not including properties on both side Virgil Blvd), London Avenue Canal
Oak Park Civic Association	Tricia Zimmer	oakparkcivicasociation@gmail.com	Robert E. Lee Blvd., Mirabeau Ave., St. Bernard Ave., Paris Ave.
Paris Oaks / Bayou Vista Neighborhood Association	Walterine Griffin	walterine5@aol.com	St. Bernard Ave., Harrison Ave., Mirabeau Ave., Paris Ave.
Pontchartrain Park Neighborhood Association	Gretchen Bradford	gretchenbradford@aol.com	Mithra Street to Hayne, Providence to Pauline
Pontilly Neighborhood Association Incorporated	Audry Woods	awbfaithinthefuture@yahoo.com	Industrial Canal, Chef Menteur Hwy., Lake Pontchartrain, Railroad tracks
Seabrook Neighborhood Association	Johnnis Gullory	seabrookassociation@yahoo.com dwatson@nola.gov	Mirabeau Ave., Leon C Simon, People's Ave., St. Roch Ave.
Seventh Ward Neighborhood Association	Dr. Mona Lisa Saloy	7thwardassoc@gmail.com	Rampart St., Elysian Fields Ave., Esplanade Ave., Mississippi River, Lake Pontchartrain
Voscoville Neighborhood Association	Colette Delacroix	voscovillennwa@gmail.com	Mirabeau St., St. Anthony St., Dillard University
Virgil Park Neighborhood Association	Peggy Braud	Peggyb504@yahoo.com	Virgil Blvd (both sides of the Street), Paris Ave, Gentilly Blvd, London Ave Canal
Vista Park Civic and Improvement Neighborhood Association	Sam Wickline	vistaparkboard@gmail.com	Robert E Lee Blvd, Filmore Ave, Paris Ave, London Avenue Canal
Bunny Friend Neighborhood Association Incorporated	Katherine Prevost	bunnyfriendsassoc@gmail.com	St. Claude Ave., Kentucky St., Florida Ave., Franklin Ave.
Bywater Neighborhood Association	John Guarnieri	bywaterpresident@gmail.com	Press St., N. Claiborne Ave., Industrial Canal, Mississippi River
Faubourg Marigny Improvement Association	Allen Johnson	president@faubourgmarigny.org	Esplanade Ave., St. Claude Ave., Press St., Mississippi River
Gentilly Sugar Hill Neighborhood Association	Debra Joseph	debjocatering@att.net	London Ave Canal, Gentilly Blvd, Elysian Fields Ave., Florida Ave (Railroad Tracks)
Greater Tremé Consortium, Incorporated	Cheryl R. Austin	cheryl@greaterreme.org	N. Rampart - N. Broad and Canal - Esplanade
Liberty Terrace Homeowners Association	Renee Cooper Cambrice	libertyterracehomeowners@yahoo.com	Louisa St., Almonaster Ave., Higgins Blvd., St. Ferdinand
Neighbors First for Bywater	Julie Jones	julienola@gmail.com	Press St., Industrial Canal, Mississippi River, Marais St.
New St. Claude Association of Neighbors	Susan Brady	sbrady@entergy.com	Franklin Ave., N. Claiborne Ave., St. Claude Ave., Japonica St.
Upper Ninth Ward Community Association	Rev. James R. Willis Jr.	pastorjr@aol.com	St. Claude Ave., Franklin Ave., Industrial Canal, I-10
Historic Lower Ninth Neighborhood Association	Linda Jackson	ljackson_9w@hotmail.com	Jordan Ave., Dubreul St., Chartres St., Florida Ave.
Holy Cross Neighborhood Association	Calvin Alexander	telephoneaman19@yahoo.com	St. Claude Ave., Mississippi River, Industrial Canal, Delery St.
Upper 9th Ward Florida Association, Incorporated	Marguerite Doyle-Johnson	maaj8768@gmail.com	N. Galvez St., Florida Ave., Montegut St., Japonica St.
Brianwood	Melanie Craig	mircraig@bellsouth.net	Hayne Blvd., Gannon Rd., Morrison Canal, Vincent Rd., Ann Marie Ct.
Castle Manor Subdivision	Judith Parker	-	Crowder Blvd., Arthur Dr., Chef Menteur Hwy., Dwyer Canal
Donna Villa	William Bickham	wmbick@yahoo.com	Read Blvd., BundyRd., Dwyer Rd., Chef Menteur Hwy.
East New Orleans Neighborhood Advisory Commission (ENONAC)	Dawn Herbert	secretary@enonac.org	Industrial Canal, Intracoastal Waterway, St. Tammany Parish Line, Lake Pontchartrain
Eastover Residents Association	Sheralyn Lambert	epoa@yahoo.com	Lake Forest Blvd., I-10, Bullard Ave., I-510 Service Rd.
Idlewood / Parkwood Homeowner's Association	Sabrina Mays-Montana	-	Lake Forest Blvd., Wright Rd., Dwyer Rd., Berg Canal
Kenilworth Civic & Improvement Association	K. Michele Sanders	kenilworthNOIA@gmail.com	Newcastle St., Mayo St., Wales St., Morrison Rd.
Kingswood Homeowner Association	Melanie C. Thompson	kingswoodhomeowners@yahoo.com, tgullient@att.net	I-10 Service Rd., Kingswood Dr., Whitmore St., Edgewood St., Queensway St., Morrison Rd., Pinebrook St., Knightsway St.
Lake Barrington Homeowner's Association	Lourdes Landrum	-	Wright Rd., I-10 Service Rd., Morrison Rd., Camberley Dr.
Lake Bullard Homeowner & Neighborhood Improvement Association	Bryan Jourdain	lakebullardpresident@gmail.com	Bullard Ave., Dwyer Rd., Berg Canal, Lake Forest Blvd.
Lake Carmel Subdivision Improvement District/Homeowner Association	Dr. Brenda Jackson	bjackson@suno.edu	I-10 Service Rd., Gannon Rd., Morrison Rd., Jahncke Canal
Lake Forest Estate Home Owner's Association	Joan Heisser	joan.heisser@att.net	I-10 Lake Forest Blvd., Berg Canal, Farrar Canal
Lake Forest Estates Improvement Association	Sylvia Scineaux	scineaux@bellsouth.net	I-10 Service Rd., Lake Forest Blvd., Winchester Park Dr., Kensington Blvd., Foxcroft St., Wright Rd., Waterford Blvd.
Lake Willow Homeowner's Association	Dawn Hebert	dherbert128@cox.net	Lawrence Canal, Morrison Rd. Westhaven Dr. Lake Willow Dr.

Lakewood East Security and Neighborhood Improvement District	Elisha Mobley	emobley@coxmail.com	Interstate 10 Service Road, Mayo Boulevard, Orleans Parish School Property formerly known as the
Little Wood Homeowner's / Neighborhood Association	Oliver Faure	ofaurelwhna@yahoo.com	Livingston Middle School, and St. Charles Canal
New Orleans East Business Association	Sherman Copelin	sncopelin@aol.com	Vincent Rd., Curran Rd., Avon Park Blvd., Morrison Rd., Paris Rd., Haynes Blvd.
North Kenilworth Homeowners Association	Marcia McWilliams	mcpcc@att.net	Downman Rd., Lake Pontchartrain, Parish Line, MRGO
Pine Village Neighborhood Homeowner's Association	Roland Barthe	southlaketax@gmail.com	Malvern St., Morrison Rd., Curran Blvd., Afton Dr.
Pressburg East Homeowners Association	Lena Stewart	alistewart1@cox.net	Lamb St., Downman Rd., Morrison Rd., Dwyer Rd.
Rosedale Homeowners Association	Linda Williams	letry3@yahoo.com	Read Blvd., Nighthart St., Chef Menteur Hwy., Dwyer Rd.
Sherwood Forest	Ellen Penny	ellenpenny@att.net	I-10, America Street (houses on both side of the Street), Old Gentilly Rd, Dwyer Rd
Spring Lake Neighborhood Association	Gail Armant / Aaron Daste	gflarman@yahoo.com	Read Blvd., Chef Menteur Hwy., I-10, I-510
Tamaron Estates/Subdivision Improvement District	Barbara Hornsby	bhornsb@yahoo.com	St. Charles Canal, Lawrence Canal, Morrison Rd., I-10 Service Rd.
Venetian Isles Civic & Improvement Association	Bonnie Benischek	bouben@cox.net	I-10 Service Road, Morrison Road, E Tamaron Blvd (both side of the street), Gannon Road
Villa Sites/South Shores Neighborhood Association	Ann Legeaux	legauxann@gmail.com	Hwy 90, Chef Pass, Bayou Sauvage, Trieste St.
Warwick West	Clyde Scales		Morrison Road to Hayne Blvd. Read Blvd. to Burke Ave
WIMBLEDON	Greg Hamilton	-	I-10 Service Rd., Citrus Canal, Morrison Rd., Read Blvd.
Oak Island Homeowners Association	Lynette Sparrow		Dwyer road on the south, lake forest blvd on north, benson canal on the west and bundy road on the east.
Lake Catherine Neighborhood Association	Carol Giardina	lakecatherineassociation@yahoo.com	Michoud Blvd. from Adventure Dr. To Expedition Dr., Explorer Ave., Voyageur Dr., Horizon Dr., Pierre Ct., W. Cavelier Dr., Trapper Ct., St. Marie Ct., N. Cavelier Dr.
Algiers Economic Development Foundation	Kelsey Foster	kfoster@algierseconomic.com	Chef Menteur Bridge, Rigolets Bridge, Lake Catherine, Lake Pontchartrain
Algiers Neighborhood Improvement Association	Alex Selico Dunn	adunn@entergy.com	All of Algiers
Algiers Point Association	Jim Goodwin	goodwinj@netzero.com	Newton St., Teche St., Magellan St., Semmes St., Bodenger Blvd., Atlantic Ave., Newton St.
Algiers Riverview Association	Alex S. Dunn, Sr.	asdunns@gmail.com	Newton St., Mississippi River, Atlantic Ave.
Aurora Civic Association	Daniel Zimmerman	lj4adotcomdan@gmail.com	Opelousas Ave, Behrman Ave, Mardi Gras Blvd, Mississippi River
Aurora Gardens Neighborhood Associations	Rob Zrabkowski	robz@abbeyprinting.com	General Myer Ave., Eaton St., General MacArthur Blvd., Woodland Hwy.
Aurora West Civic Association	Ronicka Briscoe	ronicka.briscoe@gmail.com	Chelsea St., Patterson Dr., Bedford, General Meyer Ave.
Bocage Civic Association	N/A	N/A	Woodland Hwy., Tennyson Pl., Patterson Rd., Sullen Pl., Norman Canal
Heritage-Carriage Lanes Association	Kyle Franklin	kyle.franklin@gmail.com	General Meyer Ave., Bristol, Somerset, Berkley, Eaton, Danbury
Lakewood Estates Homeowners Association	Renee Keiser	markreneehome@cox.net	Woodland Hwy., Carlisle Ct., Rue Delphine, Lacour Monique St., Rue Colette, Brunswick Ct. (includes properties on both sides of street except Woodland)
Lennox Blvd. Homeowners Association	Sue Lippert	slippert3@aol.com	Heritage and Carriage Lanes off of Garden Oaks Drive
Lower Algiers Neighborhood Civic Association	Cubie Charles	cccharles12@cox.net	Lennox, Tullis, Lakewood, Country Club, Brechel Park
Pakenham Oaks Homeowner's Association	Jennie McIntosh	jennie_mcmintosh@yahoo.com	Lennox Blvd. from General DeGaulle Dr. to Tullis Dr.
Park Place Subdivision	Alex Selico Dunn	adunn@entergy.com	Mississippi River, Intracoastal Waterway, Norman Canal, Sullen Place
Park Timbers Homeowners Association	Donna Mercer	dmerc5@cox.net	Chelsea St., Patterson Dr., Bedford, General Meyer Ave.
Real Timbers Property Owners' Association, Inc.	Pastor Julius Lee	jleepva@cox.net	Magellan St., Park, Brooklyn Ave., Bodenger Blvd.
Steeple Chase / DeBattista Civic Association	Eydie Acosta	eydie_acosta@hotmail.com	General DeGaulle Dr., Lennox Blvd., Algiers Outfall Canal, Norman Canal
Tall Timbers Extension Civic Association	Jermaine Lewis	jedmason@bellsouth.net	Amazon Street and Old Behrman Hwy. and between Delaware Street and Iowa Street to Hudson Street to Kansas Street, onto Memorial Pkw Drive.
Tall Timbers Homeowner's Association	Gilbert Crowden	gcrowden@bellsouth.net	Steeple Chase Lane and DeBattista Street (only) b/w General Meyer & Patterson
Tunisburg Square Homeowners Civic Association	Leslie Ellison	lesellison@aol.com	Tullis Dr., Timber Ridge Court, Timber Wolf Lane (both sides), Tail Spurce Drive
Walnut Bend Association	Yvonne Mitchell-Grubb	info@walnutbendno.org, yvonnemg@aol.com	Inwood Ave., South Inward Ave., Red Cypress St., Lakewood Country Club
Woodland Heights Neighborhood Association	Eric Pickering	eric@pickeringandassociates.com, eric@pclawfirm.com	Odeon Ave., Flanders St., Patterson St., Wall Blvd., and Wiltz Lane and Lees Lane (between Patterson and Wall)
English Turn Property Owners Association	Glenn Orgeron	glennsoffice@gmail.com	MacArthur Blvd., Kabel Dr., General Meyer Ave., Holiday Dr.
New Zion City Preservation Association	Gerald Rouchon	gerardrouchon55@gmail.com	Woodland Hwy., MacArthur Dr., Eton St., Berkley Dr.
Lower Mid-City Neighborhood Association	Jonathan Rogers	jrogersnola@gmail.com; lowermidcityNO@gmail.com	English Turn Pkwy., English Turn Dr., Parish Line, Hwy 406
Baronne Street Neighborhood Association	Joe Friend	jofriend@bellsouth.net	S. Broad St., Howard Ave., S. Jeff Davis Pkwy., Washington Ave., Martin Luther King Blvd.
Friends of Lafitte Greenway	Sophie Vorhoff	info@lafittgreenway.org	I-10, N. Claiborne Ave, St. Louis St, Broad St.
Hollygrove Neighbors	Ruth Kennedy	ruthemma24@yahoo.com	Valence, St. Charles, Dufossat, and Danneel
Greater Mid-City Business Association	Tim Levy	tlevy@pellughes.com	N. Rampart St., Canal St., Metairie Road, I-10, I-610, Marconi Dr., City Park Ave., Dumaine St, back to Rampart Street.
Old Algiers Main Street Corporation	Karri Maggio	info@oldalgiersmainstreet.org	S. Carrollton, S. Claiborne, Airline Highway, Monticello St. (Parish Line)
Marrero Commons	Laquita Bradley	laquita.bradley@urbanstrategiesinc.org	Broad St, Esplanade Ave, City Park Ave, I-10/Carrollton Exit, Gravier St
Central Carrollton Association	Paul Baricos	paul.baricos@gmail.com	Mardi Gras Blvd, Mississippi River, Behrman Ave.
Faubourg St. Roch Improvement Association	Julie Whiteman	julie@strochcc.org	S Prieur St, S Dorgenois St, MLK Blvd, Earhart Blvd
Mary Queen of Vietnam	Diem Nguyen	diemnguyen@mpnqcdc.org	S. Claiborne , Broadway, S. Carrollton, Willow
Lafayette Square Association	Michael A. Duplantier	duplantier@bellsouth.net	Elysian Fields Ave, Florida Ave, Press St., St. Claude Ave
Lake Catherine Neighborhood Association	Carol Giardina	lakecatherineassociation@yahoo.com	I-510, I-10, the Intracoastal Waterway, Chef Menteur Pass, Lake Pontchartrain
Harmony Oaks Neighborhood Association	Rotasha Roberta Redmond	rotasha.redmond@dubuclet.com	Magazine, Expressway, Loyola, Poydras
Voices of Experience, Inc.	Theophilus Moore	the5moe@gmail.com	Chef Menteur Bridge, Rigolets Bridge, Lake Catherine, Lake Pontchartrain
Melia Neighborhood Association	Benjamin Diggins	benfdigginsr@yahoo.com	Lasalle, Claiborne, Washington, Louisiana
Warwick East Neighborhood Organization	Marilyn Degrasse	madegrasse@att.net	Claiborne Ave., Broad St., Earhart Blvd., Washington Ave.
Louisiana Avenue Neighborhood Association	Claudia Lynch	shoes@claudialynch.com	Francis Dr., Downman Rd. (both sides), Chef Menteur Hwy. (both sides), Dwyer Rd.
Carrollton United	Betty DiMarco	dimarco_bi@bellsouth.net	Read Blvd., Plainfield Rd, Restgate Rd, Morrison Rd
Claiborne Reborn	Margaret Thomas; Tamah Ysrael	clabornereborn@gmail.com	All of Louisiana Avenue, from the Mississippi River to Claiborne Ave, and the surrounding streets
St. Claire Gardens Subdivision	Nick Melson	Nfsmick4@yahoo.com	I-10, Mississippi River, Broadway, Jefferson Parish Line
Lower 9 Neighborhood Association	Willie Calhoun	lower9nestakeholders@gmail.com	N. Claiborne from Orleans Ave. to Elysian Fields Ave.
Havana Place Neighborhood Association	Stosh Kozlowski	stoshkz@yahoo.com	Richland Rd., General Collins Ave., Holiday Pl.
Edgewood Park Neighborhood Association	Marva Mitchell	edgewoodpark@yahoo.com; marvammitchell@bellsouth.net	Jordan Ave. to St. Bernard Parish Line, Florida Ave. to Miss River Levee
A.P. Tureaud Ave. Improvement Association	Lionel Scott	lsjr07@gmail.com	The area between Broad St., St. Bernard Ave., and Florida Ave. within the municipal Fairgrounds neighborhood
St. Bernard-N. Rampart Business and Residential Alliance, Inc.	Abby O. King	abboking@gmail.com	Peoples Ave., I-10 (or Dahlia Walk), I-610/Humanity St., W. St. Roch Ave., Fairmont Dr., Gentilly Blvd.
Faubourg Tulane Gravier Neighborhood Alliance	Don Wentworth	donwentworth@usa.com	George Nick Connor, Agriculture, New Orleans Street, N. Roman Street
Together Gert Town Neighborhood Association	Candes Carter	togethergertown0017@gmail.com	Claiborne Ave., St. Bernard Ave., N. Rampart, St. Phillip St.
Edgewood Heights Neighborhood Association	Priscilla Llopis	edgewoodheights@gmail.com	Poydras st. to St Louis St. Claiborne Ave. to Broad St.
Huntlee Village Aurora Oaks Neighborhood Association	Ester Wensink	ester.wensink@gmail.com	Washington Ave, Jeff Davis Pkwy, S Claiborne Ave, S Carrollton Ave
Lakewood Property Owners Association	Michael Shlenker	mshlenker@gmail.com	I-10 East, Dahlia Walk, Peoples Ave, Florida Ave; includes Arts St and Constitution Pl
Lakewood Crime Prevention and Improvement District	Richard Cortizas	rcortizas@joneswalker.com	Somerset Dr, Kabel Dr, General De Gaulle Dr, Patterson Dr
Fairgrounds Neighborhood Association	Chris Robertson	presidentfna@gmail.com	Same boundaries that include Lakewood North and Lakewood South neighborhoods
The Corridor Neighborhood Association	Terry Clay	ibscience@yahoo.com	Veterans, Fleur de Lis, Academy Drive, Belleaire
University Neighborhood Association	Ryan Berger	rberger@thebergerco.com	St. Bernard Ave to Gentilly Blvd to Broad St back to St. Bernard
Mardi Gras Neighborhood Association	Carl Alexis	capano@hotmail.com	South Robertson to South Prieur/ Erato to Galvez bounded by Earhart Blvd and Martin Luther King Blvd.
Lower Coast Algiers	Lee Dupont	LDUPONT@PSSNOLA.COM	the lakeside of St. Charles Ave to the riverside of Freret St, and from the downriver side of Calhoun St to both sides of State St, and includes Everett Place.
Central City Faubourg Livadaus Neighborhood Association	Talva Horn Carlisle	tsmille@gmail.com	Numa to Laureldale and General Meyer to General DeGaulle

EXHIBIT B

Additional Communications Received

Notice of NPP Meeting - Proposing Changes to Articles 1-4 of the CZO

From Council Land Use <councillanduse@nola.gov>

Date Thu 1/9/2025 4:14 PM

To EnolaCivic@GMail.com <EnolaCivic@GMail.com>; cmorsecompany@gmail.com <cmorsecompany@gmail.com>; hq@pnola.org <hq@pnola.org>; michael.casey06@gmail.com <michael.casey06@gmail.com>; virginia@baldwins.tv <virginia@baldwins.tv>; climanaassociation@gmail.com <climanaassociation@gmail.com>; rozpey@bellsouth.net <rozpey@bellsouth.net>; dnaneuorleans@gmail.com <dnaneuorleans@gmail.com>; michaelrobinson@jerichohousing.org <michaelrobinson@jerichohousing.org>; info@faubourgavart.com <info@faubourgavart.com>; bcrutcher3@gmail.com <bcrutcher3@gmail.com>; tourobna@gmail.com <tourobna@gmail.com>; juliebob@bellsouth.net <juliebob@bellsouth.net>; debbyfdna@gmail.com <debbyfdna@gmail.com>; president@irishchannel.org <president@irishchannel.org>; coliseumsquarepresident@gmail.com <coliseumsquarepresident@gmail.com>; ddd@downtownnola.com <ddd@downtownnola.com>; brittany mcgovern <brittany@fqba.org>; French Quarter Citizens Inc. <info@frenchquartercitizens.org>; fqfemme@gmail.com <fqfemme@gmail.com>

Cc Claire F. Byun <Claire.Byun@nola.gov>; Stephen K. Kroll <skroll@nola.gov>; Robert D. Rivers <rdrivers@nola.gov>; Ashley J. Becnel <ajbecnel@nola.gov>; Wheeler L. Manouchehri <wheeler.manouchehri@nola.gov>

 1 attachment (155 KB)

NPP Letter.pdf;

Dear Neighborhood Organizations,

Please see attached a letter detailed a NPP meeting to be held virtually on January 23, 2025 at 6:30 pm. and which may be accessed at: <https://us06web.zoom.us/join/9AuTEYfPQFOyWO5X63qQ1g>.

Registration for this meeting through zoom will be required for participation. Additional details can be found in the attached letter.

Ashley J. Becnel
Council Land Use Officer
New Orleans City Council



THE COUNCIL
CITY OF NEW ORLEANS
COUNCIL LAND USE OFFICE

Ashley J. Becnel
Council Land Use Officer

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January 9, 2025

NOTICE OF NEIGHBORHOOD PARTICIPATION PLAN MEETING

The New Orleans City Council is investigating whether changes should be made to Articles 1-4 of the Comprehensive Zoning Ordinance. The goal of these changes would be to streamline administrative processes, clarify unclear provisions of the CZO, and codify evolving practices. As part of this process, the motion initiating the text amendment will allow the City Planning Commission to update definitions in Article 26 to ensure consistency in the CZO. CPC will be directed to work with the Council Land Use Officer as well as the Zoning Administration of the Department of Safety and Permits on this matter, and this is a joint effort from these three coordinating bodies.

Notice is hereby given that a virtual meeting will be held on January 23, 2025 at 6:30 p.m. This meeting may be accessed at the following link: <https://us06web.zoom.us/meeting/register/9AuTEYfPQFOyWO5X63qQ1g>. Registration is required for this meeting, and this meeting will be recorded. This NPP will serve as a kick-off to the project but will not be the only opportunity for input by the public. The Council envisions holding at least one additional virtual listening session as well as a committee meeting to discuss the changes before they are adopted.

These changes will be effective citywide. Communication will occur through email from the Council, City Planning Commission, and NoticeMe. The public is encouraged to reach out to the City Planning Commission at cpcinfo@nola.gov to provide feedback, suggestions, and ideas.

Changes to be considered include but are not limited to:

- Providing that items which fail to reach a legal majority among the City Planning Commission shall be transmitted to the Council as a denial;
- Detailed review of NPP processes (multiple citations), to include a single section for all NPP provisions;
- Clarification of Council actions as part of zoning amendments (4.2.D.3) and conditional uses (4.3.D.3) to better align with the Charter and Council practices;

- Clarity regarding the use of provisos in conditional use instruments to ensure ongoing compatibility with the text of the CZO (4.3.E);
- Clarification of expiration and availability of administrative extensions for conditional uses (4.3.H.1) and planned developments (4.4.I.1);
- Codification of the extension processes for conditional uses (4.3.H.2) and planned developments (4.4.I.2) including application deadlines, deadlines for council action, and process development;
- Clarification of conditions requiring various levels of review for changes to development plans (4.5.F.2);
- Expiration of design review applications (4.5);
- Examining variances associated with subdivisions (4.6.C);
- Codify which provisions of the CZO are and are not susceptible to waiver by the BZA (4.6.C);
- Provide deadlines for BZA action (4.6);
- Reconcile state law conflicts regarding BZA variance decision appeals (4.6.H);
- Additional details regarding the minor map adjustment process (4.7);
- Codification of long-held interpretations of what matters may be appealed to the BZA (4.8.B);
- Clarity regarding the application of administrative stays related to Zoning Appeals (4.8.E);
- Streamlining processes and procedures related to Zoning Verifications to enable the Zoning Administration to process them more efficiently (4.9);
- Clarifications to the zoning interpretations process, including notice and initiation of interpretation requests (4.10);
- Changes to notice requirements to reflect increased virtual options (Article 3);
- Clarification of City Council processes related to Master Plan changes (new section).

This meeting will include a brief presentation by the Council Land Use Officer regarding the intended changes and process for amendment and will be followed by time for public comment and questions. The meeting will end at 7:30 p.m., and any comments that can't be accommodated during this time can be submitted virtually to councillanduse@nola.gov. Questions about the NPP meeting itself can also be sent to this email address. Additional listening sessions will be held which will offer further opportunities for comments and questions.

CANCELLED: Notice of NPP Meeting - Proposing Changes to Articles 1-4 of the CZO

From Council Land Use <councillanduse@nola.gov>

Date Wed 1/22/2025 3:44 PM

To Council Land Use <councillanduse@nola.gov>; EnolaCivic@GMail.com <EnolaCivic@GMail.com>; cmorsecompany@gmail.com <cmorsecompany@gmail.com>; hq@pnola.org <hq@pnola.org>; michael.casey06@gmail.com <michael.casey06@gmail.com>; virginia@baldwins.tv <virginia@baldwins.tv>; climanaassociation@gmail.com <climanaassociation@gmail.com>; rozpey@bellsouth.net <rozpey@bellsouth.net>; dnaneworleans@gmail.com <dnaneworleans@gmail.com>; michaelrobinson@jerichohousing.org <michaelrobinson@jerichohousing.org>; info@faubourgavart.com <info@faubourgavart.com>; bcrutcher3@gmail.com <bcrutcher3@gmail.com>; tourobna@gmail.com <tourobna@gmail.com>; juliebob@bellsouth.net <juliebob@bellsouth.net>; debbyfdna@gmail.com <debbyfdna@gmail.com>; president@irishchannel.org <president@irishchannel.org>; coliseumsquarepresident@gmail.com <coliseumsquarepresident@gmail.com>; ddd@downtownnola.com <ddd@downtownnola.com>; brittany mcgovern <brittany@fqba.org>; French Quarter Citizens Inc. <info@frenchquartercitizens.org>

Cc Claire F. Byun <Claire.Byun@nola.gov>; Stephen K. Kroll <skroll@nola.gov>; Robert D. Rivers <rdrivers@nola.gov>; Wheeler L. Manouchehri <wheeler.manouchehri@nola.gov>

Dear Neighborhood Associations,

Due to the ongoing weather event and the closure of City Hall, this NPP will be postponed. I will follow up with a new date as soon as one has been set, and will provide at least two weeks notice of any new date and time. My apologies for any inconvenience this may cause, and I hope everyone is safe, warm, and dry.

Thanks,

Ashley J. Becnel
Council Land Use Officer
New Orleans City Council
councillanduse@nola.gov

From: Council Land Use <councillanduse@nola.gov>

Sent: Thursday, January 9, 2025 4:14 PM

To: EnolaCivic@GMail.com <EnolaCivic@GMail.com>; cmorsecompany@gmail.com <cmorsecompany@gmail.com>; hq@pnola.org <hq@pnola.org>; michael.casey06@gmail.com <michael.casey06@gmail.com>; virginia@baldwins.tv <virginia@baldwins.tv>; climanaassociation@gmail.com <climanaassociation@gmail.com>; rozpey@bellsouth.net <rozpey@bellsouth.net>; dnaneworleans@gmail.com <dnaneworleans@gmail.com>; michaelrobinson@jerichohousing.org <michaelrobinson@jerichohousing.org>; info@faubourgavart.com <info@faubourgavart.com>; bcrutcher3@gmail.com <bcrutcher3@gmail.com>; tourobna@gmail.com <tourobna@gmail.com>; juliebob@bellsouth.net <juliebob@bellsouth.net>; debbyfdna@gmail.com <debbyfdna@gmail.com>; president@irishchannel.org <president@irishchannel.org>; coliseumsquarepresident@gmail.com <coliseumsquarepresident@gmail.com>; ddd@downtownnola.com <ddd@downtownnola.com>; brittany mcgovern <brittany@fqba.org>; French Quarter Citizens Inc.

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<pcornist@gmail.com>; awhaspel@gmail.com <awhaspel@gmail.com>; Milneburg Neighborhood Association
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oakparkcivicassociation <oakparkcivicassociation@gmail.com>; walterine5 <walterine5@aol.com>;
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jennie_mcintosh@yahoo.com <jennie_mcintosh@yahoo.com>; adunn@entergy.com <adunn@entergy.com>;
dmercer5@cox.net <dmercer5@cox.net>; jleepva@cox.net <jleepva@cox.net>; eydie_acosta@hotmail.com
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<julie@strochcc.org>; diemnguyen@mqvncdc.org <diemnguyen@mqvncdc.org>; duplantier@bellsouth.net
<duplantier@bellsouth.net>; lakecatherineassociation@yahoo.com <lakecatherineassociation@yahoo.com>;
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<claibornereborn@gmail.com>; Nfsnick4@yahoo.com <Nfsnick4@yahoo.com>;
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<stoshkozl@yahoo.com>; edgewoodpark@yahoo.com <edgewoodpark@yahoo.com>;
marvalmitchell@bellsouth.net <marvalmitchell@bellsouth.net>; lsjr07@gmail.com <lsjr07@gmail.com>;
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<presidentfna@gmail.com>; ibscience@yahoo.com <ibscience@yahoo.com>; rberger@thebergerco.com
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<L.DUPONT@PSSNOLA.COM>; tthsmile@gmail.com <tthsmile@gmail.com>

Cc: Claire F. Byun <Claire.Byun@nola.gov>; Stephen K. Kroll <skroll@nola.gov>; Robert D. Rivers
<rdrivers@nola.gov>; Ashley J. Becnel <ajbecnel@nola.gov>; Wheeler L. Manouchehri
<wheeler.manouchehri@nola.gov>

Subject: Notice of NPP Meeting - Proposing Changes to Articles 1-4 of the CZO

Dear Neighborhood Organizations,

Please see attached a letter detailed a NPP meeting to be held virtually on January 23, 2025 at 6:30 pm. and which may be accessed at: <https://us06web.zoom.us/join/9AuTEYfPQFOyWO5X63qQ1g>.

Registration for this meeting through zoom will be required for participation. Additional details can be found in the attached letter.

Ashley J. Becnel
Council Land Use Officer
New Orleans City Council

RESCHEDULED: Notice of NPP Meeting - Proposing Changes to Articles 1-4 of the CZO

From Council Land Use <councillanduse@nola.gov>

Date Mon 1/27/2025 2:26 PM

To Council Land Use <councillanduse@nola.gov>; EnolaCivic@GMail.com <EnolaCivic@GMail.com>; cmorsecompany@gmail.com <cmorsecompany@gmail.com>; hq@pnola.org <hq@pnola.org>; michael.casey06@gmail.com <michael.casey06@gmail.com>; virginia@baldwins.tv <virginia@baldwins.tv>; climanaassociation@gmail.com <climanaassociation@gmail.com>; rozpey@bellsouth.net <rozpey@bellsouth.net>; dnaneworleans@gmail.com <dnaneworleans@gmail.com>; michaelrobinson@jerichohousing.org <michaelrobinson@jerichohousing.org>; info@faubourgavart.com <info@faubourgavart.com>; bcrutcher3@gmail.com <bcrutcher3@gmail.com>; tourobna@gmail.com <tourobna@gmail.com>; juliebob@bellsouth.net <juliebob@bellsouth.net>; debbyfdna@gmail.com <debbyfdna@gmail.com>; president@irishchannel.org <president@irishchannel.org>; coliseumssquarepresident@gmail.com <coliseumssquarepresident@gmail.com>; ddd@downtownnola.com <ddd@downtownnola.com>; brittany mcgovern <brittany@fqba.org>; French Quarter Citizens Inc. <info@frenchquartercitizens.org>

Cc Claire F. Byun <Claire.Byun@nola.gov>; Stephen K. Kroll <skroll@nola.gov>; Robert D. Rivers <rdrivers@nola.gov>; Wheeler L. Manouchehri <wheeler.manouchehri@nola.gov>; Hannah E Rowe <Hannah.Rowe@nola.gov>

 1 attachment (158 KB)

NPP Letter Rescheduled.pdf;

Dear Neighborhood Organizations,

Please see attached a letter detailed a NPP meeting to be held virtually on February 12, 2025 at 6:30 pm. and which may be accessed at: <https://us06web.zoom.us/meeting/register/9AuTEYfPQFOyWO5X63qQ1g>.

Registration for this meeting through zoom will be required for participation. Additional details can be found in the attached letter.

Ashley J. Becnel
Council Land Use Officer
New Orleans City Council

From: Council Land Use <councillanduse@nola.gov>

Sent: Wednesday, January 22, 2025 3:44 PM

To: Council Land Use <councillanduse@nola.gov>; EnolaCivic@GMail.com <EnolaCivic@GMail.com>; cmorsecompany@gmail.com <cmorsecompany@gmail.com>; hq@pnola.org <hq@pnola.org>; michael.casey06@gmail.com <michael.casey06@gmail.com>; virginia@baldwins.tv <virginia@baldwins.tv>; climanaassociation@gmail.com <climanaassociation@gmail.com>; rozpey@bellsouth.net <rozpey@bellsouth.net>; dnaneworleans@gmail.com <dnaneworleans@gmail.com>;

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<tourobna@gmail.com>; juliebob@bellsouth.net <juliebob@bellsouth.net>; debbyfdna@gmail.com
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<guide@magazinestreet.com>; maplearearesidentsinc@gmail.com <maplearearesidentsinc@gmail.com>;
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<president@faubourgmarigny.org>; debjoecatering@att.net <debjoecatering@att.net>; cheryl@greatertreme.org
<cheryl@greatertreme.org>; libertyterracehomeowners@yahoo.com <libertyterracehomeowners@yahoo.com>;
julienola@gmail.com <julienola@gmail.com>; sbrady@entergy.com <sbrady@entergy.com>; pastorjrw@aol.com
<pastorjrw@aol.com>; ljackson_9w@hotmail.com <ljackson_9w@hotmail.com>; telephoneman19@yahoo.com
<telephoneman19@yahoo.com>; madj8768@gmail.com <madj8768@gmail.com>; mfcraig@bellsouth.net

<mfrcraig@bellsouth.net>; wmbick@yahoo.com <wmbick@yahoo.com>; secretary@enonac.org
<secretary@enonac.org>; epoa@yahoo.com <epoa@yahoo.com>; kenilworthNOLA@gmail.com
<kenilworthNOLA@gmail.com>; kingswood.homeowners@yahoo.com <kingswood.homeowners@yahoo.com>;
tguillentp@att.net <tguillentp@att.net>; lakebullardpresident@gmail.com <lakebullardpresident@gmail.com>;
bjackson@suno.edu <bjackson@suno.edu>; joan.heisser@att.net <joan.heisser@att.net>;
scineaux@bellsouth.net <scineaux@bellsouth.net>; dherbert28@cox.net <dherbert28@cox.net>;
emobley@coxmail.com <emobley@coxmail.com>; ofaurelwhna@yahoo.com <ofaurelwhna@yahoo.com>;
sncopelin@aol.com <sncopelin@aol.com>; mcpc@att.net <mcpc@att.net>; southlaketax@gmail.com
<southlaketax@gmail.com>; alstewart1@cox.net <alstewart1@cox.net>; letrky3@yahoo.com
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adunn@entergy.com <adunn@entergy.com>; goodwinkrewe@netzero.com <goodwinkrewe@netzero.com>;
asdunnsr@gmail.com <asdunnsr@gmail.com>; lj4adotcomdan@gmail.com <lj4adotcomdan@gmail.com>;
robz@abbeyprinting.com <robz@abbeyprinting.com>; ronicka.briscoe@gmail.com <ronicka.briscoe@gmail.com>;
kyle.franklin@gmail.com <kyle.franklin@gmail.com>; markreenehome@cox.net <markreenehome@cox.net>;
slippert3@aol.com <slippert3@aol.com>; ccharles12@cox.net <ccharles12@cox.net>;
jennie_mcintosh@yahoo.com <jennie_mcintosh@yahoo.com>; adunn@entergy.com <adunn@entergy.com>;
dmercer5@cox.net <dmercer5@cox.net>; jleepva@cox.net <jleepva@cox.net>; eydie_acosta@hotmail.com
<eydie_acosta@hotmail.com>; jedmason@bellsouth.net <jedmason@bellsouth.net>; Gilbert Crowden
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<eric@pclawfirm.com>; glennshomeoffice@gmail.com <glennshomeoffice@gmail.com>;
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<jrogersnola@gmail.com>; lowermidcityNO@gmail.com <lowermidcityNO@gmail.com>; jofriend@bellsouth.net
<jofriend@bellsouth.net>; info@lafittegreenway.org <info@lafittegreenway.org>; ruthemma24@yahoo.com
<ruthemma24@yahoo.com>; tlevy@pelhughes.com <tlevy@pelhughes.com>; info@oldalgiersmainstreet.org
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<julie@strochcc.org>; diemnguyen@mqvncdc.org <diemnguyen@mqvncdc.org>; duplantier@bellsouth.net
<duplantier@bellsouth.net>; lakecatherineassociation@yahoo.com <lakecatherineassociation@yahoo.com>;
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madegrasse@att.net <madegrasse@att.net>; shoes@claudialynch.com <shoes@claudialynch.com>;
dimarco_bl@bellsouth.net <dimarco_bl@bellsouth.net>; claibornereborn@gmail.com
<claibornereborn@gmail.com>; Nfsnick4@yahoo.com <Nfsnick4@yahoo.com>;
lowerninestakeholders@gmail.com <lowerninestakeholders@gmail.com>; stoshkozl@yahoo.com
<stoshkozl@yahoo.com>; edgewoodpark@yahoo.com <edgewoodpark@yahoo.com>;
marvalmitchell@bellsouth.net <marvalmitchell@bellsouth.net>; lsjr07@gmail.com <lsjr07@gmail.com>;
abbyyoking@gmail.com <abbyyoking@gmail.com>; donwentworth@usa.com <donwentworth@usa.com>;
togethergerttown0017@gmail.com <togethergerttown0017@gmail.com>; edgewoodheights@gmail.com
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Cc: Claire F. Byun <Claire.Byun@nola.gov>; Stephen K. Kroll <skroll@nola.gov>; Robert D. Rivers

<rdrivers@nola.gov>; Wheeler L. Manouchehri <wheeler.manouchehri@nola.gov>

Subject: CANCELLED: Notice of NPP Meeting - Proposing Changes to Articles 1-4 of the CZO

Dear Neighborhood Associations,

Due to the ongoing weather event and the closure of City Hall, this NPP will be postponed. I will follow up with a new date as soon as one has been set, and will provide at least two weeks notice of any new date and time. My apologies for any inconvenience this may cause, and I hope everyone is safe, warm, and dry.

Thanks,

Ashley J. Becnel
Council Land Use Officer
New Orleans City Council
councillanduse@nola.gov

From: Council Land Use <councillanduse@nola.gov>

Sent: Thursday, January 9, 2025 4:14 PM

To: EnolaCivic@GMail.com <EnolaCivic@GMail.com>; cmorsecompany@gmail.com <cmorsecompany@gmail.com>; hq@pnola.org <hq@pnola.org>; michael.casey06@gmail.com <michael.casey06@gmail.com>; virginia@baldwins.tv <virginia@baldwins.tv>; climanaassociation@gmail.com <climanaassociation@gmail.com>; rozpey@bellsouth.net <rozpey@bellsouth.net>; dnaneworleans@gmail.com <dnaneworleans@gmail.com>; michaelrobinson@jerichohousing.org <michaelrobinson@jerichohousing.org>; info@faubourgavart.com <info@faubourgavart.com>; bcrutcher3@gmail.com <bcrutcher3@gmail.com>; tourobna@gmail.com <tourobna@gmail.com>; juliebob@bellsouth.net <juliebob@bellsouth.net>; debbyfdna@gmail.com <debbyfdna@gmail.com>; president@irishchannel.org <president@irishchannel.org>; coliseumsquarepresident@gmail.com <coliseumsquarepresident@gmail.com>; ddd@downtownnola.com <ddd@downtownnola.com>; brittany mcgovern <brittany@fqba.org>; French Quarter Citizens Inc. <info@frenchquartercitizens.org>; fqfemme@gmail.com <fqfemme@gmail.com>; Erin Holmes <erinholmes@vcpora.org>; warehousedna@gmail.com <warehousedna@gmail.com>; cwiggins@ghrmc.org <cwiggins@ghrmc.org>; ochaleymainst@bellsouth.net <ochaleymainst@bellsouth.net>; mariegalatas@yahoo.com <mariegalatas@yahoo.com>; musser@msn.com <musser@msn.com>; info@audubonarea.org <info@audubonarea.org>; albee32a@yahoo.com <albee32a@yahoo.com>; damon.franke@usm.edu <damon.franke@usm.edu>; maggie@broadmoorimprovement.com <maggie@broadmoorimprovement.com>; H. V. Nagendra V. Nagendra <h.nagendra@att.net>; eleyda.crna@gmail.com <eleyda.crna@gmail.com>; president@fia-nola.org <president@fia-nola.org>; neighborsunited.listserve@gmail.com <neighborsunited.listserve@gmail.com>; gardendistrictno@bellsouth.net <gardendistrictno@bellsouth.net>; hollygrove.dixon <info@holly.grovedixon.org>; gardendistrictno@bellsouth.net <gardendistrictno@bellsouth.net>; guide@magazinestreet.com <guide@magazinestreet.com>; maplearearesidentsinc@gmail.com <maplearearesidentsinc@gmail.com>; rbienvu@aol.com <rbienvu@aol.com>; ssakla@lawmedic.com <ssakla@lawmedic.com>; timg@marlyville.me <timg@marlyville.me>; nwcarrollton@mindspring.com <nwcarrollton@mindspring.com>; gbdiggs11133 <gbdiggs11133@aol.com>; leonidashouse@gmail.com <leonidashouse@gmail.com>; tilman@coreusa.org <tilman@coreusa.org>; jeanne@landrylawnola.net <jeanne@landrylawnola.net>; kroux@deutschkerrigan.com <kroux@deutschkerrigan.com>; info@upperhurstville.com <info@upperhurstville.com>; president@uptowntriangle.com <president@uptowntriangle.com>; jeff@broadcommunityconnections.org <jeff@broadcommunityconnections.org>; wayneben06@yahoo.com

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president@hfta.org <president@hfta.org>; pbcpastordavis@bellsouth.net <pbcpastordavis@bellsouth.net>;
cobbsuzi <cobbsuzi@yahoo.com>; t.hurley <t.hurley@hurleycot.com>; dalton3 <dalton3@wagnertruax.com>;
Paulneworleans@gmail.com <Paulneworleans@gmail.com>; Victor.landry.lpoa <Victor.landry.lpoa@gmail.com>;
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<neworleansburbankgardens@gmail.com>; filmore.gardens <filmore.gardens@yahoo.com>; voscovillenwa
<voscovillenwa@gmail.com>; gwenhawk59@yahoo.com <gwenhawk59@yahoo.com>; ghenazb
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<pcornist@gmail.com>; awhaspel@gmail.com <awhaspel@gmail.com>; Milneburg Neighborhood Association
<Sandrewell504@gmail.com>; mirabeaugradens@outlook.com <mirabeaugradens@outlook.com>;
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Watson <dwatson@nola.gov>; 7thwardassoc@gmail.com <7thwardassoc@gmail.com>; voscovillenwa
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bjackson@suno.edu <bjackson@suno.edu>; joan.heisser@att.net <joan.heisser@att.net>;
scineaux@bellsouth.net <scineaux@bellsouth.net>; dherbert28@cox.net <dherbert28@cox.net>;
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Cc: Claire F. Byun <Claire.Byun@nola.gov>; Stephen K. Kroll <skroll@nola.gov>; Robert D. Rivers <rdrivers@nola.gov>; Ashley J. Becnel <ajbecnel@nola.gov>; Wheeler L. Manouchehri <wheeler.manouchehri@nola.gov>
Subject: Notice of NPP Meeting - Proposing Changes to Articles 1-4 of the CZO

Dear Neighborhood Organizations,

Please see attached a letter detailed a NPP meeting to be held virtually on January 23, 2025 at 6:30 pm. and which may be accessed at: <https://us06web.zoom.us/meeting/register/9AuTEYfPQFOyWO5X63qQ1g>.

Registration for this meeting through zoom will be required for participation. Additional details can be found in the attached letter.

Ashley J. Becnel
Council Land Use Officer
New Orleans City Council



THE COUNCIL
CITY OF NEW ORLEANS
COUNCIL LAND USE OFFICE

Ashley J. Becnel
Council Land Use Officer

City Hall, Suite 1E06
1300 Perdido St.
New Orleans, LA 70112
(504) 658-1095

January 27, 2025

NOTICE OF NEIGHBORHOOD PARTICIPATION PLAN MEETING

The New Orleans City Council is investigating whether changes should be made to Articles 1-4 of the Comprehensive Zoning Ordinance. The goal of these changes would be to streamline administrative processes, clarify unclear provisions of the CZO, and codify evolving practices. As part of this process, the motion initiating the text amendment will allow the City Planning Commission to update definitions in Article 26 to ensure consistency in the CZO. CPC will be directed to work with the Council Land Use Officer as well as the Zoning Administration of the Department of Safety and Permits on this matter, and this is a joint effort from these three coordinating bodies.

Notice is hereby given that a virtual meeting will be held on February 12, 2025 at 6:30 p.m.
This meeting may be accessed at the following link:
<https://us06web.zoom.us/meeting/register/aBssydVCTXiMWCGcz-N8Yg>. **Registration is required for this meeting**, and this meeting will be recorded. This NPP will serve as a kick-off to the project but will not be the only opportunity for input by the public. The Council envisions holding at least one additional virtual listening session as well as a committee meeting to discuss the changes before they are adopted.

These changes will be effective citywide. Communication will occur through email from the Council, City Planning Commission, and NoticeMe. The public is encouraged to reach out to the City Planning Commission at cpcinfo@nola.gov to provide feedback, suggestions, and ideas.

Changes to be considered include but are not limited to:

- Providing that items which fail to reach a legal majority among the City Planning Commission shall be transmitted to the Council as a denial;
- Detailed review of NPP processes (multiple citations), to include a single section for all NPP provisions;
- Clarification of Council actions as part of zoning amendments (4.2.D.3) and conditional uses (4.3.D.3) to better align with the Charter and Council practices;

- Clarity regarding the use of provisos in conditional use instruments to ensure ongoing compatibility with the text of the CZO (4.3.E);
- Clarification of expiration and availability of administrative extensions for conditional uses (4.3.H.1) and planned developments (4.4.I.1);
- Codification of the extension processes for conditional uses (4.3.H.2) and planned developments (4.4.I.2) including application deadlines, deadlines for council action, and process development;
- Clarification of conditions requiring various levels of review for changes to development plans (4.5.F.2);
- Expiration of design review applications (4.5);
- Examining variances associated with subdivisions (4.6.C);
- Codify which provisions of the CZO are and are not susceptible to waiver by the BZA (4.6.C);
- Provide deadlines for BZA action (4.6);
- Reconcile state law conflicts regarding BZA variance decision appeals (4.6.H);
- Additional details regarding the minor map adjustment process (4.7);
- Codification of long-held interpretations of what matters may be appealed to the BZA (4.8.B);
- Clarity regarding the application of administrative stays related to Zoning Appeals (4.8.E);
- Streamlining processes and procedures related to Zoning Verifications to enable the Zoning Administration to process them more efficiently (4.9);
- Clarifications to the zoning interpretations process, including notice and initiation of interpretation requests (4.10);
- Changes to notice requirements to reflect increased virtual options (Article 3);
- Clarification of City Council processes related to Master Plan changes (new section).

This meeting will include a brief presentation by the Council Land Use Officer regarding the intended changes and process for amendment and will be followed by time for public comment and questions. The meeting will end at 7:30 p.m., and any comments that can't be accommodated during this time can be submitted virtually to councillanduse@nola.gov. Questions about the NPP meeting itself can also be sent to this email address. Additional listening sessions will be held which will offer further opportunities for comments and questions.

RESCHEDULED NPP - Proposing Changes to Articles 1-4 of the CZO

From Council Land Use <councillanduse@nola.gov>

Date Thu 5/8/2025 2:23 PM

To Council Land Use <councillanduse@nola.gov>; EnolaCivic@GMail.com <EnolaCivic@GMail.com>; cmorsecompany@gmail.com <cmorsecompany@gmail.com>; hq@pnola.org <hq@pnola.org>; michael.casey06@gmail.com <michael.casey06@gmail.com>; virginia@baldwins.tv <virginia@baldwins.tv>; climanaassociation@gmail.com <climanaassociation@gmail.com>; rozpey@bellsouth.net <rozpey@bellsouth.net>; dnaneworleans@gmail.com <dnaneworleans@gmail.com>; michaelrobinson@jerichohousing.org <michaelrobinson@jerichohousing.org>; info@faubourgavart.com <info@faubourgavart.com>; bcrutcher3@gmail.com <bcrutcher3@gmail.com>; tourobna@gmail.com <tourobna@gmail.com>; juliebob@bellsouth.net <juliebob@bellsouth.net>; debbyfdna@gmail.com <debbyfdna@gmail.com>; president@irishchannel.org <president@irishchannel.org>; coliseumssquarepresident@gmail.com <coliseumssquarepresident@gmail.com>; ddd@downtownnola.com <ddd@downtownnola.com>; brittany mcgovern <brittany@fqba.org>; French Quarter Citizens Inc. <info@frenchquartercitizens.org>

Cc Claire F. Byun <Claire.Byun@nola.gov>; Stephen K. Kroll <skroll@nola.gov>; Robert D. Rivers <rdrivers@nola.gov>; Wheeler L. Manouchehri <wheeler.manouchehri@nola.gov>; Hannah E Rowe <Hannah.Rowe@nola.gov>

Bcc Erin Holmes <erinhomes@vcpora.org>; mxmirsky@gmail.com <mxmirsky@gmail.com>; sjohnson@townofcarrolltonwatch.org <sjohnson@townofcarrolltonwatch.org>; SLStokkes <slstokes@earthlink.net>; justinschmidtllaw@gmail.com <justinschmidtllaw@gmail.com>; jseymour8@gmail.com <jseymour8@gmail.com>; Ron Loesel <ron@zachsmithconsulting.com>; bob.murrell@gmail.com <bob.murrell@gmail.com>; karen@fernandezplans.com <karen@fernandezplans.com>; winston.jarrott@emrgroup.com <winston.jarrott@emrgroup.com>; Lynnette Judge <lfjudge@cox.net>; temmerling@labordesiegel.com <temmerling@labordesiegel.com>; hendersontheresaangela@msn.com <hendersontheresaangela@msn.com>; fant.don@gmail.com <fant.don@gmail.com>; cmnurse2001@gmail.com <cmnurse2001@gmail.com>; Paul Baricos <paul.baricos@gmail.com>; debralombarb@yahoo.com <debralombarb@yahoo.com>; Paulette Perrien <perrienpr@gmail.com>; Missy Quigley <missy@shermanstrategiesllc.com>; jlogan@loganlawoffices.com <jlogan@loganlawoffices.com>

 3 attachments (413 KB)

NPP Letter Revised 2 - 2025.05.22.pdf; Proposed Changes - CZO Administrative Update PUBLIC 2025.05.08.pdf; 3.5 NPPs - For Public.pdf;

Dear Neighborhood Organizations,

Please see attached a letter detailed a NPP meeting to be held virtually on May 22, 2025 at 6:00 pm. and which may be accessed at: <https://us06web.zoom.us/j/84808308950>.

Additional details can be found in the attached letter, or on the City Council's website at <https://council.nola.gov/resources/neighborhood-participation-plans/>. The website includes a link to a list of changes proposed to date. For everyone's convenience, I am also attaching this list, as well as the referenced proposed changes to NPP processes, to this email.

Ashley J. Becnel
Council Land Use Officer

From: Council Land Use

Sent: Monday, February 24, 2025 3:57 PM

To: Council Land Use; EnolaCivic@GMail.com; cmorsecompany@gmail.com; hq@pnola.org; michael.casey06@gmail.com; virginia@baldwins.tv; climanaassociation@gmail.com; rozpey@bellsouth.net; dnaneworleans@gmail.com; michaelrobinson@jerichohousing.org; info@faubourgavart.com; bcrutcher3@gmail.com; tourobna@gmail.com; juliebob@bellsouth.net; debbyfdna@gmail.com; president@irishchannel.org; coliseumsquarepresident@gmail.com; ddd@downtownnola.com; brittany mcgovern; French Quarter Citizens Inc.; fqfemme@gmail.com; Erin Holmes; warehousedna@gmail.com; cwiggins@ghrmc.org; ochaleymainst@bellsouth.net; mariegalatas@yahoo.com; musser@msn.com; info@audubonarea.org; albee32a@yahoo.com; damon.franke@usm.edu; maggie@broadmoorimprovement.com; H. V. Nagendra V. Nagendra; eleyda.crna@gmail.com; president@fia-nola.org; neighborsunited.listserve@gmail.com; gardendistrictno@bellsouth.net; hollygrove.dixon; gardendistrictno@bellsouth.net; guide@magazinestreet.com; maplearearesidentsinc@gmail.com; rbienvenu@aol.com; ssakla@lawmedic.com; timg@marlyville.me; nwcarrrollton@mindspring.com; gbdiggs11133; leonidashouse@gmail.com; tilman@coreusa.org; jeanne@landrylawnola.net; kroux@deutschkerrigan.com; info@upperhurstville.com; president@uptowntriangle.com; jeff@broadcommunityconnections.org; wayneben06@yahoo.com; ertca.nola@gmail.com; ftnaboard@hotmail.com; flta2200@gmail.com; president@fsjna.org; lebranelegacyfoundation@yahoo.com; president@hfta.org; pbcpastordavis@bellsouth.net; cobbsuzi; t.hurley; dalton3; Paulneworleans@gmail.com; Victor.landry.lpoa; president; president; ian@nanollc.net; Kerry Cuccia; wapsupplies; neworleansburbankgardens; filmore.gardens; voscovillenwa; gwenhawk59@yahoo.com; ghena2b; president@gentillyterrace.org; pcornist; awhaspel@gmail.com; Milneburg Neighborhood Association; mirabeaugradens@outlook.com; oakparkcivicassociation; walterine5; gretchenbradford; abwfaithinthefuture; Darryl Watson; 7thwardassoc@gmail.com; voscovillenwa; Peggyb504@yahoo.com; vistaparkboard; bunnyfriendassoc@gmail.com; bywaterpresident@gmail.com; FMIA President; debjoecatering@att.net; cheryl@greatertreme.org; libertyterracehomeowners@yahoo.com; julienola@gmail.com; sbrady@entergy.com; pastorjrw@aol.com; ljackson_9w@hotmail.com; telephoneman19@yahoo.com; madj8768@gmail.com; mfcraig@bellsouth.net; wmbick@yahoo.com; secretary@enonac.org; epoa@yahoo.com; kenilworthNOLA@gmail.com; kingswood.homeowners@yahoo.com; tguillentp@att.net; lakebullardpresident@gmail.com; bjackson@suno.edu; joan.heisser@att.net; scineaux@bellsouth.net; dherbert28@cox.net; emobley@coxmail.com; ofaurelwhna@yahoo.com; sncopelin@aol.com; mcpc@att.net; southlaketax@gmail.com; alstewart1@cox.net; letrky3@yahoo.com; ellenpenny@att.net; gfarmant@yahoo.com; bhornsby@cox.net; bouben@yahoo.com; legauxann@gmail.com; lakecatherineassociation@yahoo.com; kfoster@algiereconomic.com; adunn@entergy.com; goodwinkrewe@netzero.com; asdunnsr@gmail.com; lj4adotcomdan@gmail.com; robz@abbeyprinting.com; ronicka.briscoe@gmail.com; kyle.franklin@gmail.com; markreenehome@cox.net; slippert3@aol.com; ccharles12@cox.net; jennie_mcintosh@yahoo.com; adunn@entergy.com; dmercer5@cox.net; jleepva@cox.net; eydie_acosta@hotmail.com; jedmason@bellsouth.net; Gilbert Crowden; lesaellison@aol.com; info@walnutbendno.org; yvonnemg@aol.com; eric@pickeringandassociates.com; glennshomeoffice@gmail.com; gerardrouchon55@gmail.com; jrogersnola@gmail.com; lowermidcityNO@gmail.com; jofriend@bellsouth.net; info@lafittegreenway.org; ruthemma24@yahoo.com; tlevy@pelhughes.com; info@oldalgiersmainstreet.org;

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Cc: Claire F. Byun; Stephen K. Kroll; Robert D. Rivers; Wheeler L. Manouchehri; Hannah E Rowe

Subject: UPDATE - Proposing Changes to Articles 1-4 of the CZO

Hello all,

I want to provide a brief update. After our NPP, several excellent suggestions were made and we are incorporating them into our process. The most notable is the creation of a website to explain proposed changes we are considering or which have been suggested for consideration. Our goal truly is to make this process open and accessible and for it to incorporate feedback from all corners of the community. We will also use that website to provide updates regarding future steps, including but not limited to a subsequent NPP that will include all of this information, the introduction of the motion directing CPC to consider text changes, community listening sessions, and any other opportunities to provide feedback or meetings where decisions might be made. I have bcc'ed everyone who registered for the webinar on this email, but please feel free to forward this email to anyone else who might be interested or to encourage them to email councillanduse@nola.gov for additional information.

Because we plan to incorporate these changes, we will **not** be moving forward with the motion this week at the meeting on February 27, 2025. I will follow up by email shortly with information on the website and on a second virtual NPP to provide more information about the process. This second virtual NPP will take place after the website is publicly available and before any motion is introduced or heard related to these changes.

Thank you very much for participating and providing your thoughts. We are excited that there is so much engagement in this process and greatly value your input.

Ashley J. Becnel
Council Land Use Officer
New Orleans City Council

From: Council Land Use <councillanduse@nola.gov>

Sent: Wednesday, February 12, 2025 11:15 AM

To: Council Land Use <councillanduse@nola.gov>; EnolaCivic@GMail.com <EnolaCivic@GMail.com>; cmorsecompany@gmail.com <cmorsecompany@gmail.com>; hq@pnola.org <hq@pnola.org>; michael.casey06@gmail.com <michael.casey06@gmail.com>; virginia@baldwins.tv <virginia@baldwins.tv>; climanaassociation@gmail.com <climanaassociation@gmail.com>; rozpey@bellsouth.net <rozpey@bellsouth.net>; dnaneworleans@gmail.com <dnaneworleans@gmail.com>; michaelrobinson@jerichohousing.org <michaelrobinson@jerichohousing.org>; info@faubourgavart.com <info@faubourgavart.com>; bcrutcher3@gmail.com <bcrutcher3@gmail.com>; tourobna@gmail.com <tourobna@gmail.com>; juliebob@bellsouth.net <juliebob@bellsouth.net>; debbyfdna@gmail.com <debbyfdna@gmail.com>; president@irishchannel.org <president@irishchannel.org>;

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<guide@magazinestreet.com>; maplearearesidentsinc@gmail.com <maplearearesidentsinc@gmail.com>;
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<info@upperhurstville.com>; president@uptowntriangle.com <president@uptowntriangle.com>;
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<ftnaboard@hotmail.com>; flta2200@gmail.com <flta2200@gmail.com>; president@fsjna.org
<president@fsjna.org>; lebranelegacyfoundation@yahoo.com <lebranelegacyfoundation@yahoo.com>;
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<voscovillenwa@gmail.com>; Peggyb504@yahoo.com <Peggyb504@yahoo.com>; vistaparkboard
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 <rdrivers@nola.gov>; Wheeler L. Manouchehri <wheeler.manouchehri@nola.gov>; Hannah E Rowe
 <Hannah.Rowe@nola.gov>

Subject: Re: RESCHEDULED: Notice of NPP Meeting - Proposing Changes to Articles 1-4 of the CZO

Hello all,

I just wanted to send a quick reminder about this meeting tonight at 6:30 p.m. You will need to register for the meeting in advance at the link below if you wish to participate. Thank you!

Ashley J. Becnel
Council Land Use Officer
New Orleans City Council

From: Council Land Use <councillanduse@nola.gov>

Sent: Monday, January 27, 2025 2:26 PM

To: Council Land Use <councillanduse@nola.gov>; EnolaCivic@GMail.com <EnolaCivic@GMail.com>; cmorsecompany@gmail.com <cmorsecompany@gmail.com>; hq@pnola.org <hq@pnola.org>; michael.casey06@gmail.com <michael.casey06@gmail.com>; virginia@baldwins.tv <virginia@baldwins.tv>; climanaassociation@gmail.com <climanaassociation@gmail.com>; rozpey@bellsouth.net <rozpey@bellsouth.net>; dnaneworleans@gmail.com <dnaneworleans@gmail.com>; michaelrobinson@jerichohousing.org <michaelrobinson@jerichohousing.org>; info@faubourgavart.com <info@faubourgavart.com>; bcrutcher3@gmail.com <bcrutcher3@gmail.com>; tourobna@gmail.com <tourobna@gmail.com>; juliebob@bellsouth.net <juliebob@bellsouth.net>; debbyfdna@gmail.com <debbyfdna@gmail.com>; president@irishchannel.org <president@irishchannel.org>; coliseumsquarepresident@gmail.com <coliseumsquarepresident@gmail.com>; ddd@downtownnola.com <ddd@downtownnola.com>; brittany mcgovern <brittany@fqba.org>; French Quarter Citizens Inc. <info@frenchquartercitizens.org>; fqfemme@gmail.com <fqfemme@gmail.com>; Erin Holmes <erinhomes@vcpora.org>; warehousedna@gmail.com <warehousedna@gmail.com>; cwiggins@ghrmc.org <cwiggins@ghrmc.org>; ochaleymainst@bellsouth.net <ochaleymainst@bellsouth.net>; mariegalatas@yahoo.com <mariegalatas@yahoo.com>; musser@msn.com <musser@msn.com>; info@audubonarea.org <info@audubonarea.org>; albee32a@yahoo.com <albee32a@yahoo.com>; damon.franke@usm.edu <damon.franke@usm.edu>; maggie@broadmoorimprovement.com <maggie@broadmoorimprovement.com>; H. V. Nagendra V. Nagendra <h.nagendra@att.net>; eleyda.crna@gmail.com <eleyda.crna@gmail.com>; president@fia-nola.org <president@fia-nola.org>; neighborsunited.listserve@gmail.com <neighborsunited.listserve@gmail.com>; gardendistrictno@bellsouth.net <gardendistrictno@bellsouth.net>; hollygrove.dixon <info@holly.grovedixion.org>; gardendistrictno@bellsouth.net <gardendistrictno@bellsouth.net>; guide@magazinestreet.com <guide@magazinestreet.com>; maplearearesidentsinc@gmail.com <maplearearesidentsinc@gmail.com>; rbienvu@aol.com <rbienvu@aol.com>; ssakla@lawmedic.com <ssakla@lawmedic.com>; timg@marlyville.me <timg@marlyville.me>; nwcarrollton@mindspring.com <nwcarrollton@mindspring.com>; gbdiggs11133 <gbdiggs11133@aol.com>; leonidashouse@gmail.com <leonidashouse@gmail.com>; tilman@coreusa.org <tilman@coreusa.org>; jeanne@landrylawnola.net <jeanne@landrylawnola.net>; kroux@deutschkerrigan.com <kroux@deutschkerrigan.com>; info@upperhurstville.com <info@upperhurstville.com>; president@uptowntriangle.com <president@uptowntriangle.com>; jeff@broadcommunityconnections.org <jeff@broadcommunityconnections.org>; wayneben06@yahoo.com <wayneben06@yahoo.com>; ertca.nola@gmail.com <ertca.nola@gmail.com>; ftnaboard@hotmail.com <ftnaboard@hotmail.com>; flta2200@gmail.com <flta2200@gmail.com>; president@fsjna.org <president@fsjna.org>; lebranelegacyfoundation@yahoo.com <lebranelegacyfoundation@yahoo.com>; president@hfta.org <president@hfta.org>; pbcpastordavis@bellsouth.net <pbcpastordavis@bellsouth.net>; cobbsuzi <cobbsuzi@yahoo.com>; t.hurley <t.hurley@hurleycot.com>; dalton3 <dalton3@wagnertruax.com>;

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Cc: Claire F. Byun <Claire.Byun@nola.gov>; Stephen K. Kroll <skroll@nola.gov>; Robert D. Rivers <rdrivers@nola.gov>; Wheeler L. Manouchehri <wheeler.manouchehri@nola.gov>; Hannah E Rowe <Hannah.Rowe@nola.gov>

Subject: RESCHEDULED: Notice of NPP Meeting - Proposing Changes to Articles 1-4 of the CZO

Dear Neighborhood Organizations,

Please see attached a letter detailed a NPP meeting to be held virtually on February 12, 2025 at 6:30 pm. and which may be accessed at: <https://us06web.zoom.us/meeting/register/9AuTEYfPQFOyWO5X63qQ1g>.

Registration for this meeting through zoom will be required for participation. Additional details can be found in the attached letter.

Ashley J. Becnel
Council Land Use Officer
New Orleans City Council

From: Council Land Use <councillanduse@nola.gov>

Sent: Wednesday, January 22, 2025 3:44 PM

To: Council Land Use <councillanduse@nola.gov>; EnolaCivic@GMail.com <EnolaCivic@GMail.com>; cmorsecompany@gmail.com <cmorsecompany@gmail.com>; hq@pnola.org <hq@pnola.org>; michael.casey06@gmail.com <michael.casey06@gmail.com>; virginia@baldwins.tv <virginia@baldwins.tv>; climanaassociation@gmail.com <climanaassociation@gmail.com>; rozpey@bellsouth.net <rozpey@bellsouth.net>; dnaneworleans@gmail.com <dnaneworleans@gmail.com>; michaelrobinson@jerichohousing.org <michaelrobinson@jerichohousing.org>; info@faubourgavart.com <info@faubourgavart.com>; bcrutcher3@gmail.com <bcrutcher3@gmail.com>; tourobna@gmail.com <tourobna@gmail.com>; juliebob@bellsouth.net <juliebob@bellsouth.net>; debbyfdna@gmail.com <debbyfdna@gmail.com>; president@irishchannel.org <president@irishchannel.org>; coliseumsquarepresident@gmail.com <coliseumsquarepresident@gmail.com>; ddd@downtownnola.com

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Subject: CANCELLED: Notice of NPP Meeting - Proposing Changes to Articles 1-4 of the CZO

Dear Neighborhood Associations,

Due to the ongoing weather event and the closure of City Hall, this NPP will be postponed. I will follow up with a new date as soon as one has been set, and will provide at least two weeks notice of any new date and time. My apologies for any inconvenience this may cause, and I hope everyone is safe, warm, and dry.

Thanks,

Ashley J. Becnel
Council Land Use Officer
New Orleans City Council
councillanduse@nola.gov

From: Council Land Use <councillanduse@nola.gov>

Sent: Thursday, January 9, 2025 4:14 PM

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Subject: Notice of NPP Meeting - Proposing Changes to Articles 1-4 of the CZO

Dear Neighborhood Organizations,

Please see attached a letter detailed a NPP meeting to be held virtually on January 23, 2025 at 6:30 pm. and which may be accessed at: <https://us06web.zoom.us/meeting/register/9AuTEYfPQFOyWO5X63qQ1g>.

Registration for this meeting through zoom will be required for participation. Additional details can be found in the attached letter.

Ashley J. Becnel
Council Land Use Officer
New Orleans City Council



THE COUNCIL
CITY OF NEW ORLEANS
COUNCIL LAND USE OFFICE

Ashley J. Becnel
Council Land Use Officer

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May 8, 2025

NOTICE OF NEIGHBORHOOD PARTICIPATION PLAN MEETING

The New Orleans City Council is investigating whether changes should be made to Articles 1-4 of the Comprehensive Zoning Ordinance. The goal of these changes would be to streamline administrative processes, clarify unclear provisions of the CZO, and codify evolving practices. As part of this process, the motion initiating the text amendment will allow the City Planning Commission to update definitions in Article 26 to ensure consistency in the CZO. CPC will be directed to work with the Council Land Use Officer as well as the Zoning Administration of the Department of Safety and Permits on this matter, and this is a joint effort from these three coordinating bodies.

Notice is hereby given that a virtual meeting will be held on May 22, 2025 at 6:00 p.m. This meeting may be accessed at the following link: <https://us06web.zoom.us/j/84808308950>. This meeting will be recorded. This NPP will serve as a kick-off to the project but will not be the only opportunity for input by the public. The Council envisions holding a committee meeting to discuss the changes before they are adopted and may provide additional options for public feedback outside of the CPC process.

These changes will be effective citywide. Communication will occur through email from the Council, City Planning Commission, and NoticeMe. The public is encouraged to reach out to the City Planning Commission at cpcinfo@nola.gov to provide feedback, suggestions, and ideas.

Changes to be considered are detailed on the Council's website at <https://council.nola.gov/resources/neighborhood-participation-plans/>.

This meeting will include a brief presentation by the Council Land Use Officer regarding the intended changes and process for amendment and will be followed by time for public comment and questions. The meeting will end at 7:00 p.m., and any comments that can't be accommodated during this time can be submitted virtually to councillanduse@nola.gov. Questions about the NPP meeting itself can also be sent to this email address. Additional listening sessions will be held which will offer further opportunities for comments and questions.

Section	Proposer	Summary of Change	Need for Change	Current Text	Proposed Change
3.5 (new section)	CPC Staff, Council Land Use, Council Districts	Create a dedicated section for NPP procedures	Resolve inconsistencies between NPPs for different application types and create authoritative citation	None	<i>See word document</i>
3.6 (new section)	CPC Staff, Council Land Use, Council Districts, DSP	Codify the requirement for an electronic notification system	Ensures that NoticeMe or an equivalent system is used for land use	None	<u>3.6 Electronic Notification System. City Planning Commission staff will maintain an electronic notification system capable of providing notice of all land use actions specified in the Comprehensive Zoning Ordinance to interested parties. This system may require participants to sign up and to indicate which notices they are interested in receiving. The City’s NoticeMe system shall be deemed to fulfill this requirement, or the City Planning Commission may designate an alternative system if NoticeMe becomes unavailable for a considerable length of time or otherwise does not meet the requirements herein. The unavailability or failure of such a system shall not be reason to invalidate any application or action taken under this ordinance.</u>
4.10.E.1	Safety and Permits, Council District	Specify that interpretations must be available online and through NoticeMe and must include statement of the right to appeal	Ensure that interpretations are publicly available, that interested parties are notified of new interpretations for appeal purposes, and provide additional information to applicants	All applications for a zoning text interpretation shall be filed with the Director of the Department of Safety and Permits in accordance with the requirements in Section 3.2. The Director of the Department of Safety and Permits shall review a request for an interpretation and render the written interpretation within forty-five (45) days of receipt of a complete application. The Director of the Department of Safety and Permits has the authority to request additional information prior to rendering an interpretation. The Director of the Department of Safety and Permits shall maintain a written record of all interpretations.	All applications for a zoning text interpretation shall be filed with the Director of the Department of Safety and Permits in accordance with the requirements in Section 3.2. The Director of the Department of Safety and Permits shall review a request for an interpretation and render the written interpretation within forty-five (45) days of receipt of a complete application. The Director of the Department of Safety and Permits has the authority to request additional information prior to rendering an interpretation. The Director of the Department of Safety and Permits shall maintain a written record of all interpretations <u>and shall make all interpretations available on their publicly-accessible website. The Director of the Department of Safety and Permits shall also provide notice of interpretations issued by the Director of the Department of Safety and Permits must contain a statement explaining that there is a right to appeal to the Board of Zoning Adjustments and the deadline to do so.</u>
4.10.F.3 (new section)	Council District	Require DSP to include appeal deadline in zoning interpretations	Provide additional information to applicants	None	<u>3. All formal interpretation decisions by the Department of Safety and Permits must contain a statement explaining that there is a right to appeal to the Board of Zoning Adjustments and the deadline to do so.</u>
4.2.B.4 (new section)	CPC Staff	Allow for the CPC to introduce Zoning Text and Map amendments in connection with Master Plan revisions, land use and land use plans.	Reflects Charter language contemplating CPC-introduced zoning amendments	None	<u>4. The City Planning Commission may initiate zoning map and text amendments in connection with Master Plan revisions, land use studies and land use plans.</u>

Section	Proposer	Summary of Change	Need for Change	Current Text	Proposed Change
4.2.C	Council District	Clarify what actions Council is required to take	More accurate than existing language	The City Council shall take formal action on requests for zoning text or map amendments after receiving a recommendation from the City Planning Commission, in accordance with Sections 5-406 and 5-407 of the City Charter.	The City Council ~~shall~~ may take formal action on requests for zoning text or map amendments after receiving a recommendation from the City Planning Commission, in accordance with Sections 5-406 and 5-407 of the City Charter. <u>The City Council shall receive the Commission's recommendation related to requests for zoning text or map amendments and shall calendar said requests for hearing in accordance with Section 4.2.D.4.</u>
4.2.Chart	CPC Staff	Correct lie-over period after council introduction of ordinance to 20 days	Current reference to 21 days conflicts with charter requirements	Introduction of Ordinance by City Council. The Ordinance will layover a minimum of 21 days before adoption.	Introduction of Ordinance by City Council. The Ordinance will lay over a minimum of ~~21~~ 20 days before adoption.
4.2.Chart	Council Land Use	Change motion to approve/approve with modifications to draft ordinance	Revise language to match proposed 4.2.D.4.a changes	Motion to Approve / Motion to Approve with Modifications / Motion to Deny	Motion to Approve Direct <u>the Preparation of an Ordinance</u> / ~~Motion to Approve with Modifications~~ / Motion to Deny
4.2.D.3.c	Council Land Use	Add language allowing Council to provide for more time	Enables Council to ensure adequate review and public engagement for complex amendments	The City Planning Commission shall recommend approval, modified approval, or denial sixty (60) days from the opening of the public hearing. The City Planning Commission may also vote to defer action within City Charter required timeframes in cases where it discovers applicants have not submitted complete and accurate information, including but not limited to errors or omissions in following the Project NPP. The failure to resolve a finding of incomplete or inaccurate information may be grounds for recommending denial. If the City Planning Commission fails to act by a vote of the majority of the Commission members, the application will be forwarded to the City Council without recommendation of no legal majority. The City Planning Commission's written recommendations, together with the staff report and recommendation, if any, shall be filed with the Clerk of the City Council.	The City Planning Commission shall recommend approval, modified approval, or denial sixty (60) days from the opening of the public hearing. <u>For amendments initiated by Council motion, the City Council may provide for a longer period than sixty (60) days for good cause.</u> The City Planning Commission may also vote to defer action within City Charter required timeframes in cases where it discovers applicants have not submitted complete and accurate information, including but not limited to errors or omissions in following the Project NPP. The failure to resolve a finding of incomplete or inaccurate information may be grounds for recommending denial. If the City Planning Commission fails to act by a vote of the majority of the Commission members, the application will be forwarded to the City Council without recommendation of no legal majority. The City Planning Commission's written recommendations, together with the staff report and recommendation, if any, shall be filed with the Clerk of the City Council.
4.2.D.4.a	Council Land Use	Recognize the purpose of the motion phase as directing the preparation of an ordinance, delete language regarding outcome with no legal majority	Clarify the purpose of the motion phase to set public expectations and accord with case law	a. The City Council shall hold a public hearing in accordance with its rules and take action by motion of approval, modified approval, or denial sixty (60) days from receipt of a City Planning Commission recommendation. The City Council may not take official action upon any application requiring a recommendation of the City Planning Commission until the report of the Commission has been received or, if the City Planning Commission has failed to act by a vote of the majority of the Commission members, once the application has been forwarded to the City Council without recommendation.	a. The City Council shall hold a public hearing ~~in accordance with its rules and take action by motion of approval, modified approval, or denial~~ <u>determine by motion whether the zoning docket should be heard as an ordinance within</u> sixty (60) days from receipt of a City Planning Commission recommendation. <u>This motion shall direct the preparation of an ordinance effectuating the zoning change, specifying any changes to be made from the requested amendment, or shall deny the amendment application.</u> The City Council may not take official action upon any application requiring a recommendation of the City Planning Commission until the report of the Commission has been received, ~~or, if the City Planning Commission has failed to act by a vote of the majority of the Commission members, once the application has been forwarded to the City Council without recommendation.~~

Section	Proposer	Summary of Change	Need for Change	Current Text	Proposed Change
4.2.D.4.b	Council Land Use	Delete sentence regarding outcome with no legal majority	Recognize changes made to similar sections regarding CPC failure to reach legal majority	b. If the City Council fails to take action by motion sixty (60) days from receipt of the City Planning Commission recommendation, the application is denied. If the application is forwarded to the City Council without recommendation from the City Planning Commission and the City Council fails to take action by motion sixty (60) days from the date it received the application, the application is denied.	b. If the City Council fails to take action by motion sixty (60) days from receipt of the City Planning Commission recommendation, the application is denied. ~~If the application is forwarded to the City Council without recommendation from the City Planning Commission and the City Council fails to take action by motion sixty (60) days from the date it received the application, the application is denied.~~
4.2.D.4.c	Council Land Use	Provides process for ordinances which are not introduced after passage of a motion	Reconcile proposed changes to 4.2.D.4.a and remove provisions duplicative of Charter requirements	If the City Council takes action by motion of approval or modified approval, the City Council may forward the motion to the City Law Department for preparation of an ordinance. If the ordinance is introduced by the City Council, the ordinance shall lay over for a minimum of twenty (20) days following introduction before the Council may adopt it. The City Council's adoption of a motion shall not be construed as an approval of a zoning matter unless and until an ordinance is introduced and adopted in accordance with the Charter; introduction of an ordinance does not indicate the City Council's approval of a zoning matter. Failure by the City Council to take action on a zoning ordinance within ninety (90) days of the date the City Council took action by motion shall mean that the application is denied.	~~If the City Council takes action by motion of approval or modified approval, the City Council may forward the motion to the City Law Department for preparation of an ordinance. If the ordinance is introduced by the City Council, the ordinance shall lay over for a minimum of twenty (20) days following introduction before the Council may adopt it.~~ The City Council's adoption of a motion <u>under 4.2.D.4.a</u> shall not be construed as an approval of a zoning matter unless and until an ordinance is introduced and adopted in accordance with the Charter; introduction of an ordinance does not indicate the City Council's approval of a zoning matter. <u>Should a Council office elect not to introduce an ordinance despite passage of a motion directing the preparation of an ordinance, they shall notify the Clerk of Council of this intention in writing within sixty (60) days of the passage of the motion.</u> Failure by the City Council to take action on a zoning ordinance within ninety (90) days of the date the City Council ~~took action by~~ <u>passed the</u> motion shall mean that the application is denied.
4.2.E (Table 4-1)	CPC Staff	Remove references to place designations	Place designations are not meaningfully defined in the CZO and do not provide helpful standards of analysis	2. The proposed amendment is compatible with the place designations of this Ordinance.	~~2. The proposed amendment is compatible with the place designations of this Ordinance.~~
4.2.G (new section)	Council Land Use	Add section requiring CPC to report to council annually on proposed changes to code	Makes the "omnibus amendment" process routine	None	<u>By June 1 of each year, the City Planning Commission will transmit a report to the City Council containing recommended administrative amendments to the Comprehensive Zoning Ordinance. These recommended amendments shall not reflect policy changes, but shall consist of amendments which would achieve one of the following goals, as well as a statement of the necessity for each change. 1. Provide clarity to existing text of the Comprehensive Zoning Ordinance; 2. Correct an error or address a conflict in the existing text of the Comprehensive Zoning Ordinance; or 3. Codify an interpretation of the Department of Safety and Permits.</u>
4.3.A	Council District	Clarify public need justification for conditional uses	Additional explanation is helpful	However there are certain uses that, because of their unique characteristics, cannot be properly classified in certain districts without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location.	However there are certain uses that, because of their unique characteristics, cannot be properly classified in certain districts without consideration, in each case, of the impact of those uses upon neighboring land, ~~and of~~ <u>as well as</u> the public need for <u>or public benefit of</u> the particular use at the particular location, <u>if any.</u>

Section	Proposer	Summary of Change	Need for Change	Current Text	Proposed Change
4.3.C	Council District	Clarify what actions Council is required to take	More accurate than existing language	The City Council, after receiving a recommendation from the City Planning Commission, shall take formal action on requests for conditional uses, in accordance with Sections 5-406 and 5-407 of the City Charter.	~~The City Council, after receiving a recommendation from the City Planning Commission, shall~~ may take formal action on requests for conditional uses after receiving a recommendation from the City Planning Commission, in accordance with Sections 5-406 and 5-407 of the City Charter. <u>The City Council shall receive the Commission's recommendation related to requests for conditional uses and shall calendar said requests for hearing in accordance with Section 4.3.D.4.</u>
4.3.Chart	CPC Staff	Correct lie-over period after council introduction of ordinance to 20 days	Current reference to 21 days conflicts with charter requirements	Introduction of Ordinance by City Council. The Ordinance will layover a minimum of 21 days before adoption.	Introduction of Ordinance by City Council. The Ordinance will lay over a minimum of ~~21~~ 20 days before adoption.
4.3.Chart	Council Land Use	Change motion to approve/approve with modifications to draft ordinance	Revise language to match proposed 4.2.D.4.a changes	Motion to Approve / Motion to Approve with Modifications / Motion to Deny	Motion to ~~Approve~~ Direct <u>the Preparation of an Ordinance</u> / ~~Motion to Approve with Modifications~~ / Motion to Deny
4.3.D.4.a	Council Land Use	Recognize the purpose of the motion phase as directing the preparation of an ordinance, delete language regarding outcome with no legal majority	Clarify the purpose of the motion phase to set public expectations and accord with case law	a. The City Council shall hold a public hearing in accordance with its rules and take action by motion of approval, modified approval, or denial sixty (60) days from receipt of a City Planning Commission recommendation. The City Council may not take official action upon any application requiring a recommendation of the City Planning Commission until the report of the Commission has been received or, if the City Planning Commission has failed to act by a vote of the majority of the Commission members, once the application has been forwarded to the City Council without recommendation.	~~a. The City Council shall hold a public hearing in accordance with its rules and take action by motion of approval, modified approval, or denial~~ <u>determine by motion whether the zoning docket should be heard as an ordinance within</u> sixty (60) days from receipt of a City Planning Commission recommendation. <u>This motion shall direct the preparation of an ordinance effectuating the zoning change, specifying any changes to be made from the requested conditional use as well as any needed provisos or waivers, or shall deny the conditional use application.</u> The City Council may not take official action upon any application requiring a recommendation of the City Planning Commission until the report of the Commission has been received. ~~or, if the City Planning Commission has failed to act by a vote of the majority of the Commission members, once the application has been forwarded to the City Council without recommendation.~~
4.3.D.4.b	Council Land Use	Delete sentence regarding outcome with no legal majority	Recognize changes made to similar sections regarding CPC failure to reach legal majority	b. If the City Council fails to take action by motion sixty (60) days from receipt of the City Planning Commission recommendation, the application is denied. If the application is forwarded to the City Council without recommendation from the City Planning Commission and the City Council fails to take action by motion sixty (60) days from the date it received the application, the application is denied.	b. If the City Council fails to take action by motion sixty (60) days from receipt of the City Planning Commission recommendation, the application is denied. ~~If the application is forwarded to the City Council without recommendation from the City Planning Commission and the City Council fails to take action by motion sixty (60) days from the date it received the application, the application is denied.~~

Section	Proposer	Summary of Change	Need for Change	Current Text	Proposed Change
4.3.D.4.c	Council Land Use	Provides process for ordinances which are not introduced after passage of a motion	Reconcile proposed changes to 4.2.D.4.a and remove provisions duplicative of Charter requirements	If the City Council takes action by motion of approval or modified approval, the City Council may forward the motion to the City Law Department for preparation of an ordinance. If the ordinance is introduced by the City Council, the ordinance shall lay over for a minimum of twenty (20) days following introduction before the Council may adopt it. The City Council's adoption of a motion shall not be construed as an approval of a zoning matter unless and until an ordinance is introduced and adopted in accordance with the Charter; introduction of an ordinance does not indicate the City Council's approval of a zoning matter. Failure by the City Council to take action on a zoning ordinance within ninety (90) days of the date the City Council took action by motion shall mean that the application is denied.	~~If the City Council takes action by motion of approval or modified approval, the City Council may forward the motion to the City Law Department for preparation of an ordinance. If the ordinance is introduced by the City Council, the ordinance shall lay over for a minimum of twenty (20) days following introduction before the Council may adopt it.~~ The City Council's adoption of a motion under 4.3.D.4.a shall not be construed as an approval of a zoning matter unless and until an ordinance is introduced and adopted in accordance with the Charter; introduction of an ordinance does not indicate the City Council's approval of a zoning matter. <u>Should a Council office elect not to introduce an ordinance despite passage of a motion directing the preparation of an ordinance, they shall notify the Clerk of Council of this intention in writing within sixty (60) days of the passage of the motion.</u> Failure by the City Council to take action on a zoning ordinance within ninety (90) days of the date the City Council ~~took action by~~ passed the motion shall mean that the application is denied.
4.3.E.1	Council Land Use	Add language preventing provisos that restate the CZO	Ensure that provisos do not contain outdated general CZO requirements	The City Planning Commission may recommend and the City Council may impose such conditions and restrictions upon the establishment, location, design, construction, maintenance, and operation of the conditional use as deemed necessary for the protection of the public health, safety, and welfare.	The City Planning Commission may recommend and the City Council may impose such conditions and restrictions upon the establishment, location, design, construction, maintenance, and operation of the conditional use as deemed necessary for the protection of the public health, safety, and welfare. <u>Said restrictions and conditions, codified as provisos, shall not merely restate the text of the Comprehensive Zoning Ordinance.</u>
4.3.E.4	Council Land Use	Specify that waivers must be noticed by motion directing preparation of ordinance if they do not appear in the CPC's report	Ensure notice to the public of any potential waivers associated with a conditional use	The City Council may grant a variance from specific zoning standards otherwise applicable to the use by this Ordinance to secure the general objectives of this section, provided however that any such shall be based on a finding that the case meets the approval standards of Section 4.6.F. However, the City Council cannot waive or modify any approval standards of this section.	The City Council may grant a ~~variance~~ <u>waiver</u> from specific zoning standards otherwise applicable to the use by this Ordinance to secure the general objectives of this section, provided however that any such shall be based on a finding that the case meets the approval standards of Section 4.6.F. However, the City Council cannot waive or modify any approval standards of this section <u>or any other section for which variances may not be granted under the terms of this Ordinance. Any waiver which was not considered by the City Planning Commission must be included in the motion directing the preparation of an ordinance described in 4.3.D.4.a.</u>

Section	Proposer	Summary of Change	Need for Change	Current Text	Proposed Change
4.3.H.1	City Planning Commission and Council Land Use	Provide longer period before expiration of conditional use, add deadline to submit plans	Recognize realities of current financing and construction industries and consolidate all requirements pertaining to expiration in one section	a. For new construction, the conditional use approval will expire within three (3) years from the date the Executive Director of the City Planning Commission approves the final drawings for a conditional use if a building permit has not been issued and substantial construction has not been commenced, and no request for an extension of time is pending. b. For conditional uses approved for existing structures or for a parcel of land where no structure is planned, if the use has not been established within a period of three (3) years from the date the Executive Director of the City Planning Commission approves the final drawings for a conditional use, then the conditional use will expire.	a. <u>Plans Deadline. For all conditional uses, plans stamped as approved by the City Planning Commission must be recorded in the Conveyance Records of Orleans Parish within two (2) years of the effective date of the ordinance granting the conditional use.</u> b. <u>Construction/Use Deadline. (i)</u> For new construction, the conditional use approval will expire within ~~three (3)~~ five (5) years from the date the Executive Director of the City Planning Commission approves the final drawings for a conditional use if a building permit has not been issued and substantial construction has not been commenced, and no request for an extension of time is pending. ~~b. (ii)~~ For conditional uses approved for existing structures or for a parcel of land where no structure is planned, if the use has not been established within a period of ~~three (3)~~ five (5) years from the date the Executive Director of the City Planning Commission approves the final drawings for a conditional use, then the conditional use will expire.
4.3.H.2.a	City Planning Commission and Council Land Use	Provide for one administrative extension request to CPC Executive Director and one extension request to council for each deadline	Clarify current process	Unless otherwise prohibited, the Executive Director of the City Planning Commission may extend the time for expiration of a conditional use approval for a period not to exceed one (1) year upon a showing of good cause by the applicant. A request for extension shall be made in writing within the original period of validity. A request made after the original period of validity but within one (1) year of the original period of validity must be considered by the City Planning Commission. An extension for a period in excess of one (1) year may be granted only by the City Council in accordance with Paragraph b below.	Unless otherwise prohibited, the Executive Director of the City Planning Commission may extend the time for expiration of <u>either the plans deadline or the construction/use deadline for</u> a conditional use approval for a period not to exceed one (1) year upon a showing of good cause by the applicant. A request for extension shall be made in writing within the original period of validity. ~~A request made after the original period of validity but within one (1) year of the original period of validity must be considered by the City Planning Commission. An extension for a period in excess of one (1) year may be granted only by the City Council in accordance with Paragraph b below.~~ Any extension that does not meet all of these conditions may only be granted by the City Council in accordance with Paragraph b below.
4.3.H.2.b	City Planning Commission and Council Land Use	Provide for council extension of either deadline, including extensions longer than one year	Clarify current process	The holder of a conditional use may petition the City Council for a longer extension of time. A request for extension shall be made in writing within the original period of validity. The City Council shall hold a public hearing and decide whether to extend the time period. Notice for the public hearing is required in accordance with Section 3.3. The applicant and the owner of record of the property shall be notified of a public hearing to be conducted by the City Council. Following the public hearing, the City Council shall render its decision whether to terminate or extend the approval, taking into account hardship to the applicant or property owner, changes in surrounding circumstances that have occurred since the original approval, and the likelihood that substantial construction will occur during any period of extension.	The holder of a conditional use may petition the City Council for a longer extension of time <u>or for a second extension of either deadline.</u> A request for extension shall be made in writing within the original period of validity. The City Council shall hold a public hearing and decide whether to extend the time period. Notice for the public hearing is required in accordance with Section 3.3. The applicant and the owner of record of the property shall be notified of a public hearing to be conducted by the City Council. Following the public hearing, the City Council shall render its decision whether to terminate or extend the approval, taking into account hardship to the applicant or property owner, changes in surrounding circumstances that have occurred since the original approval, and the likelihood that substantial construction will occur during any period of extension <u>by motion within sixty (60) days of receipt of the request..</u>

Section	Proposer	Summary of Change	Need for Change	Current Text	Proposed Change
4.4.C	Council District	Clarify what actions Council is required to take	More accurate than existing language	The City Council, after receiving a recommendation from the City Planning Commission, shall take formal action on requests for planned developments, in accordance with Sections 5-406 and 5-407 of the City Charter.	The City Council, ~~after receiveing a recommendation from the City Planning Commission, shall may~~ take formal action on requests for planned developments after receiving a recommendation from the City Planning Commission, in accordance with Sections 5-406 and 5-407 of the City Charter. <u>The City Council shall receive the Commission's recommendation related to requests for planned developments and shall calendar said requests for hearing in accordance with Section 4.4.E.4.</u>
4.4.Chart	CPC Staff	Correct lie-over period after council introduction of ordinance to 20 days	Current reference to 21 days conflicts with charter requirements	Introduction of Ordinance by City Council. The Ordinance will layover a minimum of 21 days before adoption.	Introduction of Ordinance by City Council. The Ordinance will lay over a minimum of ~~21~~ 20 days before adoption.
4.4.Chart	Council Land Use	Change motion to approve/approve with modifications to draft ordinance	Revise language to match proposed 4.2.D.4.a changes	Motion to Approve / Motion to Approve with Modifications / Motion to Deny	Motion to ~~Approve Direct~~ the Preparation of an Ordinance / ~~Motion to Approve with Modifications~~ / Motion to Deny
4.4.E.4.a	Council Land Use	Recognize the purpose of the motion phase as directing the preparation of an ordinance, delete language regarding outcome with no legal majority	Clarify the purpose of the motion phase to set public expectations and accord with case law	a. The City Council shall hold a public hearing in accordance with Sectio 3.4 and take action by motion of approval, modified approval, or denial sixty (60) days from receipt of a City Planning Commission recommendation. The City Council may not take official action upon any application requiring a recommendation of the City Planning Commission until the report of the Commission has been received or, if the City Planning Commission has failed to act by a vote of the majority of the Commission members, once the application has been forwarded to the City Council without recommendation.	a. The City Council shall hold a public hearing ~~in accordance with Section 3.4 and take action by motion of approval, modified approval, or denial~~ determine by motion whether the zoning docket should be heard as an ordinance within sixty (60) days from receipt of a City Planning Commission recommendation. <u>This motion shall direct the preparation of an ordinance effectuating the zoning change, specifying any changes to be made from the requested amendment, or shall deny the amendment application.</u> The City Council may not take official action upon any application requiring a recommendation of the City Planning Commission until the report of the Commission has been received, ~~or, if the City Planning Commission has failed to act by a vote of the majority of the Commission members, once the application has been forwarded to the City Council without recommendation.~~
4.4.E.4.b	Council Land Use	Delete sentence regarding outcome with no legal majority	Recognize changes made to similar sections regarding CPC failure to reach legal majority	b. If the City Council fails to take action by motion sixty (60) days from receipt of the City Planning Commission recommendation, the application is denied. If the application is forwarded to the City Council without recommendation from the City Planning Commission and the City Council fails to take action by motion sixty (60) days from the date it received the application, the application is denied.	b. If the City Council fails to take action by motion sixty (60) days from receipt of the City Planning Commission recommendation, the application is denied. ~~If the application is forwarded to the City Council without recommendation from the City Planning Commission and the City Council fails to take action by motion sixty (60) days from the date it received the application, the application is denied.~~

Section	Proposer	Summary of Change	Need for Change	Current Text	Proposed Change
4.4.E.4.c	Council Land Use	Provides process for ordinances which are not introduced after passage of a motion	Reconcile proposed changes to 4.2.D.4.a and remove provisions duplicative of Charter requirements	If the City Council takes action by motion of approval or modified approval, the City Council may forward the motion to the City Law Department for preparation of an ordinance. If the ordinance is introduced by the City Council, the ordinance shall lay over for a minimum of twenty (20) days following introduction before the Council may adopt it. The City Council's adoption of a motion shall not be construed as an approval of a zoning matter unless and until an ordinance is introduced and adopted in accordance with the Charter; introduction of an ordinance does not indicate the City Council's approval of a zoning matter. Failure by the City Council to take action on a zoning ordinance within ninety (90) days of the date the City Council took action by motion shall mean that the application is denied.	~~If the City Council takes action by motion of approval or modified approval, the City Council may forward the motion to the City Law Department for preparation of an ordinance. If the ordinance is introduced by the City Council, the ordinance shall lay over for a minimum of twenty (20) days following introduction before the Council may adopt it. The City Council's adoption of a motion under 4.4.E.4.a shall not be construed as an approval of a zoning matter unless and until an ordinance is introduced and adopted in accordance with the Charter; introduction of an ordinance does not indicate the City Council's approval of a zoning matter.~~ <u>Should a Council office elect not to introduce an ordinance despite passage of a motion directing the preparation of an ordinance, they shall notify the Clerk of Council of this intention in writing within sixty (60) days of the passage of the motion.</u> Failure by the City Council to take action on a zoning ordinance within ninety (90) days of the date the City Council ~~took action by~~ passed the motion shall mean that the application is denied.
4.4.I.1	City Planning Commission and Council Land Use	Provide longer period before expiration of planned development, add deadline to submit plans	Recognize realities of current financing and construction industries and consolidate all requirements pertaining to expiration in one section, ensure consistency with conditional uses	a. The planned development will expire within three (3) years from the date the Executive Director of the City Planning Commission approves the final drawings for a planned development if a building permit has not been issued and substantial construction has not been commenced, and no request for an extension of time is pending. b. For planned developments approved for existing structures, if the planned development has not been established within a period of three (3) years from the date the Executive Director of the City Planning Commission approves the final drawings for a conditional use, then the planned development will expire.	a. <u>Plans Deadline. For all planned developments, plans stamped as approved by the City Planning Commission must be recorded in the Conveyance Records of Orleans Parish within two (2) years of the effective date of the ordinance granting the planned development.</u> b. <u>Construction/Use Deadline. (i) For new construction,</u> the planned development ~~approval~~ will expire within ~~three (3)~~ five (5) years from the date the Executive Director of the City Planning Commission approves the final drawings for a planned development if a building permit has not been issued and substantial construction has not been commenced, and no request for an extension of time is pending. ~~b. (ii) For planned developments approved for existing structures or for a parcel of land where no structure is planned,~~ if the planned development has not been established within a period of ~~three (3)~~ five (5) years from the date the Executive Director of the City Planning Commission approves the final drawings for a planned development, then the planned development will expire.
4.4.I.2.a	City Planning Commission and Council Land Use	Provide for one administrative extension request to CPC Executive Director and one extension request to council for each deadline	Clarify current process	Unless otherwise prohibited, the Executive Director of the City Planning Commission may extend the time for expiration of a planned development approval for a period not to exceed one (1) year upon a showing of good cause by the applicant. A request for extension shall be made in writing within the original period of validity. A request made after the original period of validity but within one (1) year of the original period of validity must be considered by the City Planning Commission. An extension for a period in excess of one (1) year may be granted only by the City Council in accordance with Paragraph b below.	Unless otherwise prohibited, the Executive Director of the City Planning Commission may extend the time for expiration of ~~either the plans deadline or the construction/use deadline for~~ a planned development approval for a period not to exceed one (1) year upon a showing of good cause by the applicant. A request for extension shall be made in writing within the original period of validity. ~~A request made after the original period of validity but within one (1) year of the original period of validity must be considered by the City Planning Commission. An extension for a period in excess of one (1) year may be granted only by the City Council in accordance with Paragraph b below.~~ Any extension that does not meet all of these conditions may only be granted by the City Council in accordance with Paragraph b below.

Section	Proposer	Summary of Change	Need for Change	Current Text	Proposed Change
4.4.I.2.b	City Planning Commission and Council Land Use	Provide for council extension of either deadline, including extensions longer than one year	Clarify current process	The holder of a planned development may petition the City Council for a longer extension of time. A request for extension shall be made in writing within the original period of validity. The City Council shall hold a public hearing and decide whether to extend the time period. Notice for the public hearing is required in accordance with Section 3.3. The applicant and the owner of record of the property shall be notified of a public hearing to be conducted by the City Council. Following the public hearing, the City Council shall render its decision whether to terminate or extend the approval, taking into account hardship to the applicant or property owner, changes in surrounding circumstances that have occurred since the original approval, and the likelihood that substantial construction will occur during any period of extension.	The holder of a planned development may petition the City Council for a longer extension of time <u>or for a second extension of either deadline.</u> A request for extension shall be made in writing within the original period of validity. The City Council shall hold a public hearing and decide whether to extend the time period. Notice for the public hearing is required in accordance with Section 3.3. The applicant and the owner of record of the property shall be notified of a public hearing to be conducted by the City Council. Following the public hearing, the City Council shall render its decision whether to terminate or extend the approval, taking into account hardship to the applicant or property owner, changes in surrounding circumstances that have occurred since the original approval, and the likelihood that substantial construction will occur during any period of extension <u>by motion within sixty (60) days of receipt of the request.</u>
4.5.B.11	Safety and Permits	Clarifies the requirements as to when and to what extent site plan and design review are required for developments located in historic districts.	Provide clarity as to what areas do or do not require site plan review	When a property is located within the Vieux Carré Historic District or within the Historic Districts Landmark Commission’s full control Historic Districts, those developments are exempt from site plan and design review, but are subject to the review procedures of the Vieux Carré Commission or Historic Districts Landmark Commission, as applicable. Properties within full control local historic districts are not exempt from design review of site design by the City Planning Commission Executive Director or Design Advisory Committee. Properties within partial control local historic districts are not exempt from design review. Properties with the RIV Riverfront Design Overlay District are not exempt.	~~When a property is located within the Vieux Carré Historic District or within the Historic Districts Landmark Commission’s full control Historic Districts, those developments are exempt from site plan and design review, but are subject to the review procedures of the Vieux Carré Commission or Historic Districts Landmark Commission, as applicable. Properties within full control local historic districts are not exempt from design review of site design by the City Planning Commission Executive Director or Design Advisory Committee. Properties within partial control local historic districts are not exempt from design review. Properties with the RIV Riverfront Design Overlay District are not exempt.~~ <u>When a property is located within the Vieux Carré Historic District, developments upon the property are exempt from site plan and design review by the City Planning Commission. However, such developments are subject to the site plan and design review procedures of the Vieux Carré Commission.</u> <u>When a property is located within the Historic Districts Landmark Commission’s full control Historic Districts, developments upon the property are subject to site plan review procedures establish by the City Planning Commission. Such developments are further subject to review procedures established by the Historic Districts Landmark Commission.</u> <u>Unless otherwise specified by law, when a property is located within the Historic Districts Landmark Commission’s partial control local Historic Districts, developments upon the property are subject to site plan and design review procedures established by the City Planning Commission.</u> <u>When a property is located within the RIV Riverfront Design Overlay District, developments upon the property are subject to site plan and design review procedures established by the City Planning Commission.</u>

Section	Proposer	Summary of Change	Need for Change	Current Text	Proposed Change
4.5.B.3.b	CPC Staff	Delete standard requiring Design Review for all developments within the block of major intersections	Requires design review for residentially-zoned property not subject to overlay, causing unnecessary process	b. Developments on lots within the entirety of each block located at the major intersections along a design overlay district identified in Article 18.	~~b.—Developments on lots within the entirety of each block located at the major intersections along a design overlay district identified in Article 18.~~
4.5.D.3 (New Section)	CPC Staff	Include time limit for design reviews	No time limit in text currently, allows design reviews to sit for extended periods of time	None	<u>4.5.D.3 The applicant shall have a maximum of one (1) year from the date of the application submittal to meet the stated conditions for approval in 4.5.E. At the written request of the applicant, the Executive Director may grant an extension not to exceed one (1) year. If the stated conditions have not been met by the expiration of this period, the application will be deemed denied.</u>
4.5.F.2	CPC Staff	Remove references to "total building coverage"	Undefined term not used elsewhere in CZO	The City Planning Commission, upon recommendation of other applicable City departments or commissions, may approve the following changes: a. Increases in total building coverage of any structure beyond twenty percent (20%) in any part of the development plan. b. Increases in height of any individual structure beyond ten percent (10%) and up to twenty percent (20%) of the approved height of said structure, provided that the requested height does not exceed the height limit established in the district. c. Increases in the number of structures permitted in any part of the development plan. All applications for amendments to approved Conditional Use plans requiring City Planning Commission approval shall include a Project Neighborhood Participation Program (Project NPP) in accordance with Article 4, Section 4.3.D.2 Pre-Application Meeting and Project Neighborhood Participation Program.	The City Planning Commission, upon recommendation of other applicable City departments or commissions, may approve the following changes: ~~a. Increases in total building coverage of any structure beyond twenty percent (20%) in any part of the development plan.~~ <u>a. Any increase in floor area of structures beyond 20% that does not exceed the bulk regulations of the underlying zoning district.</u> b. Increases in height of any individual structure beyond ten percent (10%) and up to twenty percent (20%) of the approved height of said structure, provided that the requested height does not exceed the height limit established in the district. c. Increases in the number of structures permitted in any part of the development plan. All applications for amendments to approved Conditional Use plans requiring City Planning Commission approval shall include a Project Neighborhood Participation Program (Project NPP) in accordance with Article 4, Section 4.3.D.2 Pre-Application Meeting and Project Neighborhood Participation Program.

Section	Proposer	Summary of Change	Need for Change	Current Text	Proposed Change
				The Board of Zoning Adjustments may authorize a variance only when the evidence presented supports a finding that each case indicates all of the following: 1. Special conditions and circumstances exist that are peculiar to the land or structure involved and are not generally applicable to other lands or structures in the same zoning district. 2. Literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance. 3. The special conditions and circumstances do not result from the actions of the applicant or any other person who may have had an interest in the property. 4. Granting the variance requested will not confer on the applicant any special privilege which is denied by this Ordinance to other lands or structures in the same district or similarly situated. 5. The variance, if granted, will not alter the essential character of the locality. 6. Strict adherence to the regulation by the property would result in a demonstrable hardship upon the owner, as distinguished from mere inconvenience. 7. The request for the variance is not based primarily upon a desire to serve the convenience or profit of the property owner or other interested party(s). 8. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located. 9. The proposed variance will not impair an adequate supply of light and air to adjacent property, increase substantially the congestion in the public street, increase the danger of fire, or endanger the public safety.	[Delete existing text; not reproduced here to preserve space.] <u>The Board of Zoning Adjustments may authorize a variance only when the evidence presented supports a finding that each case indicates all of the following: A. The basic elements for a variance exist because the below standards have been met: 1. Special conditions and circumstances exist that are peculiar to the land or structure involved and are not generally applicable to other land or structures in the same zoning district. 2. The special conditions and circumstances do not result from the actions of the applicant or any other person who may have had an interest in the property. 3. Literal interpretation of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance. 4. The request for the variance is not based primarily upon a desire to serve the convenience or profit of the property owner or other interested party. 5. Strict adherence to the regulation by the owner or their agent would result in a demonstrable hardship upon the owner, as distinguished from mere inconvenience. B. The impacts of granting a variance are acceptable because the below standards are met: 1. Granting the variance requested will not confer on the applicant any special privilege which is denied by this Ordinance to other lands or structures in the same district or otherwise similarly situated. 2. The variance, if granted, will not alter the essential character of the locality. 3. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood where the property is located. 4. The proposed variance will not impair an adequate supply of light and air to adjacent property, increase substantially the congestion of nearby streets, increase the danger of fire, or otherwise endanger the public safety.</u>
4.6.C.3	CPC Staff	Amend BZA Approval Standards	Provide additional clarity to applicants		
4.6.C.6 (New Section)	CPC Staff	Allow the City Planning Commission to grant variances in connection with a subdivision	Two separate processes are currently required to achieve this--BZA and CPC hearings.	None	<u>4.6.C.6 The City Planning Commission may grant a variance from specific zoning standards otherwise applicable to the subdivision by this Ordinance to secure the general objectives of this section, provided however that any such shall be based on a finding that the case meets the approval standards of Section 4.6.F. The Commission cannot waive or modify any approval standards of this section.</u>
4.6.C.7 (New Section)	CPC Staff	Prohibit variances of design review standards in overlays	These standards are reviewable by executive director and variance standards can be considered in that review	None	<u>4.6.C.7 The additional design review approval standards of Article 18 shall not be subject to variances by the Board of Zoning Adjustments.</u>

Section	Proposer	Summary of Change	Need for Change	Current Text	Proposed Change
4.6.D.3.c	CPC Staff	Set clear deadlines for BZA action	BZA cases can currently be deferred indefinitely	c. The Board of Zoning Adjustments may approve, approve with modifications, or deny the application within forty-five (45) days of the close of the public hearing. The Board of Zoning Adjustments may also vote to defer action within City Charter required timeframes in cases where it discovers applicants have not submitted complete and accurate information, including but not limited to errors or omissions in following the Project NPP. The failure to resolve a finding of incomplete or inaccurate information may be grounds for denial.	~~c. The Board of Zoning Adjustments may approve, approve with modifications, or deny the application within forty-five (45) days of the close of the public hearing. The Board of Zoning Adjustments may also vote to defer action within City Charter required timeframes in cases where it discovers applicants have not submitted complete and accurate information, including but not limited to errors or omissions in following the Project NPP. The failure to resolve a finding of incomplete or inaccurate information may be grounds for denial.~~ <u>deny, or defer the application. No item may be deferred for longer than a total of 180 days, including all individual deferrals of shorter time periods. Any item deferred for longer than 180 days will be deemed denied for deferral past deadline.</u>
4.6.H	CPC Staff	Clarify time limit for appeal of BZA to Civil District Court	Current text is not in alignment with state enabling legislation	An aggrieved party may appeal the Board of Zoning Adjustments' decisions on variance applications to the Orleans Parish Civil District Court within thirty (30) days of the Board of Zoning Adjustments' decision.	An aggrieved party may appeal the Board of Zoning Adjustments' decisions on variance applications to the Orleans Parish Civil District Court within thirty (30) days of <u>the filing of the decision in the office of the</u> Board of Zoning Adjustments' decision.
4.6.G (new section)	CPC Staff	Provide introductory text	Administrative change	None	<u>Termination of approval of a variance for failure to obtain final approval, a building permit or to commence the use, or an extension of the time is governed as follows:</u>
4.6.G.1	CPC Staff	Specifies actions required to prevent variance expiration	Clarity for applicants	1. A variance expires one (1) year from the date of approval unless a building permit is obtained within such period and substantial construction is started or the use is commenced within such period. Unless otherwise prohibited, the Executive Director of the City Planning Commission may extend the time for expiration of a variance for a period not to exceed one (1) year upon a showing of good cause by the applicant. A request for extension shall be made in writing within the original period of validity. An extension for a period in excess of one (1) year may be granted only by the Board of Zoning Adjustments in accordance with number 2 below.	4.6.G.1 <u>EXPIRATION</u> a. <u>The Board of Zoning Adjustments’ approval of a</u> A variance is valid ~~for~~ expires one (1) year from the ~~resolution~~ <u>"Filed"</u> date. ~~If the Executive Director of the City Planning Commission, or their designee, has not signed the development plan indicating final approval, or has not authorized an extension of time submitted by such date by the holder of the variance , in accordance with Article 4, Section 4.?, the variance approval will expire.~~ b. <u>A variance expires</u> of approval unless ~~if~~ a building permit is ~~not~~ obtained ~~within such period~~ and substantial construction is started, or the use is commenced within such period <u>two (2) years of the date of the Executive Director of the City Planning Commission’s, or their designee’s, final approval unless an extension of time at the holder of the variance ’s request, submitted by such date, is authorized by the Executive Director of the City Planning Commission, or their designee, or by the Board of Zoning Adjustments, in accordance with Article 4, Section 4.</u>

Section	Proposer	Summary of Change	Need for Change	Current Text	Proposed Change
					4.6.G.2 EXTENSION OF TIME a. Unless otherwise prohibited, the Executive Director of the City Planning Commission may extend the time for expiration of a variance for a period not to exceed one (1) additional year from either of the following deadlines upon a showing of good cause by the applicant. A request for extension shall be made in writing within the original period of validity. An extension for a period in excess of one (1) year from either of the below dates may be granted only by the Board of Zoning Adjustments in accordance with number 2 b. below.i. One (1) year from the Board of Zoning Adjustments’ approval as indicated by the resolution "Filed" date; or ii. Two (2) years from the Executive Director of the City Planning Commission’s, or their designee’s, final approval date upon a showing of good cause by the applicant. A request for extension shall be made in writing within the original period of validity. An extension for a period in excess of one (1) year may be granted only by the Board of Zoning Adjustments in accordance with number 2 below. b. The holder of a variance may petition the Board of Zoning Adjustments for a longer extension of time not to exceed two (2) additional years from the date of the Executive Director of the City Planning Commission’s, or their designee’s, final approval. A request for extension shall be made in writing within the original period of validity. The Board shall hold a public hearing and decide whether to extend the time period. Notice for the public hearing is required in accordance with Article 3, Section 3.3. The applicant and the owner of record of the property shall be notified of a public hearing to be conducted by the Board of Zoning Adjustments. Following the public hearing, the Board shall render its decision whether to grant an extension of such period with good cause shown, subject to verification that the approval standards of Paragraph F above are still met.
4.6.G.2	CPC Staff	Provide process for variance extensions	Clarity for applicants	2. The holder of a variance may petition the Board of Zoning Adjustments for a longer extension of time not to exceed two (2) additional years. A request for extension shall be made in writing within the original period of validity. The Board shall hold a public hearing and decide whether to extend the time period. Notice for the public hearing is required in accordance with Article 3, Section 3.3. The applicant and the owner of record of the property shall be notified of a public hearing to be conducted by the Board of Zoning Adjustments. Following the public hearing, the Board shall render its decision whether to grant an extension of such period with good cause shown, subject to verification that the approval standards of Paragraph F above are still met.	
4.7.B	CPC Staff	Create a threshold for what constitutes a minor map adjustment	Resolve unclear text and codify DSP interpretation	Applications for minor map adjustments may be initiated by a property owner in the city or a person expressly authorized in writing by a property owner, the City Planning Commission, Director of the Department of Safety and Permits, and the City Council in the following instances:	Applications for minor map adjustments may be initiated by a property owner in the city, a person expressly authorized in writing by a property owner, the City Planning Commission, Director of the Department of Safety and Permits, or the City Council in the following instances, <u>provided that the adjustment results in a change to no more than 15% of the total area of the lots affected by the adjustment:</u>
4.7.D.2.c (new section)	Safety and Permits	Codifies how decision is memorialized	Current text is silent, provides public clarity	None.	<u>c. The decision on an application for a minor map adjustment shall be communicated to the applicant in writing and shall be made available on OneStop and the City's electronic notification system for any interested parties.</u>

Section	Proposer	Summary of Change	Need for Change	Current Text	Proposed Change
4.8.B.	Safety and Permits	Add language that any written communication from DSP is appealable	Clarity on longstanding interpretation	Appeals may be filed concerning any decision of the Director of the Department of Safety and Permits on the following applications of this Ordinance: 1. The decision of the Director of the Department of Safety and Permits on zoning verifications. 2. The decision of the Director of the Department of Safety and Permits on Zoning Ordinance interpretations. 3. The decision of the Director of the Department of Safety and Permits on permits issued under the Comprehensive Zoning Ordinance.	Appeals may be filed concerning any decision of the Director of the Department of Safety and Permits on the following applications of this Ordinance: 1. The decision of the Director of the Department of Safety and Permits on zoning verifications. 2. The decision of the Director of the Department of Safety and Permits on Zoning Ordinance interpretations. 3. The decision of the Director of the Department of Safety and Permits on permits issued under the Comprehensive Zoning Ordinance. <u>These decisions need not be formal, and any written communication of such a decision, including but not limited to an email or LAMA approval or disapproval, shall be considered appealable.</u>
4.8.D	Safety and Permits	Add additional detail about completeness and sufficiency review of appeal applications	Current text is silent, provides public clarity	Upon the filing of an application for an appeal of a Director of the Department of Safety and Permits or Executive Director of the City Planning Commission decision, the Board of Zoning Adjustments shall conduct a public hearing in accordance with Sections 3.4 and make a final decision within forty-five (45) days from the date the public hearing is closed. The Director of the Department of Safety and Permits or the Executive Director of the City Planning Commission shall produce all papers, correspondence, and records requested by the Board of Zoning Adjustments for any hearing or meeting held by the Board. The Board shall owe no deference to interpretations by the Director of the Department of Safety and Permits. In reviewing factual determinations by the Director, the Board must determine, based upon the totality of the record evidence, that the Director committed clear error and that the error was material to the Director's determination.	<u>1. Applications for appeal of the decision of the Director of the Department of Safety and Permits or Executive Director of the City Planning Commission shall be made in writing to the Board of Zoning Adjustments within forty-five (45) days of the decision. 2. The Board of Zoning Adjustments will review the application for completeness and shall consult with the Law Department to determine whether the application is ripe for review by the Board, not moot, or otherwise unable to be heard. If the application is determined to be incomplete, unripe, moot, or otherwise unhearable, this determination will be conveyed to the applicant by the Board of Zoning Appeals in writing. Notwithstanding this determination, the Department of Safety and Permits or other interested parties may present arguments to the Board that an application is incomplete, unripe, moot, or otherwise unhearable and the Board may make a finding in accordance with this argument rather than rule on the merits of the appeal. 3. Once the appeal is determined to be complete and hearable, it shall be docketed for hearing by the Board of Zoning Adjustments and the Department of Safety and Permits will be notified of the pendency of the appeal in writing. 4. No less than ten (10) business days before the hearing, the Department of Safety and Permits shall provide their entire record relating to the appeal, including but not limited to all papers, correspondence, records and other documents to the Board of Zoning Adjustments and the applicant. This record may be provided digitally.</u>

Section	Proposer	Summary of Change	Need for Change	Current Text	Proposed Change
4.8.E	Council Land Use	Provide separate section for standard of review	Administrative change to provide better organization	An appeal stays all administrative proceedings in furtherance of the action appealed from, unless the Director of the Department of Safety and Permits certifies to the Board of Zoning Adjustments, after the notice of appeal is filed, by reason of facts stated in the certificate, that a stay would, in the Director’s opinion, cause imminent peril of life or property. In such case, proceedings may not be stayed after application to the Board or to the Civil District Court and notice to the Director of the Department of Safety and Permits, for due cause shown thereon, unless a restraining order is issued.	An appeal stays all administrative proceedings in furtherance of the action appealed from, unless the Director of the Department of Safety and Permits certifies to the Board of Zoning Adjustments, after the notice of appeal is filed, by reason of facts stated in the certificate, that a stay would, in the Director’s opinion, cause imminent peril of life or property. In such case, proceedings may not be stayed after application to the Board or to the Civil District Court and notice to the Director of the Department of Safety and Permits, for due cause shown thereon, unless a restraining order is issued. <u>The Board shall owe no deference to interpretations by the Director of the Department of Safety and Permits. In reviewing factual determinations by the Director, the Board must determine, based upon the totality of the record evidence, that the Director committed clear error and that the error was material to the Director's determination.</u>
4.8.E - 4.8.G (new section)	Council Land Use	Provide separate section for standard of review, renumber sections accordingly	Administrative change to provide better organization	4.8.E Stay of Proceedings; 4.8.F Appeals	4.8.E <u>Standard of Review</u> Stay of Proceedings 4.8.F <u>Stay of Proceedings Appeals</u> <u>4.8.G Appeals</u>
4.8.F	Council Land Use	Renumbered section, clarity regarding when stays apply	Administrative change to provide better organization, additional details for clarity	An aggrieved party may appeal the Board of Zoning Adjustments' decisions on zoning appeals to the Orleans Parish Civil District Court within thirty (30) days of the Board’s decision.	An appeal stays all administrative <u>enforcement</u> proceedings in furtherance of the action appealed from, unless the Director of the Department of Safety and Permits certifies to the Board of Zoning Adjustments, after the notice of appeal is filed, by reason of facts stated in the certificate, that a stay would, in the Director’s opinion, cause imminent peril of life or property. In such case, proceedings may not be stayed after application to the Board or to the Civil District Court and notice to the Director of the Department of Safety and Permits, for due cause shown thereon, unless a restraining order is issued.
4.8.G (new section)	Council	Renumbered section	Administrative change to provide better organization	None	<u>An aggrieved party may appeal the Board of Zoning Adjustments' decisions on zoning appeals to the Orleans Parish Civil District Court within thirty (30) days of the Board’s decision.</u>
4.9.D.2	Safety and Permits	Specify that LAMA approvals and denials constitute zoning verifications	Recognize existing practice and set accurate expectations	The Director of the Department of Safety and Permits issues a zoning verification as part of a building permit, certificate of occupancy, or business license.	The Director of the Department of Safety and Permits issues a zoning verification as part of a building permit, certificate of occupancy, or business license. <u>These verifications may take the form of an approval or denial in the City's permit review system (LAMA).</u>
4.9.D.4	Council Land Use	Remove the word material	Administrative cleanup to make language flow	The interested party shall submit an application containing the following material, unless waived by the Director of the Department of Safety and Permits:	The interested party shall submit an application containing the following material, unless waived by the Director of the Department of Safety and Permits:
4.9.D.4.e (new section)	Safety and Permits	Add payment of application fee to application requirements	Recognizes code change in 70-564	None	<u>e. Required application fees, if any. Application fees may not be waived by the Director of the Department of Safety and Permits.</u>

Section	Proposer	Summary of Change	Need for Change	Current Text	Proposed Change
4.9.E	Council District	Require DSP to include appeal deadline in zoning verifications	Provide additional information to applicants	An interested party may appeal the zoning verification decision by the Director of the Department of Safety and Permits to the Board of Zoning Adjustments within forty-five (45) days of the decision.	An interested party may appeal the zoning verification decision by the ~~Director of the~~ Department of Safety and Permits to the Board of Zoning Adjustments within forty-five (45) days of the decision. <u>All verifications issued by the Director of the Department of Safety and Permits must contain a statement explaining that there is a right to appeal to the Board of Zoning Adjustments and the deadline to do so.</u>
4.Table (Table 4-3)	Council Land Use	Update table to reflect changes, correct table number	Administrative change to ensure consistency in code	Table 4-2: Administrative Summary Table *** Application Filing and Completeness Determination / Zoning Appeal: Director of the Department of Safety and Permits	Table 4- ~~23~~ : Administrative Summary Table *** Application Filing and Completeness Determination / Zoning Appeal: ~~Director of the Department of Safety and Permits~~ <u>Executive Director of the City Planning Commission</u>
19.3.C.2	Law Department	Delete in entirety; renumber remaining sections accordingly	Allows for emergency action (purpose of IZDs)	Prior to the initiation of the City Council motion, the City Councilmember sponsoring the motion shall follow the procedure established in Section 4.2 for zoning map amendments. If the interim zoning district or moratorium is initiated "by request," the sponsoring City Councilmember may designate the requestor to fulfill the Project NPP requirements.	~~Prior to the initiation of the City Council motion, the City Councilmember sponsoring the motion shall follow the procedure established in Section 4.2 for zoning map amendments. If the interim zoning district or moratorium is initiated "by request," the sponsoring City Councilmember may designate the requestor to fulfill the Project NPP requirements.~~

3.5 Neighborhood Participation Plans

3.5.A. Purpose.

Pursuant to Sec. 5-411 of the City Charter, the Neighborhood Participation Plan (NPP) is intended to provide timely initial notification to a neighborhood of any proposed land use action affecting the neighborhood and provide the opportunity for meaningful neighborhood review of and comment on such proposals.

3.5.B. Applicability.

NPPs are required for the following types of applications:

1. Zoning Text and Map Amendments
2. Conditional Uses
3. Planned Developments
4. Variances (except variances for single- and two-family dwelling units)
5. Major Subdivisions

NPPs are also required for changes to the Master Plan. These Master Plan NPPs shall be facilitated by the City Planning Commission staff and are not subject to the procedural rules of this Section.

3.5.C. NPP Procedure.

1. Applicants begin the NPP process by applying with the CPC staff, who will provide a list of required parties to be noticed.
2. Applicants must provide CPC staff with a copy of the NPP meeting notice. CPC staff will ensure that the NPP meeting notice is sent through the City's electronic verification system to interested parties. The failure of CPC to publish notice through the City's electronic verification system or the unavailability of the electronic verification system shall not be grounds for deeming a NPP to be insufficient.
3. Applicants must send the required notice to all parties listed by CPC staff. Proof of actual delivery is not required. For notice sent through the U.S. mail, an attestation of mailing alongside a copy of the notice is sufficient. For notice sent through e-mail, a copy of the email including addresses the email was sent to with the notice embedded in the body or attached as a pdf is sufficient.
4. Applicants must hold the required NPP meeting at the date, time, and location included in the notice, and must keep the necessary records for submission of the NPP Report. If the NPP meeting is rescheduled, notice of the rescheduling must be sent by the same means as the original notice.
5. Applicants must submit the NPP Report as part of their application for a zoning text or map amendment, conditional use, planned development, major subdivision or variance. This application will not be considered complete until a satisfactory NPP Report has been received by CPC staff.

3.5.D. Parties to Receive Notice.

1. Applications affecting up to one city square or its equivalent must provide notice to all properties within 300' for properties up to 25,000 square feet in area and 600' for properties that are 25,000+ square feet of the relevant property, as well as to any neighborhood associations registered with the city representing the area encompassing the city square. CPC staff will, upon application, provide a list of these properties as well as relevant neighborhood associations and their designated contact information. Notice to neighboring properties must be sent by U.S. Mail or hand-delivered, while notice to neighborhood associations registered with the city may be sent by e-mail. Notice to other interested parties may be sent through the City's electronic notification system.

2. Applications affecting more than one city square or its equivalent must provide notice to all neighborhood associations registered with the city by e-mail. Other interested parties may receive notice through the City's electronic notification system.

3.5.E. Contents of Required Notice.

Notice of the NPP must include the following information, at a minimum:

1. The date, time, and location of a meeting to be held to receive review and comment on the proposal. NPPs affecting more than one city square or its equivalent may hold their meeting virtually, through a commercially accepted virtual meeting service, such as Zoom, Teams, or WebEx. Virtual meetings must have the option for participants to call in without requiring video services. The meeting must be held within 14-30 days of mailing or emailing of the required notice.
2. A brief description of the proposal:
 - a. Map amendment applications shall include the type of land use request, the name of the existing and proposed zoning district, and the article of the Comprehensive Zoning Ordinance for the proposed zoning district. Map amendment applications shall also include an outlined area map.
 - b. Text amendment applications shall include the citation and existing language of the Comprehensive Zoning Ordinance, if applicable, the proposed changes or additions to the language of the Comprehensive Zoning Ordinance and which zoning district(s) the amendment would affect, or a statement that the changes would be effective citywide.
 - c. Conditional use applications shall include a brief description of the proposal, including the type of land use request, and known needed variances.
 - d. Planned development applications shall include a brief description of the proposal, including known needed variances,
 - e. Variance applications shall include a brief description of the proposal, including known needed variances.
 - f. Major subdivision applications shall include a description of how the lots are being subdivided (ex: Resubdivision of Lot(s) x into Lot(s) y).
 - g. All parties should recognize that the proposal may change as part of the usual review process and that failure to notice every possible permutation of the proposal shall not render the NPP insufficient.

6. Contact information for the applicants, including at a minimum a telephone number and email address, so that parties who may not attend the NPP meeting due to time constraints can participate in the process.

3.5.F. NPP Meeting.

1. NPP meetings must be held in generally accessible public locations at reasonable times and should be sufficiently large to accommodate all attendees.
2. Virtual NPP meetings may require pre-registration to facilitate a “webinar” style presentation with the ability to mute participants, provided that there is a dedicated period of time for participants to provide comment with the technical ability for them to do so.
3. Meetings may end at a specified time, even if all participants have not yet had a chance to speak, provided that there is at least 30 minutes provided for public comment and that the set end time is included in the notice for the NPP.

3.5.G. NPP Report.

The applicant shall submit a Project NPP report with the application. The report shall provide the following information:

1. The names of the individuals and entities that were notified.
2. A list of the concerns, issues, and problems expressed by the participants.
3. A statement as to how each concern, issue, and problem is addressed and how the applicant intends to continue to address them. If the concern, issue, or problem is not being addressed, the applicant should state the reasons.
4. Copies of emails, letters, communications affidavits, meeting invitations, newsletters, publications, and petitions requesting additional information related to the project, received in support of or in opposition to the proposed project, and any other materials pertaining to the notification process.
5. The date, time, and location of all meetings held with interested parties, or a statement indicating the reasons if no meeting was held. No information pertaining to any meeting held more than one hundred eighty (180) days prior to the submittal of the application shall be accepted as part of the Project NPP report, except where subsequent meetings with interested parties have occurred within the one hundred eighty (180) days preceding the submittal of the Project NPP report.
6. A completed sign-in sheet that includes the names, addresses, and contact information for meeting attendees. A list of participants prepared by the virtual meeting service is acceptable for virtual meetings.

Re: RESCHEDULED: Notice of NPP Meeting - Proposing Changes to Articles 1-4 of the CZO

From Council Land Use <councillanduse@nola.gov>

Date Wed 2/12/2025 11:15 AM

To Council Land Use <councillanduse@nola.gov>; EnolaCivic@GMail.com <EnolaCivic@GMail.com>; cmorsecompany@gmail.com <cmorsecompany@gmail.com>; hq@pnola.org <hq@pnola.org>; michael.casey06@gmail.com <michael.casey06@gmail.com>; virginia@baldwins.tv <virginia@baldwins.tv>; climanaassociation@gmail.com <climanaassociation@gmail.com>; rozpey@bellsouth.net <rozpey@bellsouth.net>; dnaneworleans@gmail.com <dnaneworleans@gmail.com>; michaelrobinson@jerichohousing.org <michaelrobinson@jerichohousing.org>; info@faubourgavart.com <info@faubourgavart.com>; bcrutcher3@gmail.com <bcrutcher3@gmail.com>; tourobna@gmail.com <tourobna@gmail.com>; juliebob@bellsouth.net <juliebob@bellsouth.net>; debbyfdna@gmail.com <debbyfdna@gmail.com>; president@irishchannel.org <president@irishchannel.org>; coliseumsquarepresident@gmail.com <coliseumsquarepresident@gmail.com>; ddd@downtownnola.com <ddd@downtownnola.com>; brittany mcgovern <brittany@fqba.org>; French Quarter Citizens Inc. <info@frenchquartercitizens.org>

Cc Claire F. Byun <Claire.Byun@nola.gov>; Stephen K. Kroll <skroll@nola.gov>; Robert D. Rivers <rdrivers@nola.gov>; Wheeler L. Manouchehri <wheeler.manouchehri@nola.gov>; Hannah E Rowe <Hannah.Rowe@nola.gov>

Hello all,

I just wanted to send a quick reminder about this meeting tonight at 6:30 p.m. You will need to register for the meeting in advance at the link below if you wish to participate. Thank you!

Ashley J. Becnel
Council Land Use Officer
New Orleans City Council

From: Council Land Use <councillanduse@nola.gov>

Sent: Monday, January 27, 2025 2:26 PM

To: Council Land Use <councillanduse@nola.gov>; EnolaCivic@GMail.com <EnolaCivic@GMail.com>; cmorsecompany@gmail.com <cmorsecompany@gmail.com>; hq@pnola.org <hq@pnola.org>; michael.casey06@gmail.com <michael.casey06@gmail.com>; virginia@baldwins.tv <virginia@baldwins.tv>; climanaassociation@gmail.com <climanaassociation@gmail.com>; rozpey@bellsouth.net <rozpey@bellsouth.net>; dnaneworleans@gmail.com <dnaneworleans@gmail.com>; michaelrobinson@jerichohousing.org <michaelrobinson@jerichohousing.org>; info@faubourgavart.com <info@faubourgavart.com>; bcrutcher3@gmail.com <bcrutcher3@gmail.com>; tourobna@gmail.com <tourobna@gmail.com>; juliebob@bellsouth.net <juliebob@bellsouth.net>; debbyfdna@gmail.com <debbyfdna@gmail.com>; president@irishchannel.org <president@irishchannel.org>; coliseumsquarepresident@gmail.com <coliseumsquarepresident@gmail.com>; ddd@downtownnola.com <ddd@downtownnola.com>; brittany mcgovern <brittany@fqba.org>; French Quarter Citizens Inc.

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<kenilworthNOLA@gmail.com>; kingswood.homeowners@yahoo.com <kingswood.homeowners@yahoo.com>;
tguillentp@att.net <tguillentp@att.net>; lakebullardpresident@gmail.com <lakebullardpresident@gmail.com>;
bjackson@suno.edu <bjackson@suno.edu>; joan.heisser@att.net <joan.heisser@att.net>;
scineaux@bellsouth.net <scineaux@bellsouth.net>; dherbert28@cox.net <dherbert28@cox.net>;

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sncopelin@aol.com <sncopelin@aol.com>; mcpc@att.net <mcpc@att.net>; southlaketax@gmail.com
<southlaketax@gmail.com>; alstewart1@cox.net <alstewart1@cox.net>; letrky3@yahoo.com
<letrky3@yahoo.com>; ellenpenny@att.net <ellenpenny@att.net>; gfarmant@yahoo.com
<gfarmant@yahoo.com>; bhornsby@cox.net <bhornsby@cox.net>; bouben@yahoo.com <bouben@yahoo.com>;
legauxann@gmail.com <legauxann@gmail.com>; lakecatherineassociation@yahoo.com
<lakecatherineassociation@yahoo.com>; kfoster@algerseconomic.com <kfoster@algerseconomic.com>;
adunn@entergy.com <adunn@entergy.com>; goodwinkrewe@netzero.com <goodwinkrewe@netzero.com>;
asdunnsr@gmail.com <asdunnsr@gmail.com>; lj4adotcomdan@gmail.com <lj4adotcomdan@gmail.com>;
robz@abbeyprinting.com <robz@abbeyprinting.com>; ronicka.briscoe@gmail.com <ronicka.briscoe@gmail.com>;
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slippert3@aol.com <slippert3@aol.com>; ccharles12@cox.net <ccharles12@cox.net>;
jennie_mcintosh@yahoo.com <jennie_mcintosh@yahoo.com>; adunn@entergy.com <adunn@entergy.com>;
dmercer5@cox.net <dmercer5@cox.net>; jleepva@cox.net <jleepva@cox.net>; eydie_acosta@hotmail.com
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<jrogersnola@gmail.com>; lowermidcityNO@gmail.com <lowermidcityNO@gmail.com>; jofriend@bellsouth.net
<jofriend@bellsouth.net>; info@lafittgreenway.org <info@lafittgreenway.org>; ruthemma24@yahoo.com
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<claibornereborn@gmail.com>; Nfsnick4@yahoo.com <Nfsnick4@yahoo.com>;
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<edgewoodheights@gmail.com>; ester.wensink@gmail.com <ester.wensink@gmail.com>; mshlenker
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<Hannah.Rowe@nola.gov>

Subject: RESCHEDULED: Notice of NPP Meeting - Proposing Changes to Articles 1-4 of the CZO

Dear Neighborhood Organizations,

Please see attached a letter detailed a NPP meeting to be held virtually on February 12, 2025 at 6:30 pm. and which may be accessed at: <https://us06web.zoom.us/join/9AuTEYfPQFOyWO5X63qQ1g>.

Registration for this meeting through zoom will be required for participation. Additional details can be found in the attached letter.

Ashley J. Becnel
Council Land Use Officer
New Orleans City Council

From: Council Land Use <councillanduse@nola.gov>

Sent: Wednesday, January 22, 2025 3:44 PM

To: Council Land Use <councillanduse@nola.gov>; EnolaCivic@GMail.com <EnolaCivic@GMail.com>; cmorsecompany@gmail.com <cmorsecompany@gmail.com>; hq@pnola.org <hq@pnola.org>; michael.casey06@gmail.com <michael.casey06@gmail.com>; virginia@baldwins.tv <virginia@baldwins.tv>; climanaassociation@gmail.com <climanaassociation@gmail.com>; rozpey@bellsouth.net <rozpey@bellsouth.net>; dnaneworleans@gmail.com <dnaneworleans@gmail.com>; michaelrobinson@jerichohousing.org <michaelrobinson@jerichohousing.org>; info@faubourgavart.com <info@faubourgavart.com>; bcrutcher3@gmail.com <bcrutcher3@gmail.com>; tourobna@gmail.com <tourobna@gmail.com>; juliebob@bellsouth.net <juliebob@bellsouth.net>; debbyfdna@gmail.com <debbyfdna@gmail.com>; president@irishchannel.org <president@irishchannel.org>; coliseumsquarepresident@gmail.com <coliseumsquarepresident@gmail.com>; ddd@downtownnola.com <ddd@downtownnola.com>; brittany mcgovern <brittany@fqba.org>; French Quarter Citizens Inc. <info@frenchquartercitizens.org>; fqfemme@gmail.com <fqfemme@gmail.com>; Erin Holmes <erinholmes@vcpora.org>; warehousedna@gmail.com <warehousedna@gmail.com>; cwiggins@ghrmc.org <cwiggins@ghrmc.org>; ochaleymainst@bellsouth.net <ochaleymainst@bellsouth.net>; mariegalatas@yahoo.com <mariegalatas@yahoo.com>; musser@msn.com <musser@msn.com>; info@audubonarea.org <info@audubonarea.org>; albee32a@yahoo.com <albee32a@yahoo.com>; damon.franke@usm.edu <damon.franke@usm.edu>; maggie@broadmoorimprovement.com <maggie@broadmoorimprovement.com>; H. V. Nagendra V. Nagendra <h.nagendra@att.net>; eleyda.crna@gmail.com <eleyda.crna@gmail.com>; president@fia-nola.org <president@fia-nola.org>; neighborsunited.listserve@gmail.com <neighborsunited.listserve@gmail.com>; gardendistrictno@bellsouth.net <gardendistrictno@bellsouth.net>; hollygrove.dixon <info@holly.grovedixion.org>; gardendistrictno@bellsouth.net <gardendistrictno@bellsouth.net>; guide@magazinestreet.com <guide@magazinestreet.com>; maplearearesidentsinc@gmail.com <maplearearesidentsinc@gmail.com>; rbienvu@aol.com <rbienvu@aol.com>; ssakla@lawmedic.com <ssakla@lawmedic.com>; timg@marlyville.me <timg@marlyville.me>; nwcarrrollton@mindspring.com <nwcarrrollton@mindspring.com>; gbdiggs11133 <gbdiggs11133@aol.com>; leonidashouse@gmail.com <leonidashouse@gmail.com>; tilman@coreusa.org <tilman@coreusa.org>; jeanne@landrylawnola.net <jeanne@landrylawnola.net>; kroux@deutschkerrigan.com <kroux@deutschkerrigan.com>; info@upperhurstville.com <info@upperhurstville.com>; president@uptowntriangle.com <president@uptowntriangle.com>; jeff@broadcommunityconnections.org <jeff@broadcommunityconnections.org>; wayneben06@yahoo.com <wayneben06@yahoo.com>; ertca.nola@gmail.com <ertca.nola@gmail.com>; ftnaboard@hotmail.com <ftnaboard@hotmail.com>; flta2200@gmail.com <flta2200@gmail.com>; president@fsjna.org <president@fsjna.org>; lebranelegacyfoundation@yahoo.com <lebranelegacyfoundation@yahoo.com>; president@hfta.org <president@hfta.org>; pbcpastordavis@bellsouth.net <pbcpastordavis@bellsouth.net>;

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<julie@strochcc.org>; diemnguyen@mqvncdc.org <diemnguyen@mqvncdc.org>; duplantier@bellsouth.net
<duplantier@bellsouth.net>; lakecatherineassociation@yahoo.com <lakecatherineassociation@yahoo.com>;
rotasha.redmonddubuclet@urbanstrategiesinc.org <rotasha.redmonddubuclet@urbanstrategiesinc.org>;
thee5moe@gmail.com <thee5moe@gmail.com>; benfdigginssr@yahoo.com <benfdigginssr@yahoo.com>;
madegrasse@att.net <madegrasse@att.net>; shoes@claudialynch.com <shoes@claudialynch.com>;
dimarco_bl@bellsouth.net <dimarco_bl@bellsouth.net>; claibornereborn@gmail.com
<claibornereborn@gmail.com>; Nfsnick4@yahoo.com <Nfsnick4@yahoo.com>;
lowerninestakeholders@gmail.com <lowerninestakeholders@gmail.com>; stoshkozl@yahoo.com
<stoshkozl@yahoo.com>; edgewoodpark@yahoo.com <edgewoodpark@yahoo.com>;
marvalmitchell@bellsouth.net <marvalmitchell@bellsouth.net>; lsjr07@gmail.com <lsjr07@gmail.com>;
abbyyoking@gmail.com <abbyyoking@gmail.com>; donwentworth@usa.com <donwentworth@usa.com>;
togethergerttown0017@gmail.com <togethergerttown0017@gmail.com>; edgewoodheights@gmail.com
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Subject: CANCELLED: Notice of NPP Meeting - Proposing Changes to Articles 1-4 of the CZO

Dear Neighborhood Associations,

Due to the ongoing weather event and the closure of City Hall, this NPP will be postponed. I will follow up with a new date as soon as one has been set, and will provide at least two weeks notice of any new date and time. My apologies for any inconvenience this may cause, and I hope everyone is safe, warm, and dry.

Thanks,

Ashley J. Becnel
Council Land Use Officer
New Orleans City Council
councillanduse@nola.gov

From: Council Land Use <councillanduse@nola.gov>

Sent: Thursday, January 9, 2025 4:14 PM

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<climanaassociation@gmail.com>; rozpey@bellsouth.net <rozpey@bellsouth.net>; dnaneworleans@gmail.com
<dnaneworleans@gmail.com>; michaelrobinson@jerichohousing.org <michaelrobinson@jerichohousing.org>;
info@faubourgavart.com <info@faubourgavart.com>; bcrutcher3@gmail.com <bcrutcher3@gmail.com>;
tourobna@gmail.com <tourobna@gmail.com>; juliebob@bellsouth.net <juliebob@bellsouth.net>;
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<president@fsjna.org>; lebranelegacyfoundation@yahoo.com <lebranelegacyfoundation@yahoo.com>;
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<voscovillenwa@gmail.com>; Peggyb504@yahoo.com <Peggyb504@yahoo.com>; vistaparkboard
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julienola@gmail.com <julienola@gmail.com>; sbrady@entergy.com <sbrady@entergy.com>; pastorjrw@aol.com
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bjackson@suno.edu <bjackson@suno.edu>; joan.heisser@att.net <joan.heisser@att.net>;
scineaux@bellsouth.net <scineaux@bellsouth.net>; dherbert28@cox.net <dherbert28@cox.net>;

emobley@coxmail.com <emobley@coxmail.com>; ofaurelwhna@yahoo.com <ofaurelwhna@yahoo.com>;
 sncopecin@aol.com <sncopecin@aol.com>; mcpc@att.net <mcpc@att.net>; southlaketax@gmail.com
 <southlaketax@gmail.com>; alstewart1@cox.net <alstewart1@cox.net>; letrky3@yahoo.com
 <letrky3@yahoo.com>; ellenpenny@att.net <ellenpenny@att.net>; gfarmant@yahoo.com
 <gfarmant@yahoo.com>; bhornsby@cox.net <bhornsby@cox.net>; bouben@yahoo.com <bouben@yahoo.com>;
 legauxann@gmail.com <legauxann@gmail.com>; lakecatherineassociation@yahoo.com
 <lakecatherineassociation@yahoo.com>; kfoster@algerseconomic.com <kfoster@algerseconomic.com>;
 adunn@entergy.com <adunn@entergy.com>; goodwinkrewe@netzero.com <goodwinkrewe@netzero.com>;
 asdunnsr@gmail.com <asdunnsr@gmail.com>; lj4adotcomdan@gmail.com <lj4adotcomdan@gmail.com>;
 robz@abbeyprinting.com <robz@abbeyprinting.com>; ronicka.briscoe@gmail.com <ronicka.briscoe@gmail.com>;
 kyle.franklin@gmail.com <kyle.franklin@gmail.com>; markreenehome@cox.net <markreenehome@cox.net>;
 slippert3@aol.com <slippert3@aol.com>; ccharles12@cox.net <ccharles12@cox.net>;
 jennie_mcintosh@yahoo.com <jennie_mcintosh@yahoo.com>; adunn@entergy.com <adunn@entergy.com>;
 dmercer5@cox.net <dmercer5@cox.net>; jleepva@cox.net <jleepva@cox.net>; eydie_acosta@hotmail.com
 <eydie_acosta@hotmail.com>; jedmason@bellsouth.net <jedmason@bellsouth.net>; Gilbert Crowden
 <gcrowden@bellsouth.net>; lesaellison@aol.com <lesaellison@aol.com>; info@walnutbendno.org
 <info@walnutbendno.org>; yvonnemg@aol.com <yvonnemg@aol.com>; eric@pickeringandassociates.com
 <eric@pclawfirm.com>; glennshomeoffice@gmail.com <glennshomeoffice@gmail.com>;
 gerardrouchon55@gmail.com <gerardrouchon55@gmail.com>; jrogersnola@gmail.com
 <jrogersnola@gmail.com>; lowermidcityNO@gmail.com <lowermidcityNO@gmail.com>; jofriend@bellsouth.net
 <jofriend@bellsouth.net>; info@lafittgreenway.org <info@lafittgreenway.org>; ruthemma24@yahoo.com
 <ruthemma24@yahoo.com>; tlevy@pelhughes.com <tlevy@pelhughes.com>; info@oldalgiersmainstreet.org
 <info@oldalgiersmainstreet.org>; laquita.bradley@urbanstrategiesinc.org
 <laquita.bradley@urbanstrategiesinc.org>; Paul Baricos <paul.baricos@gmail.com>; julie@strochcc.org
 <julie@strochcc.org>; diemnguyen@mqvncdc.org <diemnguyen@mqvncdc.org>; duplantier@bellsouth.net
 <duplantier@bellsouth.net>; lakecatherineassociation@yahoo.com <lakecatherineassociation@yahoo.com>;
 rotasha.redmonddubuclet@urbanstrategiesinc.org <rotasha.redmonddubuclet@urbanstrategiesinc.org>;
 thee5moe@gmail.com <thee5moe@gmail.com>; benfdigginssr@yahoo.com <benfdigginssr@yahoo.com>;
 madegrasse@att.net <madedgrasse@att.net>; shoes@claudialynch.com <shoes@claudialynch.com>;
 dimarco_bl@bellsouth.net <dimarco_bl@bellsouth.net>; claibornereborn@gmail.com
 <claibornereborn@gmail.com>; Nfsnick4@yahoo.com <Nfsnick4@yahoo.com>;
 lowerninestakeholders@gmail.com <lowerninestakeholders@gmail.com>; stoshkozl@yahoo.com
 <stoshkozl@yahoo.com>; edgewoodpark@yahoo.com <edgewoodpark@yahoo.com>;
 marvalmitchell@bellsouth.net <marvalmitchell@bellsouth.net>; lsjr07@gmail.com <lsjr07@gmail.com>;
 abbyyoking@gmail.com <abbyyoking@gmail.com>; donwentworth@usa.com <donwentworth@usa.com>;
 togethergerttown0017@gmail.com <togethergerttown0017@gmail.com>; edgewoodheights@gmail.com
 <edgewoodheights@gmail.com>; ester.wensink@gmail.com <ester.wensink@gmail.com>; mshlenker
 <mshlenker@gmail.com>; Cortizas, Richard <rcortizas@joneswalker.com>; presidentfna@gmail.com
 <presidentfna@gmail.com>; ibscience@yahoo.com <ibscience@yahoo.com>; rberger@thebergerco.com
 <rberger@thebergerco.com>; capano@hotmail.com <capano@hotmail.com>; L.DUPONT@PSSNOLA.COM
 <L.DUPONT@PSSNOLA.COM>; tthsmile@gmail.com <tthsmile@gmail.com>

Cc: Claire F. Byun <Claire.Byun@nola.gov>; Stephen K. Kroll <skroll@nola.gov>; Robert D. Rivers
 <rdrivers@nola.gov>; Ashley J. Becnel <ajbecnel@nola.gov>; Wheeler L. Manouchehri
 <wheeler.manouchehri@nola.gov>

Subject: Notice of NPP Meeting - Proposing Changes to Articles 1-4 of the CZO

Dear Neighborhood Organizations,

Please see attached a letter detailed a NPP meeting to be held virtually on January 23, 2025 at 6:30 pm. and which may be accessed at: <https://us06web.zoom.us/join/9AuTEYfPQFOyWO5X63qQ1g>.

Registration for this meeting through zoom will be required for participation. Additional details can be found in the attached letter.

Ashley J. Becnel
Council Land Use Officer
New Orleans City Council

Re: NPP meeting of Feb. 12; subscribing to citywide NPP meeting notifications

From sjohnson@townofcarrolltonwatch.org <sjohnson@townofcarrolltonwatch.org>

Date Tue 2/4/2025 2:31 PM

To Ashley J. Becnel <ajbecnel@nola.gov>

Cc Stephen K. Kroll <skroll@nola.gov>

Thanks for now.

On 2025-02-03 13:31, Ashley J. Becnel wrote:

> Ms. Johnson,
>
> Apologies for the delayed reply, I was out on Friday. There is no
> entry for this in the One Stop yet as the NPP is the first step in the
> process. Once the NPP is complete, the Council will hear a motion to
> initiate the text amendment process. CPC will then create the zoning
> docket within the One Stop App and assign a ZD number.
>
> Unfortunately, I'm not aware of a mechanism by which you can sign up
> for these notifications as of now, although I'm looping in @Stephen K.
> Kroll with CPC, who may have ideas. The availability of such
> notifications is definitely something we can look at as a part of this
> particular amendment, however, and I've added it to my list of topics
> to consider so I appreciate you raising it.
>
> Ashley J. Becnel
>
> Council Land Use Officer
>
> New Orleans City Council
>
> ajbecnel@nola.gov
>
> -----
>
> From: sjohnson@townofcarrolltonwatch.org
> <sjohnson@townofcarrolltonwatch.org>
> Sent: Thursday, January 30, 2025 4:15 PM
> To: Council Land Use <councillanduse@nola.gov>
> Cc: Ashley J. Becnel <ajbecnel@nola.gov>
> Subject: NPP meeting of Feb. 12; subscribing to citywide NPP meeting
> notifications
>

> Dear Ms. Becnel:
>
> Two questions:
>
> Q1. What is the LAMA ref. code # or Project Number for the Feb. 12,
> 2025, citywide NPP meeting on CZO 1-4?
> (Some of us are trying to look it up on OneStop.)
>
> Q2. How can I sign up for direct notification of citywide NPP
> meetings?
>
> I ask because NAs are ****not**** reliable conduits/agents for citywide
> NPP
> meeting notifications:
> (a) I've seen a recent record in a city agency staff report of the
> high
> number of NA addresses that fail upon delivery; and
> (b) "Human error" -- I belong to two NAs and received your email of
> Jan.
> 27 ("Subject: RESCHEDULED: Notice of NPP Meeting - Proposing Changes
> to
> Articles 1-4 of the CZO") only today (Jan. 30) as a forward from a
> third
> party, i.e., ****not**** from the NAs.
>
> Thanks,
> Susan Johnson
> Town of Carrollton Watch, LLC
> Historic N.O. Neighborhoods, LLC
> 2822 Lepage Street
> New Orleans, La. 70119

Fw: RESCHEDULED NPP - Proposing Changes to Articles 1-4 of the CZO

From Ashley J. Becnel <ajbecnel@nola.gov>

Date Fri 5/16/2025 1:54 PM

To tjames@broadmoorllc.com <tjames@broadmoorllc.com>

 3 attachments (413 KB)

NPP Letter Revised 2 - 2025.05.22.pdf; Proposed Changes - CZO Administrative Update PUBLIC 2025.05.08.pdf; 3.5 NPPs - For Public.pdf;

Ashley J. Becnel
Council Land Use Officer
New Orleans City Council
ajbecnel@nola.gov
504.658.1132

From: Council Land Use

Sent: Thursday, May 8, 2025 2:23 PM

To: Council Land Use; EnolaCivic@GMail.com; cmorsecompany@gmail.com; hq@pnola.org; michael.casey06@gmail.com; virginia@baldwins.tv; climanaassociation@gmail.com; rozpey@bellsouth.net; dnaneworleans@gmail.com; michaelrobinson@jerichohousing.org; info@faubourgavart.com; bcrutcher3@gmail.com; tourobna@gmail.com; juliebob@bellsouth.net; debbyfdna@gmail.com; president@irishchannel.org; coliseumsquarepresident@gmail.com; ddd@downtownnola.com; brittany mcgovern; French Quarter Citizens Inc.; fqfemme@gmail.com; Erin Holmes; warehousedna@gmail.com; cwiggin@ghrmc.org; ochaleymainst@bellsouth.net; mariegalatas@yahoo.com; musser@msn.com; info@audubonarea.org; albee32a@yahoo.com; damon.franke@usm.edu; maggie@broadmoorimprovement.com; H. V. Nagendra V. Nagendra; eleyda.crna@gmail.com; president@fia-nola.org; neighborsunited.listserve@gmail.com; gardendistrictno@bellsouth.net; hollygrove.dixon; gardendistrictno@bellsouth.net; guide@magazinestreet.com; maplearearesidentsinc@gmail.com; rbienvenu@aol.com; ssakla@lawmedic.com; timg@marlyville.me; nwcarrrollton@mindspring.com; gbdiggs11133; leonidashouse@gmail.com; tilman@coreusa.org; jeanne@landrylawnola.net; kroux@deutschkerrigan.com; info@upperhurstville.com; president@uptowntriangle.com; jeff@broadcommunityconnections.org; wayneben06@yahoo.com; ertca.nola@gmail.com; ftnaboard@hotmail.com; flta2200@gmail.com; president@fsjna.org; lebranelegacyfoundation@yahoo.com; president@hfta.org; pbcpastordavis@bellsouth.net; cobbsuzi; t.hurley; dalton3; Paulneworleans@gmail.com; Victor.landry.lpoa; president; president; ian@nanollc.net; Kerry Cuccia; wapsupplies; neworleansburbankgardens; filmore.gardens; voscovillenwa; gwenhawk59@yahoo.com; ghena2b; president@gentillyterrace.org; pcornist; awhaspel@gmail.com; Milneburg Neighborhood Association; mirabeaugradens@outlook.com;

oakparkcivicassociation; walterine5; gretchenbradford; abwfaithinthefuture; Darryl Watson; 7thwardassoc@gmail.com; voscovillenwa; Peggyb504@yahoo.com; vistaparkboard; bunnyfriendassoc@gmail.com; bywaterpresident@gmail.com; FMIA President; debjoecatering@att.net; cheryl@greatertreme.org; libertyterracehomeowners@yahoo.com; julienola@gmail.com; sbrady@entergy.com; pastorjrw@aol.com; ljackson_9w@hotmail.com; telephoneman19@yahoo.com; madj8768@gmail.com; mfcraig@bellsouth.net; wmbick@yahoo.com; secretary@enonac.org; epoa@yahoo.com; kenilworthNOLA@gmail.com; kingswood.homeowners@yahoo.com; tguillentp@att.net; lakebullardpresident@gmail.com; bjackson@suno.edu; joan.heisser@att.net; scineaux@bellsouth.net; dherbert28@cox.net; emobley@coxmail.com; ofaurelwhna@yahoo.com; sncopelin@aol.com; mcpc@att.net; southlaketax@gmail.com; alstewart1@cox.net; letrky3@yahoo.com; ellenpenny@att.net; gfarmant@yahoo.com; bhornsby@cox.net; bouben@yahoo.com; legauxann@gmail.com; lakecatherineassociation@yahoo.com; kfooster@algiereconomic.com; adunn@entergy.com; goodwinkrewe@netzero.com; asdunnsr@gmail.com; lj4adotcomdan@gmail.com; robz@abbeyprinting.com; ronicka.briscoe@gmail.com; kyle.franklin@gmail.com; markreenehome@cox.net; slippert3@aol.com; ccharles12@cox.net; jennie_mcintosh@yahoo.com; adunn@entergy.com; dmercer5@cox.net; jleepva@cox.net; eydie_acosta@hotmail.com; jedmason@bellsouth.net; Gilbert Crowden; lesaellison@aol.com; info@walnutbendno.org; yvonnemg@aol.com; eric@pickeringandassociates.com; glennshomeoffice@gmail.com; gerardrouchon55@gmail.com; jrogersnola@gmail.com; lowermidcityNO@gmail.com; jofriend@bellsouth.net; info@lafittegreenway.org; ruthemma24@yahoo.com; tlevy@pelhughes.com; info@oldalgiersmainstreet.org; laquita.bradley@urbanstrategiesinc.org; Paul Baricos; julie@strochcc.org; diemnguyen@mqvncdc.org; duplantier@bellsouth.net; lakecatherineassociation@yahoo.com; rotasha.redmonddubuclet@urbanstrategiesinc.org; thee5moe@gmail.com; benfdigginssr@yahoo.com; madegrasse@att.net; shoes@claudialynch.com; dimarco_bl@bellsouth.net; claibornereborn@gmail.com; Nfsnick4@yahoo.com; lowerninestakeholders@gmail.com; stoshkozl@yahoo.com; edgewoodpark@yahoo.com; marvalmitchell@bellsouth.net; lsjr07@gmail.com; abbyoking@gmail.com; donwentworth@usa.com; togethergettowntown0017@gmail.com; edgewoodheights@gmail.com; ester.wensink@gmail.com; mshlenker; Cortizas, Richard; presidentfna@gmail.com; ibscience@yahoo.com; rberger@thebergerco.com; capano@hotmail.com; L.DUPONT@PSSNOLA.COM; tthsmile@gmail.com

Cc: Claire F. Byun; Stephen K. Kroll; Robert D. Rivers; Wheeler L. Manouchehri; Hannah E Rowe

Subject: RESCHEDULED NPP - Proposing Changes to Articles 1-4 of the CZO

Dear Neighborhood Organizations,

Please see attached a letter detailed a NPP meeting to be held virtually on May 22, 2025 at 6:00 pm. and which may be accessed at: <https://us06web.zoom.us/j/84808308950>.

Additional details can be found in the attached letter, or on the City Council's website at <https://council.nola.gov/resources/neighborhood-participation-plans/>. The website includes a link to a list of changes proposed to date. For everyone's convenience, I am also attaching this list, as well as the referenced proposed changes to NPP processes, to this email.

Ashley J. Becnel
Council Land Use Officer
New Orleans City Council

From: Council Land Use

Sent: Monday, February 24, 2025 3:57 PM

To: Council Land Use; EnolaCivic@GMail.com; cmorsecompany@gmail.com; hq@pnola.org; michael.casey06@gmail.com; virginia@baldwins.tv; climanaassociation@gmail.com; rozpey@bellsouth.net; dnaneworleans@gmail.com; michaelrobinson@jerichohousing.org; info@faubourgavart.com; bcrutcher3@gmail.com; tourobna@gmail.com; juliebob@bellsouth.net; debbyfdna@gmail.com; president@irishchannel.org; coliseumsquarepresident@gmail.com; ddd@downtownnola.com; brittany mcgovern; French Quarter Citizens Inc.; fqfemme@gmail.com; Erin Holmes; warehousedna@gmail.com; cwiggins@ghrmc.org; ochaleymainst@bellsouth.net; mariegalatas@yahoo.com; musser@msn.com; info@audubonarea.org; albee32a@yahoo.com; damon.franke@usm.edu; maggie@broadmoorimprovement.com; H. V. Nagendra V. Nagendra; eleyda.crna@gmail.com; president@fia-nola.org; neighborsunited.listserve@gmail.com; gardendistrictno@bellsouth.net; hollygrove.dixon; gardendistrictno@bellsouth.net; guide@magazinestreet.com; maplearearesidentsinc@gmail.com; rbiennu@aol.com; ssakla@lawmedic.com; timg@marlyville.me; nwcarrrollton@mindspring.com; gbdiggs11133; leonidashouse@gmail.com; tilman@coreusa.org; jeanne@landrylawnola.net; kroux@deutschkerrigan.com; info@upperhurstville.com; president@uptowntriangle.com; jeff@broadcommunityconnections.org; wayneben06@yahoo.com; ertca.nola@gmail.com; ftnaboard@hotmail.com; flta2200@gmail.com; president@fsjna.org; lebranelegacyfoundation@yahoo.com; president@hfta.org; pbcpastordavis@bellsouth.net; cobbsuzi; t.hurley; dalton3; Paulneworleans@gmail.com; Victor.landry.lpoa; president; president; ian@nanollc.net; Kerry Cuccia; wapsupplies; neworleansburbankgardens; filmore.gardens; voscovillenwa; gwenhawk59@yahoo.com; ghena2b; president@gentillyterrace.org; pcornist; awhaspel@gmail.com; Milneburg Neighborhood Association; mirabeaugradens@outlook.com; oakparkcivicassociation; walterine5; gretchenbradford; abwfaithinthefuture; Darryl Watson; 7thwardassoc@gmail.com; voscovillenwa; Peggyb504@yahoo.com; vistaparkboard; bunnyfriendassoc@gmail.com; bywaterpresident@gmail.com; FMIA President; debjoecatering@att.net; cheryl@greatertreme.org; libertyterracehomeowners@yahoo.com; julienola@gmail.com; sbrady@entergy.com; pastorjrw@aol.com; ljackson_9w@hotmail.com; telephoneman19@yahoo.com; madj8768@gmail.com; mfcraig@bellsouth.net; wmbick@yahoo.com; secretary@enonac.org; epoa@yahoo.com; kenilworthNOLA@gmail.com; kingswood.homeowners@yahoo.com; tguillentp@att.net; lakebullardpresident@gmail.com; bjackson@suno.edu; joan.heisser@att.net; scineaux@bellsouth.net; dherbert28@cox.net; emobley@coxmail.com; ofaurelwhna@yahoo.com; sncopelin@aol.com; mcpc@att.net; southlaketax@gmail.com; alstewart1@cox.net; letrky3@yahoo.com; ellenpenny@att.net; gfarmant@yahoo.com; bhornsby@cox.net; bouben@yahoo.com; legauxann@gmail.com; lakecatherineassociation@yahoo.com; kfoster@algiereconomic.com; adunn@entergy.com; goodwinkrewe@netzero.com; asdunnsr@gmail.com; lj4adotcomdan@gmail.com; robz@abbeyprinting.com; ronicka.briscoe@gmail.com; kyle.franklin@gmail.com; markreenehome@cox.net; slippert3@aol.com; ccharles12@cox.net; jennie_mcintosh@yahoo.com; adunn@entergy.com; dmercer5@cox.net; jleepva@cox.net; eydie_acosta@hotmail.com; jedmason@bellsouth.net; Gilbert Crowden; lesaellison@aol.com; info@walnutbendno.org; yvonnemg@aol.com; eric@pickeringandassociates.com; glennshomeoffice@gmail.com; gerardrouchon55@gmail.com; jrogersnola@gmail.com; lowermidcityNO@gmail.com; jofriend@bellsouth.net; info@lafittegreenway.org; ruthemma24@yahoo.com; tlevy@pelhughes.com; info@oldalgiersmainstreet.org; laquita.bradley@urbanstrategiesinc.org; Paul Baricos; julie@strochcc.org; diemnguyen@mqvncdc.org; duplantier@bellsouth.net; lakecatherineassociation@yahoo.com; rotasha.redmonddubuclet@urbanstrategiesinc.org; thee5moe@gmail.com; benfdigginssr@yahoo.com; madegrasse@att.net; shoes@claudialynch.com; dimarco_bl@bellsouth.net; claibornereborn@gmail.com; Nfsnick4@yahoo.com; lowerninestakeholders@gmail.com; stoshkozl@yahoo.com; edgewoodpark@yahoo.com; marvalmitchell@bellsouth.net; lsjr07@gmail.com;

abbyyoking@gmail.com; donwentworth@usa.com; togethergettowntown0017@gmail.com;
edgewoodheights@gmail.com; ester.wensink@gmail.com; mshlenker; Cortizas, Richard;
presidentfna@gmail.com; ibscience@yahoo.com; rberger@thebergerco.com; capano@hotmail.com;
L.DUPONT@PSSNOLA.COM; tthsmile@gmail.com

Cc: Claire F. Byun; Stephen K. Kroll; Robert D. Rivers; Wheeler L. Manouchehri; Hannah E Rowe

Subject: UPDATE - Proposing Changes to Articles 1-4 of the CZO

Hello all,

I want to provide a brief update. After our NPP, several excellent suggestions were made and we are incorporating them into our process. The most notable is the creation of a website to explain proposed changes we are considering or which have been suggested for consideration. Our goal truly is to make this process open and accessible and for it to incorporate feedback from all corners of the community. We will also use that website to provide updates regarding future steps, including but not limited to a subsequent NPP that will include all of this information, the introduction of the motion directing CPC to consider text changes, community listening sessions, and any other opportunities to provide feedback or meetings where decisions might be made. I have bcc'ed everyone who registered for the webinar on this email, but please feel free to forward this email to anyone else who might be interested or to encourage them to email councillanduse@nola.gov for additional information.

Because we plan to incorporate these changes, we will **not** be moving forward with the motion this week at the meeting on February 27, 2025. I will follow up by email shortly with information on the website and on a second virtual NPP to provide more information about the process. This second virtual NPP will take place after the website is publicly available and before any motion is introduced or heard related to these changes.

Thank you very much for participating and providing your thoughts. We are excited that there is so much engagement in this process and greatly value your input.

Ashley J. Becnel
Council Land Use Officer
New Orleans City Council

From: Council Land Use <councillanduse@nola.gov>

Sent: Wednesday, February 12, 2025 11:15 AM

To: Council Land Use <councillanduse@nola.gov>; EnolaCivic@GMail.com <EnolaCivic@GMail.com>;
cmorsecompany@gmail.com <cmorsecompany@gmail.com>; hq@pnola.org <hq@pnola.org>;
michael.casey06@gmail.com <michael.casey06@gmail.com>; virginia@baldwins.tv <virginia@baldwins.tv>;
climanaassociation@gmail.com <climanaassociation@gmail.com>; rozpey@bellsouth.net
<rozpey@bellsouth.net>; dnaneworleans@gmail.com <dnaneworleans@gmail.com>;
michaelrobinson@jerichohousing.org <michaelrobinson@jerichohousing.org>; info@faubourgavart.com
<info@faubourgavart.com>; bcrutcher3@gmail.com <bcrutcher3@gmail.com>; tourobna@gmail.com
<tourobna@gmail.com>; juliebob@bellsouth.net <juliebob@bellsouth.net>; debbyfdna@gmail.com
<debbyfdna@gmail.com>; president@irishchannel.org <president@irishchannel.org>;
coliseumsquarepresident@gmail.com <coliseumsquarepresident@gmail.com>; ddd@downtownnola.com
<ddd@downtownnola.com>; [brittany mcGovern](mailto:brittany.mcGovern@fqba.org) <brittany@fqba.org>; French Quarter Citizens Inc.
<info@frenchquartercitizens.org>; fqfemme@gmail.com <fqfemme@gmail.com>; Erin Holmes
<erinholmes@vcpora.org>; warehousedna@gmail.com <warehousedna@gmail.com>; cwiggins@ghrmc.org
<cwiggins@ghrmc.org>; ochaleymainst@bellsouth.net <ochaleymainst@bellsouth.net>;
mariegalatas@yahoo.com <mariegalatas@yahoo.com>; musser@msn.com <musser@msn.com>;

info@audubonarea.org <info@audubonarea.org>; albee32a@yahoo.com <albee32a@yahoo.com>;
damon.franke@usm.edu <damon.franke@usm.edu>; maggie@broadmoorimprovement.com
<maggie@broadmoorimprovement.com>; H. V. Nagendra V. Nagendra <h.nagendra@att.net>;
eleyda.crna@gmail.com <eleyda.crna@gmail.com>; president@fia-nola.org <president@fia-nola.org>;
neighborsunited.listserve@gmail.com <neighborsunited.listserve@gmail.com>; gardendistrictno@bellsouth.net
<gardendistrictno@bellsouth.net>; hollygrove.dixon <info@holly.grovedixon.org>;
gardendistrictno@bellsouth.net <gardendistrictno@bellsouth.net>; guide@magazinestreet.com
<guide@magazinestreet.com>; maplearearesidentsinc@gmail.com <maplearearesidentsinc@gmail.com>;
rbienvu@aol.com <rbienvu@aol.com>; ssakla@lawmedic.com <ssakla@lawmedic.com>;
timg@marlyville.me <timg@marlyville.me>; nwcarrrollton@mindspring.com <nwcarrrollton@mindspring.com>;
gbdiggs11133 <gbdiggs11133@aol.com>; leonidashouse@gmail.com <leonidashouse@gmail.com>;
tilman@coreusa.org <tilman@coreusa.org>; jeanne@landrylawnola.net <jeanne@landrylawnola.net>;
kroux@deutschkerrigan.com <kroux@deutschkerrigan.com>; info@upperhurstville.com
<info@upperhurstville.com>; president@uptowntriangle.com <president@uptowntriangle.com>;
jeff@broadcommunityconnections.org <jeff@broadcommunityconnections.org>; wayneben06@yahoo.com
<wayneben06@yahoo.com>; ertca.nola@gmail.com <ertca.nola@gmail.com>; ftnaboard@hotmail.com
<ftnaboard@hotmail.com>; flta2200@gmail.com <flta2200@gmail.com>; president@fsjna.org
<president@fsjna.org>; lebranelegacyfoundation@yahoo.com <lebranelegacyfoundation@yahoo.com>;
president@hfta.org <president@hfta.org>; pbcpastordavis@bellsouth.net <pbcpastordavis@bellsouth.net>;
cobbsuzi <cobbsuzi@yahoo.com>; t.hurley <t.hurley@hurleycot.com>; dalton3 <dalton3@wagnertruax.com>;
Paulneworleans@gmail.com <Paulneworleans@gmail.com>; Victor.landry.lpoa <Victor.landry.lpoa@gmail.com>;
president <president@lakeviewcivic.org>; president <president@mcno.org>; ian@nanollc.net <ian@nanollc.net>;
Kerry Cuccia <kerryc@capitald.org>; wapsupplies <wapsupplies@msn.com>; neworleansburbankgardens
<neworleansburbankgardens@gmail.com>; filmore.gardens <filmore.gardens@yahoo.com>; voscovillenwa
<voscovillenwa@gmail.com>; gwenhawk59@yahoo.com <gwenhawk59@yahoo.com>; ghen2b
<ghena2b@yahoo.com>; president@gentillyterrace.org <president@gentillyterrace.org>; pcornist
<pcornist@gmail.com>; awhaspel@gmail.com <awhaspel@gmail.com>; Milneburg Neighborhood Association
<Sandrewell504@gmail.com>; mirabeaugradens@outlook.com <mirabeaugradens@outlook.com>;
oakparkcivicassociation <oakparkcivicassociation@gmail.com>; walterine5 <walterine5@aol.com>;
gretchenbradford <gretchenbradford@aol.com>; abwfaithinthefuture <abwfaithinthefuture@yahoo.com>; Darryl
Watson <dwatson@nola.gov>; 7thwardassoc@gmail.com <7thwardassoc@gmail.com>; voscovillenwa
<voscovillenwa@gmail.com>; Peggyb504@yahoo.com <Peggyb504@yahoo.com>; vistaparkboard
<vistaparkboard@gmail.com>; bunnyfriendassoc@gmail.com <bunnyfriendassoc@gmail.com>;
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<cheryl@greatertreme.org>; libertyterracehomeowners@yahoo.com <libertyterracehomeowners@yahoo.com>;
julienola@gmail.com <julienola@gmail.com>; sbrady@entergy.com <sbrady@entergy.com>; pastorjrw@aol.com
<pastorjrw@aol.com>; ljackson_9w@hotmail.com <ljackson_9w@hotmail.com>; telephoneman19@yahoo.com
<telephoneman19@yahoo.com>; madj8768@gmail.com <madj8768@gmail.com>; mfcraig@bellsouth.net
<mfcraig@bellsouth.net>; wmbick@yahoo.com <wmbick@yahoo.com>; secretary@enonac.org
<secretary@enonac.org>; epoa@yahoo.com <epoa@yahoo.com>; kenilworthNOLA@gmail.com
<kenilworthNOLA@gmail.com>; kingswood.homeowners@yahoo.com <kingswood.homeowners@yahoo.com>;
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scineaux@bellsouth.net <scineaux@bellsouth.net>; dherbert28@cox.net <dherbert28@cox.net>;
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sncopein@aol.com <sncopein@aol.com>; mcpc@att.net <mcpc@att.net>; southlaketax@gmail.com
<southlaketax@gmail.com>; alstewart1@cox.net <alstewart1@cox.net>; letrky3@yahoo.com
<letrky3@yahoo.com>; ellenpenny@att.net <ellenpenny@att.net>; gfarmant@yahoo.com

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<lakecatherineassociation@yahoo.com>; kfoster@algerseconomic.com <kfoster@algerseconomic.com>;
adunn@entergy.com <adunn@entergy.com>; goodwinkrewe@netzero.com <goodwinkrewe@netzero.com>;
asdunnsr@gmail.com <asdunnsr@gmail.com>; lj4adotcomdan@gmail.com <lj4adotcomdan@gmail.com>;
robz@abbeyprinting.com <robz@abbeyprinting.com>; ronicka.briscoe@gmail.com <ronicka.briscoe@gmail.com>;
kyle.franklin@gmail.com <kyle.franklin@gmail.com>; markreenehome@cox.net <markreenehome@cox.net>;
slippert3@aol.com <slippert3@aol.com>; ccharles12@cox.net <ccharles12@cox.net>;
jennie_mcintosh@yahoo.com <jennie_mcintosh@yahoo.com>; adunn@entergy.com <adunn@entergy.com>;
dmercer5@cox.net <dmercer5@cox.net>; jleepva@cox.net <jleepva@cox.net>; eydie_acosta@hotmail.com
<eydie_acosta@hotmail.com>; jedmason@bellsouth.net <jedmason@bellsouth.net>; Gilbert Crowden
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gerardrouchon55@gmail.com <gerardrouchon55@gmail.com>; jrogersnola@gmail.com
<jrogersnola@gmail.com>; lowermidcityNO@gmail.com <lowermidcityNO@gmail.com>; jofriend@bellsouth.net
<jofriend@bellsouth.net>; info@lafittgreenway.org <info@lafittgreenway.org>; ruthemma24@yahoo.com
<ruthemma24@yahoo.com>; tlevy@pelhughes.com <tlevy@pelhughes.com>; info@oldalgiersmainstreet.org
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<julie@strochcc.org>; diemnguyen@mqvncdc.org <diemnguyen@mqvncdc.org>; duplantier@bellsouth.net
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thee5moe@gmail.com <thee5moe@gmail.com>; benfdigginssr@yahoo.com <benfdigginssr@yahoo.com>;
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<claibornereborn@gmail.com>; Nfsnick4@yahoo.com <Nfsnick4@yahoo.com>;
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<stoshkozl@yahoo.com>; edgewoodpark@yahoo.com <edgewoodpark@yahoo.com>;
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abbyyoking@gmail.com <abbyyoking@gmail.com>; donwentworth@usa.com <donwentworth@usa.com>;
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<Hannah.Rowe@nola.gov>

Subject: Re: RESCHEDULED: Notice of NPP Meeting - Proposing Changes to Articles 1-4 of the CZO

Hello all,

I just wanted to send a quick reminder about this meeting tonight at 6:30 p.m. You will need to register for the meeting in advance at the link below if you wish to participate. Thank you!

Ashley J. Becnel

From: Council Land Use <councillanduse@nola.gov>

Sent: Monday, January 27, 2025 2:26 PM

To: Council Land Use <councillanduse@nola.gov>; EnolaCivic@GMail.com <EnolaCivic@GMail.com>; cmorsecompany@gmail.com <cmorsecompany@gmail.com>; hq@pnola.org <hq@pnola.org>; michael.casey06@gmail.com <michael.casey06@gmail.com>; virginia@baldwins.tv <virginia@baldwins.tv>; climanaassociation@gmail.com <climanaassociation@gmail.com>; rozpey@bellsouth.net <rozpey@bellsouth.net>; dnaneworleans@gmail.com <dnaneworleans@gmail.com>; michaelrobinson@jerichohousing.org <michaelrobinson@jerichohousing.org>; info@faubourgavart.com <info@faubourgavart.com>; bcrutcher3@gmail.com <bcrutcher3@gmail.com>; tourobna@gmail.com <tourobna@gmail.com>; juliebob@bellsouth.net <juliebob@bellsouth.net>; debbyfdna@gmail.com <debbyfdna@gmail.com>; president@irishchannel.org <president@irishchannel.org>; coliseumsquarepresident@gmail.com <coliseumsquarepresident@gmail.com>; ddd@downtownnola.com <ddd@downtownnola.com>; brittany mcgovern <brittany@fqba.org>; French Quarter Citizens Inc. <info@frenchquartercitizens.org>; fqfemme@gmail.com <fqfemme@gmail.com>; Erin Holmes <erinhomes@vcpora.org>; warehousedna@gmail.com <warehousedna@gmail.com>; cwiggins@ghrmc.org <cwiggins@ghrmc.org>; ochaleymainst@bellsouth.net <ochaleymainst@bellsouth.net>; mariegalatas@yahoo.com <mariegalatas@yahoo.com>; musser@msn.com <musser@msn.com>; info@audubonarea.org <info@audubonarea.org>; albee32a@yahoo.com <albee32a@yahoo.com>; damon.franke@usm.edu <damon.franke@usm.edu>; maggie@broadmoorimprovement.com <maggie@broadmoorimprovement.com>; H. V. Nagendra V. Nagendra <h.nagendra@att.net>; eleyda.crna@gmail.com <eleyda.crna@gmail.com>; president@fia-nola.org <president@fia-nola.org>; neighborsunited.listserve@gmail.com <neighborsunited.listserve@gmail.com>; gardendistrictno@bellsouth.net <gardendistrictno@bellsouth.net>; hollygrove.dixon <info@holly.grovedixion.org>; gardendistrictno@bellsouth.net <gardendistrictno@bellsouth.net>; guide@magazinstreet.com <guide@magazinstreet.com>; maplearearesidentsinc@gmail.com <maplearearesidentsinc@gmail.com>; rbienvenu@aol.com <rbienvenu@aol.com>; ssakla@lawmedic.com <ssakla@lawmedic.com>; timg@marlyville.me <timg@marlyville.me>; nwcarrollton@mindspring.com <nwcarrollton@mindspring.com>; gbdiggs11133 <gbdiggs11133@aol.com>; leonidashouse@gmail.com <leonidashouse@gmail.com>; tilman@coreusa.org <tilman@coreusa.org>; jeanne@landrylawnola.net <jeanne@landrylawnola.net>; kroux@deutschkerrigan.com <kroux@deutschkerrigan.com>; info@upperhurstville.com <info@upperhurstville.com>; president@uptowntriangle.com <president@uptowntriangle.com>; jeff@broadcommunityconnections.org <jeff@broadcommunityconnections.org>; wayneben06@yahoo.com <wayneben06@yahoo.com>; ertca.nola@gmail.com <ertca.nola@gmail.com>; ftnaboard@hotmail.com <ftnaboard@hotmail.com>; flta2200@gmail.com <flta2200@gmail.com>; president@fsjna.org <president@fsjna.org>; lebranelegacyfoundation@yahoo.com <lebranelegacyfoundation@yahoo.com>; president@hfta.org <president@hfta.org>; pbcpastordavis@bellsouth.net <pbcpastordavis@bellsouth.net>; cobbsuzi <cobbsuzi@yahoo.com>; t.hurley <t.hurley@hurleycot.com>; dalton3 <dalton3@wagnertruax.com>; Paulneworleans@gmail.com <Paulneworleans@gmail.com>; Victor.landry.lpoa <Victor.landry.lpoa@gmail.com>; president <president@lakeviewcivic.org>; president <president@mcno.org>; ian@nanollc.net <ian@nanollc.net>; Kerry Cuccia <kerryc@capitald.org>; wapsupplies <wapsupplies@msn.com>; neworleansburbankgardens <neworleansburbankgardens@gmail.com>; filmore.gardens <filmore.gardens@yahoo.com>; voscovillenwa <voscovillenwa@gmail.com>; gwenhawk59@yahoo.com <gwenhawk59@yahoo.com>; ghenazb

<ghena2b@yahoo.com>; president@gentillyterrace.org <president@gentillyterrace.org>; pcornist
<pcornist@gmail.com>; awhaspel@gmail.com <awhaspel@gmail.com>; Milneburg Neighborhood Association
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Watson <dwatson@nola.gov>; 7thwardassoc@gmail.com <7thwardassoc@gmail.com>; voscovillenwa
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bywaterpresident@gmail.com <bywaterpresident@gmail.com>; FMIA President
<president@faubourgmarigny.org>; debjoecatering@att.net <debjoecatering@att.net>; cheryl@greatertreme.org
<cheryl@greatertreme.org>; libertyterracehomeowners@yahoo.com <libertyterracehomeowners@yahoo.com>;
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tguillentp@att.net <tguillentp@att.net>; lakebullardpresident@gmail.com <lakebullardpresident@gmail.com>;
bjackson@suno.edu <bjackson@suno.edu>; joan.heisser@att.net <joan.heisser@att.net>;
scineaux@bellsouth.net <scineaux@bellsouth.net>; dherbert28@cox.net <dherbert28@cox.net>;
emobley@coxmail.com <emobley@coxmail.com>; ofaurelwhna@yahoo.com <ofaurelwhna@yahoo.com>;
sncopelin@aol.com <sncopelin@aol.com>; mcpc@att.net <mcpc@att.net>; southlaketax@gmail.com
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adunn@entergy.com <adunn@entergy.com>; goodwinkrewe@netzero.com <goodwinkrewe@netzero.com>;
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dmercer5@cox.net <dmercer5@cox.net>; jleepva@cox.net <jleepva@cox.net>; eydie_acosta@hotmail.com
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<ruthemma24@yahoo.com>; tlevy@pelhughes.com <tlevy@pelhughes.com>; info@oldalgiersmainstreet.org
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<julie@strochcc.org>; diemnguyen@mqvncdc.org <diemnguyen@mqvncdc.org>; duplantier@bellsouth.net
<duplantier@bellsouth.net>; lakecatherineassociation@yahoo.com <lakecatherineassociation@yahoo.com>;
rotasha.redmonddubuclet@urbanstrategiesinc.org <rotasha.redmonddubuclet@urbanstrategiesinc.org>;
thee5moe@gmail.com <thee5moe@gmail.com>; benfdigginssr@yahoo.com <benfdigginssr@yahoo.com>;
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<claibornereborn@gmail.com>; Nfsnick4@yahoo.com <Nfsnick4@yahoo.com>;
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<stoshkozl@yahoo.com>; edgewoodpark@yahoo.com <edgewoodpark@yahoo.com>;
marvalmitchell@bellsouth.net <marvalmitchell@bellsouth.net>; lsjr07@gmail.com <lsjr07@gmail.com>;
abbyoking@gmail.com <abbyoking@gmail.com>; donwentworth@usa.com <donwentworth@usa.com>;
togethergerttown0017@gmail.com <togethergerttown0017@gmail.com>; edgewoodheights@gmail.com
<edgewoodheights@gmail.com>; ester.wensink@gmail.com <ester.wensink@gmail.com>; mshlenker
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<rdrivers@nola.gov>; Wheeler L. Manouchehri <wheeler.manouchehri@nola.gov>; Hannah E Rowe
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Subject: RESCHEDULED: Notice of NPP Meeting - Proposing Changes to Articles 1-4 of the CZO

Dear Neighborhood Organizations,

Please see attached a letter detailed a NPP meeting to be held virtually on February 12, 2025 at 6:30 pm. and which may be accessed at: <https://us06web.zoom.us/meeting/register/9AuTEYfPQFOyWO5X63qQ1g>.

Registration for this meeting through zoom will be required for participation. Additional details can be found in the attached letter.

Ashley J. Becnel
Council Land Use Officer
New Orleans City Council

From: Council Land Use <councillanduse@nola.gov>

Sent: Wednesday, January 22, 2025 3:44 PM

To: Council Land Use <councillanduse@nola.gov>; EnolaCivic@GMail.com <EnolaCivic@GMail.com>;
cmorsecompany@gmail.com <cmorsecompany@gmail.com>; hq@pnola.org <hq@pnola.org>;
michael.casey06@gmail.com <michael.casey06@gmail.com>; virginia@baldwins.tv <virginia@baldwins.tv>;
climanaassociation@gmail.com <climanaassociation@gmail.com>; rozpey@bellsouth.net
<rozpey@bellsouth.net>; dnaneuorleans@gmail.com <dnaneuorleans@gmail.com>;
michaelrobinson@jerichohousing.org <michaelrobinson@jerichohousing.org>; info@faubourgavart.com
<info@faubourgavart.com>; bcrutcher3@gmail.com <bcrutcher3@gmail.com>; tourobna@gmail.com
<tourobna@gmail.com>; juliebob@bellsouth.net <juliebob@bellsouth.net>; debbyfdna@gmail.com
<debbyfdna@gmail.com>; president@irishchannel.org <president@irishchannel.org>;
coliseumsquarepresident@gmail.com <coliseumsquarepresident@gmail.com>; ddd@downtownnola.com
<ddd@downtownnola.com>; brittany mcgovern <brittany@fqba.org>; French Quarter Citizens Inc.
<info@frenchquartercitizens.org>; fqfemme@gmail.com <fqfemme@gmail.com>; Erin Holmes
<erinholmes@vcpora.org>; warehousedna@gmail.com <warehousedna@gmail.com>; cwiggins@ghrmc.org
<cwiggins@ghrmc.org>; ochaleymainst@bellsouth.net <ochaleymainst@bellsouth.net>;
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gardendistrictno@bellsouth.net <gardendistrictno@bellsouth.net>; guide@magazinestreet.com
<guide@magazinestreet.com>; maplearearesidentsinc@gmail.com <maplearearesidentsinc@gmail.com>;
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<ftnaboard@hotmail.com>; flta2200@gmail.com <flta2200@gmail.com>; president@fsjna.org
<president@fsjna.org>; lebranelegacyfoundation@yahoo.com <lebranelegacyfoundation@yahoo.com>;
president@hfta.org <president@hfta.org>; pbcpastordavis@bellsouth.net <pbcpastordavis@bellsouth.net>;
cobbsuzi <cobbsuzi@yahoo.com>; t.hurley <t.hurley@hurleycot.com>; dalton3 <dalton3@wagnertruax.com>;
Paulneworleans@gmail.com <Paulneworleans@gmail.com>; Victor.landry.lpoa <Victor.landry.lpoa@gmail.com>;
president <president@lakeviewcivic.org>; president <president@mcno.org>; ian@nanollc.net <ian@nanollc.net>;
Kerry Cuccia <kerryc@capitald.org>; wapsupplies <wapsupplies@msn.com>; neworleansburbankgardens
<neworleansburbankgardens@gmail.com>; filmore.gardens <filmore.gardens@yahoo.com>; voscovillenwa
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<ghena2b@yahoo.com>; president@gentillyterrace.org <president@gentillyterrace.org>; pcornist
<pcornist@gmail.com>; awhaspel@gmail.com <awhaspel@gmail.com>; Milneburg Neighborhood Association
<Sandrewell504@gmail.com>; mirabeaugradens@outlook.com <mirabeaugradens@outlook.com>;
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<president@faubourgmarigny.org>; debjoecatering@att.net <debjoecatering@att.net>; cheryl@greatertreme.org
<cheryl@greatertreme.org>; libertyterracehomeowners@yahoo.com <libertyterracehomeowners@yahoo.com>;
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<southlaketax@gmail.com>; alstewart1@cox.net <alstewart1@cox.net>; letrky3@yahoo.com
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adunn@entergy.com <adunn@entergy.com>; goodwinkrewe@netzero.com <goodwinkrewe@netzero.com>;
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slippert3@aol.com <slippert3@aol.com>; ccharles12@cox.net <ccharles12@cox.net>;
jennie_mcintosh@yahoo.com <jennie_mcintosh@yahoo.com>; adunn@entergy.com <adunn@entergy.com>;
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<eydie_acosta@hotmail.com>; jedmason@bellsouth.net <jedmason@bellsouth.net>; Gilbert Crowden
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gerardrouchon55@gmail.com <gerardrouchon55@gmail.com>; jrogersnola@gmail.com
<jrogersnola@gmail.com>; lowermidcityNO@gmail.com <lowermidcityNO@gmail.com>; jofriend@bellsouth.net
<jofriend@bellsouth.net>; info@lafittgreenway.org <info@lafittgreenway.org>; ruthemma24@yahoo.com
<ruthemma24@yahoo.com>; tlevy@pelhughes.com <tlevy@pelhughes.com>; info@oldalgiersmainstreet.org
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<julie@strochcc.org>; diemnguyen@mqvncdc.org <diemnguyen@mqvncdc.org>; duplantier@bellsouth.net
<duplantier@bellsouth.net>; lakecatherineassociation@yahoo.com <lakecatherineassociation@yahoo.com>;
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madegrasse@att.net <madegrasse@att.net>; shoes@claudialynch.com <shoes@claudialynch.com>;
dimarco_bl@bellsouth.net <dimarco_bl@bellsouth.net>; claibornereborn@gmail.com
<claibornereborn@gmail.com>; Nfsnick4@yahoo.com <Nfsnick4@yahoo.com>;
lowerninestakeholders@gmail.com <lowerninestakeholders@gmail.com>; stoshkozl@yahoo.com
<stoshkozl@yahoo.com>; edgewoodpark@yahoo.com <edgewoodpark@yahoo.com>;
marvalmitchell@bellsouth.net <marvalmitchell@bellsouth.net>; lsjr07@gmail.com <lsjr07@gmail.com>;
abbyyoking@gmail.com <abbyyoking@gmail.com>; donwentworth@usa.com <donwentworth@usa.com>;
togethergerttown0017@gmail.com <togethergerttown0017@gmail.com>; edgewoodheights@gmail.com
<edgewoodheights@gmail.com>; ester.wensink@gmail.com <ester.wensink@gmail.com>; mshlenker
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Cc: Claire F. Byun <Claire.Byun@nola.gov>; Stephen K. Kroll <skroll@nola.gov>; Robert D. Rivers
<rdrivers@nola.gov>; Wheeler L. Manouchehri <wheeler.manouchehri@nola.gov>

Subject: CANCELLED: Notice of NPP Meeting - Proposing Changes to Articles 1-4 of the CZO

Dear Neighborhood Associations,

Due to the ongoing weather event and the closure of City Hall, this NPP will be postponed. I will follow up with a new date as soon as one has been set, and will provide at least two weeks notice of any new date and time. My apologies for any inconvenience this may cause, and I hope everyone is safe, warm, and dry.

Thanks,

Ashley J. Becnel
Council Land Use Officer
New Orleans City Council
councillanduse@nola.gov

From: Council Land Use <councillanduse@nola.gov>

Sent: Thursday, January 9, 2025 4:14 PM

To: EnolaCivic@GMail.com <EnolaCivic@GMail.com>; cmorsecompany@gmail.com <cmorsecompany@gmail.com>; hq@pnola.org <hq@pnola.org>; michael.casey06@gmail.com <michael.casey06@gmail.com>; virginia@baldwins.tv <virginia@baldwins.tv>; climanaassociation@gmail.com <climanaassociation@gmail.com>; rozpey@bellsouth.net <rozpey@bellsouth.net>; dnaneworleans@gmail.com <dnaneworleans@gmail.com>; michaelrobinson@jerichohousing.org <michaelrobinson@jerichohousing.org>; info@faubourgavart.com <info@faubourgavart.com>; bcrutcher3@gmail.com <bcrutcher3@gmail.com>; tourobna@gmail.com <tourobna@gmail.com>; juliebob@bellsouth.net <juliebob@bellsouth.net>; debbyfdna@gmail.com <debbyfdna@gmail.com>; president@irishchannel.org <president@irishchannel.org>; coliseumsquarepresident@gmail.com <coliseumsquarepresident@gmail.com>; ddd@downtownnola.com <ddd@downtownnola.com>; brittany mcgovern <brittany@fqba.org>; French Quarter Citizens Inc. <info@frenchquartercitizens.org>; fqfemme@gmail.com <fqfemme@gmail.com>; Erin Holmes <erinhomes@vcpora.org>; warehousedna@gmail.com <warehousedna@gmail.com>; cwiggins@ghrmc.org <cwiggins@ghrmc.org>; ochaleymainst@bellsouth.net <ochaleymainst@bellsouth.net>; mariegalatas@yahoo.com <mariegalatas@yahoo.com>; musser@msn.com <musser@msn.com>; info@audubonarea.org <info@audubonarea.org>; albee32a@yahoo.com <albee32a@yahoo.com>; damon.franke@usm.edu <damon.franke@usm.edu>; maggie@broadmoorimprovement.com <maggie@broadmoorimprovement.com>; H. V. Nagendra V. Nagendra <h.nagendra@att.net>; eleyda.crna@gmail.com <eleyda.crna@gmail.com>; president@fia-nola.org <president@fia-nola.org>; neighborsunited.listserve@gmail.com <neighborsunited.listserve@gmail.com>; gardendistrictno@bellsouth.net <gardendistrictno@bellsouth.net>; hollygrove.dixon <info@holly.grovedixion.org>; gardendistrictno@bellsouth.net <gardendistrictno@bellsouth.net>; guide@magazinestreet.com <guide@magazinestreet.com>; maplearearesidentsinc@gmail.com <maplearearesidentsinc@gmail.com>; rbienvu@aol.com <rbienvu@aol.com>; ssakla@lawmedic.com <ssakla@lawmedic.com>; timg@marlyville.me <timg@marlyville.me>; nwcarrrollton@mindspring.com <nwcarrrollton@mindspring.com>; gbdiggs11133 <gbdiggs11133@aol.com>; leonidashouse@gmail.com <leonidashouse@gmail.com>; tilman@coreusa.org <tilman@coreusa.org>; jeanne@landrylawnola.net <jeanne@landrylawnola.net>; kroux@deutschkerrigan.com <kroux@deutschkerrigan.com>; info@upperhurstville.com <info@upperhurstville.com>; president@uptowntriangle.com <president@uptowntriangle.com>; jeff@broadcommunityconnections.org <jeff@broadcommunityconnections.org>; wayneben06@yahoo.com <wayneben06@yahoo.com>; ertca.nola@gmail.com <ertca.nola@gmail.com>; ftnaboard@hotmail.com <ftnaboard@hotmail.com>; flta2200@gmail.com <flta2200@gmail.com>; president@fsjna.org <president@fsjna.org>; lebranelegacyfoundation@yahoo.com <lebranelegacyfoundation@yahoo.com>; president@hfta.org <president@hfta.org>; pbcpastordavis@bellsouth.net <pbcpastordavis@bellsouth.net>; cobbsuzi <cobbsuzi@yahoo.com>; t.hurley <t.hurley@hurleycot.com>; dalton3 <dalton3@wagnertruax.com>; Paulneworleans@gmail.com <Paulneworleans@gmail.com>; Victor.landry.lpoa <Victor.landry.lpoa@gmail.com>; president <president@lakeviewcivic.org>; president <president@mcno.org>; ian@nanollc.net <ian@nanollc.net>; Kerry Cuccia <kerryc@capitald.org>; wapsupplies <wapsupplies@msn.com>; neworleansburbankgardens <neworleansburbankgardens@gmail.com>; filmore.gardens <filmore.gardens@yahoo.com>; voscovillenwa <voscovillenwa@gmail.com>; gwenhawk59@yahoo.com <gwenhawk59@yahoo.com>; ghenazb

<ghena2b@yahoo.com>; president@gentillyterrace.org <president@gentillyterrace.org>; pcornist
<pcornist@gmail.com>; awhaspel@gmail.com <awhaspel@gmail.com>; Milneburg Neighborhood Association
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Watson <dwatson@nola.gov>; 7thwardassoc@gmail.com <7thwardassoc@gmail.com>; voscovillenwa
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bywaterpresident@gmail.com <bywaterpresident@gmail.com>; FMIA President
<president@faubourgmarigny.org>; debjoecatering@att.net <debjoecatering@att.net>; cheryl@greatertreme.org
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scineaux@bellsouth.net <scineaux@bellsouth.net>; dherbert28@cox.net <dherbert28@cox.net>;
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sncopelin@aol.com <sncopelin@aol.com>; mcpc@att.net <mcpc@att.net>; southlaketax@gmail.com
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Cc: Claire F. Byun <Claire.Byun@nola.gov>; Stephen K. Kroll <skroll@nola.gov>; Robert D. Rivers
<rdrivers@nola.gov>; Ashley J. Becnel <ajbecnel@nola.gov>; Wheeler L. Manouchehri
<wheeler.manouchehri@nola.gov>

Subject: Notice of NPP Meeting - Proposing Changes to Articles 1-4 of the CZO

Dear Neighborhood Organizations,

Please see attached a letter detailed a NPP meeting to be held virtually on January 23, 2025 at 6:30 pm. and which
may be accessed at: <https://us06web.zoom.us/join/9AuTEYfPQFOyWO5X63qQ1g>.

Registration for this meeting through zoom will be required for participation. Additional details can be found in
the attached letter.

Ashley J. Becnel
Council Land Use Officer
New Orleans City Council

Re: Replay for CZO Articles 1-4

From Ashley J. Becnel <ajbecnel@nola.gov>

Date Tue 6/17/2025 1:55 PM

To Jeffrey Seymour <jseymour8@gmail.com>

 1 attachment (669 KB)

Npp.pdf;

Hi Jeffrey,

I was under the impression that the replay had been posted, but when I checked today it hadn't. I've asked our team to ensure that it goes up before the end of the day and I apologize for the delay. When it goes up, I'll email you, and it will be found here:

<https://council.nola.gov/resources/neighborhood-participation-plans/>

I also wanted to say thank you for these thoughtful suggestions. I want to provide responses to as many as I can from my perspective, but also want to be clear that there will be room for additional discussion and debate at both the CPC and Council levels, and that I am not the ultimate decisionmaker regarding these changes--my role in this matter is to provide legal advice to my client, the City Council, and to administratively shepherd this motion and NPP process on behalf of the Council Office. I'm including your email in the NPP report we're submitting to CPC and will ensure that CPC staff is made aware of your ideas and concerns.

We've limited the inquiry to Chapters 1-4 because the intention here is to address the administrative processes of the CZO rather than the use standards or district regulations. Our goal in undertaking this project was to grease the wheels, so to speak, and try to iron out any kinks in the process that aren't adding value. CPC is looking at barriers imposed in the land use process under a separate motion, which is a more holistic look at all processes and sections. I think there is openness from the Council and CPC to examining additional sections in the future, but we had to start somewhere. I hope that if this effort is a success, similar undertakings will become more routine and the CZO will become a more responsive and cohesive document.

You'll see that there are many other comments being made around the variance process (with and without an accompanying conditional use) and the application of the nine criteria when the NPP report and video are accessible to you, and I think that's an area CPC will review in detail when this reaches them.

In general, the laws and rules apply in the following order of supremacy: Charter > Code/CZO/Ordinance > Rules, Policies, and Procedures. State law application in cities that operate under a Home Rule Charter is a complex area of law.

As I told attendees at the NPP meeting, we intend to introduce the motion initiating this process at the June 26, 2025 council meeting as of now (although that could always change). Please feel free to provide additional comment at that meeting or in advance via the Council website. I'm attaching a copy of the powerpoint presentation that I gave during the NPP meeting for your convenience, as it provides a good overview of the process.

Ashley J. Becnel
Council Land Use Officer & Deputy Executive Counsel

New Orleans City Council
1300 Perdido St., Room 1E06
504.658.1132
ajbecnel@nola.gov

From: Jeffrey Seymour <jseymour8@gmail.com>
Sent: Tuesday, June 17, 2025 12:36 PM
To: Ashley J. Becnel <ajbecnel@nola.gov>
Subject: Re: Replay for CZO Articles 1-4

Great. Thank you Ashley.

Is the replay posted yet? How do I access it?

Is there a particular reason why you all are focusing on Articles 1-4 only?

One of the areas I'd like to take a look at is to see if there can be more clarity around when the CPC/City Council can evaluate and approve zoning variances, as opposed to them having to be reviewed by the BZA. Over the past couple years we have heard varying explanations of the appropriate procedure for this.

There currently does not seem to be a clear answer on how this determination is made, who makes it, when it is made, and how notices and appeals work in the "hybrid" cases where a variance is being reviewed by the CPC/City Council rather than by the BZA.

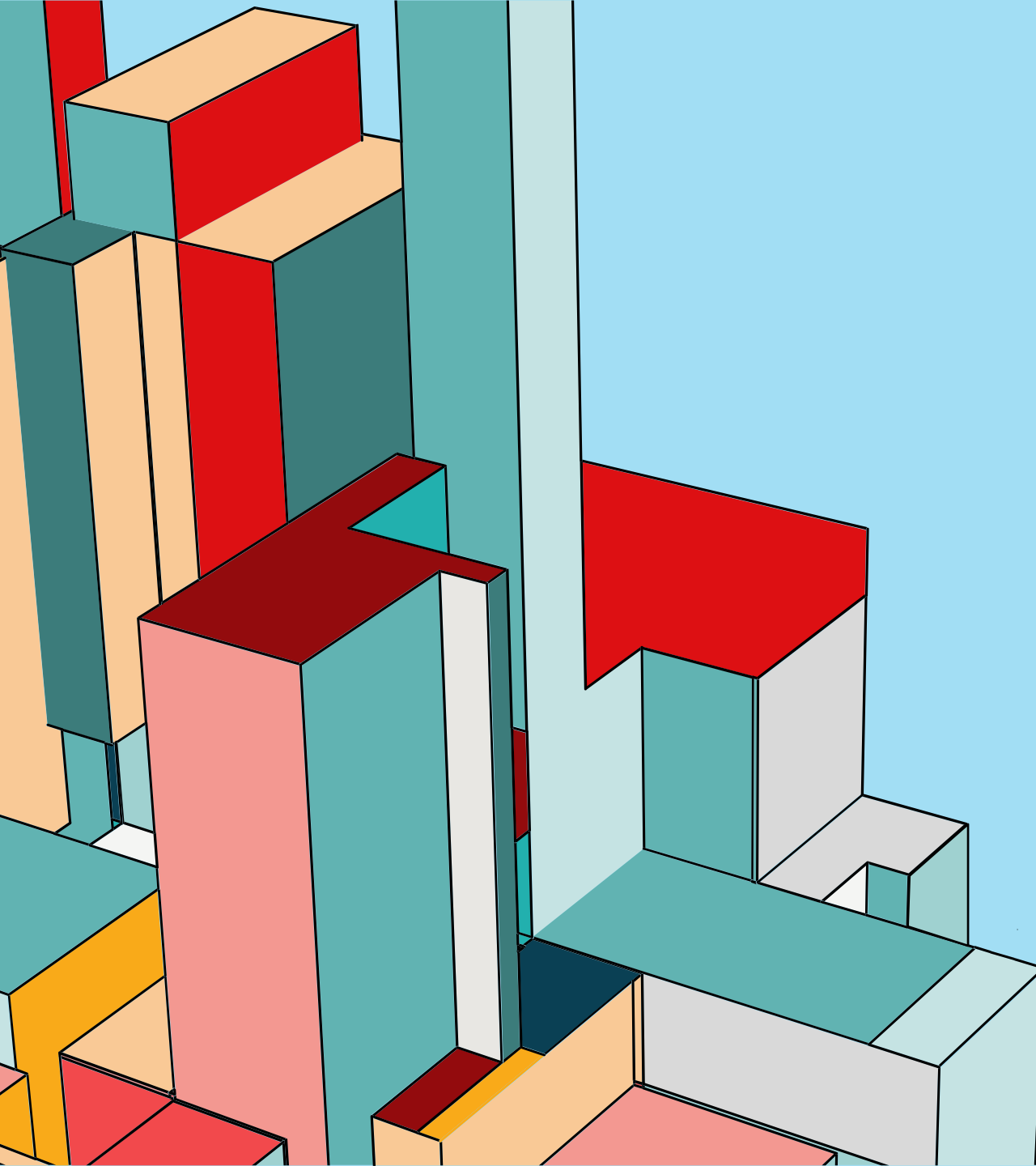
I also think tightening up, or at least clarifying, various issues around "neighborhood need" for Conditional Uses, and also how the "9 criteria" for variances are interpreted and applied, should also be looked at. The latter is particularly timely in light of the recent lawsuits brought against the City, the City Council, and the BZA. There clearly has been an "evolution" over the last 2-3 years in the way the BZA has applied these approval standards, and also potential issues around what appear to be "modifications" of these standards by both the BZA and the CPC/City Council, which, of course, are strictly prohibited by the CZO.

And finally, I think it would be helpful to clearly establish what powers the Council has viz-a-viz making decisions and operating in areas that, at least on the surface, appear to be in conflict with the letter and the spirit of the CZO, the Home Rule Charter, the State Statutes, as well as the various Administrative Rules, Policies, and Procedures of the City Council, the City Planning Commission, and the Board of Zoning Adjustments.

These are the first few topics I can think of off the top of my head. My guess is that there are other issues we feel should also be looked at once we "dig into the weeds" of the CZO and how it interrelates with the various city agencies and their individual operative documents and regulations.

Thanks for focusing on these myriad of issues. We look forward to working with you and your team to hopefully clarify the various issues that many of the city's residents have found ambiguous, inconsistent, and very often extremely frustrating.

Let me close with the following anecdote. At a City Planning Commission hearing in 2024, the Executive Director of one of the City Departments was asked, on the record in an actual Commission meeting, by a Commission member "whether the operating procedures being followed were, in fact, consistent with the various State Statutes and city regulations?" The Executive Director's response was "I don't know if it's in compliance with the law, but it's the way we've always done it." The only thing more astounding than this interchange was that the hearing simply proceeded without missing a beat, as if a response such as this was considered by all parties involved to be acceptable.

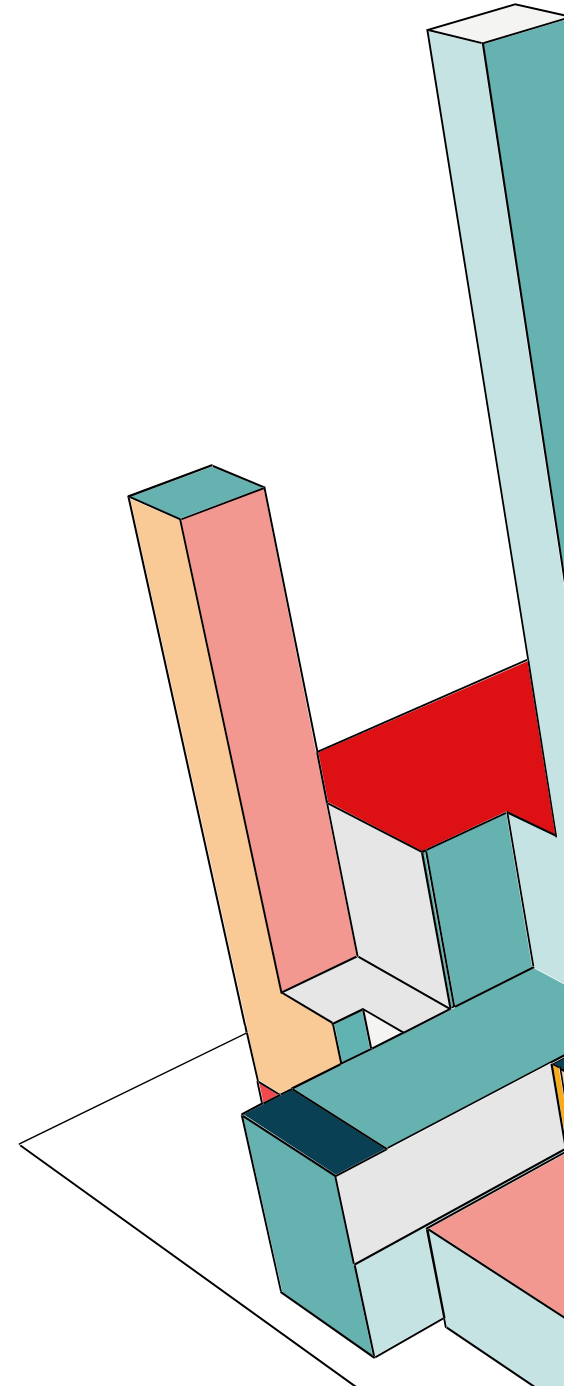


NPP: POTENTIAL CHANGES TO CZO CHAPTERS 1-4

February 12, 2025

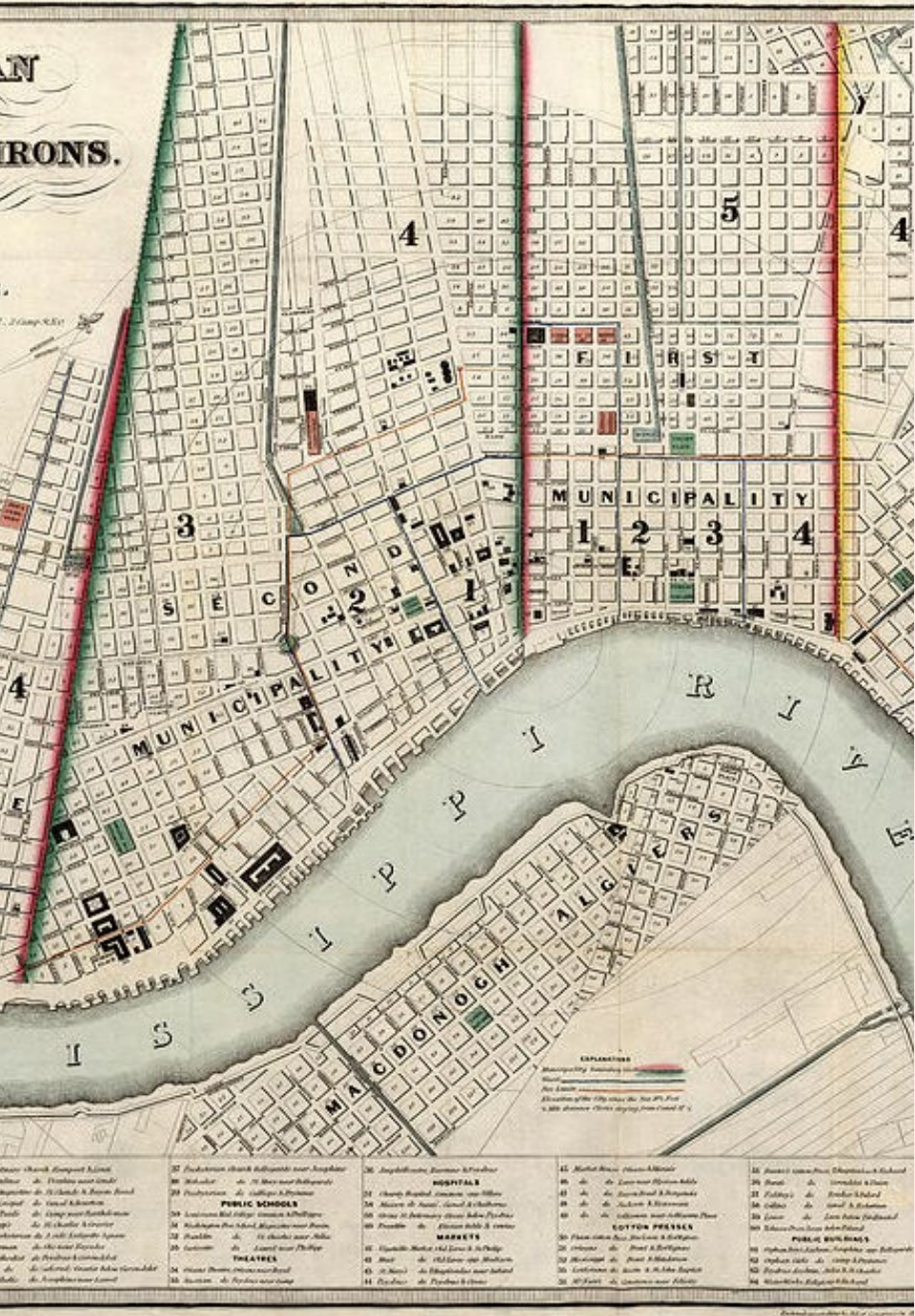
AGENDA

- Introductions
- Why are we doing this?
- What changes are being considered?
- What is the timeline/process?
- Questions?



INTRODUCTIONS

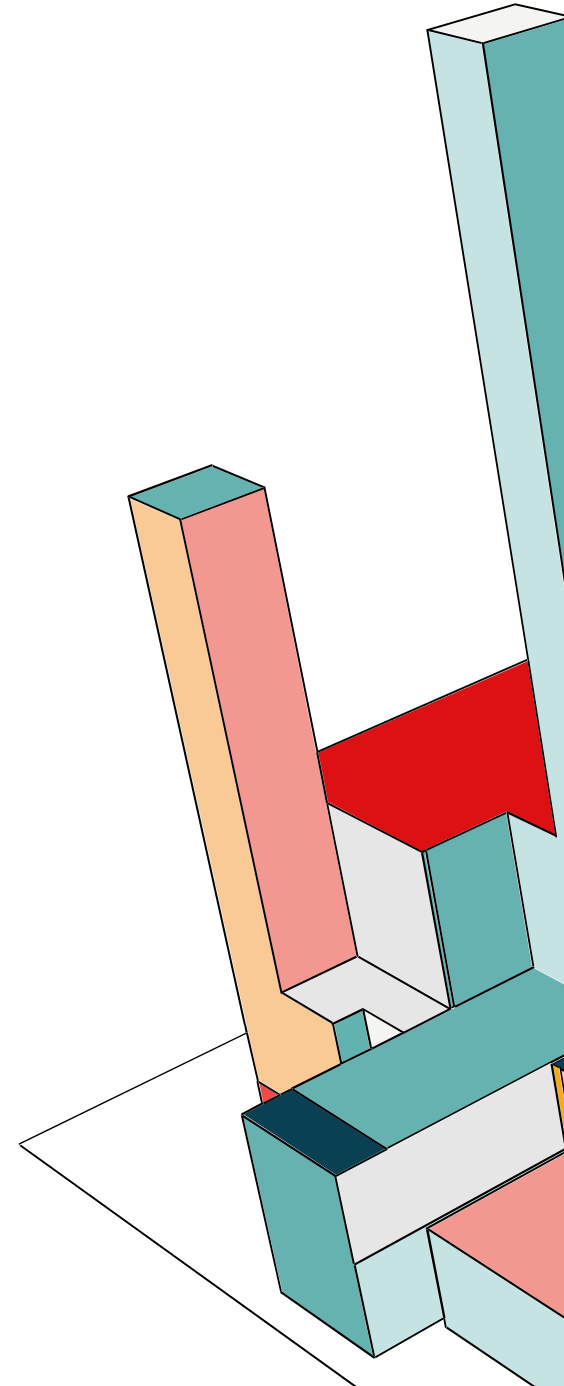


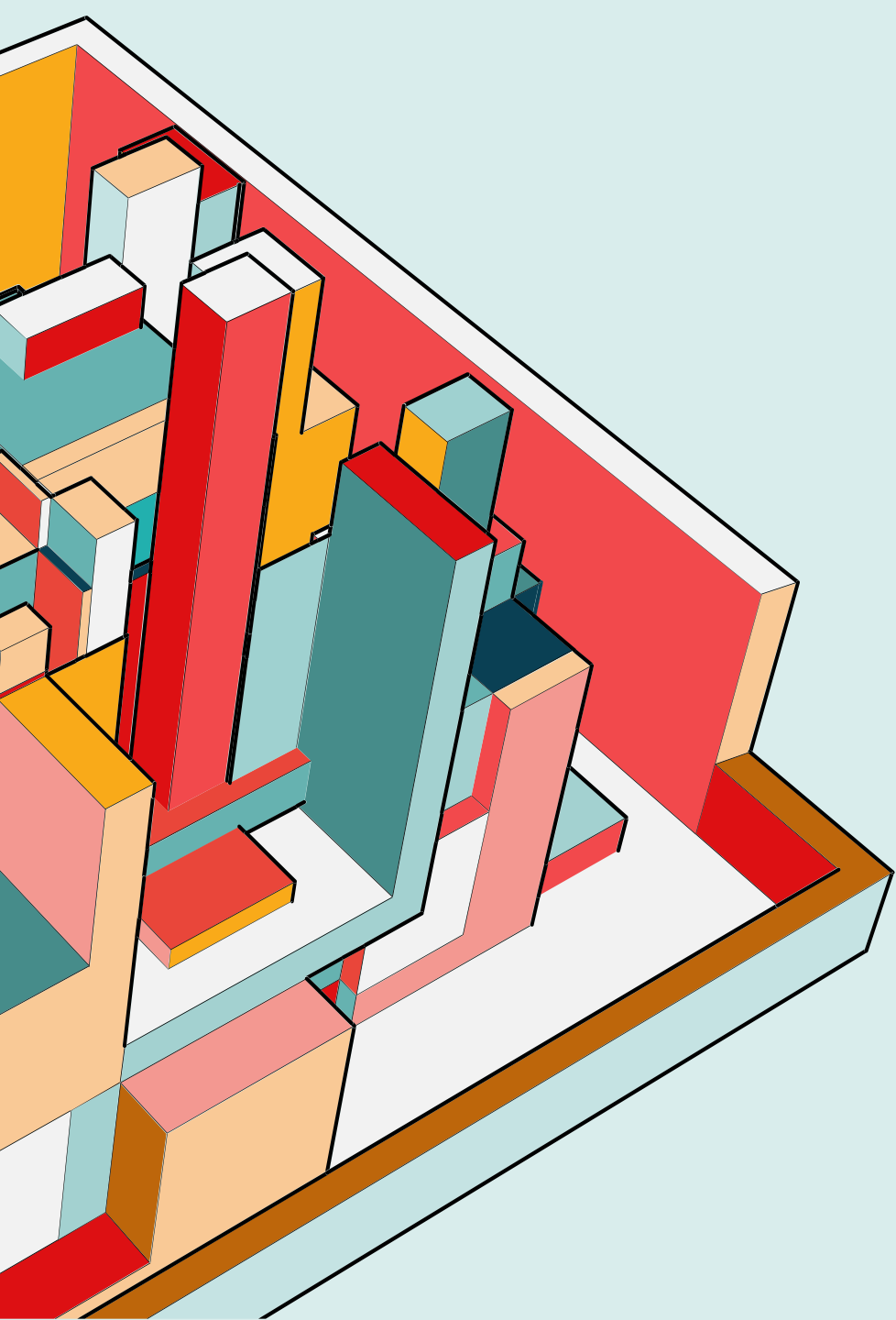


WHY DO WE NEED CHANGES?

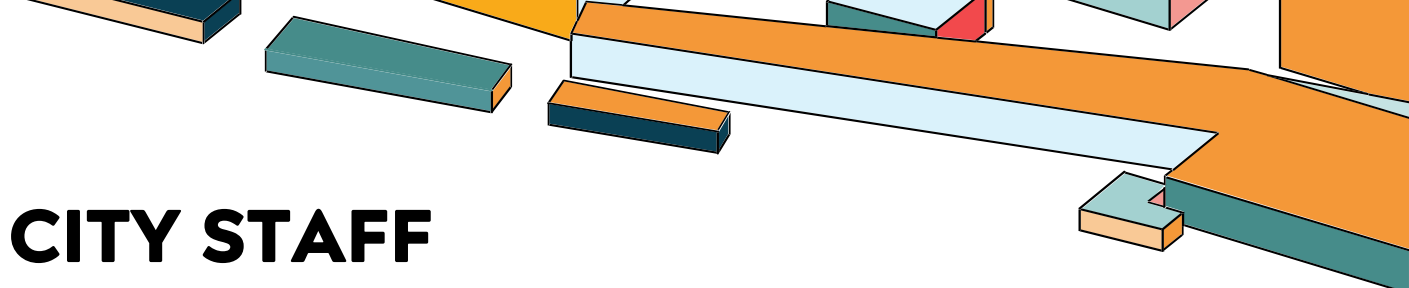
STREAMLINE, UPDATE, AND IMPROVE

- Many of the administrative sections of the CZO haven't been meaningfully updated since its adoption in 2015
- Piecemeal updates have led to differing standards where there should be uniformity
- Make things easier for homeowners, neighbors, developers, and everyone else
- Clearer processes that recognize technological advances and best practices
- Recognize changes to state law and other parts of City Code





**WHAT CHANGES ARE
BEING CONSIDERED?**



CHANGES PROPOSED BY CITY STAFF

- Transmittal of items from CPC with no legal majority
- Detailed review and consolidation of NPP processes into one section
- Clarify Council actions for zoning changes, conditional uses, and planned developments
- Clarify proviso use
- Review administrative and Council extension processes
- Review of development plan changes
- Providing deadlines for BZA actions
- Clarifying and better codifying BZA appeal process
- Streamlining zoning verification processes
- Clarifying and better codifying the zoning interpretation process
- Changes to notice requirements to reflect virtual options
- Create codified processes regarding the Master Plan

WHAT ARE WE MISSING?

Everyone attending this meeting (and those who couldn't make it) have unique perspectives and valuable feedback to offer

We want to hear from you! Tell us what works, what doesn't, and what's confusing so that we can fix it (or at least improve it).

**HOW DOES THIS
PROCESS WORK AND
HOW LONG WILL IT
TAKE?**



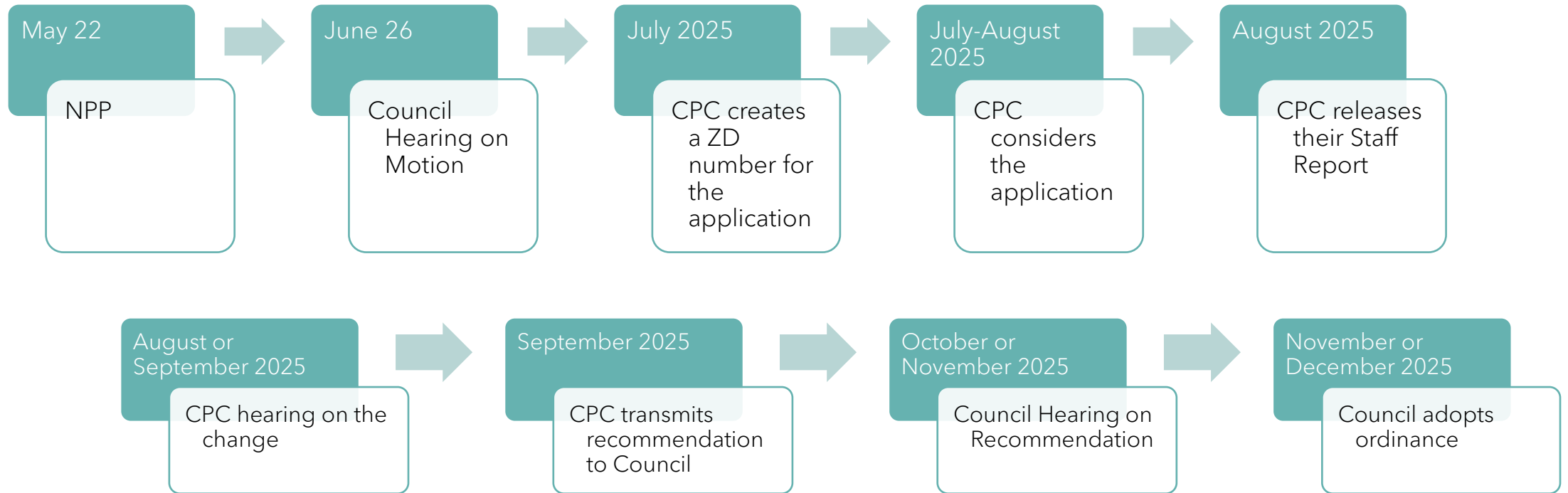
THIS IS ONLY THE FIRST STEP

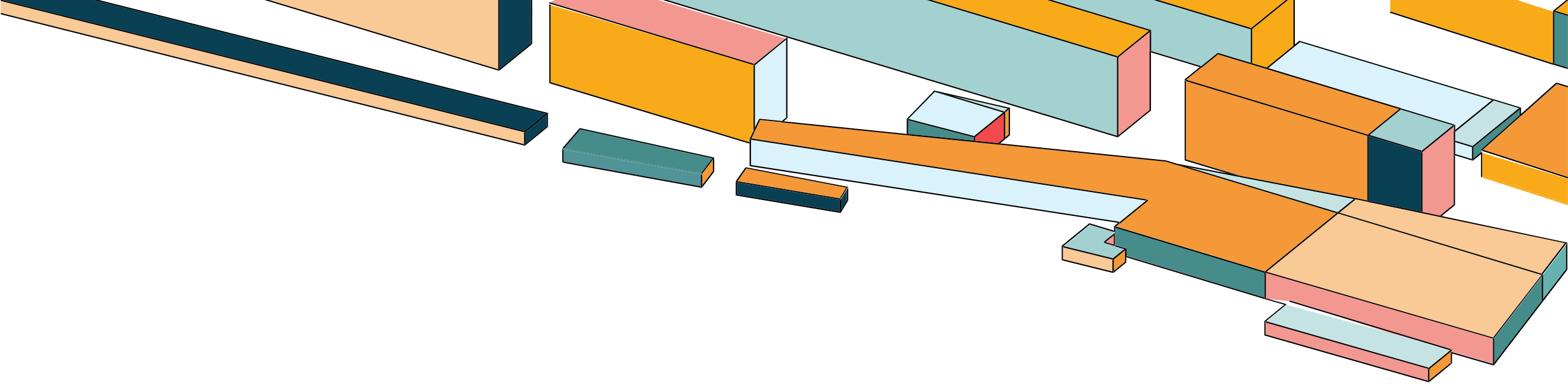
Tonight, we're just letting you know that this is a process we intend to start

The process doesn't formally begin until Council passes a motion directing the CPC to consider these changes

LIKELY TIMELINE

NOTE: ALL DATES ARE APPROXIMATE AND THIS TIMELINE IS SUBJECT TO CHANGE





Where can I get more information
about the changes being proposed?

**[https://council.nola.gov/resources/
neighborhood-participation-plans/](https://council.nola.gov/resources/neighborhood-participation-plans/)**

THANK YOU

Ashley Becnel

Council Land Use Officer

New Orleans City Council

councillanduse@nola.gov

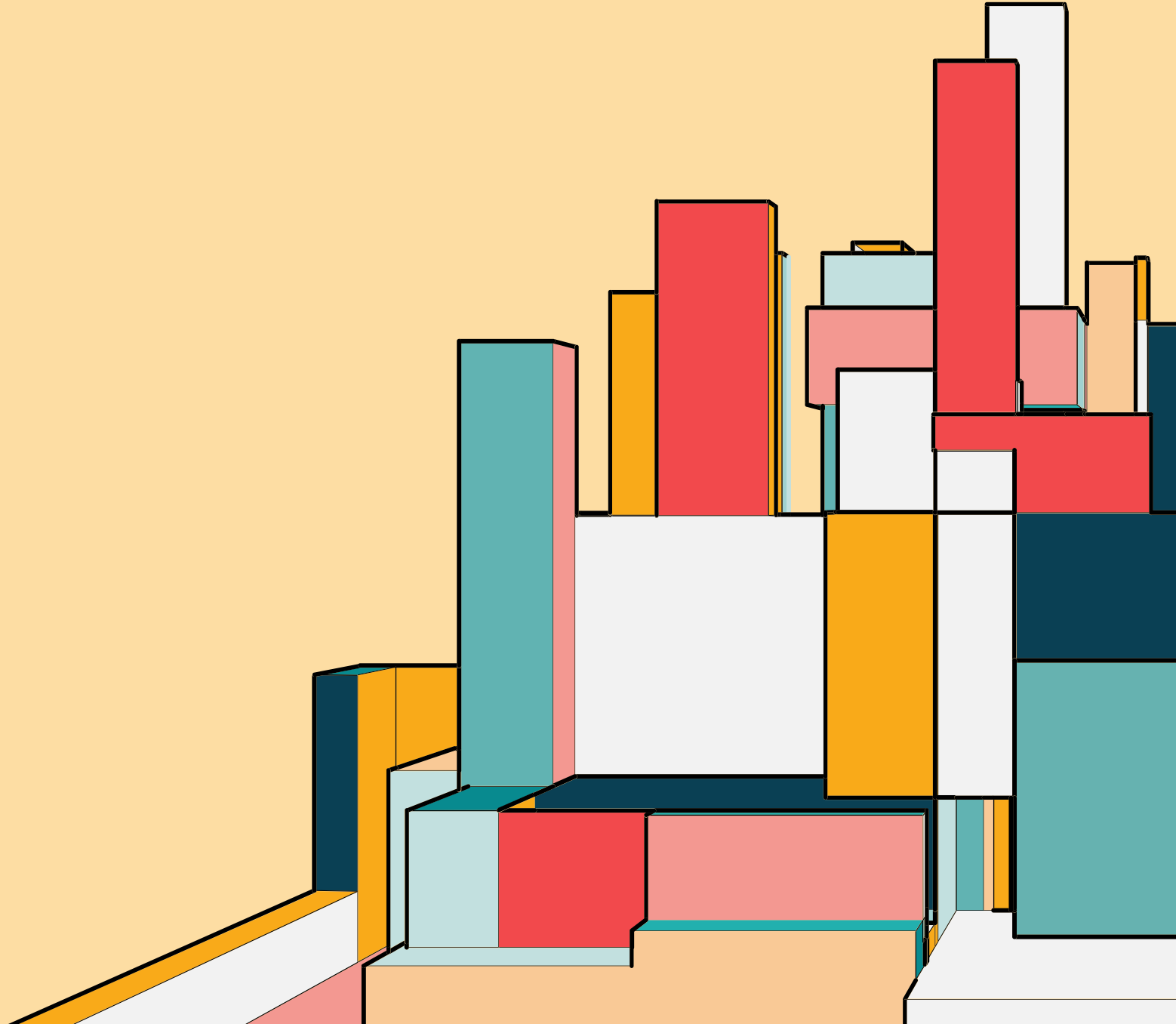


EXHIBIT C

Zoom Attendance Information

Meeting of February 12, 2025:

Jenny Takakura	Jim Logan
J. Keith Hardie	Erin Holmes
Ron Loesel	Lynette Judge
Missy Quigley	Allen Johnson
Tyler Russell	Karen Fernandez
Susan Johnson	Donald Fant
Paulette Perrien	Winston Jarrott
Jeffrey Seymour	Claire Byun
Christine Maristany	Cameron Boissiere
Deidre Hummelbrunner	Bob Murrell

Meeting of May 22, 2025:

Darnell Phillipson
Mary Mysing-Gubala
Claire Byun
Missy Quigley
Keith Hardie
Jim Logan
Susan Johnson
Lauren Jardell

Re: Proposed Amendments to Articles 1, 2, 3, 4, 19, and 26 of the CZO

From Robert D. Rivers <rdrivers@nola.gov>

Date Mon 10/6/2025 11:47 AM

To Justin Schmidt <justinschmidtlaw@gmail.com>; Stephen K. Kroll <skroll@nola.gov>; CPCINFO <CPCINFO@nola.gov>; Ashley J. Becnel <ajbecnel@nola.gov>

Cc Jeffrey Seymour <jseymour8@gmail.com>; Allen Johnson <hajohnson1418@gmail.com>; susanjohnson@hotmail.com <susanjohnson@hotmail.com>; Joseph I. Giarrusso <Joseph.Giarrusso@nola.gov>; Claire F. Byun <Claire.Byun@nola.gov>

Hi Justin:

[City Planning - News - Recap of CZO amendment feedback session - City of New Orleans](#)

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Given the feedback we received on Friday, we will move forward with posting our staff report and recommendations to the Commission on Tuesday as planned, but will recommend that the Commission defer action until the 28th. This will give everyone the opportunity to review all of the materials and submit informed responses. The new deadline for written comments will be COB on Monday, October 20th.

Thanks,

Bob

Robert D. Rivers

(he/him/his)

Executive Director

New Orleans City Planning Commission

Office of Business and External Services

1300 Perdido Street, NOLA 70112

504.658.7018

rdrivers@nola.gov

From: Justin Schmidt <justinschmidtlaw@gmail.com>
Sent: Saturday, October 4, 2025 3:15 PM
To: Robert D. Rivers <rdrivers@nola.gov>; Stephen K. Kroll <skroll@nola.gov>; CPCINFO <CPCINFO@nola.gov>; Ashley J. Becnel <ajbecnel@nola.gov>
Cc: Jeffrey Seymour <jseymour8@gmail.com>; Allen Johnson <hajohnson1418@gmail.com>; susanpjohnson@hotmail.com <susanpjohnson@hotmail.com>; Joseph I. Giarrusso <Joseph.Giarrusso@nola.gov>; Claire F. Byun <Claire.Byun@nola.gov>
Subject: Proposed Amendments to Articles 1, 2, 3, 4, 19, and 26 of the CZO

Bob and Stephen,

Thank you for hosting yesterday's information session on the proposed amendments to Articles 1, 2, 3, 4, 19, and 26 of the CZO (the "Proposed Amendments"). I think it was very helpful and highlighted most of the concerns of the respective stakeholders participating. I just have a couple of follow-up questions/observations that I wanted to submit while they were fresh in my mind.

First, I went on the CPC's website earlier today and searched every corner of it for the latest spreadsheet that purportedly encompasses **all of the Proposed Amendments** that are up for consideration and not only those sixty (60) listed in Exhibit A to City Council Motion M-25-380. This spreadsheet is what was shared by CPC Staff during yesterday's meeting and is what I characterized as the "green line spreadsheet," which as you are aware, we unfortunately did not even get a quarter of the way through during the meeting. I was under the impression that per your comments, this list would be posted on the CPC's website yesterday (Friday), so that it could be reviewed by the public in enough time for it to be reviewed and meaningful comments to be submitted to CPC by the **close of the comment submission deadline of 5:00 p.m., Monday, October 6, 2025.**

Second, although you are likely to continue to disagree with me, I earnestly believe that you still have a considerable "notice" issue if you present to the Planning Commission more amendments than those set forth on Exhibit A to Motion M-25-380. To this end, I have attached a full copy of Motion M-25-380 as well as the screenshots of two (2) places on the CPC website which reference the Proposed Amendments. Given that you are an attorney by trade, I simply don't understand how you can interpret the language "[t]he City Council motion is here. It contains all of the proposed amendments," as anything short of an exhaustive list of Proposed Amendments currently eligible for amendment.

However, what is even more bewildering is that you defend your position that the CPC Staff is able to present additional amendments beyond those included on Exhibit A of Motion M-25-380, and which have not yet been deiminated to the public, by relying on the language of Motion M-25-380 that states in part ***"in order to streamline administrative processes, clarify unclear provisions, and codify evolving practices, and to include as part of its consideration the amendments illustrated in Exhibit A, attached hereto and made a part hereof,"*** as justification for your position. The irony that the proposed legislation is intended to ***"clarify unclear provisions . . ."*** while the process itself is unclear should not be lost on anyone.

I'm not quite sure why we find ourselves in this position, but I have my suspicions and will keep them to myself for now. What I will say is that my utter contempt for the current City Administration is the collective and repeated manner in which the majority of department heads continue to attempt to correct otherwise innocuous mistakes made without ill-intent by fabricating absolutely absurd interpretations and positions in an effort to half-ass remediate these errors instead of simply owning the mistake and apologizing to whomever warrants an apology, if anyone.

Proceed as you will, but please add these comments to the official record as they no doubt will be relevant to any subsequent judicial review.

Regards,

Justin Schmidt

Justin B. Schmidt
Law Office of Justin B. Schmidt, LLC
1506 Seventh Street
New Orleans, LA 70115
Telephone: (504) 451-6567
Facsimile: (504) 370-7079
Email: justinschmidtlaw@gmail.com

Re: Proposed Amendments to Articles 1, 2, 3, 4, 19, and 26 of the CZO

From Robert D. Rivers <rdrivers@nola.gov>

Date Fri 10/10/2025 12:59 PM

To Jeffrey Seymour <jseymour8@gmail.com>

Cc Justin Schmidt <justinschmidtlaw@gmail.com>; Stephen K. Kroll <skroll@nola.gov>; CPCINFO <CPCINFO@nola.gov>; Ashley J. Becnel <ajbecnel@nola.gov>; Allen Johnson <hajohnson1418@gmail.com>; susanjohnson@hotmail.com <susanjohnson@hotmail.com>; Joseph I. Giarrusso <Joseph.Giarrusso@nola.gov>; Claire F. Byun <Claire.Byun@nola.gov>

[Sorry - just realized that the response I wrote on Monday never got sent.]

Hi Jeffery:

Apologies if I wasn't clear. Tomorrow, we will release our staff report - including our recommendations on all of the items being put forward for consideration. The packet sent to the CPC members tomorrow will include the staff report, as well as all of the written correspondence we have received as of COB today.

On June 21st, we will send a packet to the CPC members (and post on our website) the materials for the June 28th meeting. This will include any new correspondence about ZD049-25 that we receive prior to COB on June 20th. We will also resend the staff report, which may include additional information if requested by the Commission, or if the staff finds it necessary to clarify anything based upon the 10/14 CPC meeting.

This schedule should address the concerns expressed last Friday. Namely, that there was not enough time to review the additional items included by the CPC staff, and that the public would not be able to comment on the CPC staff recommendations.

I hope this clarifies it for you. Let me know if you have any additional questions.

Thanks,

Bob

Robert D. Rivers

(he/him/his)

Executive Director

New Orleans City Planning Commission

Office of Business and External Services

1300 Perdido Street, NOLA 70112

504.658.7018

rdrivers@nola.gov

<https://nola.gov/city-planning/>

From: Jeffrey Seymour <jseymour8@gmail.com>

Sent: Monday, October 6, 2025 12:30 PM

To: Robert D. Rivers <rdrivers@nola.gov>

Cc: Justin Schmidt <justinschmidtlaw@gmail.com>; Stephen K. Kroll <skroll@nola.gov>; CPCINFO <CPCINFO@nola.gov>; Ashley J. Becnel <ajbecnel@nola.gov>; Allen Johnson <hajohnson1418@gmail.com>; susanpjohnson@hotmail.com <susanpjohnson@hotmail.com>; Joseph I. Giarrusso <Joseph.Giarrusso@nola.gov>; Claire F. Byun <Claire.Byun@nola.gov>

Subject: Re: Proposed Amendments to Articles 1, 2, 3, 4, 19, and 26 of the CZO

Bob,

Hope do the written public comments, **which are due October 20th**, make it into the "Staff Report and recommendations to the Commission" which **will be posted tomorrow?**

On Mon, Oct 6, 2025 at 11:47 AM Robert D. Rivers <rdrivers@nola.gov> wrote:

Hi Justin:

[City Planning - News - Recap of CZO amendment feedback session - City of New Orleans](#)

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Robert D. Rivers

(he/him/his)

Executive Director

New Orleans City Planning Commission

Office of Business and External Services

1300 Perdido Street, NOLA 70112

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Sent: Saturday, October 4, 2025 3:15 PM

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Cc: Jeffrey Seymour <jseymour8@gmail.com>; Allen Johnson <hajohnson1418@gmail.com>; susanpjohanson@hotmail.com <susanpjohanson@hotmail.com>; Joseph I. Giarrusso <Joseph.Giarrusso@nola.gov>; Claire F. Byun <Claire.Byun@nola.gov>

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Regards,

Justin Schmidt

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Law Office of Justin B. Schmidt, LLC
1506 Seventh Street
New Orleans, LA 70115
Telephone: (504) 451-6567
Facsimile: (504) 370-7079
Email: justinschmidtlaw@gmail.com

Re: Proposed amendments to CZO 1-4

From Robert D. Rivers <rdrivers@nola.gov>

Date Fri 10/17/2025 9:22 AM

To Bria A Dixon <Bria.Dixon@nola.gov>; Stephen K. Kroll <skroll@nola.gov>; Larry W. Massey Jr. <lwmasey@nola.gov>; Sabine E. Lebailleur <selebailleur@nola.gov>

Cc Rachael Berg <rberg@nola.gov>

Stephen has it and is putting it in the file for ZD049-25

Thanks

From: Bria A Dixon <Bria.Dixon@nola.gov>

Sent: Friday, October 17, 2025 9:02 AM

To: Stephen K. Kroll <skroll@nola.gov>; Larry W. Massey Jr. <lwmasey@nola.gov>; Robert D. Rivers <rdrivers@nola.gov>; Sabine E. Lebailleur <selebailleur@nola.gov>

Cc: Rachael Berg <rberg@nola.gov>

Subject: FW: Proposed amendments to CZO 1-4

Good morning,

Can someone please advise on where to save the comments below?

Best,

Bria Dixon | She/Her/Hers

Senior City Planner | New Orleans City Planning Commission

Office of Business and External Services

1300 Perdido Street, 7th Floor | New Orleans, LA 70112

(504) 658-7014 (office) | Bria.Dixon@nola.gov

From: Jeffrey Seymour <jseymour8@gmail.com>

Sent: Thursday, October 16, 2025 9:56 AM

To: Robert D. Rivers <rdrivers@nola.gov>; Allen Johnson <hajohnson1418@gmail.com>; CPCINFO <CPCINFO@nola.gov>

Subject: Proposed amendments to CZO 1-4

TO THE CITY PLANNING COMMISSION

PLEASE INCLUDE THIS IN THE WRITTEN COMMENTS AND Public COMMENTS FOR THE PROPOSED AMENDMENTS TO CZO ARTICLES 1-4

Hi Bob,

We had some questions and comments which are extremely time-sensitive as comments in this topic are due two business days from now.

1. Who can we speak with to get answers to or questions which are “of a legal nature”, since you are telling us that you are not authorized to answer legal questions?
2. Did you forward the 1-page list of comments that I left with you at MMO day’s CPC hearing?
3. Why were our written comments on the two NPP meetings which we sent in September to both the Council Land use Legal Department (the party holding the two NPP meetings)) and also to YOUR office NOT included in the Preliminary Staff Report?
4. Who is drafting the NOP Report; your office, or the Council’s office (I’m assuming the Council is the “Applicant@ of the proposed Rect Andbenents”.
4. Why was there no NPP Report in the Preliminary Staff Report?
5. Why is there still no text Amanda Application on “City provided forms” as required by the CZO?
6. Why were NONE of the public comments from the two-hour-plus “listening session” you held (which was held ONE BUSINESS DAY BEGORE CONTENTS WERE DUE) included in the Preliminary Staff Report?

Bob, we would like to ask you please forward a copy of this email to the individual Commissioners themselves TODAY and also have a copy of the email included in the official public record of the Commission.

There is a real problem here that public comments are not being fully and properly considered.

Want

Notwithstanding what you and your office have been contending, these proposed amendments are of a far more substantive nature that you all are acknowledging.

Many of these issues CAN NOT be properly addressed in a “2-minute public comment”.

We want to make sure that our comments and questions are addressed BEFORE the CPC formally considers this matter and we want to formally state on the record that we do not believe our concerns are being adequately “received” and/or considered.

Please make sure the Commissioners are aware of our concerns well in advance of the next CPC hearing and the completion of the Final Staff Report.

Thank you fir you attention to our comments and requests.

FMIA Comments on Proposed Amendments to CZO Sections 1-4, 19, and 26 Submitted to CPC Staff on 9/1/25

1. Enforce the current requirement that a "public need" truly exists in order to grant conditional uses, and that a "public benefit" not be included as a criterion.
2. Clarify when the Council can approve variances, and also, when, where, how, and by whom, this determination is made. Add appeal provisions for variances issued by the City Council.
3. CZO Section 4.3.E.4 Conditional Uses - Conditions states that the Council "may grant a variance from specific zoning standards otherwise applicable to the subdivision by this Ordinance to secure the general objectives of this section" What exactly is meant by the phrase "in order to secure the objectives of this section"? Specifically, what "section" is being referred to? What are the "objectives" of this section?
4. CZO Section 4.6.C.3 Variances – Authority states that "The development standards for conditional uses and planned developments, or any other matter *designated* by the City Council *expressly* within these zoning regulations, shall not be subject to variances by the Board of Zoning Adjustments." What are the "other matters" that are being "*designated* by the City Council *expressly*"?
5. "New" variance requests which were not part of the original NPP should be considered new applications.
6. There should be a higher standard on how much work and disclosure is required of the applicant in order to have the appropriate and necessary "evidence" presented to the Council to justify a variance.
 - a. NPPs should address the 9 criteria if applicable
 - b. If the City Council rejects the recommendation of the CPC regarding a requested variance's compliance with the 9 Criteria, the relevant criteria should be addressed on a criteria-by-criteria basis with evidence and explanations being provided as part of the public record.
 - c. The CPC's or City Council's defense or support of a variance's compliance with the 9 Criteria must be publicly disclosed at a point in the approval process such that adequate time is available for public review and public comment.
7. Invalid notices should nullify decisions actions taken in improperly-noticed hearing. Otherwise, what is the purpose of notice requirements? Permitting invalid notices violates notice requirements contained in the Home Rule Charter, State Statutes, and Louisiana Open Meetings Law.
8. Can the City Council unilaterally waive the Home Rule Charter NPP requirements?
9. What is the purpose behind restructuring/reordering the 9 Criteria? What does this add/remove that is currently absent/unnecessary?
10. Does the new proposed NPP language contain sufficient notice requirements.
11. Is the CPC currently designating the location of conditional uses on the Official Zoning Map with the symbol "CU"? And does this procedure work if the applicant has 2 years to file an approved Conditional Use? CZO Section 4.3.J requires that the CPC must make this designation within 30 days of receiving evidence of the recording of an approved conditional use. And does this procedure work if the applicant has as long as 2 years to file an approved conditional use (Section 4.3.J)?
12. On CZO Section 4.3.E Conditional Use Conditions, exactly what is meant by the clause "to secure the general objectives of this section"? What "section" is being referred to? Specifically, what are the "general objectives" of this section?
13. Why are CZO Sections 4.6.C.1 and 4.6.C.2 being deleted?

14. Why are the references to Louisiana Revised Statute 33:4780.46 and Home Rule Charter Section 5-408, relating to "variance authorization", being deleted from CZO Section 4.6.C?
15. The needs to be better clarity on the proposed amendments to CZO Section 4.6.C.3.
16. **[Note: It looks like the proposed amendments in the original A. Becnel spreadsheet for CZO Section 4.6.C have been "cleaned-up" for the incorrect identification of the "Current Text" for Section 6.6.C.3. Confirm whether any of Sections 4.6.C.1, 4.6.C.2, 4.6.C.3, or 4.6.C.5, are being proposed for deletion.]**
17. Regarding notice provisions, there needs to be more diligent compliance with the State Statute requirement that all agenda items be described with "reasonable specificity." For example, would the following agenda item description fulfil the State Statute standard of "being described with reasonable specificity"?

Agenda Page number 79 of 80, Item #54 description: "Directing the CPC to conduct a public hearing regarding a temporary prohibition against the effectiveness and enforcement of sections 21.8.C.16(11)(i)(2)"

(Note that this agenda item description does not even state the name of the document which is being referenced.)

18. Greater diligence should be exerted to ensure the accuracy of public notices contained on the official CPC website. We have recently encountered a situation where a committee of the CPC conducted a meeting on the day prior to the meeting date specified on the CPC web site. When we registered our protest to this violation, the CPC Staff immediately changed the date of the meeting on its web site to the prior day, effectively changing the meeting date to a date in the past for a meeting that had already occurred.
19. Rules and procedure for mailed notices should be evaluated and, if necessary, to ensure that mailed notices are received prior to the actual meeting date.
20. Rationalize and enforce document recording requirements. For example, the CZO recording requirements include: Sections 4.6.E and Section 4.6.H.1 require that the conditions and restrictions for approved conditional uses and signed development plans be recorded in the appropriate mortgage or conveyance records (this does not appear to be occurring), Sections 4.3.E and 4.4.F.3 require that proof of recordation be submitted to the BZA staff prior to the issuance of a building permit or certificate of occupancy or to the ED of the CPC (there is no evidence that this is occurring) notwithstanding the fact that Sections 4.3.H.1 and 4.4.I.1 provide the applicant with a *full two years* to record the conditional use approval or stamped development plans, and Section 4.3.J requires the CPC to designate the location of the conditional uses on the Official Zoning Map with the symbol "CU" within 30 days of receiving evidence of the recording of an approved conditional use (the official zoning map on Property Viewer does not appear to contain any such designations). To cite just one example of the lack of proper diligence around recording requirements, we can provide evidence of the recording of a plan containing the official CPC seal which is unsigned and undated (how such a document can exist *and* be circulating publicly remains mystery to us.)

Fw: OPPOSE ZD 049-25

From CPCINFO <CPCINFO@nola.gov>
Date Tue 10/21/2025 12:05 PM
To Stephen K. Kroll <skroll@nola.gov>

From: sjohnson@hnon.org <sjohnson@hnon.org>
Sent: Monday, October 20, 2025 4:31 PM
To: CPCINFO <CPCINFO@nola.gov>
Subject: OPPOSE ZD 049-25

To the CPC:

I am worried that there has not been enough discussion/clarification of the text amendments to be made to CZO 1-4, 19 and 26.

For example, I attended the Sept. 9 CPC hearing; the Oct. 3 listening session; and the Oct. 14 CPC hearing — and I am still not sure why the purpose statement for conditional uses (CZO Art. 4.3.A) will be emended to add "public benefit" to "public need" as the motivation for a given conditional use.

I am in favor of a more deliberate process—no matter how long it takes.

We need to get it right.

Thanks and best regards,

Susan Johnson

2822 Lepage Street

New Orleans, La. 70119

Zoning Docket 049/25 – *deferred from the September 9, 2025 meeting*

Applicant(s): City Council Motion No. M-25-380

Request: Amendment to the text of Articles 1, 2, 3, 4, 19, and 26 of the Comprehensive

Zoning Ordinance in order to streamline administrative processes, clarify unclear provisions, codify evolving practices, and consider the amendments included in Exhibit A,

attached to City Council Motion No. M-25-280

Fw: Written Public Comments to be Included in Staff Report for ZD 049/25

From CPCINFO <CPCINFO@nola.gov>
Date Tue 10/21/2025 12:05 PM
To Stephen K. Kroll <skroll@nola.gov>

 3 attachments (108 KB)

FMIA Comments on NPPs held 12325 and 52225.docx; FMIA Land Use Committee Comments on Preliminary Staff Report.docx; Jeffrey Seymour Comments on ZD 04925.docx;

From: Jeffrey Seymour <jseymour8@gmail.com>
Sent: Monday, October 20, 2025 4:21 PM
To: CPCINFO <CPCINFO@nola.gov>
Cc: Jeffrey Seymour <jseymour8@gmail.com>; Allen Johnson <hajohnson1418@gmail.com>
Subject: Written Public Comments to be Included in Staff Report for ZD 049/25

Please include the attached documents in the ZD 049/25 Staff Report.

Thank you,

Jeffrey Seymour
2227 Royal St.
New Orleans, LA. 70117

FMIA Comments on NPPs held 1/23/25 and 5/22/25 for Proposed Amendments to CZO Sections 1-4, 19, and 26

1.5.H Does a completed application have an expiration Date? By filing an application, do I “freeze” the rules in the current CZO forever?

What exactly are the “rules in effect on the date the complete application was received.?” Are they the same thing as Is it the currently existing the CZO in its entirety which gets “frozen”? Or does the “CZO-in-effect” rule apply only to what was specifically requested in that initial application? To what extent, if any, can the initial application be modified and remain eligible to be evaluated based on the CZO in effect when the initial application became complete.

This question too granular, but this exact issue has come up several time in the last few years, most recently in the “Rusty Rainbow Hotel” project in the Bywater, where its implications were substantive.

1.6.A Should the word “may” in the clause “the Director of the Department of Safety and Permits, or the Director’s designee, in addition to other remedies, may institute any appropriate actions or proceedings to prevent such unlawful erection...” be changed to the word “shall”? Isn’t that the primary job responsibility of the Department of Safety and Permits? If not, who’s responsibility is it to enforce this regulation? Or is there no city official tasked with the responsibility to enforce the CZO?

Is it correct that the Director of the DSP’s “designee” could theoretically be a new employee who has been working in the department for two weeks? Does the designee have to work in the relevant department? ...or even have to be a city employee? Does that seem right??

2.3 Which powers may the CPC ED or DSP ED designate to a “designee”? Is it only the ones “indicated in this section by the language ‘Director’s designee’” or does “the ability to direct powers to a designee” apply to all actions throughout the Ordinance”? Are there no restrictions whatsoever.

2.4.D & 2.6.C Section 2.4,D, in conjunction with Section 2.6.C, gives the City Council the power to make final decisions on map amendments, text amendments, and conditional uses, and it gives the BZA the power “to permit, and make final decisions on” zoning variances from the zoning regulations. But nothing is stated about who makes final decisions on zoning variances reviewed by the City Council?

This may also seem like a “nit”, but this question has actually come up within the last year.

This same issue exists with regard to appeals. The appeal rules for conditional uses granted by the City Council, are materially different than the appeal rules for zoning variances granted by the BZA. Which rule applies in instances where someone is appealing a zoning variance granted by the City Council

For example, what would be the relevant time period within which an appeal must be filed on a variance granted by the City Council?? Is it the time period for appealing City Council conditional uses, or is it the time period for appealing BZA variances?

2.5.C Should the list in this section of the types of applications that the CPC can make recommendations on also include variance applications? Isn't that what is currently being done?

Based on several of the Proposed Amendments, it looks as though the CPC will no longer be providing any recommendations to the BZA. Is this correct? If so, will they still be doing the analytical "leg-work" and the preparation of Staff Reports? And why is the CPC being removed from this process?

2.6.B Does this provision allow one to make an appeal to the BZA, for example, alleging an error in the application of the 9 criteria on a variance granted by the City Council?

Or would a variance granted by the City Council not qualify as an "order, requirement, decision, or determination made by an administrative official in the enforcement of the CZO."

This provision states quite clearly that the BZA has the power to "hear and decide any and all appeals where error is alleged "in any order, requirement, decision, or determination made by an [i.e., any] administrative official in the enforcement of the CZO."

If this *isn't* an accurate reading of then section, then what is? ...and what is the purpose of this section?

2.6.C. Should the second word in this section be "variances" rather than "variations"? I believe this is the only occurrence of the word "variation" in the entire CZO.

If "variation" is the intended word, then what is the difference between a "variation" and a "variance", and why is it the former, rather than the latter word which is being used here? Note that "variance" is a defined term, but "variation" is not. (FWIW, neither is "waiver".)

2.8.A to D Can the Executive Director of the City Planning Commission can designate the authority to make final decisions on minor map adjustments to the FLUM and requests for interpretations of the Official Zoning Map to anyone it chooses?

2.9.E What is the procedure currently being used by DSPs current to confirm ongoing compliance with off-site parking contracts which may be required under section 22.8.A.2.C? This is obviously an important issue since an entire sub-section of the CZO is dedicated to the implications a lapsed parking contract has on the ongoing effectiveness of any conditional use it was part of.

Who maintains a file of approved off-site parking contracts? Is it the CPC or the DSP? It should be a pretty thick file since it would include an approved off-site parking contract for every parking waiver granted which was based upon the applicant taking advantage of the special “carve-out” exceptions allowing for contracted off-site agreements to count towards their compliance with the CZO’s minimum parking standards.

Is it correct that an applicant would be in non-compliance with this section if an approved off-site parking contract has not both filed with the DSP and recorded with the Office of Conveyances?

2.11 Who makes the final determination regarding an applicant’s compliance with the Historic District Landmarks Commission (and ARC’s) procedures and regulations contained in the City Code? Would it be the Director of the Historic District Landmarks Commission? If so, where does one find the appeal rules on these decisions? There isn’t anything on Table 4-2 in the CZO, nor is there any mention of appeals in the Historic District Landmarks Commission procedures, guidelines, or the City Code.

3.2.B.3 What is the significance of an application that has not been rejected within 10 days, and therefore, is deemed “complete”, but is subsequently deemed incomplete “for the purpose of a review”? If that application is incomplete “for the purpose of a review”, in what way is the application “complete”?

This section states that a new determination of completeness is required if the applicant materially changes the application from the prior submittal. What would be considered material, and who would make that determination? If, for example, I change the waiver I am requesting from a height waiver to a FAR waiver, would that be considered material ?

3.2.D.1 & 2 What, in the context of Section 3.2.D, is the technical definition of a withdrawal? Must the item have already been docketed? If an item is docketed, and the Applicant requests it be deferred to a later date for consideration, would that qualify as a “withdrawal”?

What is the difference between a “withdrawal” and a “deferral”? Where are the deferral rules stated?

When is the latest that an application be withdrawn? Can an application be withdrawn while a meeting is taking place? Can it be withdrawn up to the point that a motion is made, or is seconded, or voted on?

Is the Applicant the only party who can “withdrawal” an application?

Why are the withdrawal rules so different for items for items submitted to the City Council, versus items submitted to the BZA? (I’m guessing that this may have something to do with the fact that the City Council works through motions, resolutions, and ordinances, where the BZA does not.)

- 3.2.D.3 This says that you have 45 days from the original decision was made to file a “zoning appeal.” But what if you are appealing a variance decision made by the City Council?
- 3.2.E What is the “date of denial” of a conditional use denied by the City Council? What is the “date of denial” of a variance denied by the BZA? What is the “date of denial” of a variance denied by the City Council?
- 3.2.E.4 What is the purpose of this provision? Why would the 2-year “lockout” on resubmitting denied applications not apply to applications initiated by the city?
- How often does the city initiate applications for CUs, or for variances? What would be examples of these? examples of these?
- 3.3.A Shouldn’t the published notices and the mailed notices also include what is specifically being applied for? For example, whether it’s a conditional use request, or a zoning change, or a zoning waiver?
- 3.3.B.1 Are we reading this correctly? Why isn’t mailed notice required “for zoning text amendments and for zoning amendments initiated by the City Council covering multiple squares”?
- And what, specifically, is being excluded here ? Is it all “zoning text amendments” or is it just “zoning text amendments initiated by the City”? Or is it “zoning text amendments initiated by the **City Council** covering multiple squares”? And why wouldn’t a request for a “zoning change”, which I assume is a type of zoning amendment which, by definition is always property-specific, not require mailed notices to affected neighbors and neighborhood associations? What would a Ven-Diagram look like for “zoning amendments”, “zoning text amendments”, zoning map amendments”, zoning changes”, “conditional uses”, “zoning variances”, and any of the other generic categories which are commonly used?
- Exactly what falls into the category of “zoning amendment”? Is it text and map amendments? Or does it also include variances and conditional uses?
- What would a Ven-Diagram look like for “zoning amendments”, “zoning text amendments”, zoning map amendments”, zoning changes”, “conditional uses”, “zoning variances”, and any other generic zoning-related category which is commonly used?
- 3.3.B.2 What, technically, is the definition of “mailed”? At the very least, the “mailed” date of a notice should be no earlier than date on which the item is “postmarked” by the US Postal Service.

We raise this because we have had numerous instances in the past where the majority of neighbors have actually received their mailed notices after the hearing has already occurred. This would seem to indicate that the system we're using isn't working, and that it should be fixed.

3.3.D.1.a All of these provisions pertaining to the "Validity of Defective Notices" are extremely problematic, and very possibly in violation of the notice requirements in the Home Rule Charter, the State Statutes, the City Code, and the Louisiana Open Meetings Laws.

When you parse through the language in these provisions, what is essentially being said is that, although the City may be subject to various notice requirements, at the end of the day, it is not required that those notices they give or send be accurate whatsoever, and in some cases, it's not even necessary that they get sent at all!

For example, under section 3.3.D.1.a of the current CZO, as long as a posted notice gives "reasonable notification" of either its purpose, subject matter, substance, or intent, then any action on the associated application shall not be declared invalid due to any error, or even absence of, any or all of the following information: the meeting's time, its location, or its purpose. That is, the notice may contain the wrong date, time, and/or purpose, or even no date, time, or purpose whatsoever, and still, according to rules in the current CZO, still be considered valid!

Section 3.3.D.1.c of the current CZO says that even the failure to send the notice at all will not invalidate from fulfilling the notice requirement, or invalidate any decisions made in the referenced hearing. Section 3.3.D.1.d says that the same holds true for notices required to be sent to Neighborhood Association.

Essentially what is being said here is: "The failure to give accurate notice (or even to give notice at all), will not be a violation of the requirement to give notice.

Again, we are not aware that any of the State Statutes, or the Home Rule Charter, or the State Open Meetings Laws, or the individual Administrative Rules, Policies, and Procedures for the City Planning Commission, the City Council, or the Zoning Board of Adjustments, or any document anywhere, gives such a sweeping "pass" for defective notices.

This needs to be corrected. To require the city to deliver notices but, at the same time, to not require that the notices be accurate as to the meeting's subject matter, substance, intent, time or place, effectively eliminates the notice requirement entirely.

Perhaps we're the ones who need a "reality-check" on this issue, but we respectfully ask : "Is it unreasonable or inappropriate for the public to expect even this most basic level of competence in complying with the public notice provisions that exist in the CZO, the Home Rule Charter, the City Code, the State Statute, the various department's Administrative Rules, Policies, and Procedures, and the Louisiana Open Meetings Law?" Not a single one of these other documents contain a provision which essentially says "you must give notice, but it does not have to be accurate, and, in fact, *doesn't even actually have to be sent*)!"

And the new language which is being proposed for the new NPP section doesn't even require that any notice be sent at all!

What is the purpose of a notice requirement which *does not require* that the notice be accurate, or even sent at all?!

If the reason for this is that complying with the letter, and especially the spirit, of the law is something that is simply not possible from a practical standpoint, then why does the City have no problem committing itself to this most basic level of competence when it applies to notices required to be sent to the applicant, as is specified in section 3.3.D.3? Why is it only the applicant, and not the public, who gets the benefit of the City complying with the notice requirements?

3.3.D.1. Here is another example from the current CZO. “No action on any application submitted in accordance with this Ordinance shall be declared invalid by reason of the failure to give notice to the individuals and entities within the vicinity of the site”?

On what basis, or authority, can the CZO effectively exempt itself, or anyone else for that matter, from complying with the notice requirements of the Home Rule Charter, the City Code, the State Statute, the various department’s Administrative Rules,

3.3.D.2 What is a “discretionary form” of notice, and where in the CZO are discretionary notices referenced? What actually is the purpose of this provision?

3.3.D.3 Note that this requires that the notice sent to the applicant contain the time, date, and place of the hearing, although no such requirements exist for neighbors in the vicinity, neighborhood associations, or any member of the public.

3.4.B What is the difference between a “continuance” and a “deferral”?

3.6 Yet one more: “The unavailability or failure of such an [electronic notification] system shall not be reason to invalidate any application or action taken under this ordinance”?

That is, the failure of the city’s obligation to provide notice will not be considered a failure of the city’s obligation to provide notice.

4.2.D.1.b This section states that “applications may also be exempt from Neighborhood Participation Program requirements for good cause.” What is the definition of “good cause?” Who determines whether “good cause” exists? What would be examples of “good cause”?

Furthermore, on what authority can the CZO, or the City Council, or anyone for that matter, waive the NPP provisions in the Home Rule Charter which require that “*the City establish a system for organized and effective neighborhood participation in land use decisions and other issues that affect quality of life*”, that it “*shall provide for timely notification to a neighborhood of any proposed Land Use Action*

affecting the neighborhood”, and that it furthermore “shall also provide the opportunity for meaningful neighborhood review of and comment on such proposals”?

In fact, the Home Rule Charter even goes to the length of including a definition of “Land Use Action”, which reads:

“‘Land Use Action’ means the preliminary or final approval of a zoning map amendment, a zoning ordinance text change, subdivision plat, site plan, planned unit development, or conditional use; the granting of a variance, adoption of a development agreement, or issuance of a certificate of appropriateness; a decision by the City or any of its administrative authorities to construct a capital improvement, acquire land for community facilities, including transportation facilities, or for redevelopment. Approval as used in this paragraph includes approval subject to conditions.”

How can the City Council unilaterally waive a requirement of the Home Rule Charter which the Home Rule Charter does not expressly allow to be waived?

4.2.D.2 The first paragraph of this section says that “zoning map or text amendments require an NPP”, and then it immediately goes on to say that zoning map or text amendments covering less than city square require an NPP, and zoning map or text amendments covering more than city square require an NPP. (i.e., there are no zoning map or text amendments which do not require an NPP).

And why do zoning map or text amendments covering more than one city square have notice requirements less stringent than those covering less than one city square? This seems counter-intuitive that the more significant action requires less notice. The normal notice requirements should also apply to Zoning text and Zoning map amendments covering less than one city square.

The second paragraph seems to say that the request will not be deemed complete until all of the NPP documents are submitted to the CPC, but that the City Council may require an NPP prior to the motion being acted on. How does a request be deemed complete, and be presented to, and voted on, by the CPC which has not completed an NPP and submitted all relevant documents to the CPC Staff? That is, how does the Council “see” a request which has not complied with the NPP rules?

In the first sentence of the paragraph which begins “During a time of declared emergency by the Governor or Mayor...” should the phrase “City Planning Commission Director” should be changed to City Planning Commission Executive Director”

4.2.D.3.c Regarding the second sentence: Is the ability of the City Council to defer action limited only to “cases where it discovers applicants have not submitted complete and accurate information”. It doesn’t appear that the CZO authorizes the City Council to “defer action” for any other reason. Is this correct? It seems that items are frequently being deferred for other reasons (for example, to allow an applicant to further discuss/negotiate terms with residents or neighborhood associations.)

In the second sentence of the paragraph beginning “The failure to resolve a finding of incomplete...”, what is the difference between a “denial” and an “effective denial”? Is an “effective denial” a type, or a subset, of denials which only applies to situations where the CPC is forwarding an application to the City Council without a vote of the majority of the Commission Members?

4.2.D.4.a Please elaborate on what seems to be a three-step process. It looks like, first, the City Council holds an initial public meeting to “determine by motion whether a particular zoning docket should be heard as an ordinance”, then, second, an ordinance is prepared, and then, finally, third, it appears that a second hearing is held to consider the ordinance. Is this correct?

What exactly is the purpose of the new proposed language? Is it correct that this new proposed language and the procedure it establishes applies to map and text amendments, conditional uses, and planned developments but not to zoning variances (presumably because the BZA does not use motions of ordinances)?

You may also want to take a look at your “wordsmithing” to make it clearer whether it’s the Council’s determination by motion which must occur withing 60 days, or whether it’s the hearing of the newly created ordinance which occur within 30 days (or both).

4.2.E What is a “matters of legislative discretion”, and what is its significance?

Table 4-1, #3. What does “compatible with existing use and zoning of nearby property” in standard #3 above mean? What would be examples of being compatible, or being non-compatible?

The CZO states in making their recommendation and decision, the City Planning Commission and the City Council shall consider the standards these 12 standards “shall be considered” the standards in Table 4-1. If the CPC or the Council “considers” them, but finds that they don’t meet any of them, can they still recommend or approve the application? What evidence must exist in the public record evidencing that the CPC or the Council “considered” these 12 Approval Standard, and disclosing what their consideration criteria and conclusions/decisions were? (Note that the Orleans Parish Civil District Court has recently ruled, several times, that the BZA is obligated to state for the public record, on a criteria-by-criteria” basis, what their analyses and conclusions were regarding a zoning variance’s compliance with the 9 Criteria.)

4.2.F For purposes of “starting the appeal clock”, what would be the date of “the decision of the Council”? Is the date of the “decision by the Council” a different date depending upon whether the “decision by the Council” was an approval versus a denial? And what is the operative date to use to start the appeal clock on an approval? Is it the date the meeting in which the Council voted on the ordinance, or is it the date that the ordinance is officially adopted (which, my understanding is, would be a date occurring after the ordinance was approved, vetoed, or ignored by the Mayor)? There should be clearer information on the distinctions between all of the different scenarios (again, for example, what is the relevant date for an application on which the Council has “made a decision” to approve, is it the date of their vote, or is it the date the ordinance in adopted?)

4.2. Chart Zoning Amendment Process. Shouldn't there be a box on this chart permitting an application for a text or map amendment to go to the Council which has not received a quorum-sufficient vote for either approval or denial? (I think this comment would also apply to all the other "flow charts" in the CZO.)

4.3.A Why is the requirement for "public need" always ignored by everyone? It must be important if it's in the first sentence of the Conditional Use section. Shouldn't the "public need" for the CU be part of the record?

The new language "...or public benefit of..." proposed to be added to the first sentence of the Conditional Use sections implies that, as long as a CU provides any kind of public benefit whatsoever, it should be permitted. To simply provide that someone, anyone, has to receive a benefit from the granting of a conditional use is far too low a bar to set as a sufficient approval condition in the absence of a public need.

For example, if a developer wants a CU to build a commercial building in excess 10,000 square feet in a zoning district where it is not permitted "by right", can the developer simply say that his new 95,000 square foot building justifies the granting of the CU because it will be eliminating a homeless encampment currently located on the empty lot? And what if the new 95,000 square foot building is a hotel in a residential historic district which is already overrun with short-term lodging?

Should a new bar be granted a conditional use simply because it provides the proprietor, or his brother-in-law in Baton Rouge with some sort of professed benefit, even if the entire neighborhood is opposed to it.

We continue to be entirely perplexed by that the requirement for "public need" consistently ignored by everyone involved in the granting of a conditional use. The CPC ignores it, the CPC Staff ignores it, and the Council (and everyone else working for the city ignores it.

How is it possible that a provision in the very first sentence of the Conditional Use section can be considered trivial, or not be considered at all?

Not only should the requirement of a public need be complied with, but the particular public need should also be specifically identified and stated by the relevant approving body and included as part of the public record.

4.3.D.1.b What is the definition of "good cause", and who determines if it exists? Could you provide us with examples of "good causes."

4.3.D.1.c Note that this sub-section makes reference to zoning text and zoning map amendments but makes no reference to zoning variances.

4.3.D.2.b It is absolutely essential that any NPP clearly and thoroughly identify any needed variances. For a "new" variance request to pop up months after the NPP has already occurred, or to show up on a

piece of paper handed out in the Council chambers while a hearing is commencing, defeats the entire purpose of the NPP.

Keep in mind that the applicant has already been required by the CZO to participate in a Pre-NPP meeting “with the staff of the City Planning Commission to become familiar with the procedure and approval standards for conditional uses and to obtain guidance on the requirements of the Project NPP.”? Is it unreasonable for the public to expect that between the applicant, all of their various architects, advisors, consultants, and “fixers”, and the CPC Staff itself, that somehow someone will be able to figure out and cobble together a cogent and thorough statement of *exactly* what it is that is being requested? Isn’t this the primary, if not the sole, purpose of any Pre-NPP conference between the applicant and the CPC Staff?

4.3.D.4.a See above comment on Section 4.2.D.4.a

4.3.E.3 Evidence of the recording of the signed development plan and other documents required to be recorded should be publicly available through posting on OneStop, or some other public means. Obviously, this is extremely important step in the approval process if the failure to do so nullifies the conditional use itself.

FWIW, we have seen a number of instances where, in our opinion, recording requirements are attended to in a lackadaisical manner, if at all. For example, We can even provide evidence of the recording of an “approved” plan which contains the CPC Seal but no date or signature. How is it possible that a document with a CPC approval seal but no signature or date is even “floating around” out there, much less actually being recorded?

4.3.E.4 If the Council is going to usurp the authority to grant variances which is vested to the BZA, and only the BZA, by the State Statutes, the Home Rule Charter, City Code, among other various laws, rules, and regulations, it should require a standard far more stringent than simply doing so in its endeavor to “secure the general objectives of this section.” This is the loophole to end all loopholes!

This provision raises any number of issues.

First, if we assume the Council is, in fact, vested with this authority to essentially do whatever it wants, as long as it determines that it is doing what it wants, then it’s extremely unclear what this text is actually saying.

To begin with, the first question is: exactly what is meant by the clause “to secure the general objectives of this section?” What “section” is this referring to? Is the “section” Article 4. Applications and Approvals? Or is it Section 4.3. Conditional Uses? Is it Section 4.3.E. Conditions? Or is it Section 4.3.E.4.?

And once it’s established which “section” it’s actually referencing, then what actually are the “general objectives of this section?” And do those objectives, once they have been identified and stated line up with what this provision is typically used for, which often is as an omnibus power to essentially waive or be in non-compliance with any, and almost every, provision in the CZO. We

once commented to a senior member of the CPC Staff that “the Council can’t just waive any provision in the CZO that it chooses to”, and received the response “yes it can, it does it all the time!” Are we sure this is the right answer?

And, as far as our view on the elimination of section 4.6.C.3 is concerned, that’s a difficult one to answer, since no one we could find was ever able to offer a cogent explanation of exactly how this “trigger” provision worked in real life, much less who, how, or where along the approval process, it was actually applied. (Among the “clarifications” we *have* been offered, our favorite to date may well be: “It is true that I may not technically be the one authorized to make the determination of whether a variance request is heard by the Council or heard by the BZA, but I am the one who determines whether the person who *is* authorized to make that determination even gets to see it.)

Finally, diving into rabbit holes in the State Statutes almost always “ends bad”, but for what it’s worth, the only reference we could find in the State Statutes, the Home Rule Charter, the City Code, the respective Administrative Rules, Policies, and Procedures of the CPC, BZA and Council, or anywhere else for that matter, is LA RS 33.140.207, B. which states that: “the ordinance may also authorize the Commission to grant a variance from the strict application of the zoning regulations where no other procedure for obtaining relief is specified in the ordinance and where due to exceptional topographic conditions or other extraordinary and exceptional characteristics of a specific piece of property, the strict application of regulations would result in peculiar and exceptional or undue hardship upon the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning plan and zoning ordinance.”

So, although we acknowledge that a provision authorizing the Council to approve variances does exist, it exists only when no other options for attaining relief are available, and only in situations with exceptional; topographic conditions or characteristics, and that it may be granted without substantial detriment to the public good.

To us at least, this seems to be considerably different for current CZO provision that permits the Council to approve variances “to secure the general objectives of this [undefined] section?”

4.3.F. Note that that pesky requirement that the granting of a conditional use fulfill a “public need” again raises its ugly, and inconvenient, head in this provision.

4.6.C.6. (New Section) Do the State Statutes, or the HRC, or any other document, give the CPC the power to grant variances as part of the subdivision process? (Even the new version of the Subdivision Regulation won’t go this far out on a limb which would grant the CPC the authority to approve variances in conjunction with subdivision requests.)

4.3.H.1.a Does an applicant really needs a *full two years* to record their approved Conditional Use? The approval of a planned development must be recorded within 60 days or its approval is nullified. And does this mean that at any given point in time, the Official Zoning Map of the city could be as much as two years out of date? I don’t profess to know all of the possible reasons why it might be a good idea to require someone to record a conditional use approval, but it seems odd that a requirement which is so

important that failing to complete it actually nullifies the conditional use itself isn't important enough to be required to be recorded in less than two years?

4.3.J Is this currently being done within 30 days? Is this currently being *done at all*? My understanding is the Official Zoning Map of the City is the map you see on PropertyViewer when you toggle on the "zoning" overlay. I can't find any "CU" notations. And, again, 30 days seems like an odd time requirement for something the applicant had two years to record.

4.3 Chart Conditional Use Process. Shouldn't there be a box on this chart permitting a conditional use request to go to the Council which has not received a quorum-sufficient vote for either approval or denial?

4.6 (New Section) It looks like the new section 4.6 applies only to variances which are part of a subdivision. Is this correct?

4.6.F What is the purpose of re-ordering the 9 criteria and then putting them into two newly-created generic categories, each with its own new introductory sentence? Specifically, what undesirable event would the current list of 9 criteria, in its current order, permit that the new reorganization of the 9 criteria would prevent? Or, conversely, what is the desirable event that the the current list of 9 criteria, in its current order, prohibits, that the new reorganization would allow.

9/24/25

File: FMIA Comments on NPPs held 1/23/25 and 5/22/25

ZD 049/25 – City Council Motion No. M-25-380

FMIA Land Use Committee Comments on Preliminary Staff Report

1. We adamantly oppose the proposed amendment to amending the CZO requirement that a conditional use have a “public need” to a requirement that it have a “public need **or benefit.**” We would suggest that before we amend this section of the CZO in such a way that the protection offered to city residents by requiring conditional uses have a “public need” is entirely eviscerated, how about we agree to comply, for the first time in at least 6 years, with the existing CZO requirement.
2. We oppose both the proposed NPP notice amendment, and the provisions already existing in several places in the CZO which effectively state that “no matter how inaccurate, incomplete, or otherwise defective (or even completely absent!) a required notice from the city may be, any such defect, or even the complete absence, of such notice will either “invalidate” the notices, nor or “invalidate” any decisions that may be made in the relevant proceedings. We respectfully ask the Commissioners that, before they approve such a provision, the investigate the degree to which it may or **may not be in compliance** the State Statutes, The Code, the Home Rule Charter, The Louisiana State Open Meeting Law, and other ruling documents and regulations. t
3. We oppose authorizing the CPC Staff to grant zoning variances related to subdivisions when no such authority is granted by the State Statutes, The Code, or the Home Rule Charter.
4. We oppose eliminating the NPP requirement for interim zoning districts (IZDs) when the NPP requirement for “any land use action” contained in the Home Rule Charter unwaivable.
5. We respectfully request that, before approving these proposed amendments, that the Commission ensure compliance of the various provisions in the CZO which permit the Council to approve zoning variances with State Statutes, The Code, and the Home Rule Charter,
6. And we respectfully request that before any approval of ZD 049/25 is even consider by the Commission, that it is confirmed that the proper application on city-provided forms be completed, and that a staff report is produced which complies with the requirement that it include an NPP Report of the two NPPs which have been held for this initiative which, among other items includes the NPP comments we submitted on September 24, 2025 to the party which held the NPPs (i.e., the Council Land Use Legal Dept.), and which were forwarded by them to the CPC Staff on the same date

Fw: Written Public Comments to be Included in Staff Report for ZD 049/25

From CPCINFO <CPCINFO@nola.gov>
Date Tue 10/21/2025 12:05 PM
To Stephen K. Kroll <skroll@nola.gov>

 3 attachments (108 KB)

FMIA Comments on NPPs held 12325 and 52225.docx; FMIA Land Use Committee Comments on Preliminary Staff Report.docx; Jeffrey Seymour Comments on ZD 04925.docx;

From: Jeffrey Seymour <jseymour8@gmail.com>
Sent: Monday, October 20, 2025 4:21 PM
To: CPCINFO <CPCINFO@nola.gov>
Cc: Jeffrey Seymour <jseymour8@gmail.com>; Allen Johnson <hajohnson1418@gmail.com>
Subject: Written Public Comments to be Included in Staff Report for ZD 049/25

Please include the attached documents in the ZD 049/25 Staff Report.

Thank you,

Jeffrey Seymour
2227 Royal St.
New Orleans, LA. 70117

Transcript

October 3, 2025, 4:03PM

□ **Stephen K. Kroll** started transcription

RR **Robert D. Rivers** 0:03

A brief introduction.

And then I'll turn it over to my staff to go into a little more detail about.

The proposed amendments, and then what we'll do is we'll open it up to you all to provide your feedback.

So this is zoning docket.

4925, introduced by Council member GERUSSO in July.

The purpose that is identified in the motion is to direct us to recommend amendments to articles 123419 and 26 of this Ezio, in order to streamline administrative processes.

Clarify unclear provisions and codify evolving practices.

And so.

Like I said, just a little bit of background, council member Jerusalem introduced this motion.

And with the help of Ashley Becknell, the council member's office consulted with the CBC staff.

To identify ways in which all of those objectives that were outlined in the motion. Could be addressed.

Through changes to those articles.

My the Council office initiated, I think 2 NPP sessions in conjunction with the motion that was introduced.

And just so everyone's clear on this, this is a Council application.

That was sent to us for consideration.

As I was saying earlier this meeting.

I know this meeting was.

A was suggested.

At the NPP sessions, as something that CPC would undertake, and the Council's office.

Council Member's office asked us to do it and so we agreed to do so.

We, as far as an agenda.

Like I said, after I'm done talking.

My staff is going to do a brief overview of the proposed changes.

And.

How we're gonna.

Be structuring the conversation.

And once we're done with that, we'll open it up for questions and clarification and feedback.

I just want to make a note that the City Planning Commission staff is not going to be able to discuss any potential recommendations at this time.

For two reasons.

One is we're still working on the report and two the CP CS rules.

Basically.

Require us to.

Not publicize any recommendations until they are released to the to the Commission, so that will happen on next Tuesday the 7th when our packet goes out.

So be on the lookout for that on our website.

And.

Just a let's see.

What I believe the way that my staff is gonna be organizing the conversation.

And once they complete, the overview is we're gonna be instead of just having a free for all.

With.

What we're gonna try to do is structure it around the sections of in the articles that.

That the proposed changes are in, so they'll be.

Some documents put up on the screen to help.

Guide the conversation by putting up what the proposed changes are.

In each of these sections.

And.

And actually structured around the different purposes that we've identified.

So for example, improving notice and content of waivers improvisos we'll we'll address all of those at the same time and have a conversation about all of those at the same time, just to again, so we're not jumping all around.

Just looking forward, like I said, that the City Planning Commission staff is gonna be.

EH **Erin Holmes** 4:49
2nd.

RR **Robert D. Rivers** 4:52

Sending out its staff report on Tuesday.

As is always the case, you are more than welcome to submit written comments and those written comments would be included in the packet that goes out on Tuesday. Those written comments are due to be sent into CPC Info.

By close of business on Monday, so if we receive those by close business on Monday, we'll put them in the packet, they'll be sent to the Commissioners a week ahead of time, and the Commissioners can consider those.

Along with their consideration of the other materials that they receive.

If we receive materials after that Monday deadline, we will not be able to forward them to the Commission.

You can request the Commission to accept those comments at the meeting for their consideration and regardless, we will include those comments in the packet that we transmit to the City Council.

Once the City Planning Commission completes its review and and makes its recommendations.

As far as this meeting, just a couple of you know.

Rules I guess.

Please be respectful of others who are speaking. Don't talk over.

Interrupt, Please wait until you recognize before jumping in to speak.

There's a raise hand function I believe.

And on teams that if you could?

Use that just to indicate that you wanna speak on a particular matter.

Go ahead and.

And hit that and and we'll. We'll be calling on you and make sure that everyone who wants to speak gets an opportunity to speak.

Finally, we booked an hour for this.

In the event that we need a little bit more time, we're certainly willing to do that, but just being respectful of everyone's time, we're not gonna be able to spend the entire day.

On this call. So again, when you're speaking, if you could limit your, just be mindful

of your time.

Try to keep your comments within a couple of minutes.

And that way, everyone who's here is, you know, and wants to speak, will have an opportunity to speak.

OK.

It's Steven.

Are you going next, or is Rachel going next?

SK **Stephen K. Kroll** 7:16
I'll, I'll go.

RR **Robert D. Rivers** 7:17
OK.

SK **Stephen K. Kroll** 7:18
I think basically everyone hopefully can see the document that is.
Displayed on the screen. I'm Steven Crowell.
I'm a planning administrator here at the Planning Commission.
And working on this and so.
We're gonna show you 2 documents.
The first is a Word document that, as the motion says, this is a Council initiated request.
To have us look at several chapters of the zoning ordinance. And so this first document is a really high level overview of both the purpose of the individual chapter or article.
As well as how many amendments in the Council motion are for this article, and then we will.
Go to a list of individual.
The specific amendments that are in the Council motion.
And they're sort of grouped under purposes and we'll kind of talk through those individually, if anyone's interested in doing that.
I think that perhaps the best way to approach it is we'll go one by one if anyone wants has any particular questions about any of them.
We will address those as efficiently as possible. So to get started again this.
First page just discusses the purposes of articles one and two.

Article One is an article that essentially essentially a purpose statement of what the zoning ordinance is sort of a establishes some of the legal basis for it.

And it also notably deals with #1, the transition that occurred to from the old Conference of Zoning Ordinance to this ordinance in 2020.

15 and what happened to uses that were conditional before but now permitted or permitted before, but now conditional?

And so it it sort of kind of gets to kind of a general statement and and providing the mechanism to kind of get the ordinance working.

The second article is really about the roles and responsibilities of the various Entities.

These that are governed.

By the CZO and and that have a review authority either given to it by the CZO or by the City Charter.

That have to do with the sort of land use and development.

Purposes that are addressed by the by the zoning ordinance. And so I don't want to, you know, kind of read what's on here.

You can do that, but you'll see that there are several agencies and it it kind of outlines their powers.

There are no amendments to Article 2 that are proposed, so we'll next move to Article 3.

And this one's really about administrative processes, so it's about.

Receiving development applications.

Who calls them complete or incomplete?

How they get docketed meaning scheduled for a public hearing advertised and processed.

It has to do with.

Mail notice.

And other types of notice that are provided for the public hearings outlined in the zoning ordinance.

And then it gets to things like repeat applications.

So if the Council has denied an application, it says that you know that application cannot be resubmitted for a certain amount of time, and so a lot of it is just.

Sort of explaining the processes behind the regulations, how public notice occurs, that sort of thing.

There are only a couple of amendments.

For this article.

The first one.

And we'll, we'll get to this in a minute, but.

First bullet point, refine the NPP regulations for them to be easier to understand than NPP or neighbor participation, program regulations or something.

I'm sure many of you are familiar with.

They're a pre application meeting done by a developer that provides notice of the forthcoming application, and So what we've heard over the last 10 years is that from both neighborhood residents, developers.

And and really everyone we interact with is that the terminology in those regulations is either unclear or the expectations are unclear and so.

The proposal here is to kind of have a wholly new.

Section dedicated solely to the NPP doesn't really change the content in a very substantial way in my opinion, but instead of having different sections, each of which speak individually, to different.

For an MPP, requirements for different types of applications that all gets put into one section. So it's all easy to define second bullet point, make a legal requirement for the existing notice system. Some of you may be familiar with notice me, which is essentially a e-mail notification system.

Where you can be signed up to receive e-mail notice.

Of permits, zoning, interpretations.

Conditional use application zoning changes that are coming through the pipeline and where they are in the process. And so you know, if you've been to the notice me page, you can see that you can select a geography of interest to you, whether that's your neighborhood, your Council Dist.

Or the whole city and receive.

Notifications about what's happening, and I think that's proven to be very useful over the several years that it's been in effect, but it's not something that's actually required by law.

And so this would create a legal requirement for that type of system, or something very similar.

And then thirdly, and and this is probably a fairly minor thing, but.

Not allowing reapplications of the same zoning application.

Within two years so as to not sort of.

Bog down.

Ultimately, the Council's plate, with repeatedly seeing the OR or the Board of Zoning Adjustments or the Commission?

With seeing the same thing over and over, there's currently a regulation that DIS allows the same application if it's denied from being resubmitted within two years for conditional use and zoning change applications.

But this would expand that to other types of applications as well.

And then Article 4 is really the vast majority of what this will address Article 4. Creates the different application types and processes that are administered by the Planning Commission and the Board of zoning adjustments, and so that includes proposals to amend the text of the zoning Ordinance to change the zoning of a particular property.

It creates the regulations.

For conditional use approvals and plan development approvals, design review variances and all of the major functions that the Planning Commission and the BZ administer on the regulatory side of our work, there's also some additional processes around zoning, appeals adjustments, excuse me of the.

Future land use map or the zoning map.

And again, it's creating the authority and providing the process by which all of those things happen.

And so we'll, we'll get into it.

But Rachel, if you want to Scroll down a little bit more, we've grouped the amendments into several categories and then the next page.

Will be a, will be a spreadsheet that puts specific amendments under each category.

So bullet .1.

Enhancing public notice of decisions that are made largely zoning interpretations.

By the Department of Safety and permits and the right to appeal those.

Decisions #2.

Creating a process for regular CZO updates and and what that means is that as the ordinance is used, we will find regulations that work well or don't work well.

And this is to create kind of a once a year, an opportunity to make those sorts of minor but important revisions to the workability of the ordinance.

There are minor technical amendments around the Council's consideration of the zoning ordinance.

These are really just kind of making sure the language in the CZO matches the language in the code.

Bullet .3.

Eliminate unnecessary barriers for improve approval standards for zoning applications.

Waivers Improviso language to improve the the content of those to codify some of the interpretations that have been made by safety permits over the years.

So safety and permits zoning division is tasked with making interpretations of the zoning ordinance.

And so where it is vague or unclear as it relates to specific provision?

They have issued formal interpretations that say.

This regulation works in this way over the years.

And this is to take those regulations and really codify them and put them into the zoning ordinance.

This the next bullet point.

This is to clean up some of the design review.

Thresholds Planning Commission does a lot of design review that occurs alongside the work that HDLC and VCC does.

There's sometimes confusion about what triggers design review, what extent of work, triggers, design review, and then how that overlaps with a design review that may be done by the VCC or the HDLC for a property located within a local historic district.

So this cleans up some of that ambiguity.

One of the the next one is about changes.

When a development plan has been approved, there is a list of changes.

To that approved plan that can be made.

Following the original approval, some of the changes are things that the Planning Commission staff can handle, others require.

Public hearing and consideration by the Planning Commission itself.

Still others require City Council approval.

There's a little bit of inconsistency in the language used in the sections for CPC Staff Commission and Council, and so we're trying to clean that up.

Next bullet point is clarify the variance process and then finally make what are more technical.

Administration based zoning ordinances that allow us to sort of put the the intent of the ordinance into practice in a way that's efficient and effective.

So those are kind of the umbrella categories.

Before we get into the individual amendments, does anyone have any questions?

OK.

So don't see any hands raised.

So Rachel, if you can pull up this spreadsheet.

And I'll I'll try not to be too tedious about it, but I'm gonna kind of really briefly go through each.

Specific amendment.

OK so.

Everyone can see that, OK, the you'll see that there's these purpose statements.

Have under for example Article 3. It says purpose refine the NPP regulations to be easier for the public to understand.

Excuse me.

So that is one of the bullet points in the previous document.

The the first one, this MPP one is about taking out the NPP regulations that exist currently in Article 4.

So there's a section that says.

The zoning map amendment or text amendment has these NPP requirements.

There's a similar section for conditional use.

This is variances planned development. There have been a few problems we've identified with those over the years. So number one is the language is slightly different between.

A NPP regulation for a variance versus a zoning change versus a conditional use.

Not in, not in the substantive way, but the phrasing is a little bit different.

And so it kind of creates confusion.

Have slightly different regulations in different.

Places. It also makes it harder to kind of have to look, you know, between these various different regulations in different sections.

So instead of having different regulations for different application types in different sections, the idea is to pull them all into one section and.

And basically collapse it all into one place and then set secondly and Justin, I saw your comment and get to that in a second.

Secondly, there was, yeah.

AJ **Allen Johnson** 21:46

Hey, Steven.

This is Alan Johnson. I just.

SK **Stephen K. Kroll** 21:49

Yeah.

AJ **Allen Johnson** 21:50

I just wanted to say something quickly.

I I'm sorry I joined late.

I got the time wrong.

SK **Stephen K. Kroll** 21:53

Yeah. Here. Give me a second to finish what I'm saying.

And then we're gonna take comments by hand raising.

AJ **Allen Johnson** 21:58

OK.

SK **Stephen K. Kroll** 21:59

So Justin had a comment I'll get to in a second. And then if you can raise your hand, I'll call on you.

AJ **Allen Johnson** 22:01

All right.

Let me see if I'm smart enough.

SK **Stephen K. Kroll** 22:09

Yeah, there should be a little icon. There you go.

AJ **Allen Johnson** 22:09

There we go.

Yeah, I got it, I think.

SK **Stephen K. Kroll** 22:12

Alright, so basically the the other thing is you know to try and create.

Precision around some of the language that is used in the NPP.

For example, the current regulations say notice shall be provided 14 days in advance

of a public meeting. The question is repeatedly come up.

Does provided mean that it it has to be put in the mail?

14 days ahead of time? Or does it have to be received 14 days ahead of time?

A lot of these things are are questions where.

Safety IMPERMENCE has issued.

Interpretations over the years.

And and this would create more precise language that in many places codifies the language that.

That safety and permits has interpreted. So Rachel, are you able to pull up the?

The Council motion.

Justin, you know that this table references a Word document.

And and the Council motion shows specifically what the changes are that are proposed, so it might be helpful to everyone, especially on this first item, which is a big one, to be able to see the text proposed by the Council motion.

RB Rachael Berg 23:35

Yeah, let me let me pull it up.

It's just gonna take a second.

SK Stephen K. Kroll 23:44

All right, Allen.

Well, Rachel displays that.

Do you want to voice your question?

AJ Allen Johnson 23:50

Well, I don't cut in line in front of Justin. I think you said Justin was first.

SK Stephen K. Kroll 23:54

Yeah, Justin, to get a question or just a request to display that.

AJ Allen Johnson 23:54

I'm being a gentleman.

JS Justin Schmidt 23:59

Well, so yeah, I mean I appreciate the spreadsheet and I think that's I just I think my

observation would be it would be better to discuss the actual language that's being proposed instead of the general discussion of what's there. And I think, I mean, I know when I.

Did my review of it.

You know, I've got, you know, a note here and there on on, on this.

Not so much.

But I think it's important.

To show how it dovetails into the actual language and not just.

Kind of.

Hey, we're doing this because of this.

I just I think it would be better for the sake of everybody understanding if we can kind of stick to what is going to be proposed in the actual ordinance as opposed to that spreadsheet.

SK **Stephen K. Kroll** 24:54

Yeah, that's fine.

What we'll do is we'll kind of go in the order of the spreadsheet 'cause it's kind of topical.

So we're not jumping from topic to topic and back again and then.

We'll then switch to the actual text.

I hear what you're saying.

So this is the text of the NPP updates.

It's a lot to read, but essentially what it tries to do is make very clear what is to happen exactly.

Exactly, and exactly in what order that is to happen.

The the the substance of the process.

Is.

Mostly, if not entirely unchanged.

This is really about creating a workable document that is easy for everyone to follow.

So.

AJ **Allen Johnson** 25:48

Steven, I guess this is where I would jump in 'cause. This is what I had a comment on, if you don't mind.

SK **Stephen K. Kroll** 25:50

It.

Go for it.

AJ **Allen Johnson** 25:56

There's something always to me that's been substantially flawed in the in the NPP process and that as a Neighborhood Association, our comments are due before the report comes out.

So once the report comes out, we only have two minutes to verbally say something to your Commissioners.

Where the Commission staff has more time and the developers and the applicants have more time to comment, but we we many times when we write our letters, we're having to guess.

What the report's gonna say, or we have to address everything.

I would love to see something in there that allows us to comment on the actual report itself, because one of the there's two things.

One, we don't know what the report's gonna say. And two, we know there are issues that have happened in the past.

Where where applicants have added things to their application after the NPP occurred, whether zoning variances, uses whatever it is, and we didn't have time to comment on it or hear from them.

So we can't comment.

So how about you know the comments are due from us for a particular time to be added into the report, but then once the report comes out on, say, Tuesday before the before the Commission meeting the next Tuesday, give us until Friday.

Or Thursday.

Or give us until Friday to submit a letter to you where we can address the staff report itself, because as it is now, it seems like we have less time to comment on the staff report than the staff does sitting at the table.

And the applicants do because they get to rebut everything that we say also.

Does do you get? You get where I'm coming.

I assume I get.

You get where I'm coming from.

RR **Robert D. Rivers** 27:36

Yeah. Can I? This is.

SK **Stephen K. Kroll** 27:37

Yeah, I know.

Sorry about that.

RR **Robert D. Rivers** 27:40

Yeah, let me let me just jump in and Alan, I, you and I have had conversations about this in the past.

What I what I will say is, you know this is a call that the Commission has consistently asked us to do it this way.

There's, you know, and and I have no problem bringing it before the Commission again.

I don't think this is the proper vehicle because that even though they're the.

Requirements the MVP.

Being discussed here.

The actual rules around the logistics of how we operate are in our rules and procedures.

We do plan on revisiting our rules and procedures in 2026.

And this will be a great conversation to have around that.

I would suggest that you do bring it up at the hearing that the Commissioners are going to have on the 14th just to give them a heads up that this is a conversation that.

They should should be considering.

But the the actual rules that govern that aren't.

AJ **Allen Johnson** 28:50

Actually, I think they were all considered Bob under that motion.

RR **Robert D. Rivers** 28:50

In the zoning ordinance, they're in the rules.

AJ **Allen Johnson** 28:54

But if not, when can we bring something up to address those?

Because I just.

I find it incongruous to say that we can bring up some changes to the MPP, but not the ones that.

We want.

RR **Robert D. Rivers** 29:09

And what?

I'm what I'm saying is that.

The particular rules that address what you're talking about are not in this document, right and so.

Like I said, we do have plans to revisit the rules because I think the last update we had was in 2014 and there a lot of changes that need to be made.

So the Commission has asked us to, you know, put a priority on that and.

Plan to do that and you know that's where those changes would live.

But I'm, you know, again I'm we're operating under what the Commission has directed us to do and it's come up, you know, I've been here 12 years going on 12 years.

It's come up several times at different times along that and that, and the Commission has been consistent on how it wants to operate.

So again, I don't want to close off the conversation and you know, say you can't bring it up, but it's not something that is can be addressed in the zoning ordinance 'cause the rules that govern what you're talking about, live in the administrative rules and procedures.

AJ **Allen Johnson** 30:28

I'll leave it at this, Bob.

We did a big meeting with you and the Commission pre COVID where we all came together with these ideas and nothing went forward. I I did.

I'm just frustrated because we we were constantly told, oh, this isn't the right place. That isn't the right place.

Sometimes we got to find the right place to act on our recommendations.

So I would appreciate if if we push forward on that.

In order to generate.

Confidence in the fairness of the process.

I'll then I'll leave it at that.

SK **Stephen K. Kroll** 31:09

All right. So Justin, I think you had your hand up if you want to go ahead.

JS **Justin Schmidt** 31:14

Yeah. So I appreciate. I'm not trying to undermine Allen.

I appreciate Allan's position as well as the staff's position after a number of years.

I would just suggest that the staff consider some sort of, you know, not to lock that staff report down.

If there are, I mean often.

And I'm not saying this pejoratively, but there are. There are material just flat out mistakes.

That have been made in the staff report just because of the scope of the project or the amount of work that y'all have and what's unfortunate is instead of correcting those before it goes to the Commission, they get.

Forwarded in in as incorrect in the in the report, and then the Commission is, you know, they take and I've seen this too many times, they will take an adverse.

Position against the person pointing this out as attacking the staff and and I don't think that's a fair way of doing it.

I mean, I think if there's a legitimate, you know, for instance, square footage is put incorrectly or height is put incorrectly or or a material.

SK **Stephen K. Kroll** 32:31

Justin. Justin. I. Justin, I don't interrupt you, but we're kind of getting a feel of the NPP topic and we're already halfway through the meeting and we're on the 1st item, so we can heard and we can, we can talk after a little bit more later on all.

JS **Justin Schmidt** 32:32

Difference, I think should we should be able to adjust.

OK.

Well, sure.

No, it's fair enough.

Fair enough.

SK **Stephen K. Kroll** 32:47

Right. So anyone with questions about?

About the MPP amendment.

I think I saw.

Sue raised her hand.

Sue, do you want to go ahead?

SK **Sue Klein** 33:05

Yeah. Good morning.

I just wanted to know is this being recorded?

That we can.

We can review it in total if we have to cut out at noon.

SK **Stephen K. Kroll** 33:20

Yes, this is being recorded and we will make the recording available after this meeting, perhaps not immediately available, but but next week.

Justin, I think your handheld.

JS **Justin Schmidt** 33:33

Yes.

SK **Stephen K. Kroll** 33:33

You can.

I want to get moving off this first one, so if you can kind of move it quickly.

JS **Justin Schmidt** 33:36

Right. No, no MPP on, on section on proposed section 3.5 point G on the NPP report.

I would suggest a #7 requirement to be included that if the MPP is held virtually, that a copy of that meeting recording should be included in the MPP report.

SK **Stephen K. Kroll** 34:02

OK.

Thank you. We will.

Factor that into to the work we're doing right now. Susan Johnson, go ahead.

SJ **Susan Johnson** 34:14
Can you hear me?

RR **Robert D. Rivers** 34:16
Yeah.

SK **Stephen K. Kroll** 34:16
Yes.

SJ **Susan Johnson** 34:17
OK.
Is the issue of.
Waivers of citywide.
NPP.
Waivers of NPP's for citywide motions on land use.
Actions included in this section I can't.
Sorry.

SK **Stephen K. Kroll** 34:45
Sure. So.

SJ **Susan Johnson** 34:49
Can we?

SK **Stephen K. Kroll** 34:49
See Rachel. Do you wanna Scroll down a bit or scroll up if you find?

SJ **Susan Johnson** 34:50
Can we go to that section please?
It it was the the clause about good 'cause. I had a question about.
Good 'cause was in quotes.

SK **Stephen K. Kroll** 35:49
Sorry, Johnson, I'm miss Johnson.

I'm just looking for.
That language.
Not immediately seen it.

SJ **Susan Johnson** 35:59

OK.
I'm sorry I don't have the citation myself.

SK **Stephen K. Kroll** 36:04

OK.

RR **Robert D. Rivers** 36:06

Susan, what was? What was the specific question?

SJ **Susan Johnson** 36:09

Well, OK.
So there's no provision in the Home Rule Charter for a waiver of of NPP processes.
And it's my understanding that what is enacted by ordinance must be as a city, a home rule charter was must be waived by ordinance, and indeed.
This this waivers of citywide ordinances were provided.
For in a subsequent.
Motion by by Council member King I believe is in 2022 and.
My question is about individual motions that do not specify what the good 'cause was.
So I'm wondering if there can be.
Some kind of provision for a statement of what the cause is for waiving the NPP requirement for individuals citywide.
For for citywide land use actions.
On at least one occasion.
In February 2024, I think it was February 6th.
One of the.
One of these motions, for which the citywide NPP.
Requirement had been waived.
Raise an objection from Commissioner Steig.
You know, objecting that there's no public comment, there's no evidence that the

public has been adequately informed about about the motion and.

Sorry, let me get the motion for you.

The number was.

It was on.

Zoning docket 02724.

The amendment for the expansion of SMFA citywide Ordinance, for which NPP was waived by Commissioner Harris.

So it came before the CPC on February 6th of 2024.

RR **Robert D. Rivers** 38:25

OK.

SJ **Susan Johnson** 38:28

So that's just an example, yeah.

RR **Robert D. Rivers** 38:29

So, Susan, if I can just summarize what I think you're getting at. So in the current regulations around the NPP, there's language that speaks to the City Council waiving the NPP requirement.

SJ **Susan Johnson** 38:36

Yes.

RR **Robert D. Rivers** 38:47

And there's language in there that says for good 'cause and what you're asking for is consideration of additional language that says.

SJ **Susan Johnson** 38:50

Right.

RR **Robert D. Rivers** 38:55

As that the Council is required to articulate.

What that good 'cause is in the motion?

Is that accurate?

SJ Susan Johnson 39:08

Yes.

RR Robert D. Rivers 39:09

OK.

OK.

Yeah, we'll definitely take that under consideration. Thank you.

SJ Susan Johnson 39:15

Thank you.

Thank you.

RR Robert D. Rivers 39:26

Justin, did you have another question?

JS Justin Schmidt 39:30

I just.

I wrote it in the notes.

I just I think I would like to see a prohibition against the City Council.

Waiving any MPP meetings.

That's not so much to Susan, but for, you know, if you get a situation where they just feel like we're going to waive, you know, they they they do something that otherwise should have been brought up by an application. And because it's done by motion, they wave it.

I think is improper and it's a. It's a circumvention of the process.

Thank you.

RR Robert D. Rivers 40:02

Thank you.

Sue, I see you still have a your hand up.

Is that the same question?

You have a new one.

SK Sue Klein 40:14

No, that was an eras.

Sorry, sorry, sorry.

RR **Robert D. Rivers** 40:17

OK.

No worries.

Is everyone ready to move off of? I'm sorry.

SK **Stephen K. Kroll** 40:22

All right. So I guess we've got.

RR **Robert D. Rivers** 40:25

Go ahead, Steven.

SK **Stephen K. Kroll** 40:26

I was just gonna say the same thing.

I think all the hands are down.

So Rachel do, can you please bring up the the chart?

We'll just see what the next one.

Up for discussion is.

All right, so.

The next one I kind of touched on this briefly.

It's creating a regulation that requires the notice me function notification function which is done by e-mail or something similar.

And we can certainly look at at the text if if someone is interested, but it essentially says just that there has to be an NPP or excuse me, in a system akin to notice me.

Any questions? Or would anyone like the exact regulation displayed?

It's kind of over to the side a little bit.

OK.

So we'll move on to the next one, Rachel.

So this is 3 point 2.2 E creating the limitation on zoning appeal similar to that which exists for other application types.

So when the Department of Safety permits issues, a decision, there's an opportunity to appeal.

Although for applications for development like a conditional use variance etcetera.

There's a bar on reapplying at within two years after denial. There's not a similar. Are on reappealing a safety and permits decision on the same topic after it's already been heard, and so this would.

Create a similar appeal.

That that text is in front of you.

It takes the regulations that speak to reapplications and ads and zoning appeal alongside the existing regulations for conditional use as planned developments, variances and the like.

Does anyone have any comments or questions on this one?

JS

Justin Schmidt 42:47

Stephen, this is one and and This is why I suggested we go through the exhibit as opposed to this chart. I don't see that language in the exhibit.

SK

Stephen K. Kroll 42:53

OK.

Rachel, can you pull up the?

That section and the motion.

RR

Robert D. Rivers 43:08

So just I think to address Justin's comment, the motion.

Did.

Provide a list but the.

The direction was that that was not an exclusive list and that it is with the City Planning Commission, was given direct given discretion to.

To let me just make sure I get the language right.

In the process of its review, City Planning Commission staff is directed and granted the flexibility to make all appropriate changes to the proposed amendments and any existing corresponding regulations, as amended, to establish consistency and continuity.

To add references and.

To make appropriate adjustments to clarify ambiguities.

JS

Justin Schmidt 44:06

OK.

I'm I'm looking at motion M 25380 and it says as part of its consideration, the amendments illustrated in exhibit A attached hereto and made a part hereof.

RR Robert D. Rivers 44:11

Yes, same.

JS Justin Schmidt 44:18

It doesn't say that that's an an illustrative list.

RR Robert D. Rivers 44:24

It says to include as part of its consideration, so it doesn't say that that's all we are considering.

JS Justin Schmidt 44:24

I mean, I think.

Wow. Wow.

Are you?

Are you confident that Councilmember Jerusalem is aware of that?

RR Robert D. Rivers 44:42

Well.

JS Justin Schmidt 44:42

Because that seems like everything.

Contrary to what he thinks about transparency.

RR Robert D. Rivers 44:46

Well, let me say this.

We will make sure that in our staff report we make it clear which ones have been introduced by the City Planning Commission staff.

And that way when it gets to Councilmember Jerusalem at the Council level, he'll be able to.

Weigh in on that issue and if he feels that that's not appropriate, he can certainly act on that.

JS Justin Schmidt 45:15
OK.

RR Robert D. Rivers 45:16
Our understanding in in working with and having conversations back and forth with.
With.
The Council land use official is that we are able to.
Consider other things.

JS Justin Schmidt 45:37
OK.
So just so we're clear with everybody on the phone.
This spreadsheet that we're looking at now.
With the green lines.
Was on was on the website I guess is.
All of the amendments that are being considered, and it's not so include, you know,
in addition to to the ones that are not included in the actual motion, the legal
document is not an exhaustive list.

SK Stephen K. Kroll 46:13
Yeah, the motions, data, exhaustive. This includes.
Ones we are adding to what was in the motion.

JS Justin Schmidt 46:22
OK.

RR Robert D. Rivers 46:24
Justin, to your point, you know, we'll we'll definitely highlight those that were
introduced by the City Planning Commission staff so that everyone is is clear, which
those are.

JS Jeffrey Seymour 46:24
I.

I I thought that the I thought that the.

Correct me if I'm wrong, correct me if I'm wrong right?

JS Justin Schmidt 46:36

OK.

I mean, I'm not going to argue with you.

That's just a pretty material difference.

OK.

I'm done.

JS Jeffrey Seymour 46:46

Justin, you're saying the difference between what was in what I'll refer to as actually

Becknow's original 16 page spreadsheet, which I believe has has never been

amended or never been edited, that that's still the way it was months ago and.

The motion that was approved by the by the Council, those are those, are an identity, Bob.

Those have the same exact things in them.

JS Justin Schmidt 47:12

No, they don't, Jeff.

JS Jeffrey Seymour 47:14

OK. And what are the ones that are there for?

JS Justin Schmidt 47:14

That that's what I'm saying is, is there are things on on Ashley's spreadsheet that are not included in the motion on exhibit A. And so for my my review, I look at as a lawyer, I look at the motion, the actual legislation that's there as opposed to.

Relying on and to include as part of its consideration the amendments illustrated in exhibit A I mean.

I think it's, you know, again, I'm not going to get into a legal.

Discussion. But that's that's pretty.

Pretty tough to say. You've got a list of of amendments to this ordinance, and yet you're gonna add other stuff.

So that's my position and I'll leave it at that.

JS Jeffrey Seymour 47:57

Well, is it correct?

Is it correct Bob to assume that the only thing the Council would be able to?

Consider is what's in the motion.

RR Robert D. Rivers 48:05

I'm sorry, could you repeat that, Jeffrey?

JS Jeffrey Seymour 48:07

Yep. Would it be correct to say that?

The only thing the Council will be considered will consider is what's in the motion.

RR Robert D. Rivers 48:15

So what?

I'm what I'm suggesting is that the motion that was dropped.

Was a motion to consider amendments to Article 4 and those other articles for the purposes of making things clearer, for you know, etc etc etc. And that that as part of our consideration of doing that and the motion could have just left it at that. And left it to us to decide what all of those changes would be, right?

JS Jeffrey Seymour 48:53

Yes.

RR Robert D. Rivers 48:53

Instead of instead of just leaving it to us to make that decision about what all of them would be, it included in the motion a list that they wanted us to consider specifically, but specifically said as part of your consideration. In other words, this isn't the exclusive list.

For you to look at.

That's the way we've interpreted it.

That's the way we've discussed it with the Council office.

And like like I said to Justin, I understand that that may not have been as clearly understood by everybody.

So what we will do in our report is make it very clear which ones are part of the

original motion, which ones are initiated by the City Planning Commission staff. And we're not specifically identified in the motion, so that at every step of the way. The Commission and the Council will be able to say, you know, I I agree with Justin, this was not what we anticipated or this goes way beyond what we thought we were doing and we're not going to consider this now.

JS Jeffrey Seymour 50:10

Where can? Where do we find the list of the items that are not in the motion?

RR Robert D. Rivers 50:15

So that is up right now.

Steven, did you say that this was posted on our website?

SK Stephen K. Kroll 50:24

We'll post it afterwards.

This was created.

This was created for the purpose of displaying it during during this meeting, but this will be added to our website underneath the the meeting notification.

JS Jeffrey Seymour 50:37

OK.

So this list so this list that I'll call the ancillary list has not been disclosed or put in writing somewhere publicly until just now.

Just make sure I'm not missing something.

RR Robert D. Rivers 50:47

That is correct.

SK Stephen K. Kroll 50:47

Yeah, that's correct.

JS Jeffrey Seymour 50:50

OK.

Will we be given sufficient time to respond to that list that hasn't been disclosed till now?

RR Robert D. Rivers 50:57

So if you feel that you haven't had enough time to review it and disclose it, then I would suggest bring it up to the Commission on the 14th.

And if they?

AJ Allen Johnson 51:10

I'm sorry, Bob, this is Alan again.

These are things we can't do in 2 minutes.

RR Robert D. Rivers 51:15

Alan, can you let me finish?

Bring it up to the Commission on the 15th or on the 14th.

They have the ability to defer it on the 14th to the 28th meeting and still be in the deadline, so if there are concerns you can raise them at that time and and they can hold it over till the 28th.

JS Jeffrey Seymour 51:42

It's it's rather frustrating that that the way this these things are consistently set up is that our input we can express our input, but it doesn't seem to have any impact on anybody or anything unless we show up in person and within the context of our two minutes.

Try to jam in all the issues that we have.

It seems whatever whatever I've made my point.

SK Stephen K. Kroll 52:07

OK.

Why don't we?

Does anyone have comments about the substance of the item that we're discussing, which is this change to to create a deadline for or rather a bar on reapplications of zoning appeals within two years of the original decision?

JS Justin Schmidt 52:31

Steven, I only have one, one clarification. I'd like to make. So as I appreciate it, just to kind of and and maybe I'm wrong, but I got this, this green line I'm going to call it

the Green Line spreadsheet.

It was an attachment to the MPP meeting that.

Ashley Becnell conducted.

That's where I printed it out I guess.

My question for Bob and and CPC staff is.

Has this document changed since the one we're looking at now online and what's going to be presented to the Commission?

Has that changed since that NPP meeting?

RR **Robert D. Rivers** 53:15

And Justin, what I've what?

SK **Stephen K. Kroll** 53:15

Yeah.

RR **Robert D. Rivers** 53:16

I've said yes, it has.

We have the NPP meeting was done before the motion was sent to us, and so during the course of our review we we've identified additional things that we believe would.

Should be considered in order to.

Address the broad general.

Purpose.

Of this motion.

And again.

So. So no, this is this is not something that is the same as what was shown at the NPP meeting.

JS **Justin Schmidt** 53:57

Thank you.

JS **Jeffrey Seymour** 53:59

Is there a black line version of the current green sheet that Justin just referred to?

RR **Robert D. Rivers** 54:05

And what Steven has said is that we will make this available on our website after this meeting.

JS **Jeffrey Seymour** 54:10

OK.

Thank you.

RR **Robert D. Rivers** 54:12

OK.

JS **Jeffrey Seymour** 54:17

Will a new motion.

RR **Robert D. Rivers** 54:17

Stephen cook.

JS **Jeffrey Seymour** 54:18

Will a new motion be created that includes items that aren't currently on the motion?

RR **Robert D. Rivers** 54:21

No. And again, again, Jeffrey, what I'm saying is that when the discussions first started by the Council member to initiate a motion, there was a discussion of just leaving it at consider changes to Article 4, effectively. OK. And then leaving it to the CPC to.

To figure out what that would be, come up with our own list of items.

Right. And So what?

Instead, what they did is they said we still, you know, from our perspective what the message was.

We still want you to consider those things, but we want to make sure that in your consideration of those things you include these things that are on this list.

JS **Jeffrey Seymour** 55:10

OK, that are not on the motion.

RR **Robert D. Rivers** 55:11

OK.

I'm sorry.

JS **Jeffrey Seymour** 55:13

That are not in the motion.

RR **Robert D. Rivers** 55:18

Their motion. They wanted us to specifically include the things that were listed in the as an attachment to the motion, which is why they added that attachment.

JS **Jeffrey Seymour** 55:30

Oh oh.

RR **Robert D. Rivers** 55:30

But they didn't.

But it wasn't to preclude the consideration of anything else is the message is the way we receive that motion.

Does that? Does that make sense?

JS **Jeffrey Seymour** 55:43

Yeah, I think so.

I think what you're saying is that the motion, which was one page or thereabouts, one or two pages, has an attachment to it.

And as we sit here, the current state of play is there is additional stuff to the attachment.

Which you have now just posted that we can see after the meeting, right?

RR **Robert D. Rivers** 56:03

What I'm I guess we may be saying the same thing the the Council member introduced a motion.

JS **Jeffrey Seymour** 56:07

I think we are.

RR **Robert D. Rivers** 56:13

Saying.

Fix Article 4 and these other articles. And while you're doing that, we want you to consider these ones.

As part of your consideration.

OK. We didn't take that to mean we only want you to look at these things. We took it to mean fix Article 4. And while you're doing it, make sure you consider these things as you're as you're doing so.

OK.

JS **Jeffrey Seymour** 56:39

OK.

Thank you.

That's helpful. I think I understand.

RR **Robert D. Rivers** 56:43

OK.

SK **Stephen K. Kroll** 56:48

All right. So the next item.

RR **Robert D. Rivers** 56:48

Ready. Move on.

SK **Stephen K. Kroll** 56:49

Yeah, next item is.

Gets into Article 4.

RR **Robert D. Rivers** 56:55

And let me just say, Steven.

Just because we do have quite a bit to go and it's 12:00.

We are gonna stay on and continue working through this, but if Steven on our side, if we could spend less time at the front end explaining the details and maybe just do the overview of each and see if there are questions and then we can get into more. Details as the question merits.

If that'll be helpful.

I just want to make sure we get through as many of these as we can.

SK **Stephen K. Kroll** 57:30

Yeah, understood.

So the next batch and you all can read it on the screen is about.

Making sure that.

Interpretations made by the Department of Safety and permits.

Are documented, disseminated and that they include the right to appeal and language on how that occurs.

So there's about six of them.

Take a look and let us know if you have any questions or thoughts.

JS **Jeffrey Seymour** 57:58

I.

I apologize.

I I I didn't get on on time, but have you already covered the new NTP language, which I think is in a new Section 3 of some did I?

SK **Stephen K. Kroll** 58:08

Yeah, that was the first one we did.

So you can take a look after the medium.

JS **Jeffrey Seymour** 58:10

OK.

Just a quick question on that, OK.

Quick question on that is the new NPP section in addition to the four, three or four different existing ones currently or will it substitute those?

SK **Stephen K. Kroll** 58:23

No, they all collapse into the new section.

RR **Robert D. Rivers** 58:26

They will go away and the new section will be just a single section, yes.

JS Jeffrey Seymour 58:28

Thank you.

That was my question.

Thank you.

Is there and I can do this after the call? If this isn't a good time guys, wait, let me just ask, what are the differences that are in the standalone section versus the three separate sections?

What has been added?

What has been deleted?

SK Stephen K. Kroll 58:49

You can look after the meeting that just as we tried to make the language more precise without changing the substance.

JS Jeffrey Seymour 58:58

OK.

SK Stephen K. Kroll 58:58

So take take a look at the individual changes, but it's supposed to keep the same requirements and just say using more precise language.

JS Jeffrey Seymour 59:07

OK.

So what you're saying is there haven't been any material additions or or deletions from what is there is now?

SK Stephen K. Kroll 59:14

Right.

JS Jeffrey Seymour 59:15

Thank you.

SK Stephen K. Kroll 59:21

OK. Any comments or questions about this batch?
If not, we will move on to the next group.

JS Justin Schmidt 59:28

Yes, I have.

On.

Proposed change to 4.2 point D .4, point B.

As far as the timings of appeals, my question is.

Does the.

Does the 60 days. So when, when the Council decides not to act on something that's been sent to it, what I call or what we've called over the years, the dye on the vine process?

Is that does that does a time run from the Council meeting where they allow it to die on the vine, or does it start running when the the date on the the Council's last action date that's stated on the staff report?

SK Stephen K. Kroll 1:00:26

Which section are you on?

JS Justin Schmidt 1:00:28

4.2 point D, .4, point B.

So.

SK Stephen K. Kroll 1:00:39

That's the one that says if the City Council fails to act by motion 60 days from the receipt of the Planning Commission recommendation that patients denied.

JS Justin Schmidt 1:00:45

Right, So what?

What is the actual date of denial?

Is it?

Is it?

Is it the last day that the Council could technically act on it, or is it the the date of the meeting, the last meeting that that's within that time frame?

SK **Stephen K. Kroll** 1:01:04

For the Council to act, you know, these amendments don't touch on that.

RR **Robert D. Rivers** 1:01:05

Justin.

Will.

SK **Stephen K. Kroll** 1:01:08

So we'll have to that.

RR **Robert D. Rivers** 1:01:09

We'll, we'll OK.

SK **Stephen K. Kroll** 1:01:10

That's a separate conversation.

JS **Justin Schmidt** 1:01:11

Just something to consider because you could end up with a special meeting where it comes up anyway.

RR **Robert D. Rivers** 1:01:17

Yeah, Justin, we'll we'll circle up with the law department to see what their take is on that.

JS **Justin Schmidt** 1:01:24

Thank you.

JS **Jeffrey Seymour** 1:01:26

There are.

JS **Justin Schmidt** 1:01:30

Are we on 4.3 yet or are we still on 4.2?

RR Robert D. Rivers 1:01:37

2.

JS Jeffrey Seymour 1:01:38

Steve, Steven and Bob there are another number of provisions that deal with the the time for appeal and the process of of appeals as it pertains to conditional uses approved by the City Council.

And variances approved by the BZA.

There are no rules for variances approved by the Council.

So there are no rules for timing on when the decision is deemed to be made or timing on the appeal. What rules should we use in those instances?

RR Robert D. Rivers 1:02:20

Jeffrey the when the only circumstance under which the Council would be considering a variance is as a part of a conditional use or plan development application.

So the appeal process, the appeal.

JS Jeffrey Seymour 1:02:35

I'm sorry.

I'm sorry for for plan development application.

It also considers variances in situations that are not planned development applications.

You've done that twice in the last year.

RR Robert D. Rivers 1:02:45

Conditional use is conditional uses.

And plan developments.

JS Jeffrey Seymour 1:02:51

Oh, and I'm sorry.

RR Robert D. Rivers 1:02:53

OK.

So the the appeal deadlines would be those of the conditional uses and plan development.

JS Jeffrey Seymour 1:03:07

OK.

So that's what we would use for the appeal I got you understood.

RR Robert D. Rivers 1:03:11

Got it. Because the the their authority to consider variances is because they are considering those.

JS Jeffrey Seymour 1:03:13

Yep.

RR Robert D. Rivers 1:03:20

They can only do it as part of their consideration of the conditional use or plan development.

JS Jeffrey Seymour 1:03:26

Thank you.

Now related to that, there there is a an item in the CZO.

It's section 2.6, point B, where it talks about the the authorities and of the BCA has and in section 2.6 point B it says that one of the authorities the BCA has is to quote, hear and decide any and all appeals.

Where error is alleged in any order, requirement, decision order termination made by any.

Administrative official in the enforcement of the CZO.

Why couldn't I use that provision to appeal a decision made by the City Council on a variance?

Make an appeal to the bza.

RR Robert D. Rivers 1:04:24

So the I guess the the short answer is because the.

There's there's language that says that.

Any decision by the City Council is is appealable to the to the District Court.

JS Jeffrey Seymour 1:04:43

Right. And it's also language that says any any decision is made by anybody in the enforcement of the CCO that relates to zoning variances granted by the City Council granted by the City Council can be appealed to the BZA.

RR Robert D. Rivers 1:05:05

So I believe that that is.

Referencing decisions made by administrative officials.

JS Jeffrey Seymour 1:05:19

Well, that may be the case, but its application is is broader than that. Its application is to zoning variances granted by the Council.

I know, I know what?

I know what you're what you would like it to be.

RR Robert D. Rivers 1:05:33

Well, I think I mean so, so I I think what you're you're looking at is.

The administrators of the Zoning ordinance section the actual rules or the actual regulations around zoning appeals are in Article 4.8, and those are based upon the language in the Charter.

And that's based upon the language and state law and all of those.

The authority.

JS Jeffrey Seymour 1:06:03

Well, the language, the language in this state, the language in the state law regarding the City Council's ability to approve variances generally.

RR Robert D. Rivers 1:06:04

Granted.

It.

JS Jeffrey Seymour 1:06:14

Is quite restricted, but far more restricted than than what our CEO says, and I believe that if you look at the state statutes.

And the charter?

It it says in both of those that the BCA can consider appeals on variances.

RR **Robert D. Rivers** 1:06:34

It says the the.

They consider variances.

And the appeals of.

Their.

Rulings go to District Court.

JS **Jeffrey Seymour** 1:06:50

That's not what 2.6 point B says.

RR **Robert D. Rivers** 1:06:53

So what I can do is then.

We can note that and if we need to make a clarification, we can certainly do so.

JS **Jeffrey Seymour** 1:07:04

OK. And what is it in? What is it that that dictates?

What the City Council can do vis a vis zoning variances.

I know we have language that's in the CZO that says that the City Council can approve zoning variances in there to to something like fulfill the general obligations of this section.

It doesn't say what this section is, and it also doesn't say what the general obligations of this section are.

But put that aside.

Where do we look in the state statutes?

The the code or the Home Rule Charter to see precisely what the City Council is empowered to do relative to zoning variances.

RR **Robert D. Rivers** 1:07:52

So to your first point, the language is in the section of the conditional.

Use and the plan developments.

So those are the sections that are being referred to in terms of their ability to consider variances.

As to the second question, I don't believe there are explicit language in either the Charter or the state law that speak to that issue.

I think the interpretation has always been that in their authority.

To consider zoning matters of which conditional uses and plan developments are they are zoning matters.

They have the ability, pursuant to that authority, to consider the variances that are related to that in order for them to be able to make those decisions.

JS **Jeffrey Seymour** 1:08:58

OK, but there's nothing.

You're saying there's anything explicit in the state statutes referring to the City Council approving variances?

RR **Robert D. Rivers** 1:09:07

I can certainly look, but I I'm not aware of any.

JS **Jeffrey Seymour** 1:09:10

OK, I think there might be one and I think it it specifies very, very limited.

Situations where it can do so.

And it's far more restricted than the general language we have in the CZO, which which says, as I misquoted a moment ago when you're you're fulfilling in order to fulfill the obligations of this section.

So that's that's an important point.

RR **Robert D. Rivers** 1:09:36

OK.

So let me let me say this, and I'd I'd you know, we can certainly continue this conversation.

I don't believe there's any proposal that is before this that is speaking to that those particular.

Authorities.

JS **Jeffrey Seymour** 1:09:59

OK, my my understanding was this initiative, this initiative to look at potential amendments to sections 1.4.

RR **Robert D. Rivers** 1:10:00

So.

JS **Jeffrey Seymour** 1:10:06

My understanding is the public was asked to.

RR **Robert D. Rivers** 1:10:08

Are you so. So let me just clarify.

Is your suggestion that we consider amendments to clarify?

That question.

JS **Jeffrey Seymour** 1:10:20

Well, one of the things you're looking for, let's back up is for any comments and thoughts that we might have around sections one through 4 generally.

Is that correct? Or we only are we only being?

RR **Robert D. Rivers** 1:10:30

That is the that is the breadth of the motion and the motion included a list of things we've added, a list of things. I don't think any of those lists include.

JS **Jeffrey Seymour** 1:10:33

OK.

RR **Robert D. Rivers** 1:10:41

A specific.

Clarification of the question you're raising now.

So I guess the purpose of this is is is for you to give us feedback.

Is that what you're asking us to do is to give us to do some clarification on that?

And I and we can certainly take that under consideration.

JS **Jeffrey Seymour** 1:10:59

Yeah.

RR **Robert D. Rivers** 1:11:01

I don't know if we'll be able to come up with anything definitive, but I just want to know that that you're what you're asking us to do is to look into that issue and see if there's anything that can be addressed through this motion to address that issue.

JS Jeffrey Seymour 1:11:17

Right. And I think it's important because we we have this general issue of the language that's currently in the CZO, which is kind of fuzzy on the situations under which the City Council can approve a variance. In fact, our experience over the last year or two is differe.

RR Robert D. Rivers 1:11:18

OK.

JS Jeffrey Seymour 1:11:34

People in different departments have different views on how that how the rules and the procedures and processes work on that.

And furthermore, one of the things that's being proposed here is to delete some of the language that's currently.

In the CZO that relates directly to that issue, the issue being the City Council approving variances and that what that is, is the deletion of the of the trigger proposal.

So this is an issue that that actually kind of spreads into a couple of different spots.

RR Robert D. Rivers 1:12:05

And which do you?

Can you let me know the specific section that you're referring to as far as the trigger section?

JS Jeffrey Seymour 1:12:14

Yeah, there's a there's a section in the CZO that makes us a point of paraphrase.

RR Robert D. Rivers 1:12:19

In in terms of which section is up up for consideration on?

JS Jeffrey Seymour 1:12:23

I.

I believe that.

I believe the trigger the the what it refers to is whether the whether the variance triggers the conditional, use that the word trigger just searched the CZO for the word trigger that particular section I believe is being proposed to be deleted.

You know the section I'm talking about, right, Bob?

RR

Robert D. Rivers 1:12:52

Oi, just searched for trigger and it brings me to.

The only thing that shows up is amusement facilities, indoor and outdoor. The use standards in Article 20.

JS

Jeffrey Seymour 1:13:07

I don't think that's correct.

You're looking at the CZO.

RR

Robert D. Rivers 1:13:11

I'm looking at the Cale and I just did a search for trigger.

JS

Jeffrey Seymour 1:13:13

OK. Don't you recall, Bob?

There was a provision in the CZO.

RR

Robert D. Rivers 1:13:17

I I think I know.

Exactly what you're talking about.

I'm just asking for the specific reference so that we can make sure that we are addressing the correct.

JS

Jeffrey Seymour 1:13:23

Oh, OK.

I'll. I'll get it to you. Thanks.

I'll get it to you.

Thank you, Bob.

RR Robert D. Rivers 1:13:28

OK.

Steven, I think anyone else on this subject and I honestly don't even know where we are, but.

JS Justin Schmidt 1:13:39

Where are we on?

Are we past or or have we gotten to four point 3.8 yet?

Conditional uses.

SK Stephen K. Kroll 1:13:48

Rachel, do you want to display them?

So the way these are grouped, they're not all kind of sequential.

Rachel, do you want to pull up the the motion and go to 4.3 point A?

So this is the conditional use Shelby based on need or public benefit section Justin.

JS Justin Schmidt 1:14:17

Right, yeah.

So I guess my question for staff and Bob is, could you give us an example of why this language is being amended?

SK Stephen K. Kroll 1:14:20

What?

JS Justin Schmidt 1:14:29

I mean, certainly it just wasn't y'all.

Y'all didn't come up with this out of the blue.

There was some issue and I think we would have a better understanding as to what you're trying to do. If you could give us the concrete example of how it came up.

SK Stephen K. Kroll 1:14:46

I don't know that there's a single concrete example. I would say that, you know, certain groups have put forth the argument before that.

A particular conditional use application. I can't think of a specific one.

Does not serve a public need, and so the you know the I think the question was.

You know, there are many things that.

Are designated as conditional use.

Is that are arguably not needed, but may be beneficial, for example.

It is in some districts a conditional use to have a coffee shop.

In a certain historic commercial building and you know, I think like need being subjective, but also probably pretty narrow.

Would not allow for a coffee shop to be approved if one took a very strict.

View of things, but coffee shop certainly can be neighborhood amenities.

Many land uses that are classified as conditional uses can be amenities to their neighborhood or the city as a whole.

And so, you know, my understanding, at least in the in the Planning Commission, did not write this specific language.

But what I take from it is that.

Because conditional uses.

Are often classified.

As such, in certain districts, even if they may not be absolutely necessary.

That that, the, the Council motion asks us to kind of give this wider view of of the totality of the impact, positive and negative, and whether it's needed or beneficial.

JS Justin Schmidt 1:16:37

Right. And so I guess I would just and what?

This caught my eye because.

Years ago we had a situation where Touro Infirmary wanted to.

Add a significantly or significant a size. A sizeable incinerator for medical waste and.

While it would benefit that particular location.

It was also going to.

'Cause regular.

Traffic coming from 4 surrounding parishes and possibly even Mississippi to bring medical waste to that site to incinerate in this incinerator.

So Touro didn't.

There wasn't a public need for the incinerator there, but it certainly would have been.

Al.

Think someone could characterize it as a public benefit, and I mean.

I think you just confirmed what my suspicions and concern was. Is that public benefit

expands what? The whole concept of a conditional use. You know, conditional use aren't even allowed.

RR Robert D. Rivers 1:17:47
Well.

JS Justin Schmidt 1:17:58
You know they're not. It's a privilege.
It's not necessarily a right.
And So what we're doing is we're whittling away.
The spirit of a conditional use.
And that's why I asked who asked for that to be and. And you know who asked for that expansion because public benefit, you know?
It that's a whole lot broader of a category.
Than public need.

JS Jeffrey Seymour 1:18:30
To provide a public benefit is an extremely low bar.

AJ Allen Johnson 1:18:35
Yes.

JS Jeffrey Seymour 1:18:36
If all it requires is one person to derive a benefit from a conditional use, then that's going to be granted in every situation, because if there wasn't a public benefit to somebody, OK, you should use wouldn't have been proposed in the same in the in the first place.

AJ Allen Johnson 1:18:52
And Bob, if I can just add to what they have said, the 621 elesian fields situation, we had Ottoman institute saying that they wanted to do concerts.
So we should change the zoning regulations to allow bigger hotel so they can have bigger crowds at their concerts. The same thing was said by Billy Nungesser.
But that's public.
They were also arguing that we needed more tax revenue.

So that's quote UN quote public benefit.

You're expanding the scope on this where it used to be public need for the for the individual neighborhood. Using this argument you could even go further further apart to this city to do things that won't benefit the neighborhood that could bring in tax revenue.

And just to give you one more thing that is concerned me, we've seen many times such as 621 alician fields where they've let their property go to seed and say that well, in order to get rid of the homeless encampment in order to get rid of.

The blight you need to change the laws that allow us to do something that wasn't normally allowed, so the public benefit thing I I'm I'm afraid.

Will be exploited to do anything you want if you allow your property to go to seed.

Or you can show that you can bring more tax revenues with the city.

No matter what it does to the historic districts of the Marini by water, Tremé, French Quarter Garden District.

Other areas of the city, so if you can just show that you can bring in more money, there's your public, there's your public benefit.

So if we're just going to say you bring in more money, you get what you want. That's a slippery slope.

That's really not hard to beat, in my opinion.

And we've seen by the and we saw it in the arguments over 621 alesian fields play the tape back.

JS Justin Schmidt 1:20:42

Right. I mean, I think I think another example is you know a few years ago and maybe it's more than a few, we had a proliferation of ABL applications for conditional uses in the warehouse district, the American sector, whatever you want to call it.

And I think at that time, it was Stacey head who was a District Council person for for B at the time, she said, you know what?

We have enough we have.

Saturated the the the warehouse district with enough Abo outlets where there is no longer a need for a BL outlets where.

One could argue that additional ABO outlets, as a public benefit because it's bringing in licensing revenue. It's bringing in tax revenue. And so that's the that's probably the better example.

Or a good example of why this language is dangerous because it opens up the door

too much and it it again it it cuts away at the whole purpose of the stated reason for conditional uses and the nature of them.

Is that they are not a right.

They are a privileged based on certain aspects that that that just require additional consideration. One of those being that there is no need.

And so I I really have a big problem with that language.

JS

Jeffrey Seymour 1:22:13

This is this is a major point because heretofore condition as far as the document, the CG O is concerned a condition for granting a a conditional use is is the existence of a public need, notwithstanding the fact that that has never been attended to. That's never been obs.

That's never been complied with, and in my experience, which is only limited to five years, I have never once heard the word.

Public need be spoken by any person in any CPC meeting or city.

Council meeting or appear in any staff report other than by myself and Alan Johnson.

The fact that that's been the case historically, it sounds like what you're trying to do is you have something here that's kind of you kind of wish it wasn't there.

So what you're going to do is you're going to go ahead, you're going to water it down.

To to somehow keep you clean. These would be the fact that no one's ever complied with this regulation, and furthermore, we think this regulation is appropriate.

We think that it's not unreasonable or inappropriate to require a public need in order for a conditional use to be granted. As to Justin's point a moment ago.

It should be a consideration in something that's as material granting a conditional use.

RR

Robert D. Rivers 1:23:26

So so let me let me just say this so.

I I think we understand your point.

And I and I, you know, certainly we'll take that under consideration.

JS

Jeffrey Seymour 1:23:41

Thanks.

RR Robert D. Rivers 1:23:42

I I will say that you've said a number of times that we have not addressed the public need issue and I think the the reason that is is because.

That.

Statement or that phrase is included in the purpose section.

Right. And it part of that purpose section is that it this section sets forth the standards used to evaluate.

Them then the very next section where it says public need.

So the the the standards, the approval standards that are further down the way I read this is the the approval standards.

Are the standards that are to be looked at to determine whether or not.

They should be allowed, and if they are allowed then it's implicit that that is a. It meets the purpose of this statement.

That's why it's set up that way, right?

JS Jeffrey Seymour 1:24:38

I don't think, I don't think.

RR Robert D. Rivers 1:24:39

So I don't.

I don't.

I don't think that there's if. If it was a separate approval standard that a declaration of a public need needed to be made.

AJ Allen Johnson 1:24:40

Hey.

RR Robert D. Rivers 1:24:50

I would say I would think that it would need to be in the approval standards and if that's a suggestion then then that's certainly something we can consider.

But I, but I think the I think the idea is that these approval standards.

AJ Allen Johnson 1:24:59

Hey Bob, this is.

RR Robert D. Rivers 1:25:04

Are to be looked at to determine whether or not.

This particular proposal meets the purpose of this section, including the public need statement.

So that's why we have never addressed it directly because.

JS Jeffrey Seymour 1:25:19

Right. I understand it's in a different section, but I don't think I'll take a look again. I don't think the approval standards deal directly with with the concept of a public need and furthermore.

AJ Allen Johnson 1:25:28

Yep.

RR Robert D. Rivers 1:25:28

Well, that's why I said.

That's why I said that if if the issue is that we're not addressing that, then you know, maybe the solution is to put in some statement in the approval standards that get to that issue.

JS Jeffrey Seymour 1:25:42

OK. Yeah.

AJ Allen Johnson 1:25:43

Hey, Bob, this is Alan.

RR Robert D. Rivers 1:25:44

OK. Yes.

AJ Allen Johnson 1:25:44

I would just say this.

That's in the preamble section of the conditional use.

JS Jeffrey Seymour 1:25:49
In the first set.

AJ Allen Johnson 1:25:49
I don't think that discounts it.
I think it actually emphasizes the importance of it. You and I've disagreed on that because.

RR Robert D. Rivers 1:25:54
I'm not.
I'm not.
I'm not discounting at all what I'm saying is that.

AJ Allen Johnson 1:25:58
And and so I think that I think that it should be addressed and you and I've talked about this in the past, but to go back what they because it's and we've seen people try to cheapen it or ignore it and we do think it should be address.
Because it is the governing guidelines of that section.
And being in the preamble. But secondly I would.
I just want to come back.
Who was it that requested that the public benefit section came in?
You said people have suggested that.
What specific groups was it?

RR Robert D. Rivers 1:26:23
I believe that was.

AJ Allen Johnson 1:26:25
Neighborhood associations was it developers? Was it consultants?

RR Robert D. Rivers 1:26:25
I believe that was.
I don't know.

I think, Steven, correct me if I'm wrong, was that.

There, there was a lot of going back and I think it came from the Council.

SK **Stephen K. Kroll** 1:26:34

The the table that Council.

AJ **Allen Johnson** 1:26:40

Which council?

RR **Robert D. Rivers** 1:26:40

Staff, right?

SK **Stephen K. Kroll** 1:26:41

Yes, the the motion, the table that the Council office provided said it was a Council district level.

It didn't say which district, but it's Council District level request.

AJ **Allen Johnson** 1:26:52

So you're saying Ashley Beck now?

SK **Stephen K. Kroll** 1:26:54

Yeah, our our spreadsheets.

AJ **Allen Johnson** 1:26:55

So you're saying that came from Ashley Becnel?

For the record, no, I'm not saying that.

RR **Robert D. Rivers** 1:26:59

So she.

She represents 7 council members and and put together the list based on the input she got from the council members.

SK **Stephen K. Kroll** 1:27:01

I'm saying that.

AJ Allen Johnson 1:27:05

But one of those?

RR Robert D. Rivers 1:27:10

We don't know which Council member it came from, but that's our understanding of where it came from.

AJ Allen Johnson 1:27:13

Right. No, I get that.

But you, but it came from back now.

But you don't know which Council member that's, that's all.

OK.

JS Jeffrey Seymour 1:27:24

We can probably ask Ashley who who? It was.

AJ Allen Johnson 1:27:27

Yeah, we'll, we'll, we'll, we'll follow that up.

RR Robert D. Rivers 1:27:29

OK.

We ready to move on?

AJ Allen Johnson 1:27:35

That'll be interest.

RR Robert D. Rivers 1:27:38

OK.

AJ Allen Johnson 1:27:38

Yep.

RR Robert D. Rivers 1:27:39

Thanks y'all. Even what's next?

SK **Stephen K. Kroll** 1:27:43

Well, it sounds like there's not an appetite to go in the order that that we'd hope to go to.

So why don't we ask if there are specific any additional specific?

RR **Robert D. Rivers** 1:27:54

That's actually a good idea 'cause we I think we're gonna have to wrap this up by 1:00.

So we that gives us 1/2 an hour.

So maybe if you all have specific.

Issues that you wanna address.

Why don't we go ahead and raise hands about those and then we can just jump into those directly?

OK, Jeff, I I see your hand.

Just so you know, there is a there is a hand on the system that you.

JS **Jeffrey Seymour** 1:28:24

Yeah, if I if I.

Oh Oh yeah.

I'm a.

I'm a neo lude.

What? What's behind the the changes in the 9 criteria?

RR **Robert D. Rivers** 1:28:37

Oh, sure.

There's so first of all, there's nothing substantive.

There's still a requirement that all nine have to be addressed. The concern that and this did come from the City Planning Commission staff.

Particularly the BCA staff and and myself.

The concern is that.

They're kind of randomly ordered the way they are right now and.

From.

My perspective in reading staff reports and working with staff on how to address each of them. It makes it a lot more difficult when we're having to say, well, you

know, you have to consider number three with #1 and #7 with that that we tried to. Group them in a way that gets people thinking about them collectively and so. And and if you step back and consider what the real function of a variance request is. There are certain major components that have to be considered and and that is. Is there something that is unique about the property? Does that uniqueness make it difficult or impossible to apply the zoning regulations in a way that gives them the same opportunities as as their neighbors? And. So and and so the idea of the hardship. Is based upon some of the other criteria. The consideration of the hardship is dependent upon some of the other criteria, the nature of the uniqueness of the property should relate directly to the hardship and is not just an entry into the door. To do you get any kind. Of a variance. And so our thought was just reorganizing them in a way that. Grouped kind of similar. Topics would make it easier to understand and to. To write recommendations based on.

JS Jeffrey Seymour 1:30:50

There there's clarification. I'd like to raise regarding one which is the uniqueness of the property.

I think you know the one I'm talking about.

I'm I'm paraphrasing it.

My my understanding is what that's getting at is not that if the property has something unique.

Nick, it's entitled to a variance.

What it's saying is if the property has something unique that prevents it from doing something that others can do, then it becomes an issue because I think we've seen instances.

RR Robert D. Rivers 1:31:23

Absolutely. That's. And that's what I was just saying.

JS Jeffrey Seymour 1:31:24

Where?

RR **Robert D. Rivers** 1:31:26

It's not.

It's it's the fact that there's something unique, you know, condition on the property doesn't say it's open season and they can get whatever they want.

There has to be a connection between that unique circumstance and the inability to apply the zoning standards in a way that doesn't cause a hardship.

JS **Jeffrey Seymour** 1:31:51

Could we put something in there to get specifically on that item, that one item of the 9 saying that that the uniqueness of the property that that's qualified in, that it has to create that situation you just referred to because we see people saying, hey, this property is.

Unique. It's big.

This property is unique.

It has frontage on three sides.

Therefore, I comply with criteria 1.

RR **Robert D. Rivers** 1:32:17

Yeah, I mean, I so let me, let me say this.

I know that the and Justin, you may know this better than I do.

I know that those nine criteria come out of jurisprudence, OK, they're not.

They're not articulated in state law.

They're they're case law that basically said that these are the nine factors that that.

Need to be considered in order to grant a variance and all of them must be met.

I think we were hesitant to recommend changes to the.

The actual text of the criteria, because we haven't dug deep enough to see what that jurisdiction is or what that jurisprudence is.

But I think you're you're spot on that there that and this is what we try to address in our staff report that there.

It's not just that there's a unique condition, it's that you can need.

Condition creates a hardship because it makes it impossible or difficult to apply the zoning standards.

In the way that they're intended to be applied.

JS **Jeffrey Seymour** 1:33:19

Yeah, we're in the same wavelength.
Thank you, Bob for clarifying that.

RR **Robert D. Rivers** 1:33:24

Justin, you're you're on mute.

JS **Justin Schmidt** 1:33:28

Thank you.

I'm sorry.

Yes, Bob, I would add that you are.

This is this is extremely problematic for me for several reasons, and you alluded to 1 already.

First of all, I think just from.

A.

Drafting perspective of legal language. Whenever you have an A and AB and the way this is done.

There is.

There is potential to say that that B is less important than a.

Or those are modifying that that B modifies A and that you're really talking about a only having five as opposed to 9.

And so that's one problem I have with it.

Two and and more particular like you said is and. I am acutely aware of this 'cause.

I'm in the middle of a brief on this right now.

Now you look at the at the jurisprudence, Bradley versus.

Whatever it is, where these these 9 criterion and the process it is specific to, we have juridical, you know, I mean jurisprudence out there that.

Is specifically addressing these non criteria in their current form.

And I'm afraid that you're gonna get, you know, you go and and alter them and all of a sudden you're gonna get a crafty attorney that's gonna say, oh, well, these don't, you know, these have been.

This has been revised and so this case doesn't apply any longer.

And you're gonna have a complete whittling. You know whittling down of of this whole.

The importance of these nine criteria, I really this, I think.

I think from neighbor's perspective is should is sacrosanct language and I don't see a reason I don't.

I don't know that you have or the staff is our ticket and this isn't personal.

I just.

I don't know that there's a compelling reason.

For you to change what is already set there in this format, I just I I get what you're saying but these are 9 individual.

Things. And I think when you start, you know requirements that all have to be met.

And I think when you start parsing them like you're doing here, you run the risk of of taking away from the importance of some of them and and kind of opening the door.

For someone to say that no, these aren't. I mean, I would put this in the character, you know.

Into the classification of. If it's not fixed.

If it's not broken, don't fix it. I don't.

I don't think that the staff or you can articulate why this is broken at this point. I think you know.

It's while they certainly dovetail into one another.

They're pretty good objective standards and I think by doing this you you do what some people want to do is and make them more subjective than objective.

We now have a Council member on record.

In documents who has said that these nine criterion is are are subjective in nature, which I clearly don't believe they are?

And so I really have a problem with any any change to this section of the CZO.

RR Robert D. Rivers 1:37:13

So I appreciate that, Justin.

You know, we'll continue to take a look at that and see if we can address any of your. Particular concerns I would say that that particular Council member said what he said with the, with the criteria being in the order that they currently are.

So I you know, that's neither here nor there but but. But I I you know, I'm not dismissing.

Your your statements, you know we'll we'll rethink this and.

You know, consider whether or not something we need to change.

JS Justin Schmidt 1:37:54
Thank you.

JS Jeffrey Seymour 1:37:55
But I would like to.

AJ Allen Johnson 1:37:55
Bob, for the record, I agree with my attorney.

SK Stephen K. Kroll 1:38:00
Gabriel Bordenave has had their hand up for a while, so why don't we give the floor to that question.

RR Robert D. Rivers 1:38:03
Oh, sure.

GB Gabriel D Bordenave 1:38:08
Hi, thank you.
This is not a comment directly towards the current amendments, it it's more general of the process.
So I heard.
I think it was, Mr. Rivers said.
Like next year, there will be a process around your departmental procedures and rules.
I'm just finding so this this process that we're currently talking about, it was initiated because of City Council suggestion and you know, through this conversation I'm hearing, you know, a lot of people inputting.
Ideas that aren't necessarily a part of this and it reminds me of, you know, prior desires I've had to like, introduce a text amendment. But you know, when it's a citizen introducing something that could affect, you know, hundreds or thousands of properties, like the application fee becomes a.
Barrier.
So the what I'm suggesting now is I think it would be good if conversations like this regarding like swath of the Ezio.

Like you know, we'll discuss, you know.

Hurd districts or single family residential.

I think it'd be good if we as a city could like talk holistically about the CZO and zoning parcels and and how things are described and and mapped.

Maybe like on a quarterly or maybe on core like twice a year once or just something on a regular basis?

So that if people have input on larger issues besides, you know your individual properties, applying for a variance, I think it would be good.

But that's my suggestion going forward.

I know this isn't the venue, but I just want to put it out there.

Thank you.

RR Robert D. Rivers 1:39:59

No, I appreciate the comment.

I you know what I would say is?

Right now the and there is a proposal in included here that somewhat touches on that in a in a in a way right now, only the Council or a property owner can.

Introduce.

Proposed amendments.

One of the proposals here is that the City Planning Commission can introduce.

Proposals for zoning considerations that are tied to our work with the master plan or tied to our work with a study.

So I I think that that may be a way that the City Planning Commission could be more responsive to.

Things that come up in the course of studies or in course of the master plan to be able to introduce proposed legislation for consideration.

I do think that.

You know, one of the other things is and I don't know if you heard that is there's a, there's a process that is being required for us to do kind of an annual.

What we call an omnibus amendment to basically clean it up and that's something we've done a couple times in the past, but this would require it annually.

So I know it's not exactly what you're saying, but there's there is some movement in that direction.

To to be a little more to create new ways of of introducing change to the zoning

ordinance. So.

You know, we'll certainly continue to explore that opportunity.

JS Justin Schmidt 1:42:05

Bob, I'd like to to address kind of an omnibus statement for I'm looking at 4.6. Hgi.

That's 424344 around there with respect to I I just.

I would like to see some consistency.

What we are calling?

The.

Disposition. What what? What is titled on the documents, a disposition case BZA case.

Disposition of zoning case docket a notice of the disposition of zoning case.

Just there's the language in in those provisions are not is not consistent, we call it a decision of the, you know filing of the decision in the office. Then sometimes we say the resolution is filed date, I just think.

We need to be clear with what you know.

Call it one.

I don't care what you call it, but just let's call it the same thing and all those areas.

RR Robert D. Rivers 1:43:18

Yeah, I absolutely agree. And and we'll look into that and make sure that we address that.

JS Justin Schmidt 1:43:23

Along that same line, I think in 4.6 point G .1.

I would like to see.

A definition.

In section 22 or wherever it is 26.

Or chapter.

What exactly is substantial construction?

I think that's a little too loosey Goosey when we're talking about extensions of.

Of variances and so forth.

I mean, I I'd also like you know.

I think there's some general questions I think I also. I also have a problem with, you

know, a showing of good 'cause.

What exactly is good 'cause?

I think that's something that you know.

I don't wanna get into too much 'cause. We're in the middle of litigating it. But, you know, I think that, you know, whenever you can provide some clarity, I think it it, it takes away from the the whole issue of being litigated later on down the line.

And I would like I just think that that's something you should consider as to to to put some definition or some clarity or even an example of what good 'cause is. I mean, I think you know.

Clearly, some people in the world think that filing a lawsuit is good 'cause, you know, having the existence of a lawsuit is a good 'cause for not building.

But conversely, we see that.

Building a grocery store despite the fact that there's a lawsuit, did not scare those.

You know that particular grocer off?

From building a store and opening up and now operating so you know I think that good 'cause I think is is is just a very subjective term that's getting kind of abused and I'd like to see a removal of good 'cause and give some concrete examples or situ. Where?

A developer is warranted in not building within the time periods.

Given under the variance, both the conditional use and variances that are are done. I mean I've noticed.

Yeah. I mean, I'd, I'd be curious.

As to why we have to extend five years past the three years that are already there, I mean, I know that's a legislative mechanism that might keep some things off the table and reduce the the load, but it just seems like a long Evergreen project.

That, you know is is is holding up the fact that it's there and and still viable.

It just is holding up development of it until the conditions are right and it might.

A shorter period might.

And I'm looking at St.

Charles and Louisiana, that project there, I know that was in litigation, but you know we've we've been looking at a blank concrete pad in 80% or 90% of the square for a long time now.

Because there was a conditional use there and just it seems like it's going to last forever and ever.

So I think those are those are kind of things, but I certainly think we need some some

clearer definitions of what is substantial construction.

What is good 'cause then going from from there on on those four point sixes?

So thank you for your consideration.

RR **Robert D. Rivers** 1:46:56

No, thank you.

We'll we'll definitely look into those.

JS **Justin Schmidt** 1:47:03

So, Bob, one question that I have and this is again a lingering question, one that we might be in disagreement about is in #48 of the the motion proposed change to 4.8 point BI see we've added, we've added some language, but I want to.

Go back to some existing language.

Can you explain or can you tell us at this time?

I mean, I guess now and perspective.

What exactly?

What permits are issued under the CZO? I'd like some examples of permits that are issued under the CZO.

RR **Robert D. Rivers** 1:47:51

I'm not entirely sure of.

Your.

Let me just double check the language.

Yeah. So I think in looking at this language, you have to look back at the language in the Charter.

Which I think that the the.

Intention here is.

That the Board of zoning adjustments is the authority with respect to zoning.

And the language in the Charter.

Is different than this.

It speaks to in the enforcement of the zoning ordinance.

And I I think the way that that the practice has always been is that there needs to be a zoning, zoning related decision.

In other words, that the error that is being articulated is a error in applying the zoning standards.

So I, you know we've we've had a number of cases where.
Where you know someone will say, well, it's a useless defined in the zoning ordinance. So the bza should be able to look at whether or not my license is, you know, the the cancellation of my license is valid.
To me, that's that's a little bit of a stretch.
So I I think that what we have always done is to say.
That the appeal needs to be based on.
A error in applying the zoning ordinance.
In the context of a permit.

JS Justin Schmidt 1:49:56

OK. So but I mean so other than sign permits?

RR Robert D. Rivers 1:49:59

So.

JS Justin Schmidt 1:50:03

What other permits are issued under the CZL?

Because this the the the the interpretation a look back and I did, you know, I went back and looked at how this has been amended both in 19 and 22 and it it it dealt with that with Neil Morris.

Mural case with respect to you know what permits are appealable as far as it's a, it was a sign issue, it wasn't.

It wasn't this.

I mean, I guess.

I'm trying to square and and I know you know, we disagree on this, but you've also got revised statute 334727 which which?

Talks about the duties of the board.

Of zoning.

And and specifically, says appeals to the Board of adjustment may be taken by any person aggrieved by or or by any Officer, Department, board, or Bureau of the municipality.

Affected by the decision of the administrative officer.

So the administrative.

RR **Robert D. Rivers** 1:51:13

In the.
In the enforcement or in the enforcement of the.
Statutes that are listed there.

JS **Justin Schmidt** 1:51:28

So I'm asking.

RR **Robert D. Rivers** 1:51:30

Right.

JS **Justin Schmidt** 1:51:31

I mean there, there are no statutes listing listed here.
I mean which ones are?

RR **Robert D. Rivers** 1:51:39

So I then this, I'm just.
Recalling hold on one SEC.

JS **Justin Schmidt** 1:51:55

I mean, I think that's why it's just goes to the scope of czo. I mean, I I don't I I don't have.
I have a hard time understanding that if if the BZ if if if the if the if the CZO says a permit can only be you know a building a variance is only good for X number of days.
And.
A building permit is only issued, you know, and there's a building permit that's issued.
Outside of those days.
Why? That's not an issue of the CZO.

RR **Robert D. Rivers** 1:52:33

Is that requirement in the CZO?

JS Justin Schmidt 1:52:41

Well, it requires. It requires the. The variance is required by the CZO.

RR Robert D. Rivers 1:52:47

But it's the time that you're speaking to.

Is that a requirement in the CZO?

JS Justin Schmidt 1:52:56

Yeah, variance is good for one year, yeah.

RR Robert D. Rivers 1:52:59

OK.

JS Justin Schmidt 1:53:01

So that you know. So if you have a variance that's only good for a year.

RR Robert D. Rivers 1:53:01

So, so so the question is then if there's a question as to.

Whether the.

Department of safety and permits. Or somebody else?

Issued.

A permit outside of that time frame.

Then that would seemingly be a legitimate appeal, correct?

JS Justin Schmidt 1:53:37

One would think, but I've got 3 examples where you've returned my deposit and said that this isn't proper because it's not one of XY and Z123 that you've got in there.

And I'm saying I don't.

I don't know that it's not 123.

RR Robert D. Rivers 1:53:58

So.

My understanding is at least one of those is in litigation right now. So maybe we not we we can address that through the litigation, right?

JS Justin Schmidt 1:54:07

Well, no, I I get you're right. OK, I guess.

Fair enough.

And and I'm. I won't.

Fair enough.

But my question I mean so that.

I think that.

RR Robert D. Rivers 1:54:17

I I get what you're saying.

I just.

JS Justin Schmidt 1:54:18

That emphasizes my the problem that we've got it.

RR Robert D. Rivers 1:54:19

I mean, you know, I'm not gonna.

I'm gonna sit here and argue the litigation with you here.

JS Justin Schmidt 1:54:21

We've got to do something with that language.

Yeah. No, I'm not looking.

I'm not looking to get an advantage or or or try to make the case.

Right now I'm just saying I'm just pointing out that that that language is problematic as it stands.

RR Robert D. Rivers 1:54:35

And I appreciate that.

And you know, we'll take a look at seeing what we can do to maybe clear it up.

JS Justin Schmidt 1:54:42

Yeah, and. And I guess, Bob, this kind of goes to a larger thing is that that it?

It's it's. It's a position that's that's contrary to the way.

I think it is contrary to one what the Home Rule Charter says, but it's also contrary to

the way that.

Other parishes Bzas handle these things so.

RR **Robert D. Rivers** 1:55:05

Well, as you know, other parishes have different state statutes that apply to.

JS **Justin Schmidt** 1:55:11

No, I no. I'm. I'm.

I'm just.

I'm talking about those that because I've I've done a practice in those parishes. The
I'm talking about ones with with similar language.

RR **Robert D. Rivers** 1:55:14

Their.

So if you have examples.

JS **Justin Schmidt** 1:55:22

No, I'm not.

I know, I know, all bza's are right.

RR **Robert D. Rivers** 1:55:25

If you if you have examples, they have other parishes that are. I'm sorry.

JS **Justin Schmidt** 1:55:25

I know there's there's.

I will.

I will put them together for you.

Yeah, I'll do that.

That's fair. That's fair.

I'll put those together for you and pass them all.

RR **Robert D. Rivers** 1:55:34

That'd be great. I appreciate that.

JS Justin Schmidt 1:55:35

Yeah.

RR Robert D. Rivers 1:55:42

Alright Steven, we are at 1:00 or 12:58.

Are there any?

I know Steven has to run.

SK Stephen K. Kroll 1:55:53

Yeah.

RR Robert D. Rivers 1:55:54

I'm gonna have to run out for like to step out for just a couple minutes.

And I know Steven has to run.

I will be back in like 2 minutes and I'll see if there's any other comments.

JS Justin Schmidt 1:56:07

I think I can put the rest of mine in writing.

RR Robert D. Rivers 1:56:07

That we could quickly address.

OK, that'd be wonderful.

JS Jeffrey Seymour 1:56:13

I had a quick question.

Why are we deleting the provision that that says in an appeal stays all administrative proceedings?

Why are we eliminating that?

RR Robert D. Rivers 1:56:23

I'm sorry, I didn't hear your question.

JS Jeffrey Seymour 1:56:25

Yes, we're, we're, it's proposed that the provision where an appeal stays all

administrative proceedings that that provision that's being proposed that be deleted.
Why is that?

JS Justin Schmidt 1:56:37

So Jeffrey, the question is not it's actually if you look 1 below and 51. The question is because there's a new section 4.8 point F.

But the question is not why is it being changed from there, deleted from there and then added there?

The question is why are we?

JS Jeffrey Seymour 1:56:56

Limiting it.

JS Justin Schmidt 1:56:56

Why are we changing it from administrative proceedings to administrative enforcement?

JS Jeffrey Seymour 1:57:01

Right, exactly and all.

JS Justin Schmidt 1:57:03

That's that's the that's the bigger question is why?

Why the change in nomenclature from administrative proceedings to administrative enforcement?

JS Jeffrey Seymour 1:57:13

Great. And also what is this new language?

The Board shall know O no deference to interpretations by the director of Department of Safety and permits.

RR Robert D. Rivers 1:57:22

But it just kind of like the 5 minute break.

JS Jeffrey Seymour 1:57:23

I didn't quite understand what that was. That's new language.

RR **Robert D. Rivers** 1:57:25

Got that?

JS **Justin Schmidt** 1:57:26

Well, Jeff, Jeffrey, if I'm correct, I think that.

RR **Robert D. Rivers** 1:57:28

I'm just wondering how to keep the meeting going while you need to do it, OK?

JS **Justin Schmidt** 1:57:30

I think that's actually good for the citizens because I think that that shows that it's that the the the BZA is supposed to be acting as a quasi judicial.

RR **Robert D. Rivers** 1:57:34

You know what I'm saying? Yeah.

JS **Justin Schmidt** 1:57:44

Board and and and giving a fair.

JS **Jeffrey Seymour** 1:57:47

Ah.

JS **Justin Schmidt** 1:57:49

Weighting of of both evidence from the applicant of an appeal and and the city. Unfortunately, over time, the BCA has evolved in the the cleaning service for the Department of Safety and permits when they make a mistake.

And so instead of going and pulling a permit or making somebody tear down something that the owner's going to say, I relied on the to the detriment, to my detriment on on the city's ineptness.

They just grant the variance and so that's what the problem is there.

And that's why I think they're trying to do that. But the reality of it is the BCA has been protecting the Department of Safety and permits errors for the last 1520 years.

JS **Jeffrey Seymour** 1:58:39

Seems to be to to find a way in the CZO to to make the decision valid.

I'm with you.

Thanks. Thanks Justin.

RR **Robert D. Rivers** 1:58:50

I'm sorry, Jeffrey. You're you're breaking up a little bit. So I.

JS **Jeffrey Seymour** 1:58:52

I'm I'm all set.

Justin, help me out. I'm clear.

Thank you.

RR **Robert D. Rivers** 1:58:57

OK.

Does anyone else have anything or I know that a couple of my staff members need to step off the call.

AJ **Allen Johnson** 1:59:06

Hey I'm not sure if this was addressed.

I had the the issue of notice.

When notice is done improperly or not done at all, and how that affects the MPP process I came in late.

Was that addressed on how we've seen that in the past where where people have not done notice and things happened and to me that will just be more problematic as the notice doesn't happen either unintentionally or you know intentionally and things get pushed through and we think it?

Important to hold the developers and the CPC accountable for.

Notice being dot. We've seen some issues regarding that.

Was that discussed at the before I joined the meeting?

RR **Robert D. Rivers** 1:59:45

I don't think we did.

SK **Stephen K. Kroll** 1:59:48

Yeah, it was not.

AJ **Allen Johnson** 1:59:48

There's an issue there.

SK **Stephen K. Kroll** 1:59:49

I don't believe any of the listed amendments speak to that topic.

JS **Jeffrey Seymour** 1:59:53

That's not.

AJ **Allen Johnson** 1:59:54

There was an amendment in there.

JS **Jeffrey Seymour** 1:59:54

That's not, that's not correct.

AJ **Allen Johnson** 1:59:55

That's that's not correct.

JS **Jeffrey Seymour** 1:59:55

That's not like the the new NPP.

AJ **Allen Johnson** 1:59:57

That is absolutely not correct, Stephen.

There isn't amendment in there that says if.

SK **Stephen K. Kroll** 2:00:00

OK.

Excuse me.

Go go ahead with your point.

JS **Jeffrey Seymour** 2:00:03

The section the new section.

AJ **Allen Johnson** 2:00:03

There isn't a minute in there that says that if notice is not administered correctly, that it does not negate the NPP or the zoning change that are supposed to happen. And we've had some incident instances where the notice didn't happen correctly and we had to push back as you remember. I'm sure you remember there was a notice of a of an of a bed and breakfast during COVID where none of the neighbors got notice of it.

JS Justin Schmidt 2:00:34

So Alan, this is the position of the of the department has been pretty consistent on this. The MPP meeting is not quote a trap for the the the citizens to use against a developer. If a mistake is made.

JS Jeffrey Seymour 2:00:41

Yes.

AJ Allen Johnson 2:00:52

Right. We're not intending it as a trap, but we are saying that we're concerned that. By negating the the requirement of notice that it would.

The neighbors.

It wouldn't be a trap, but we've we've we've seen two concerns necessarily and what we'd like to see is that.

The negation of notice not necessarily be a trap. We don't mean it that way.

What we mean it be as everyone needs to be held accountable for their own actions. Actions and I don't see a problem with that many times restrictions are put upon the neighbors as to how much time they can speak.

Two minutes when they can submit their comments, you know a week before, before the even the staff report comes out.

So we think it's only fairness that the neighbors receive notice and that the that the developers in the City Planning Commission staff be held accountable if if the if the notice doesn't go out.

What was the? What was the other one? Jeffrey, where it didn't happen?

JS Jeffrey Seymour 2:01:49

Now.

Well, the new.

AJ Allen Johnson 2:01:51

Oh no, it was the.

It was the subdivision meeting in your own office, Bob, to where y'all held the meeting before it was supposed to be legally held.

JS Jeffrey Seymour 2:01:53

Well, yeah, it's these are the.

Well, this is a.

AJ Allen Johnson 2:02:00

And we were told that y'all had taken an action when actions weren't supposed to be held, and that is our concern.

JS Jeffrey Seymour 2:02:03

Right, this is the.

A general point here is #1.

The new NPP provision does have a material change in it, which is the inclusion of a provision that says essentially there is no such thing as defective notice.

Even defective notice is valid. Notice from the standpoint that defective notice does not impair in any way anything that occurs that the notice is related to.

Furthermore, that concept is in the CZO already, and it's always bothered me. It's in Section 2, article two of the CZO were repeatedly. It says that if a notice is defective in that it includes the wrong date the wrong time, the wrong purpose, or even in one spot.

It says that if the notice is not sent at all, that does not make it that notice.

Does not invalidate any decision made.

So basically what it's saying is.

You're required to deliver notice, but it doesn't matter whether you do it or not.

There are no implications if you screw it up now, or if you do nothing at all. Now you might say, well, geez, to require us to deliver notice perfectly in every single instance is far too much to ask.

But I'll point out that that's not the way it reads with regard to the applicant with regards to the applicant. The city does obligate itself to provide accurate notice.

So why does get the benefit that if the notices inaccurate or not delivered at all, why

does the applicant get a benefit to say hey, wait a second time out? Where's the general public? Doesn't? If you read through Article 2, it basically says there is no such thing.

As defective notice, and that seems crazy.

And it also seems violation of the Charter.

The the state statutes, the anything you pick.

Where did this concept come in that that the notice doesn't have to be accurate?

Or even be delivered, period.

AJ **Allen Johnson** 2:04:10

Properties to make a mistake and then have it and then have it in their favor.

JS **Justin Schmidt** 2:04:10

So my my my.

My final request would be to look at the the new language of 4.8 point D with respect to what what appears to be. This appeals of the director and what's hearable or moot.

So there's this process that goes through, but what's not carried through is so we go through a determination.

That it is.

Moot or otherwise. Yeah. So it goes to the bza, the BZA rules without looking at the merits, whether it's moot.

But then there's no if the BZA determines that it is unheardable or incomplete or moot there, there's no discussion about appeals from that decision of the BZA.

So I don't know if that's covered in the generic. The other language in there where any decision of the BZA can be appealed.

30 days, but it would be nice to have.

Some language in there that appeals from the Bza's final decision on.

Unhearable or hearable incomplete or moot or unmit?

Is appealable to the Civil District Court within 30 days of that decision.

SK **Stephen K. Kroll** 2:05:39

Thank you, Justin. And and real quick Allen, I'm talking Justin.

AJ **Allen Johnson** 2:05:40

And Bob, if I'll add if.

Bob, if I'll add at least like some of this to be equitable.

SK **Stephen K. Kroll** 2:05:45

Why don't you send us?

Since you're sending Bob, you know a a packet of information anyway, if you could.

Where there are sections where you have specific language in mind. If you could send that to us, so would be helpful.

JS **Justin Schmidt** 2:05:57

Yeah, I'll. Yeah, I'll do a red lawn.

JS **Jeffrey Seymour** 2:06:05

Bob, Bob 111 more which I was going to say. I promised. This is my last one. I'll retract that.

There's language in a couple of slots that say that the NPP requirement can be waived if there's good 'cause to do so.

How do we square that with the fact that the Home Rule Charter requires an NPP for all land use decisions and, at least within the context of the Home Rule Charter, that requirement is not waivable.

Where where does the City Council get the authority to waive a provision of the Home Rule Charter that the Home Rule Charter does not provide can be waived.

RR **Robert D. Rivers** 2:06:49

So I think we did discuss this previously.

I think Susan brought it up.

OK.

I'm sorry Steven is jumping off the call.

He has to run. Thanks, David.

JS **Jeffrey Seymour** 2:06:59

Thank you, Steven.

JS **Justin Schmidt** 2:07:01

Thanks Steven.

RR **Robert D. Rivers** 2:07:09

So yes, Susan did bring that up before.

And.

I believe.

Let me just.

JS **Jeffrey Seymour** 2:07:22

Can't waive a provision of the Home Rule Charter, can it?

RR **Robert D. Rivers** 2:07:26

No, but the CZO and I don't have the specific charter language in front of me.

JS **Justin Schmidt** 2:07:28

No, that's.

RR **Robert D. Rivers** 2:07:35

Let me see if I can find it.

JS **Jeffrey Seymour** 2:07:39

Because the City Council has waived that the City Council had.

RR **Robert D. Rivers** 2:07:43

Well, the city, the CCO gives them the authority to waive it.

JS **Jeffrey Seymour** 2:07:47

I'm sorry. Don't give them the authority to waive the provision that exists in the home.

AJ **Allen Johnson** 2:07:48

No where.

JS **Jeffrey Seymour** 2:07:51

It exists in the Home Rule Charter.

RR Robert D. Rivers 2:07:52

It decisio gives the.

This the the NPP process is currently written right now.

You that language was cited.

That that they have the ability to waive it for 'cause your question is, does that jibe with the language in the Charter? And I'm looking up the language in the Charter right now?

JS Jeffrey Seymour 2:08:18

It it it, it doesn't jive with it.

It's it's can it Trump the languages in the charter?

SJ Susan Johnson 2:08:27

OK, can.

JS Jeffrey Seymour 2:08:27

And and also don't we always have this general provision that whichever document is the most restrictive? That's the one that carries the day.

SJ Susan Johnson 2:08:29

I.

JS Jeffrey Seymour 2:08:35

The Home Rule Charter says you must have an NPP on all land use actions and land use actions, even defined.

RR Robert D. Rivers 2:08:41

Well, this is what?

JS Jeffrey Seymour 2:08:44

How can I waive that?

RR Robert D. Rivers 2:08:44

So.

Yeah, I'm just bringing up the home real language now.

JS Jeffrey Seymour 2:08:54

Right, because because the City Council has actually specifically waived the NPP requirement in the Home Rule Charter.

And when I saw that I scratched my head and I said, you can, you can do that.

And I asked someone on your staff, I said, is this correct?

Can the City Council waive a provision in the Home Rule Charter that the Home Rule Charter doesn't provide can be waived and the response was, of course they can?

They do it all the time.

I'm not sure that's the right answer.

RR Robert D. Rivers 2:09:27

That wasn't my answer.

JS Jeffrey Seymour 2:09:30

A member of your staff.

Senior Member of your staff gave me that answer.

RR Robert D. Rivers 2:09:33

OK.

JS Jeffrey Seymour 2:09:39

I restart the home.

Real Charter is pretty sacrosanct, as evidenced by what it takes to amend it right to amend the Home Rule Charter. You got to have a public election, right?

A public vote.

RR Robert D. Rivers 2:09:51

So let me let me say this and I and I'm just you know, I don't.

We can certainly raise this question with the law department and and see what their take is on it.

It's it's really a legal interpretation question.

What?

If if.

The determination is that yes, this.

Is not in alignment with.

The.

With the language in the Charter.

Then it would fall upon the Council to change that language in the CZO.

JS **Jeffrey Seymour** 2:10:36

Which language?

Language in the chart.

RR **Robert D. Rivers** 2:10:39

I'm sorry.

JS **Jeffrey Seymour** 2:10:40

Look, when you say change that language, you mean the language in the chart.

RR **Robert D. Rivers** 2:10:42

In the.

In the CZO is what I said.

JS **Jeffrey Seymour** 2:10:45

Right. Well, it must comply with the. Yeah, right. It can't grant, right that the Charter doesn't allow that the Charter.

RR **Robert D. Rivers** 2:10:48

Right.

Right. So So what I would suggest is to the extent that they could do that in this amendment, if that is your.

Preference then if you could submit a request in writing, did that be considered as part of this and that the Council?

JS **Jeffrey Seymour** 2:11:07

OK.

RR **Robert D. Rivers** 2:11:14
Eliminate that ability to waive it.

JS **Jeffrey Seymour** 2:11:17
OK.
Great. Thank you.
I think I've submitted already, but I'm happy to submit again. Thank you.

RR **Robert D. Rivers** 2:11:20
OK.
Susan, did you want to say something?
You're on mute.

SJ **Susan Johnson** 2:11:31
No, I'm fine. Thank you.

RR **Robert D. Rivers** 2:11:33
No, you OK? OK.
So.
Are there any other?
Questions.
Comments.
Concerns.
About any of this that you all want to speak to right now.
Not seeing any hands, so let me. So I'm gonna get out as quickly as I can.

AJ **Allen Johnson** 2:12:05
So Bob, what is the schedule going? So Bob?

RR **Robert D. Rivers** 2:12:07
Now go ahead.

AJ **Allen Johnson** 2:12:09
So I know Bob, but so Bob, what is the schedule going forward?

RR Robert D. Rivers 2:12:15

What is?

AJ Allen Johnson 2:12:16

For for when will this come up next to your Commissioners? And then what is the deadline that we have to get any of this adjusted?

RR Robert D. Rivers 2:12:16

What is? What is the? What is the sched?

Right, so I I went over this before you got here, but it's really quickly.

The staff report is going to be sent out this coming Tuesday the 7th, and so any written comments have to be received by the close of business the day before. So Monday the 6th.

And all those comments will be packaged up and included with our staff report and the motion and sent to the Commission.

So they'll have a week to review all of that.

Any comments that come in after that?

You're always welcome to ask the Commission to accept them and consider them at their meeting.

But otherwise they would be included, assuming that the Commission acts on it on the 14th.

It would be included.

All those comments would be included in the packet that goes to the Council if the Commission decides to defer it on the 14th to the 28th, then all the comments that came in after the deadline would go into the packet that goes out for the 28.

JS Jeffrey Seymour 2:13:38

So the public is being given one working day from the feedback session to submit its comments in order for those to be part of the the staff report, forgive them one day.

RR Robert D. Rivers 2:13:50

You know, you and I have gone back and forth on this about the the feedback session that this was.

JS Jeffrey Seymour 2:13:52
Yeah.

RR Robert D. Rivers 2:13:56
It's not something that I was even aware about it until you reached out to us so.
Yes.
The the short answer is yes, that's.

JS Jeffrey Seymour 2:14:07
One day, OK. And this has been this initiative has has been around for a full year or nine or just nine or ten months.

RR Robert D. Rivers 2:14:16
So the motion was introduced in July.
I and it was brought to the September that got it on the September 9th Agenda for the first time.
You were there at that meeting and.
I think it was in anticipation of that meeting that you reached out and asked about the.
The feedback sessions and so.
We deferred it on the 9th or the Commission deferred it on the 9th.
To the 14th, with the understanding that if need be, they could hold off on a final action until the 28th.

JS Jeffrey Seymour 2:15:03
OK. But but this call that we're concluding right now, which has raised a number of substantial issues.
A number of which are new issues that I don't think have been raised before.
And some of those you might characterize as maybe open issues, we're given one working day to to respond to this call, which ran over an hour over the original find were given one day of response to that in order for it to be reflected in the staff report.
Do you think that's an ample time, Bob?

RR **Robert D. Rivers** 2:15:38

Whatever I think right now it's, you know, we have a deadline that we need to get to the Commission for the 14th.

JS **Jeffrey Seymour** 2:15:46

Understood.

RR **Robert D. Rivers** 2:15:47

So what?

I would suggest if you feel that there's has been insufficient time for you to comment, by all means request that the Commission take it under advisement and delay acting on it until the 28th.

JS **Jeffrey Seymour** 2:16:02

OK.

Thanks. And where can we find this is the. This is the text amendment that we're we're working on, correct?

RR **Robert D. Rivers** 2:16:03

OK.

The IT is a text amendment that didn't have the actual had some of the text included in the motion, but not all of it.

So what?

I said is we would make the spreadsheet that we put up on the screen today.

We'll make sure that that gets posted.

Today.

We'll put it up.

I'll I'll see what the best way to do that is.

It'll probably go up on our announcements page.

And then on Tuesday, the full package will be will include everything.

JS **Jeffrey Seymour** 2:16:48

OK, so that the the green sheet you just referred to is another piece of the material

information documentation that that we have a one business day to respond to this being a text amendment. Where can we find the application?

RR **Robert D. Rivers** 2:17:01

I'm sorry.

JS **Jeffrey Seymour** 2:17:02

We're this being a text amendment, where can we find the application for the text amendment?

RR **Robert D. Rivers** 2:17:08

So on council initiated tax amendments, it's the motion.

JS **Jeffrey Seymour** 2:17:12

Yeah, OK, check. I think the CZO says the Council has to fill out an application.

RR **Robert D. Rivers** 2:17:18

The the the motion itself is the application.

JS **Jeffrey Seymour** 2:17:22

So the motion would be an application on the standard form that the city has.

RR **Robert D. Rivers** 2:17:27

No, the motion itself is the application.

JS **Jeffrey Seymour** 2:17:32

So when the CCO says you have that it has to be in the standard application form that that somehow gets waived or pushed aside. OK, I understand.

AJ **Allen Johnson** 2:17:42

Bob, can I? This is Alan.

Bob, this is Alan. The citizens are held are limited to.

JS **Jeffrey Seymour** 2:17:45

That.

AJ **Allen Johnson** 2:17:50

Two per two-minute comments. The applicant here.
How long of a comment period does the applicant have?

RR **Robert D. Rivers** 2:18:00

Unless the Commission.
Changes its rules from the dais. Then they have two minutes.

AJ **Allen Johnson** 2:18:10

But don't they have a rebuttal after?

RR **Robert D. Rivers** 2:18:13

They have up to six minutes.

AJ **Allen Johnson** 2:18:17

So up to six minutes rebuttal, and then two minutes presentation. So a total of 8 minutes.

RR **Robert D. Rivers** 2:18:17

But it.

AJ **Allen Johnson** 2:18:21

Is that correct?

RR **Robert D. Rivers** 2:18:23

Correct.

AJ **Allen Johnson** 2:18:24

OK.
So they have 8 minutes, not 2 minutes.
Correct.

RR **Robert D. Rivers** 2:18:31

If you are adding.

AJ Allen Johnson 2:18:32

And is there a limitation on the amount of comments that the the staff would have?

RR Robert D. Rivers 2:18:34

The.

No.

AJ Allen Johnson 2:18:39

To present, there's no so OK, so 2 minutes for a citizen, 8 minutes for the applicant and unlimited for the staff.

RR Robert D. Rivers 2:18:41

No.

AJ Allen Johnson 2:18:48

Would I be correct in saying that?

RR Robert D. Rivers 2:18:50

You are.

AJ Allen Johnson 2:18:52

OK.

That's what we needed.

That's because we I had some questions about that from some people and.

And I believe that they were incorrect, but I was.

Thank you.

Yeah, this is a lot to address for us. As I mentioned earlier, it seems to be slanted.

JS Jeffrey Seymour 2:19:05

Bob.

AJ Allen Johnson 2:19:12

So I would like to bring up at that moment at that time and I would appreciate if you would bring it up, the fact that multiple times we've addressed to make the MPP

process more fair.

And that we've been asked to come into that chamber and address it, and then that accounts that the Commission and yourself have never.

RR **Robert D. Rivers** 2:19:30

Well, when you say NPP, you're at your you're you're speaking to.

AJ **Allen Johnson** 2:19:30

Even though you said you would have never brought that up.

RR **Robert D. Rivers** 2:19:36

The not necessarily the MPP, but the.

The timing on when.

Public comments are due VIS a vis the.

AJ **Allen Johnson** 2:19:45

Yes, the fact that it's public comments are due before the staff report comes out and then once the staff report comes out, the citizens of New Orleans are only held are held to two minutes.

RR **Robert D. Rivers** 2:19:50

Right. No, I just want to be clear. I want to be.

I want to be, I understand.

I yeah, I understand the argument.

I just want to be clear because you said NPP that's not part of the MPP process.

AJ **Allen Johnson** 2:20:01

Well, as part of the MPP process and that we have to get our, we have to get our letters and our correspondence in before the NPP is before the staff report is actually written and by the and so we are not allowed the same amount of time or.

Anywhere close to an equitable amount of time, in my opinion, and the fact that we're limited to two-minute where the applicants get 8 minutes and the CPC staff gets unlimited time.

RR **Robert D. Rivers** 2:20:27

So again, that is a I don't know if you were here when we spoke to this.

AJ **Allen Johnson** 2:20:37

I was actually the one that brought it up, so yeah.

RR **Robert D. Rivers** 2:20:39

There there's a process hopefully coming up in the next year for to revise our rules. And that's where all of that stuff lives. In our administrative rules and procedures. So we can certainly address that. And have that conversation with that. But feel free on the 14th. As I said before. To raise these issues if if that's something you feel is important enough.

AJ **Allen Johnson** 2:21:10

Yeah, it's, it's it's there's an issue of fairness.

RR **Robert D. Rivers** 2:21:16

OK. Anything else?

JS **Jeffrey Seymour** 2:21:18

Yep, Bob, define that provision.
Search the CZO for the word triggers, not trigger.
My my bad.

RR **Robert D. Rivers** 2:21:25

I I don't. Well, OK, I will.

JS **Jeffrey Seymour** 2:21:28

Thank you.
My bad.

RR **Robert D. Rivers** 2:21:41

4.6 Point C authority.

JS Jeffrey Seymour 2:21:44
Yeah, I think that's it.

RR Robert D. Rivers 2:21:46
OK.

JS Jeffrey Seymour 2:21:47
The idea is to delete the trigger provision.
The proposal is.

RR Robert D. Rivers 2:21:53
OK.

JS Jeffrey Seymour 2:21:54
Thank you.

RR Robert D. Rivers 2:21:54
Yep.
All right.
Well, thank you everybody.
Again, any written question or any written comments, please get in for Monday.
And look forward to seeing you all at the hearing.

JS Jeffrey Seymour 2:22:16
Thanks Bob.
Very, very much, Bob, for your time.

RR Robert D. Rivers 2:22:18
All right.

□ **Stephen K. Kroll** stopped transcription

City Planning Commission Speaker Card

Date: 10/28/25

I would like to speak regarding CPC Docket: 049/25

IN OPPOSITION

Name:

Jeffrey Seymour

Address:

22272 Royal St.

☐ I am the applicant for this docket

☐ I'd like to cede my time to: _____

I hereby affirm that the written or oral statements I give before the City Planning Commission will be true and correct. By ascribing my signature below, I acknowledge all information presented is of my own volition and true and correct to the best of my knowledge.

☐ Please check if you are a paid representative or receiving any type of compensation or thing of value in exchange for speaking or attending today.

Signature of Speaker: _____

