

**MOTION**

**(LYING OVER)**

**NO. M-25-662**

**CITY HALL: December 18, 2025**

**BY: COUNCILMEMBER GIARRUSSO**

**SECONDED BY:**

**BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS,** That the City Planning Commission's report and recommendation of **modified approval** for **ZONING DOCKET 49/25**, initiated by Council Motion No. M-25-280, requesting consideration of amendments 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, and codify evolving practices, is received and is hereby **APPROVED WITH MODIFICATIONS**. The text to be adopted, as modified, is set forth in Exhibit A, attached hereto and made a part hereof.

**BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS,** That the Clerk of Council is directed to forward copies of this motion to the Council Land Use Officer, who is directed to prepare an ordinance to effectuate this motion and is granted flexibility to make any changes necessary to achieve the will of the Council as set forth in this motion.

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

**YEAS:**

**NAYS:**

**ABSENT:**

**RECUSED:**

**AND THE MOTION WAS ADOPTED.**

## EXHIBIT A TO M-25-662

### **Amendments to the Comprehensive Zoning Ordinance in Chapters 1, 2, 3, 4, 19, and 26**

For clarity, given the size and complexity of this zoning docket, each change will be numbered with a reference to the section number of the CZO, and will include the full amendment even where the recommendations of the City Planning Commission are being adopted without modification.

#### 1. Section 3.2.E.1

CPC's recommendation is approved.

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.

#### 2. Section 3.5

CPC's recommendation is approved with modifications to read as follows:

##### 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 as well as a Neighborhood Participation Program Guide.
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.

6. Applicants must provide CPC staff with notice of the date, time, and location of NPP meetings. CPC staff shall maintain a publicly available list of all NPP meetings.

#### 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 accessible public locations at reasonable times and should be sufficiently large to accommodate all attendees with seating. These meetings should be held in locations which are not susceptible to weather or climate concerns, generally temperate, and should generally allow for robust participation by neighbors of varying abilities and schedules.

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.

4. The Executive Director of the City Planning Commission shall promulgate rules setting forth what materials should be provided as part of the NPP Meeting and what information should be presented.

#### 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 summary of the information that was presented.

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

4. 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.

5. 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.

6. 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.

7. 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.

7. NPP reports must include a signed attestation that the information contained therein is true and correct to the best of the applicant’s knowledge. A signed attestation on the application form to this effect accompanying the NPP report shall be deemed to satisfy this requirement provided that the language of the attestation includes the contents of the NPP report.

#### 3.5.H. Evaluation of NPP.

1. The Executive Director of the CPC will ensure that the written NPP Report meets all the minimum requirements regarding meeting date, time, and location set forth herein when evaluating the completeness of the application.

2. The City Planning Commission or Board of Zoning Adjustments, as applicable, may evaluate the sufficiency of the NPP as part of its public hearing process on the application for which the NPP was conducted. In so doing, they may consider whether the applicant endeavored to provide meaningful notice to neighbors and whether any deficiencies in such notice notably affected the provision of this notice. If the Commission or Board determines that, in its judgment, the NPP process did not provide meaningful notice, it may defer the matter to require the applicant to engage in additional notice efforts.

3. Section 3.6

CPC's recommendation is approved with modifications to read as follows:

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, but may be considered by the Commission when considering such application.

4. Section 4.2.B.4

CPC's recommendation is approved with modifications to read as follows:

4. The City Planning Commission may initiate zoning map and text amendments in connection with Master Plan revisions, including changes to the Future Land Use Map, or as otherwise required by this Ordinance.

5. Section 4.2.C

CPC's recommendation is denied and the language originally proposed in Motion M-25-280 is adopted.

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.

6. Section 4.2.Chart

CPC's recommendation is approved.

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

7. Section 4.2.Chart

CPC's recommendation is approved.

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

8. Section 4.2.D.3.c

CPC's recommendation is approved.

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.

9. Section 4.2.D.4.a

CPC's recommendation is approved.

~~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.~~

10. Section 4.2.D.4.b

CPC's recommendation is approved.

~~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.~~

11. Section 4.2.D.4.c

CPC's recommendation is approved.

~~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.~~

12. Section 4.2.E (Table 4-1)

CPC's recommendation is approved.

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

13. Section 4.2.G

CPC's recommendation is approved.

4.2.G Administrative Amendments 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.

14. Section 4.3.A

CPC's recommendation is approved.

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.

15. Section 4.3.C

CPC's recommendation is approved.

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.

16. Section 4.3.Chart

CPC's recommendation is approved.

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

17. Section 4.3.Chart

CPC's recommendation is approved.

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

18. Section 4.3.D.4.a

CPC's recommendation is approved.

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.~~

19. Section 4.3.D.4.b

CPC's recommendation is approved.

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.~~

#### 20. Section 4.3.D.4.c

CPC's recommendation is approved.

~~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.~~

#### 21. Section 4.3.E.1

CPC's recommendation is approved with modifications to read as follows:

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 the application for a conditional use does not fully demonstrate compliance with all general zoning requirements but the City Planning Commission wishes to make clear to the applicant that such compliance will be necessary in order to approve the site plan and associated permits, these conditions may be included as 'Approval Conditions.' These conditions may restate the zoning ordinance without modification and will be deemed to automatically update if the underlying ordinance provision is amended before final approval and permitting.

#### 22. Section 4.3.E.4

CPC's recommendation is approved.

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.

#### 23. Section 4.3.H.1

CPC's recommendation is approved.

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. ~~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.

#### 24. Section 4.3.H.2.a

CPC's recommendation is approved with modifications to read as follows:  
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 one (1) year upon a showing of good cause by the applicant. When granting the request, the Executive Director shall articulate in writing the 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.

#### 25. Section 4.3.H.2.b

CPC's recommendation is approved with modifications to read as follows:  
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 or both the plans deadline and 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.

#### 26. Section 4.3.J

CPC's recommendation is approved with modifications to read as follows:  
3.5 Official Zoning Map Amendments Within thirty (30) days of receiving evidence of the recording of an approved conditional use or 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.

27. Section 4.4.C

CPC's recommendation is approved.

~~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.~~

28. Section 4.4.Chart

CPC's recommendation is approved.

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

29. Section 4.4.Chart

CPC's recommendation is approved.

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

30. Section 4.4.E.4.a

CPC's recommendation is approved.

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.~~

31. Section 4.4.E.4.b

CPC's recommendation is approved.

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.~~

32. Section 4.4.E.4.c

CPC's recommendation is approved.

~~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.

### 33. Section 4.4.I.1

CPC's recommendation is approved.

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.~~

### 34. Section 4.4.I.2.a

CPC's recommendation is approved.

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.

### 35. Section 4.4.I.2.b

CPC's recommendation is approved with modifications to read as follows:

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 or 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.

### 36. Section 4.5.B.2

CPC's recommendation is approved with modifications to read as follows:

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 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. 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.

37. Section 4.5.3.b

CPC's recommendation is approved.

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

38. Section 4.5.B.3

CPC's recommendation is approved with modifications to read as follows:

~~e. Development on a through lot in a design overlay district identified in Article 18. d. e. Development within one-hundred (100) feet or more of lot frontage in a design overlay district identified in Article 18 e. d. UAD University Area Design Overlay District~~

39. Section 4.5.B.4

CPC's recommendation is approved with modifications to read as follows:

~~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. In the RIV Riverfront District, EC Enhancement Corridor, CTCorridor 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.~~

40. Section 4.5.B.10

CPC's recommendation is approved.

~~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.~~

#### 41. Section 4.5.B.11

CPC's recommendation is approved.

~~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, development is exempt from site plan and design review by the City Planning Commission. However, such developments are subject to the site plan and the 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.

#### 42. Section 4.5.C

CPC's recommendation is approved.

~~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. 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.~~

#### 43. Section 4.5.D.3

CPC's recommendation is approved.

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.

44. Section 4.5.F.2

CPC's recommendation is approved.

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.

45. Section 4.6.C.6

CPC's recommendation is denied and no change shall be made to existing text.

46. Section 4.6.C.7

CPC's recommendation is approved.

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.

47. Section 4.6.D.2

CPC's recommendation is approved.

All applications for variances, with the exception of applications for variances involving a ~~single-family or two-family dwelling 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.

48. Section 4.6.D.3.c

CPC's recommendation is approved.

~~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.~~

49. Section 4.6.F

CPC's recommendation is approved.

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.~~

#### 50. Section 4.6.G

CPC's recommendation is approved.

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:

#### 51. Section 4.6.G.1

CPC's recommendation is approved.

4.6.G.1 EXPIRATION a. The Board of Zoning Adjustments' approval of 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 4.6.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 at the holder of the variance's request, submitted by such date, is authorized in accordance with Article 4, Section 4.6.G.2.b.

#### 52. Section 4.6.G.2

CPC's recommendation is approved.

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 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. 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.

#### 53. Section 4.6.H

CPC's recommendation is approved.

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.

#### 54. Section 4.7.B

CPC's recommendation is approved.

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:

#### 55. Section 4.7.D.2.c

CPC's recommendation is approved.

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.

#### 56. Section 4.8.B

CPC's recommendation is approved with modifications to read as follows:

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: a. The decision of the Director of the Department of Safety and Permits on zoning verifications. b. The decision of the Director of the Department of Safety and Permits on Zoning Ordinance interpretations. c. 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 Ciity" 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.

57. Section 4.8.D

CPC's recommendation is approved.

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. If the application is determined to be incomplete, unripe, 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. 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.

58. Section 4.8.E-4.8.G

CPC's recommendation is approved.

4.8.E Standard of Review Stay of Proceedings 4.8.F Stay of Proceedings Appeals 4.8.G Appeals

59. Section 4.8.E

CPC's recommendation is approved.

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.

60. Section 4.8.F

CPC's recommendation is approved.

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.

61. Section 4.8.G

CPC's recommendation is approved.

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.

62. Section 4.9.D.2

CPC's recommendation is approved.

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).

63. Section 4.9.D.4

CPC's recommendation is approved.

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

64. Section 4.9.D.4.e

CPC's recommendation is approved.

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

65. Section 4.9.E

CPC's recommendation is approved.

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.

66. Section 4.10.E.1

CPC's recommendation is denied and the language originally proposed in Motion M-25-280 is adopted.

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.

67. Section 4.10.F.3

CPC's recommendation is denied and the language originally proposed in Motion M-25-280 is adopted.

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.

68. Section 4.Table

CPC's recommendation is approved.

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

69. Section 19.3.C.2

CPC's recommendation is approved.

~~Prior to the initiation of the City Council motion, the City Council member 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 Council member may designate the requestor to fulfill the Project NPP requirements.~~