

New Orleans
City Planning Commission

**Administrative
Rules, Policies &
Procedures**

Adopted: March 25, 2008

City Planning Commission
Members

Edward J. Robinson, Sr.
Chair

Lester V. Johnson
Vice-Chair

George Amedee

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WHEREAS, under the provisions of the Revised Statutes of Louisiana, Title 33:104, the City Planning Commission is required to adopt rules for the transaction of business; and

WHEREAS, certain administrative policies must be adopted for the orderly handling of Planning and Zoning proposals to insure uniformity of action; and

WHEREAS, it is necessary that these rules, policies and procedures be adopted and made public and available to all Governmental Bodies and citizens,

NOW, THEREFORE BE IT RESOLVED BY THE NEW ORLEANS CITY PLANNING COMMISSION that the following rules, policies and procedures are hereby approved and adopted:

Originally adopted	November 5, 1963
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Amended	January 7, 1981
Amended	May 20, 1981
Amended	September 16, 1981
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CHAPTER I

**ADMINISTRATIVE RULES, POLICES AND PROCEDURES
NEW ORLEANS CITY PLANNING COMMISSION**

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A. MEETINGS

1. Regular Meetings: Time and Place

Regular meetings shall be held on the second and fourth Tuesdays of each month, except when either of these dates falls on a legal holiday, in which case the meeting will be rescheduled in accordance with law. Unless otherwise announced by the Commission, all meetings shall be held in the City Council Chambers, 1st Floor, City Hall, Civic Center, following the conclusion of any scheduled public hearing. The Commission will only permit public comment and discussion at the public hearing. The Commission will not permit discussion or comments by the public at its Zoning or Planning Meeting portion of the meeting, except at the discretion of the Commission since most significant matters before the Commission have previously been submitted to public hearings. Any party seeking to address the Commission should notify the staff which shall present the question to the Commission.

2. Scheduled Meetings

A. Annual Meetings

1. Report of Chair
2. Election of Officers - At the first meeting in July, the Chair and the Vice-Chair shall be elected by a majority of the Commission members present. The Chair shall designate committee Chairs and Vice-Chairs within four weeks of election.
3. Draft Operating Budget Request

B. Second Meeting in January

1. Evaluation of Unclassified Personnel
2. Annual Report

C. Orientation Meeting

assigned to Upon appointment and confirmation of a new Commission member, the Executive Director shall schedule an orientation meeting for which attendance of the Commission member shall be mandatory. Said meeting shall address all charter, statutory and municipal ordinance obligations of the Commission, delineate how the requirements are being met, introduce the personnel accomplish same, and provide the Commission member with a copy of the Commission's Rules, Policies and Procedures.

D. Training

Upon appointment and confirmation of a new Commission member, the Executive Director shall schedule a compulsory training session in accordance with the dictates of Act 859 of the Louisiana Legislature (as applied to La. R.S. 33:101, et seq.)

3. Special Meetings

Special meetings of the Commission may be called by the Chair or Vice-Chair. Upon notification of such a special meeting, the Executive Director shall cause notice by ordinary mail, e-mail, telephone and fax to be dispatched to the address of record of the members not less than 48 hours prior to the date of the special meeting. Such notice shall specify the time and place of meeting and the matters to be presented to the Commission.

4. Open Meetings and Executive Session

All meetings of the City Planning Commission shall be open to the public except that an Executive Session may be held upon the affirmative vote of two-thirds (2/3) of the voting members present taken at an open meeting for which notice has been given pursuant to La. R.S. 42:7. An Executive Session shall be limited to matters allowed to be exempted from discussion at open meetings by La. R.S. 42:6.1; provided, however, that no final or binding action shall be taken during such an Executive Session, nor shall such executive session be used to obviate the purpose of said legislation.

The reason for holding an Executive Session and the vote of each member on the question shall be stated in an open meeting, shall be recorded and shall be entered into the minutes of the meeting.

Executive Sessions may be held for one or more of the following purposes:

1. Discussion of the character, professional competence or physical or mental health of a person, provided that such person is notified in writing at least twenty-four (24) hours before the meeting and that such person may require that such discussion be held at an open meeting. In cases of extraordinary emergency, written notice to such person shall not be required; however, the public body shall give such notice as it deems appropriate and circumstances permit;
2. Strategy sessions or negotiations with respect to collective bargaining or litigation, prospective litigation after formal written demand, or litigation when an open meeting would have a detrimental effect on the bargaining or litigating position of the public body;
3. Discussion regarding the report, development, or course of action regarding

security personnel, plans or devices;

4. Investigation proceedings regarding allegations of misconduct;
5. Cases of extraordinary emergency, which shall be limited to natural disaster, threat of epidemic, civil disturbances, suppression of insurrections, or the repelling of invasions, or other matters of similar magnitude; or
6. Any other matters now provided for or as may be provided for by the Legislature.

A majority of Commission members present may invite or direct the Executive Director, the Deputy Executive Director, and/or the City Attorney or designee as the only non-Commission members to appear at a meeting closed to the public. This provision shall not restrict or impair any rights or exemptions set forth at La. R.S. 42:6.I.

5. Public Notice: Fixed Date: Time and Place of Regular and Special Meetings

Written Public Notice of any regular, special, or rescheduled meeting shall be given no later than twenty-four (24) hours before the meeting. Such notice shall include the agenda, date, time, and place of the meeting, provided that upon approval of two-thirds (2/3) of the members present, the Commission may take up a matter not on the agenda. In cases of extraordinary emergency, notice of the meeting shall not be required; however, the Commission shall give such notice of the meeting as it deems appropriate and circumstances permit.

A copy of the notice shall be posted on the bulletin board located at or near the Planning Commission's office, Suite 9W03, City Hall, Civic Center. A copy of the same notice shall also be provided to any member of the news media who requests same.

6. Voting

A simple majority of the existing members shall constitute a quorum. The affirmative vote of a majority of the existing members shall be required for the passage of any matter before the Commission unless otherwise specified by any other legislation. The failure of a motion to receive a majority of affirmative votes shall constitute no action either for denial or approval. Abstentions shall not be allowed pursuant to the Louisiana Code of Governmental Ethics (La. R.S. 42:1112). In the absence of a quorum at any regular or special meeting, the presiding officer may adjourn same to a later date, which shall be announced as set forth in 5 above.

7. Conduct of Meetings

The Chair, Vice-Chair or, in the absence of both, an acting Chair selected by the members present, shall serve as the presiding officer of all meetings of the City Planning Commission. The Chair may participate in the discussions and shall be recorded as to each agenda item in accordance with 6 above. However, he/she may not make or second a motion without relinquishing the gavel.

8. Parliamentary Procedure

In the absence of any contrary provision in these rules, Roberts' Rules of Order shall prevail.

9. Order of Business

In all meetings, the order of business shall be as described on the Commission's Public Meeting Notice unless the Chair, with the consent of a majority of the members present, elects to change such order of business.

As soon after adjournment as is practical, the Executive Director shall advise the Mayor, the City Council, the news media, and interested persons of decisions reached.

10. Proxy Voting Prohibited

In accord with La. R.S. 42:5, any manner of proxy voting is prohibited.

11. Procedural Questions

The Chair shall rule on all procedural questions, subject to reversal by a two-thirds (2/3) majority of the voting members present.

12. Written Minutes

Written minutes of all open meetings shall be kept and made available for public inspection. Such minutes shall include, but need not be limited to:

- a) the date, time and place of the meeting;
- b) the members of the public body recorded as either present or absent;
- c) the substance of all matters decided, and, at the request of any member, a record by individual member, of any votes taken; and

- d) any other information that the Commission requests be included or reflected in the minutes.

The minutes shall be public records and shall be available within a reasonable time after the meeting except where such disclosures would be inconsistent with La. R.S. 42:6 and R.S. 42:6.1.

13. Submission, Distribution and Public Access

- a) All written reports, studies, analyses, comments, critiques, e-mail messages, statements, petitions, graphs, renderings, drawings, photographs, depictions, maps, charts, and other 2-dimensional and 3-dimensional matters related to docket items shall be submitted to the Commission by the close of business on the Wednesday that precedes the regular meeting. Each submission shall include a specific reference to the docket number.
- b. No material (written matter, photographs, maps, etc.) submitted past the above deadline will be accepted by the Commission or its staff for inclusion in the record. Any such material submitted shall be disposed of and not returned to the submitting party. This provision will not preclude an oral presentation at the regular meeting, subject to temporal constraints otherwise set forth herein.
- c. On the Thursday preceding a regular meeting, the distribution of agenda, staff reports, and associated materials shall be tendered to all Commissioners.
- d. There shall be no public distribution of any preliminary report prior to 9 a.m. on the Friday preceding a regular meeting.
- e. Any member of the public may request and shall be given one (1) copy of any docket matter as of 9 a.m. on the Friday preceding a regular meeting. A copy shall be made available at the office of the Commission through 10 a.m. on the day of the regular meeting.
- f. If the Commission defers a matter for consideration, the deadline for submission of the material shall be similarly deferred within the meaning of the above temporal constraints.

14. Docketing Schedule

The City Planning Commission shall adopt a docketing schedule for all zoning actions requiring public hearings and review by the Commission for recommendation to the City Council. This

schedule shall include docket deadlines, public hearing dates, Commission deadlines and City

Council deadlines. Only complete applications shall be docketed and shall be done so on a first come first serve basis based on availability of staff.

15. Neighborhood Organization Notice

The City Planning Commission shall maintain a central registry of interested neighborhood associations and organizations that may be advised of the docketing of any application for public hearing in a zoning or subdivision matter to be considered by the Commission. The association or organization (1) shall maintain an accurate and updated e-mail address to which the information may be distributed, and (2) shall advise as to particular specific zip code(s) for geographic inclusion. In order to deal efficiently with these matters, when an application for public hearing in a zoning or subdivision matter has been filed, notice of same may be timely distributed within one (1) week of the docketing of the completed application. The organization or association will have the burden to familiarize itself with the appropriate rules, policies and procedures and to seek additional information from the applicant(s) as may be desired. This provision shall be effective January 1, 2006.

16. Attendance Policy

Absent exigent circumstances, it is expected that Commission members will attend a minimum of 75% of Commission meetings during a calendar year. If a Commission member is unable to attend a Commission or a committee meeting, he/she should advise the Executive Director or Committee Chair, respectively, as soon as practicable and at least one day in advance. The Executive Director shall maintain a roll of attendance and forward same to the Mayor and all Commission members in January of each year.

B. GENERAL RULES

1. Ex Parte Contacts

- a. Commission members shall not permit interviews, formal or informal, written or verbal, with any interested party, elected official, developer or applicant relative to a case before the Commission. These Ex Parte contacts are improper or give the appearance of impropriety, since all interested parties are not included.
- b. No member of the Commission shall permit interviews, either formal or informal, written or verbal, to any petitioner or to any representative of such party or parties or to any individuals, or group, nor shall any Commission member or members in any way pledge himself/herself to such party or group or in any way express themselves to such party or group prior to a required public hearing or prior to the Commission meeting at which time the matter will be considered.
- c. This shall not preclude the discussion by members of procedural or other matters unrelated to the merits of a proposal awaiting Commission consideration.

2. Reconsideration

Except as otherwise precluded by temporal deadlines, a vote or a question may be reconsidered at any time during the same meeting or at the first or second regular or special meeting held thereafter if:

- a. Circumstances and conditions have substantially changed since its original consideration, or
- b. Inaccurate data was contained in the report on the matter, or
- c. Additional relevant information has been presented since its original consideration, or
- d. Any other valid reason.

The Planning Commission shall by official action determine whether or not the matter is eligible for reconsideration in accordance with the above. If the Commission determines, by a simple majority vote that the reconsideration is warranted, the Commission shall reconsider its prior action.

C. ETHICAL PROCEDURES

Commission members shall conduct themselves in accordance with the City Charter, the Code of Ethics for the City of New Orleans (Ordinance No. 16,413 M.C.S.) and the State Ethics Code (La. R.S. 42:1101, et seq.). Each Commission member shall, within 60 days of his/her appointment to the Commission, submit a sworn financial statement on the form prescribed by the City Attorney.

The affidavit shall contain a listing of real property owned, which shall be described by lot and square number. The affidavit shall contain a reference to the percentage of the property owned by the Commission member (i.e., 100%, 50%, 33 1/3%, etc.). The affidavit shall also contain the name and location of any corporation, company, partnership, or business in which the member is a principal stock holder or a principal in general. The affidavit shall also contain a statement reflecting his/her percentage of ownership of such company, corporation, partnership or business, (i.e., 100% stock holder, 50% stock holder, or 10% stock holder, etc.).

The above shall not apply in those instances where the ownership or portion of ownership is minimal (1% or less) and where the exercise of such ownership or voting rights would not have a significant impact on the functions of the company, corporation, partnership, or business, (e.g., it would not be necessary to report, minimal stockholding in American Telephone and Telegraph Company, General Motors, or some comparable body or business structure wherein a small percentage of stock ownership would be considered minimal).

The foregoing suggests that the financial interest be stated in terms of percentages since any effort to state it otherwise could conceivably require the continued refiling of affidavits as changes occur in land values, the stock market, or reevaluation of holdings.

In the event that additional properties, or ownership interest(s) are acquired by any member of the Commission, he/she shall submit an amendment to this affidavit within 30 days of the date of said acquisition. In this instance, it is not deemed appropriate that an affidavit be filed indicating the amount of money or financial interest involved, since most professional organizations have adopted fee schedules which are used as guidelines for establishing contracts and such fee schedules are available to the public. Furthermore, it is not deemed appropriate to file an affidavit setting forth the specific amount since strict compliance with the Code of Ethics would work an undue and unnecessary burden to the members of the Commission. Frequently, the professional fee related to any subject is determined by the ultimate cost of the service being rendered by the professional in question. This would mean that it could be necessary for the members of the Commission to file an amendatory affidavit on each project in which he/she might be associated in a professional manager, and would render an undue and unnecessary burden, i.e., usually the fee for legal, engineering, or architectural services cannot finally be determined until such time as a building is completed or all possible court suits have been

resolved. This could mean that an architect or engineer would be required to file an estimate of what the anticipated fee might be, and then to revise this estimate each and every time that there might occur an increase or decrease as well as filing a final amendatory affidavit each and every time that the matter might be pursued in the courts or appealed to a higher court. Furthermore, should any Commission member file an affidavit specifically setting forth the amount of a contract at any given time, a serious question could arise in relation to violating a client-professional relationship involving privileged information.

The foregoing shall not apply in those instances where a member of the Commission, as an individual or as a representative of the Commission, as an individual or as a representative of a corporate body, partnership, company, and/or business, responds in a ministerial manner to matters which may be placed before the City Planning Commission. These include such instances where services being rendered to the property owner are minimal or ministerial such as a lawyer acting in the capacity of a Notary Public, owner of a pest control company which offers services to a property owner such as "\$5.00" monthly fee for property treatment, architects who sell or lend plans to another architect who utilizes such in preparation of materials being presented to the Commission, or an engineer who renders specialized advice to other professionals who in turn might use this specialized advice in preparing materials for presentations to the Commission.

D. OFFICERS

The officers of the City Planning Commission shall consist of a Chair and a Vice-Chair. The offices of Chair and Vice-Chair shall be filled by a Commission member after a duly authorized election which shall be held at the annual meeting of the Commission, as required by appropriate statute and law. The Chair and Vice-Chair shall serve a term of one (1) year and may, if duly elected by the members, succeed themselves.

E. STAFF

Within the limitations of its approved Budget, the City Planning Commission may employ suitable personnel to serve the Commission in carrying out its duties and responsibilities. All such personnel so employed, with the exception of the many unclassified personnel, shall be employed from the personnel registers of the City Civil Service Commission.

1. Executive Director, Deputy Executive Director

The Commission may appoint a Director and/or other authorized unclassified staff who shall serve at its pleasure. The Executive Director shall carry out all duties assigned him/her by the Commission. The Executive Director may delegate the authority to execute documents on behalf of the Commission to any unclassified staff and/or a Planning Administrator if in his/her determination such delegation will expedite the functions and responsibilities of the Commission.

2. Official Communications

The Executive Director shall be the Commission's Official Agent to receive and respond to the Official Communications.

3. Discretionary Authority of the Executive Director

- A. The Executive Director shall have the authority to certify or approve subdivision requests, subject to ratification by the Commission, as set forth out in "Item J – Subdivision Administration" of this document and the adopted "Subdivision Regulations," by reference.
- B. The Executive Director shall have the following authority, subject to later ratification by the Commission, relative to recommendations to the City Council on Capital Budget Calendar Ordinances.
 - 1. Make recommendations on Ordinances dealing only with accounting matters.
 - 2. Make recommendations on Ordinances relative to the shifting of funds between projects previously approved by the Commission.
 - 3. Make recommendations on emergency Ordinances where time delays could invalidate contracts or jeopardize the receipt of funds.

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- C. The Executive Director shall have the following authority, subject to later ratification by the Commission, relative to all other Calendar Ordinances not involving the Capital Budget.
1. Make recommendations to the City Council when time does not permit prior Commission consideration.
- D. The Executive Director shall have the following authority, subject to later ratification by the Commission, relative to recommendation on Environmental Reviews:
1. Make recommendations on projects for operational purposes only.
 2. Make recommendations on previously approved ongoing projects.
- E. The Executive Director shall have the authority to recommend approval or denial in accordance with facade donations which are referred to the Commission for recommendation by the Vieux Carre= Commission in accordance with Section 5-402 and Section 6-302 (3) of the City Charter. The Executive Director=s action shall be subject to later ratification by the Commission and shall be made pursuant to the following:
1. An application to be submitted to the Vieux Carre= Commission.
 2. The Vieux Carre= Commission shall determine that the proposed Afacade donation” is in furtherance of the preservation and character of the Vieux Carre=.
 3. Such application will be reviewed and a determination made by the Vieux Carre= Commission of the necessary improvements to the facade, for the maintenance or reconstruction necessary for historic restoration.
 4. The Vieux Carre= Commission shall review the application and prepare a specific list of performance requirements.
 5. The applicant shall submit the following:
 - a. Rehabilitation proposal which specifically delineates the proposed facade donation;
 - b. Consent of the mortgage holder in the event there is an existing

mortgage on the property;

- c. Evidence of the establishment of an escrow account sufficient to cover the cost of renovations with the Vieux Carre= Commission being co-signer to said account. A performance bond or an actual work contract may be accepted in lieu thereof.
6. Insurance shall be placed on the premises wherein the City shall be named co-insured and held free of any liability for any damages to the premises or to any third party, resulting from actions or negligence of the donor or property owner.
 7. The amount of said insurance shall be determined to be satisfactory by the Vieux Carre= Commission and may be adjusted annually as the need of coverage may vary.
 8. The Vieux Carre= Commission shall certify to the Mayor, City Council, Board of City Trusts and City Planning Commission that all of the above requirements have been fulfilled and shall submit documentation thereof.
 9. The City Attorney shall determine that all legal documents are adequate and in compliance with applicable laws.
- F. The Executive Director or Staff shall have the authority to make recommendations or express his/her professional opinion upon the request of the Mayor, Council or other governmental agency or representative; however, his/her actions should be consistent, where feasible, with prior Commission policy.
- G. The Executive Director shall have the following authority to express his/her personal professional opinion to the City Council:
1. On matters upon which the Commission has acted.
 2. On matters upon which the Commission has failed to act.

F. COMMITTEES

1. City Planning Commission Committees

The Chair shall appoint all members of all committees and members may be reassigned at his/her discretion. No committee may consist of more than four members. Any committees so appointed shall have its duties set forth by the Chair. The Chair shall have the authority to appoint committees as necessary for either designated or undesignated terms in order to facilitate the Commission's business. The Chair shall appoint one member as Chair of such committee(s).

1. Meetings of Committees: All committees shall meet at the call of the Committee Chair, provided that the Chair of the City Planning Commission may request the Committee Chair to call a special meeting of any committee at any time upon such notice as he/she may specify and in the event of non-compliance may issue the call in his/her name. The Executive Director shall issue notice of the committee meetings at the request of the Committee Chair. All meetings shall be held in accordance with the provisions of Section I Rules, Paragraph I Meetings, Items 2, 3, 4, 6, 7, 8, Paragraph I only, 10, and II.
2. Cooperation with Interested Groups: When thought to be helpful, the Chair of any committee may request the Executive Director to invite any interested party to appear before the committee.

2. Design Advisory Committee

The Design Advisory Committee was established in accordance with CAO Policy Memorandum #29 (revised) and by action of the Commission to review and approve design aspects of public construction projects.

- A. Members of the Committee shall include the following individuals or their designees:

Chair: Executive Director of City Planning Commission

Vice Chair: Capital Projects Administrator

Planning Administrator of the City Planning Commission

Director of the Historic District Landmarks Commission

Chief Landscape Architect the Department of Parks and Parkways

Others - by invitation of the Committee as warranted by the specifics of the project in question, such as representatives of the user-agency, the project designer, etc.

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- B. The Design Advisory Committee shall address design issues on proposed public projects at stages early enough to effect good design and long range planning according to the following criteria:
1. User needs
 2. Low maintenance/high quality material
 3. Low maintenance design
 4. Energy conservation in design and maintenance
 5. Regional expression in architectural prototypes
- C. Design Advisory Committee Organization:
1. It shall hold regular meetings enabling review of all projects within its purview in a timely manner. The schedule will be set so as to avoid conflicts with the official meetings of each department involved if possible.
 2. Design/construction documents will be made available at the time of the site visit, or may be viewed by appointment in the Capital Project Administration Office upon request to the project administrator.
 3. Conducting Meetings
 - a. Parliamentary Procedure will prevail as per Roberts' Rules of Order.
 - b. Field visits will be made by the Committee as a group, when possible;
 - c. Attendance will be recorded;
 - d. Agenda will be sent to all Committee members in advance, briefly describing the proposed projects to be reviewed.
 - e. Office meetings will be made after field visits so the Committee can discuss and formulate preliminary design comments.
 - f. The site visit agenda will serve as the office meeting agenda as well.
 - g. A copy of the review documents for each project will be presented by the project administrator for group review and comment.
 - h. A written record of these comments will be made, and copies distributed to all committee members, as well as the applicable project administrator, as the official recommendations of the Committee.
 - i. This Committee will only meet for Preliminary Design input. All

subsequent reviews will be made from each department to the applicable project administrator.

- D. This Committee will review all projects originating from:
1. Aviation Board
 2. City Park Corporation
 3. Dock Board
 4. Exhibition Hall Authority
 5. French Market Corporation
 6. Levee Board
 7. Louisiana Superdome and Exhibition Hall Authority
 8. Mayor=s Office
 9. Museum Board
 10. Non-Street bond Projects (funded after December 1988)
 11. School Board
 12. Sewerage and Water Board
 13. Department of Public Works (funded after December 1988)
 14. Upper Pontalba Corporation
- E. The Committee shall also review all requests for handicapped ramps on public sidewalks or public rights-of-way, prior to the review by the Planning Advisory Committee, to determine:
1. If there is a hardship warranting the placement of the ramp on public property rather than on private property; and
 2. If the request is an unreasonable encumbrance of City property.

3. Planning Advisory Committee:

On March 29, 1950, the Planning and Zoning Committee (a.k.a. City Planning Commission) authorized the formation of a Planning Advisory Committee (PAC) for the purpose of assisting the Executive Director of the Commission in the preparation of reports required as part of the Commission's official duties, including but not limited to reports pertaining to the Major Street Plan, the creation of new streets, the closing of existing streets, acquisition and disposition of public property, and subdivision regulations.

The PAC was formed to meet and advise on such technical issues, thereby gaining the mutual benefit of a coordinated opinion, which would work in the best interest of the City and the general public as a whole.

The purpose of the Committee was to eliminate duplicated efforts, which occurred when a proposed project was sent to the various departments for comment on an individual basis, and to assist the public in determining the necessary department/agencies to meet with to resolve any technical problems that may need to be discussed/solved prior to consideration by the City Planning Commission.

The Planning Commission has such a right given to it by State Act, Section 110, which is as follows:

“Miscellaneous Powers and Duties of Commission...It shall be part of its duties to consult and advise with public official and agencies, public utility companies, civic, educational, professional and other organizations, and with citizens with relation to the protecting, or carrying out of a plan...In general a Commission shall have such powers as may be necessary to enable it to fulfill its functions, promote planning and it all respects carry out the purpose of this Act.”

A. Membership:

1. Voting Members: shall include the Executive Directors of the following departments/agencies or their designees:

Chief Administrative Office – Capital Projects Administration
Department of Property Management – Division of Real Estate and
Records
City Planning Commission
Department of Public Works
Sewerage and Water Board
Department of Safety and Permits
Sanitation Department
Department of Parks and Parkways
New Orleans Recreation Department
New Orleans Fire Department
Historic District Landmarks Commission
Vieux Carre Commission
Orleans Parish School Board
Entergy

2. Non-Voting Members – All other City departments/agencies and allied agencies (i.e. Levee Board, Port, DDD etc.) are encourage to attend PAC meetings, especially when there are items which may directly impact their agencies. They will be welcome to voice their concerns and engage in discussion of the agenda items, but will not be voting members.
- B. The PAC shall address issues of technical compliance with the rules, regulations, and laws governing the various City Departments/Agencies at stages early enough to make timely recommendations to the City Planning Commission, City Council, or agency/department with appropriate jurisdiction, where required.
1. Meeting Schedule:
 - a. The PAC shall hold regular meetings enabling the review of all projects within its purview in a timely manner. The schedule will be set so as to avoid conflicts with the official meeting of each department involved, if possible.
 - b. A special meeting may be called by the PAC Chair, or the City Planning Commission, upon 48 hour notification, in writing, to the voting members of the Committee, along with the appropriate review materials.
 2. Conducting Meetings
 - a. Parliamentary Procedure will prevail as per Robert=s Rules of Order.
 - b. Attendance will be recorded;
 - c. An agenda with maps, drawings, surveys, plans, pictures, etc., will be sent to all Committee voting members in advance, briefly describing the proposed projects to be reviewed.
 - d. Minutes of the meeting will be recorded and copies distributed to all committee members in a timely period;
 3. Election of Officers

Election of the PAC Chair and Vice Chair shall occur annually during the month of January at one of the two (2) regularly scheduled meetings, and shall require a majority vote of the voting members present at that meeting.

G. COMMISSION POLICIES

1. New Century New Orleans Policy Document

The New Century New Orleans Policy document sets forth the position of the City Planning Commission regarding Land Use Policy. Every action (zoning docket, land use report, etc.) proposed to the Commission by the Staff must include a section which discusses how the action is supported by or is in conflict with a particular policy (or policies) of the New Century New Orleans Policy Plan. If the Commission disagrees with the interpretation of any such policy, it should include in its motion how the Commissioners think the particular policy or strategy should be interpreted. This interpretation shall become a permanent point of the New Century New Orleans Policy Plan.

2. Local Renaissance District Policy

A. Purpose

The Local Renaissance District is intended as a means for residents and property owners to participate in the initiation and implementation of programs for the revitalization of neighborhoods. The district takes effect through the adoption of a strategic plan and set of regulations called the Strategic Neighborhood Renaissance Plan (the Strategic Plan), specifically intended, in each case, to establish a vision for the community, to facilitate maintenance and upgrading of the neighborhood, to encourage development of vacant or under-utilized property, and to ameliorate the adverse effects of incompatible mixtures of uses. Furthermore, the Strategic Plan shall encourage neighborhood residents and property owners to participate in this process, to take positive steps for the improvement of the neighborhood, and to assist in the evolution of the Strategic Plan.

B. Local Renaissance District

In any Local Renaissance District, the regulations governing the uses of land and structures, the height of buildings and requirements for lot area, width and yards, shall be as set forth in the underlying zoning district except as may be expressly modified by the Strategic Plan for that district. There shall be a separate and specific Strategic Neighborhood Renaissance Plan for each Local Renaissance District. The identification of a Local Renaissance District does not introduce a separate overlay zoning district. Rather, the designation provides the City Council, the City Planning Commission, and the neighborhood the appropriate platform in which to enter into a covenant that acknowledges a specific vision which is manifested in the Strategic Plan.

C. Initiation of a Local Renaissance District

The City Council, the City Planning Commission, or the neighborhood association(s) may request the initiation of a Local Renaissance District. Preliminary boundaries shall be natural or rectangular in configuration, subject to City Planning Commission approval. The proposed study area shall possess the following attributes in order to warrant investigation: definable neighborhood associations, and community deterioration or development trends that negatively affect the neighborhood

D. Preparation of the Strategic Neighborhood Renaissance Plan

Upon initiation of proceedings as set forth in Subsection B, the City Planning Commission staff with the assistance of neighborhood representatives shall prepare a preliminary plan to include the following:

1. Neighborhood history and evolution (residential and commercial);
2. Land use inventory;
3. Description of housing; existing, new development and maintenance;
4. Inventory of built environmental characteristics;
5. Lot size and configuration;
6. Open space and recreation;
7. Commercial development revitalization;
8. Circulation/transportation; and
9. Capital improvement needs.

The Staff shall consider previously adopted neighborhood studies, as well as any neighborhood planning efforts in the preparation of the preliminary plan. After the preliminary plan is completed, the City Planning Commission staff shall then participate in community discussions via public meetings, as well as additional stakeholder discussions, to assist the community in shaping a specific vision and to formulate guidelines for the neighborhood. The staff may hold a number of meetings with the public to ensure a thorough translation of the community=s ideas into the Strategic Plan.

The City Planning Commission shall prepare the Strategic Plan consisting of a detailed plan of land uses and related regulations in substantial conformity with the New Century New Orleans Master Policy Plan and any other prevailing, adopted plans. The Strategic Plan shall be completed prior to the designation of the Local Renaissance District. No Strategic Plan shall be approved by the City Council until after a recommendation thereon has been made by the City Planning Commission. The Strategic Plan records neighborhood-specific visions and policies to promote the well being of the neighborhood. The Strategic Plan shall consist of the following elements:

1. Changes, if any, to permitted land uses within the Local Renaissance

District;

2. Alterations, if any, to density, coverage, height, and other requirements applicable to buildings or structures;
3. Regulations for the remodeling of existing buildings and structures, application of performance standards, and application of site plan review procedures;
4. Description of social services needed in the area;
5. Delineation of capital improvements proposed by all public agencies and utilities in the area; and
6. Designation of a Neighborhood Monitoring Committee to oversee the effectiveness of the plan.

D. Designation of the Local Renaissance District

1. Upon completion of the Strategic Plan, the City Planning Commission shall:
 - a. Reproduce and distribute the plan in the proposed district.
 - b. Set a date for a public hearing(s) on the plan and designation of the District and post notice of such hearing.
2. Upon completion of the public hearing, the City Planning Commission may recommend to the City Council the adoption or modification of the Strategic Plan, and recommend designation of the Local Renaissance District, provided it shall find:
 - a. That the Strategic Neighborhood Renaissance Plan is in substantial conformity with the New Century New Orleans Master Policy Plan and any other prevailing, adopted plans; and
 - b. That there exists within the boundaries of the proposed Local Renaissance District substantial support for the provisions of the Strategic Neighborhood Renaissance Plan and the designation of the Local Renaissance District.
 - c. Should the Planning Commission be unable to make these two (2) findings, it shall have the discretion to either remand the Strategic

Neighborhood Renaissance Plan to the staff for further study, or forward the application to the City Council for action.

E. Implementation

Upon City Council approval of the Local Renaissance District designation and its accompanying Strategic Neighborhood Renaissance Plan, a Neighborhood Monitoring Committee shall be established with participation from the neighborhood association(s) and the City Planning Commission staff member. The Committee shall be charged with the following duties:

1. Monitor the effectiveness of the Strategic Plan;
2. Recommend changes to the City Planning Commission that allow the Strategic Plan to evolve to meet the changing needs of the community resulting from the dynamic forces affecting it. All changes to the Strategic Neighborhood Renaissance Plan shall be approved by the City Planning Commission; and
3. Report to the District Councilmember on the results of the Committee's findings regarding E1 and E2 above. The Committee shall submit an annual report, but may also present information on an interim basis should circumstances warrant further communication with the District Councilmember.

3. Policy for City Purchase of Land and for Disposition of City Immovable Public Property

The following is the City Planning Commission's policy that establishes procedures for review and consideration of the purchase and disposition of immovable public property as required by the City Charter Sections 6-302 and 6-306.

A. Submittal Requirements

1. The proposal shall include the submittal of a completed routing form that can be secured from either the Division of Real Estate and Records or the City Planning Commission staff, and a written letter from the public department or agency if it involves City acquisition. The Division of Real Estate and Records shall provide verification of ownership according to their records;
2. Two copies of maps (including any surveys, square maps, maps or attachments) shall be submitted for review to the staff of the City Planning Commission. An additional 27 copies of a scaled plan such as a survey plan, Sanborn map, or

square maps must be submitted for the Planning Advisory Committee review;

3. A Traffic Impact Analysis (TIA) in accordance with Article 6, Section 6.12 of the Comprehensive Zoning Ordinance shall be required for any request involving the closure of an existing (improved) street and may also be required for any parcel considered to be buildable with more than 2,700 square feet in total area. Any request involving the closure of an improved public street must indicate a reuse or redevelopment proposal. A copy of the TIA must be submitted directly to the Department of Public Works and the City Planning Commission offices prior to the scheduled Planning Advisory Committee meeting;

4. A list of all adjacent and abutting property owners surrounding the proposed site/street shall be submitted. The adjacent property owners shall include, at a minimum, all properties on both side of any street on which the property abuts and if located on a corner, shall include all corner properties found at that particular intersection. The abutting owners shall include any properties touching the subject street/site. The information may be researched in the Division of Real Estate and Records (Room 5W06);

5. Any other written or graphic material that may be considered necessary or desirable to aid the decision of the City Planning Commission. This may include but is not limited to the following: historical information, development plans, photos, etc.

B. Procedures

1. The Division of Real Estate and Records shall initiate all requests and shall bring all proposals before the Planning Advisory Committee for consideration.

2. All requests shall be considered by the Commission within 45 days of receipt in complete form by the City Planning Commission staff.

3. All adjacent and abutting property owners shall be notified by mail within 10 days of the proposed consideration date.

4. If a public hearing is required, a newspaper advertisement shall be run in the official journal for 3 days prior to consideration.

5. The City Planning Commission shall receive a copy of the letter which informs the applicant is the property is available for sale from the Division and Real Estate and Records and the advice of the Planning Advisory Committee, prior to

consideration.

6. A City Planning Commission staff report shall be generated for the advertised date for CPC consideration;
7. The City Planning Commission shall render a decision within 45 days of its first consideration. The decision and accompanying report shall be forwarded to the Mayor and the Division of Real Estate and Records for consideration.

C. Public Hearing

1. A public hearing shall be required for all buildable properties as defined by the Comprehensive Zoning Ordinance and for all closures of existing streets and the creation of new streets.
2. A public hearing will not be required for those properties which have been previously consider through the public hearing procedure established for the subdivision of land or for a capital project that is already a part of a currently adopted Five-Year Capital Plan unless there has been substantial change to the project as a result of this land purchase.

D. Criteria for Evaluation

1. Appropriateness of current zoning and compliance with the 1999 Land Use Plan;
2. Impact of purchase on adjacent properties and surrounding area;
3. Traffic Impact (as necessary) and issue of public purpose, service or safety;
4. Advise of the Planning Advisory Committee;
5. Potential future public use of property;
6. Compliance with the Capital Improvement Plan;
7. Street naming policy (for the naming of new streets);
8. Any other applicable CPC policies or small area or special studies.

4. Street Naming Policy

The Street Naming Policy was adopted by the City Planning Commission in November of 1994, formalizing an unwritten policy that had been utilized since the 1970's for the renaming of

dedicated streets within the City of New Orleans.

A. Goals and Objectives

1. Preserve historic and significant street names that add to the area’s cultural, architectural, and historic ambience;
2. Maintain the continuity of street names throughout the City. All street names will remain as a single continuous entity and not fragmented by the utilization of additional names along the length of the street. No fragmentation of names should occur;
3. Simplify the map reading process for everyone, but especially those agencies and services charged with public protection: fire, police, ambulance and 911 services;
4. Assist the applicant through the proper renaming procedure for those streets considered by different city agencies eligible for renaming. There are street names that due to name duplication, similarity in spelling, or other reasons, would be eligible or appropriate for renaming; and
5. Provide a medium or process thorough which approved new street names could be added to a city list.

B. Procedure

1. All requests must be channeled through the respective Councilmember. A written request must be sent to the appropriate Councilmember who in turn will request that the City Planning Commission and the Department of Public Works review the proposal;
2. The applicant must seek written approval from at least eighty percent (80%) of property owners and/or residents (including renters) living on the affected street. This must be accomplished in the form of a formal petition describing the change and why it is being sought. Completed copies of the petition must be submitted to the appropriate Councilmember and City Planning Commission staff before resolution or ordinance can be introduced to the City Council for consideration.

The Councilmember may deny the request prior to putting it on the Council agenda;

3. The City Planning Commission staff will place the proposed change before the Planning Advisory Committee (PAC) for consideration. All names listed on the

petition will be notified of the PAC meeting date. The CPC staff will forward the request to the City Planning Commission for review. The City Planning Commission and staff may recommend denial of this request and recommend that the Councilmember deny the proposal;

4. The City Planning Commission's recommendation is forwarded to the Councilmember;
5. Upon approval, the Councilmember will instruct the Council Research Office with assistance from the Planning Commission to draft and introduce the appropriate ordinance making the name change;
6. The Calendar Ordinance shall lay over 21 days for public review after which time City Council may adopted the ordinance;
7. Upon approval of the renaming ordinance, the staffs of the City Planning Commission and the Clerk of Council shall notify all public and emergency assistance agencies, as well as all public and private utilities.
8. The City Planning Commission staff will amend all official city base maps accordingly;
9. The Police Department will be notified of the change, since they are responsible for the designating of individuals codes to all city streets. The Police Department will be requested to provide the new street name with a new Street Code

Number;

10. The applicant will be responsible for paying the cost incurred for the removal of the old street signs, and the printing and installation cost of the new signs.

C. Evaluation Criteria

1. Streets may be named after historically significant actions, as part of a theme, or after a person who has made a demonstrable and significant positive impact on City, State or Country. The only requirement being that the person honored must be deceased for at least 5 years. This reduces any perception of misconduct, favoritism or bias.
2. Should a proposed street change be located in a historic district (National or Local), the appropriate historic agencies must be contacted and their recommendation sought. The Historic District Landmarks Commission (HDLC) or the Vieux Carre Commission must approve the recommended name change, if the area falls within its jurisdiction.

3. All street renaming will occur in such a manner that the original street name will remain as a single continuous entity. No fragmentation of the name will be permitted. It is preferred that the street be renamed in a section that is physically obstructed from the rest by such structures as buildings, parks, canals, interstates, rivers, bayous, etc...
4. It is also preferable to rename duplicate streets. Streets are considered duplicate even if their suffix (Street, Road, Circle, Boulevard, etc...) is different, or they have similar spelling (Claire Avenue and Clare Court) or pronunciation (Rayne Drive or Reynes Street).
5. Maintain clarity among users including but not limited to: NOPD, NOFD, Department of Public Works, Sewerage and Water Board, Entergy, Assessors, Emergency Preparedness, 911, and U.S. Postal Service.

D. Information Required on Petition

1. Name of Person or Groups requesting the street name change
2. Contact Person and Address
3. Councilmember and Council District
4. Location of street and total length to be affected, number of blocks, bounding streets
5. Total number of lots affected by proposal
6. Total number of residential, commercial or industrial uses to be affected by proposal
7. Proposed Street Name
8. Reason for the change
9. Names and Addresses of Signatures

4. Guidelines and Procedures for “Fifteen Year Plan” required of Cellular/PCS Providers

A. Content

1. The Plan shall include a written description of the general characteristics of the

system and its typical facilities. Illustrations should be included where appropriate (for instance, it is helpful to know the typical separation between the provider's antennae and others on the same pole, and to know the typical minimum panel size or features for antennae).

2. The Plan shall include a summary, which may be contained on a map, of the type and location (including address) of all existing or pending monopole and tower facilities within the parish, including whether or not a facility is a co-location. Preferably, the Plan shall include the location/address of all types of facilities.

* "Pending" shall mean those sites under lease, in facility design, or anticipated within the next 1-2 years (and these latter site can be indicated more generally on the map).

3. The Plan shall describe the criteria used to locate new facilities, provide a best estimate of the total number of future monopoles and towers over the fifteen year timeframe, and describe briefly the rationale for that projected number.

B. Procedures

1. Three copies of the Plan (including any maps or attachments) shall be submitted for review and approval by the Executive Director of the City Planning Commission. One approved copy shall be retained in CPC files, one shall be forwarded to the Zoning Administrator of the Department of Safety and Permits, and a stamped copy retained by the applicant.
2. In accordance with Article 16, Section 16.9.9 (items 1 and 2), appeal of the decision of the Executive Director may be made to the City Planning Commission, and appeal of the Planning Commission decision may be made to the City Council.
3. The City Planning Commission shall work with the Department of Safety and Permits to develop a data bank based on approved plans, to help identify co-location opportunities and to determine future compliance with landscaping standards.

C. Updates

1. Providers must update the Fifteen Year Plan when new monopoles or towers are proposed that have not been previously identified by area or specific location on the approved plan;

2. The City Planning Commission may require the carrier to submit an update to an existing Fifteen Year Plan if there has been no other requested change over any two year period.
3. Any update must provide the information required by the policy in effect at the submitted of the update.

H. PUBLIC HEARINGS

The City Planning Commission is required by public law (La. R.S.33:103, 33:113, and 33:4724) to hold public hearings prior to the adoption of a Comprehensive Plan, or a portion of the Comprehensive Plan, for the approval or disapproval of a subdivision request, and for proposals to amend the Comprehensive Zoning Law. Copies of public hearing rules are included in the Appendix to this document.

1. Public Hearings on Comprehensive Plan

The City Planning Commission, in a regular or special meeting, shall authorize the calling of a public hearing for purpose of considering the adoption of a Comprehensive Plan or portion thereof. At the time of authorization for the public hearing, specific public hearing rules shall be adopted, by the Commission, governing the conduct of the public hearing. These rules shall provide that the Chair, Vice-Chair, or presiding Commission member, set forth at the time of the hearing, the rules adopted by the Commission for public hearing. These rules shall consist of, but not be limited to, a statement on behalf of the Commission concerning the proposal being considered at the public hearing. Equal time allocations will be allowed for both proponents and opponents. Further, a specified time period will be allowed authorizing the filing with the Commission of any additional documents, maps, or other data relating to the proposal.

2. Public Hearings on Subdivision Proposals

Public Hearings on subdivision proposals can be held by a representative of the Commission or its Staff. Such hearings shall consists of a statement concerning the subdivision proposal by the Commission=s representative(s) after which all interested parties will be heard. Documents and testimony from all parties will be confined to the subdivision proposal and no discussion of personalities shall be indulged in by either side.

3. Public Hearing on Zoning Amendments

Zoning public hearings, conducted by the City Planning Commission, shall consist of the reading of the public hearing rules at the time that the hearing is convened. Subsequent to the reading of these rules, a statement will be made to those in attendance, regarding the location and character of the proposal under consideration. Opponents and proponents will be allowed an equal period of time to present their views on the zoning matter being considered. Proponents will be allowed a brief rebuttal period. Opponents will not be allowed a rebuttal period. Comments by both proponents and opponents shall be confined to essential points bearing on the desirability or undesirability of the zoning proposal. Discussion of personalities shall not be indulged in by either side and such procedure shall be sufficient cause for the presiding Commission member to stop the speaker from further argument. No questions shall be directed to the speaker without consent of the presiding Commission member.

4. Formal Public Hearing on Public Housing Proposals

The City Planning Commission hereby authorizes the Executive Director to call a formal hearing, at his or her discretion, on such proposals which a thorough staff review has shown to be in general compliance with the intent of the Commission's Public Housing Policies and Guidelines and with the appropriate District Regulations of the Zoning Regulations. The Executive Director shall submit to the Commission for its consideration and authorization of a public hearing any proposals which require a wide variation of the Subdivision Regulations or Zoning Ordinance, regardless of whether waivers have been secured from the Board of Zoning Adjustments. Such hearings conducted by the City Planning Commission shall consist of the reading of the public hearing rules at the time that the hearing is convened. Subsequent to the reading of these rules a statement will be made to those in attendance regarding the location and character of the proposal under consideration. Opponents and proponents will be allowed an equal period of time to present their views on the public housing proposal being considered. Proponents will be allowed a brief rebuttal period. Opponents will not be allowed a rebuttal period. Comments of both proponents and opponents shall be confined to essential points hearing on the public housing proposal. Discussion of personalities shall not be indulged in by either side and such procedure shall be sufficient cause for the presiding Commission member to stop the speaker from further argument. No question shall be directed to the speaker without consent of the presiding Commission member.

5. Informal Public Hearings on Public Housing Proposals.

Informal Public Hearings on Public Housing Proposals conducted by the City Planning Commission according to the procedures contained herein shall consist of the reading of

the informal public hearing rules at the time that the hearing is convened. Subsequent to the reading of these rules, a statement will be made to those in attendance, regarding the location and character of the proposal under consideration. Opponents and proponents, will be allowed an equal period of time to present their views on the public housing proposal being considered. Proponents will be allowed a brief rebuttal period. Opponents will not be allowed a rebuttal period. Comments by both proponents and opponents shall be confined to essential points bearing on the public housing proposal. Discussion of personalities shall not be indulged in by either side and such procedure shall be sufficient cause for the presiding Commission member to stop the speaker from further argument. No question shall be directed to the speaker without consent of the presiding Commission member.

I. PUBLIC HEARING RULES

1. Public Hearing Rules for Subdivisions

The City Planning Commission, in accordance with its Adopted Rules, Policies and Procedures, has authorized its Staff to hold hearings on subdivision of land.

- 1st A statement setting forth the proposal will be made by the Staff after which all interested parties will be heard.
- 2nd Before speaking on the proposal, each person shall give his or her name and address and state whom he or she is representing.
- 3rd Proponents for the proposal will speak first and a period of 10 minutes will be allowed.
- 4th Opponents or other interested parties will speak second and a period of 15 minutes will be allowed.
- 5th Proponents will be allowed period of 5 minutes for rebuttal. Opponents will not be allowed to rebut.
- 6th This procedure shall be followed except at such time when the presiding officer shall, with the approval of the Commission members present, extend such time.

2. City Planning Commission of New Orleans – Formal Public Hearing Rules

The City Planning Commission of the City of New Orleans has established certain rules governing the procedure to be followed at Public Hearings.

- 1st Before speaking on the proposal, each person shall give his or her name and address and state whom he or she is representing.
- 2nd Proponents for the proposal shall speak first for a total of 10 minutes. Each speaker shall be allowed a maximum of two (2) minutes.
- 3rd Opponents or other interested parties will speak second for a total period of 16 minutes. Each speaker shall have a maximum of two (2) minutes.

- 4th Proponents will be allowed a total period of six (6) minutes for rebuttal. Each speaker shall be allowed a maximum of two (2) minutes. Opponents will not be allowed to rebut.
- 5th This procedure shall be followed except at such time when the presiding officer shall, with the approval of the Commission members present, extend such time.

All proper parliamentary procedure shall be followed including relevance of argument, recognition of speaker, and absolute prohibition of applause. All comments by proponents and opponents shall be addressed to the Chair or a specific member of the Commission. These hearings are recorded and broadcast on public access television. Audio tapes and other relevant public records are available in the City Planning Office. Additional information can be obtained on the City's website at www.cityofno.com.

3. City Planning Commission of New Orleans – Informal Public Hearing Rules

The City Planning Commission of the City of New Orleans has established certain rules governing the procedure to be followed at informal public hearings on Public Housing Proposals.

- 1st Each speaker, before speaking on the proposal, shall give his or her name and address and state whom he or she is representing.
- 2nd Proponents for the proposal will speak first and a period of 10 minutes will be allowed for all proponents.
- 3rd Opponents or other interested parties will speak second and a period of 15 minutes will be allowed for all such parties.
- 4th Proponents will be allowed a period of five minutes for all parties wishing to offer rebuttal. Opponents will not be allowed to rebut.
- 5th This procedure shall be followed except as such time when the presiding officer shall, with the approval of the Commission members present, extend such time.

All proper parliamentary procedure shall be followed including relevance of argument, recognition of speaker, and absolute prohibition of applause. All comments by proponents and opponents shall be addressed to the Chair or a specific member of the Commission. These hearings are recorded and broadcast on public access television. Audio tapes and other relevant public records are available in the City Planning Office. Additional information can be obtained on the City's website at www.cityofno.com.

4. City Planning Commission Special Public Hearing Rules

The City Planning Commission of the City of New Orleans has established certain rules governing the procedure to be followed at Public Hearings involving a large number of speakers.

- 1st Each speaker, before speaking on the proposal, shall give his or her name and address and state whom he or she is representing.
- 2nd Original presentation of a proposal whether by proponents or opponents shall not be subject to a specific time limitation except as deemed reasonable by the Commission for a thorough explanation of the proposal.
- 3rd Those wishing to speak shall sign the speaker request form at the speakers' podium in front of the Chamber prior to the initiation of the hearing. Any person not signing the form prior to the commencement of the hearing shall have a maximum of 15 minutes to sign the form after which time no additional persons shall be allowed to sign or to speak unless otherwise agreed upon by a majority of the members present.
- 4th Because of the large number of speakers for this hearing the proponents will speak in rotation. Each speaker shall be allowed a maximum of 3 minutes. Any time for questions from a Commission member or response thereto shall not count toward the three (3) minute speaking time. The proponents shall speak first for a period not to exceed 90 minutes. This rotation shall continue until all registered speakers have been heard and no rebuttal by any party shall be allowed. The Chairman may permit the first few proponent and opponent speakers to exceed the 3 minute limitation in those cases where they are presenting a proposal or a comprehensive rebuttal to a proposal. However, in no case shall the initial time period permitted for the proponent exceed 90 minutes.
- 5th Speakers are directed to restrict their comments to the subject under consideration and urged to avoid repetition presentation of similar matters. Failure to comply may result in the termination of the speaker's time in order to facilitate the presentation of both speakers and material. All speakers will speak in the order in which they signed up as proponents or opponents, however, persons signed up to speak may relinquish their time to other persons signed up to speak.
- 6th This procedure shall be followed except as such time when the presiding officer may extend such time with the consent of a majority of Commission members present.

All proper parliamentary procedure shall be followed including relevance of

argument, recognition of speaker, and absolute prohibition of applause. All comments by proponents and opponents shall be addressed to the Chair or a specific member of the Commission. These hearings are recorded and broadcast on public access television. Audio tapes and other relevant public records are available in the City Planning Office. Additional information can be obtained on the City's website at www.cityofno.com.

J. GENERAL ADMINISTRATION

In instances where the Commission is required to review proposed franchise agreements for compliance with the City=s Comprehensive Plan related to planned or programmed public improvements whether such proposed agreements be renewals, grants, subrogations, or termination, the Executive Director is hereby authorized to certify such agreements to the City Council subject to subsequent ratification by the City Planning Commission provided such agreements contain a cancellation clause in favor of the City and provided further that the granting of franchise privileges has been reviewed and approved by the appropriate affected City Agencies.

K. SUBDIVISION ADMINISTRATION

Subdivision proposals for the division or re-division of land submitted to the City Planning Commission shall be accompanied by a letter of request from the owner(s) of the property or his/her agent, who is sufficiently authorized to act in the owner=s interest concerning the subdivision proposal. All subdivision plans submitted to the Commission shall conform to the requirements of the adopted Subdivision Regulations.

1. Subdivision Involving Streets or Public Property

Subdivision proposals involving the dedication or opening of new streets or the closing or elimination of existing streets areas will be referred directly by the Commission Staff to the Planning Advisory Committee for review and recommendation to the City Planning Commission. After receipt of the Planning Advisory Committee's recommendation, a public hearing shall be held (if required). The subdivision proposal will then be considered by the City Planning Commission.

If approved by the Commission, the Executive Director will be authorized by the Commission to sign the Commission=s Tentative Approval to the proposal.

Prior to Preliminary Plan Approval, the applicant shall comply with the Subdivision Regulations relative to the provision and installation of off-site improvements, which require the preparation and submission of approved plans for such improvements by the appropriate public agencies to the City Planning Commission Staff.

Prior to Final Plan Approval, the applicant shall submit to the City Planning Commission Staff a final subdivision plan, prepared in accordance with the Adopted Subdivision Regulations for the City of New Orleans, together with Mortgage Certificates, Paving Lien Certificates showing no paving charges due, and Tax Certificates showing no taxes due, all for the property proposed for subdivision.

Also, prior to Final Approval, it will be incumbent upon the applicant to comply with those Subdivisions Regulations relative to the installation of off-site improvements or the filing of a surety bond, in lieu of completion, to secure to the City of New Orleans the construction of the required off-site improvements in a satisfactory manner and within a period not to exceed two years.

Also, prior to Final Approval, a proper street dedication plan and ordinance shall be prepared by the subdivider and submitted to the City Council for its approval and acceptance. The Executive Director is authorized to sign the Commission=s approval to such a street dedication plan when said plan is in accordance with the subdivision

proposal given Preliminary Approval by the Commission. Upon the subdividers compliance with the above requirements for final plan approval, the Executive Director is thereby authorized to sign the Commission's approval to the subdivision plat.

2. Subdivision Not Involving Streets or Public Property.

Where subdivisions of land do not involve the dedication or opening of a street or the voiding or closing of a street, they need not be forwarded to the Planning Advisory Committee for review, unless such a proposal involves existing public lands.

3. General Policies

- a. Proposals for reversal of lot frontages that will result in:
 1. Required rear yards abutting required side yards;
 2. Required side yards abutting required rear yards;
 3. Required front yards opposite required side yards will be looked upon with disfavor by the Commission unless the existing lots within 500' on both sides of the proposed subdivision on each affected street contains development of which 50% or more have observed similar frontages, as proposed. Reversal of lot frontages, which will result in placing lot frontages on major streets, will be generally acceptable, unless such reversals result in significant damage to abutting properties.
- b. No subdivision will be approved by the Commission that is in conflict with current zoning regulations.
- c. No subdivision will be approved by the Commission that is in conflict with Building Code Requirements for side yards, fire walls, or common walls.
- d. Where lots are proposed with less than the minimum frontage, width, and depth requirements, and where such lots are proposed at less than the average site frontage between two intersecting streets on both sides of the street upon which the proposed lot or lots front, unless extenuating circumstances are demonstrated, such proposals will be looked upon by the Commission with disfavor.
- e. Where lots are proposed with depths that do not permit buildable depths of at least 26 feet, such proposals will be looked upon with disfavor by the Commission

unless the total development is in harmony with existing and future development of adjoining properties.

4. Appeals to City Council.

Adverse decisions of the City Planning Commission in the administration of Subdivision Regulations may be appealed directly to the City Council for review and consideration. Provisions for such appeals are provided in the La. R.S., Title 33:101 through 114.

L. ZONING ADMINISTRATION

Proposals for amendments to the Comprehensive Zoning Ordinance or requests to secure special authorization provided therein must be submitted to the City Planning Commission for the City Council in accordance with the requirements of the Ordinance and must be submitted on the forms provided by the Planning Commission.

The Executive Director is authorized to waive certain preliminary site plan requirements when proper research indicates that the inclusion of such requirement(s) is/are not essential to a proper decision on the project.

Within the proper time period allowed under La. R.S. 33:4726 and the provisions of the Comprehensive Zoning Ordinance, the City Planning Commission will cause to be held a public hearing on the proposal under consideration.

Notice of the time and place of such hearing shall be sent to the owner or owners, whose names and addresses must appear on the application and map attached thereto, by regular mail, not less than five days before the date fixed for the hearing. Similar notices shall be mailed to the petitioner and to the owners of land immediately abutting the land proposed to be reclassified as their names and addresses appear upon the map. These names and addresses shall be checked from the records of the Real Property Survey office before any mail is forwarded.

Following the Planning Commission's consideration of a zoning proposal, copies of the Commission's official minutes, relative to that zoning proposal, will be transmitted to the City Council by the Executive Director which minutes shall constitute the Commission's report to the City Council, as required by the Comprehensive Zoning Ordinance.

1. Spot Zoning Policy

As a policy, the City Planning Commission will look with disfavor upon all requests for amendments to the Zoning Ordinance wherein such requests would constitute the removal of a parcel or parcels of land from its normal environment and give to it a new classification that disturbs the tenor of the neighborhood, or which action would result in preferential treatment of a parcel or parcels not afforded in similar zoning district throughout the city.

2. Historic Non-Conforming Use Policy

As a policy, the City Planning Commission will look with disfavor upon all requests for amendments to the Zoning Ordinance wherein such requests would constitute the singling out of a lot or other relatively small tracts of land for treatment at law different from that

accorded to similar surrounding land indistinguishable from it in character, where such different treatment of classification is effected either in disregard or repudiation of questions of need, value to the environment, harmony with a land use plan or relation to the surrounding neighborhood.

As a policy, the City Planning Commission may look with favor upon all requests for amendments to the Zoning Ordinance wherein such requests may constitute the singling out of a lot or other relatively small tracts of land for treatment different from that accorded to dissimilar surrounding land distinguishable from its character, where such different treatment of classification is effected in regard of questions of need, value to the environment, harmony with a land use plan (wherein such a plan is compatible with historical development of the neighborhood) or in relation to the surrounding neighborhood according to the following criteria:

General:

- A. The petition is generally consistent with the character of the surrounding neighborhood;
- B. The petition serves neighborhood need;
- C. The property has a history of serving neighborhood need prior to 1929;
- D. The petition is in harmony with the historic character of the surrounding neighborhood.

Specific:

- 1. The petitioned property must form the corner of two minor residential streets or two collector streets;
- 2. The petitioned property and its use or proposed use must be pedestrian oriented and not oriented to the automobile in a pedestrian oriented neighborhood;
- 3. The petitioned property should be developed with most or all of the following characteristics or proposed building which replaces a structure that had the following characteristics:
 - a. The building be built to the sidewalk and frame the corner;
 - b. The building entrance must be visible from both streets-typically on an angle at the corner;

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- c. The building must have either an overhang, gallery, balcony, or canopy over the sidewalk;
 - d. The building must have display windows and not have large black walls;
 - e. The building must not be a conversion from a residential main use;
4. The petitioned zoning classification must be the most restrictive available to accommodate the class of uses to serve the neighborhood.

3. Policy on Zoning Principles

Based upon the Enabling Zoning Legislation La. R.S. 33:4721-4729 and recognized jurisprudence, petitions for amendments to the Zoning Law will be reviewed by the City Planning Commission on the basis of land use, light, air, and open space, and population density. Additionally, such proposals will be reviewed on the basis of the most appropriate use of the petitioned property, the need for reclassification on an area basis, and the effect that the reclassification would have on adjacent and adjoining properties. In the instance of Zoning Text Amendments, the Commission will review such proposals as to their effects on a city-wide basis and as related to all similar instances throughout the City.

M. PUBLIC HOUSING ADMINISTRATION

Public Housing Proposals submitted to the City Planning Commission by the Housing Authority of New Orleans shall be accompanied by such information as deemed to be appropriate by the Executive Director of the Commission and the Housing Authority of New Orleans for the processing of such proposals by the City Planning Commission. Such housing proposals shall be processed in accordance with the procedures contained herein and shall comply as nearly as possible with the policies and guidelines of the City Planning Commission relative to such proposals.

1. Procedure

- a. All public housing proposals submitted to the City Planning Commission by the Housing Authority of New Orleans shall be reviewed by the staff prior to consideration by the Commission to determine that such proposals contain adequate and accurate information and are in general compliance with the policies and guidelines contained herein.
- b. A public hearing, either formal or informal, will be held for all public housing proposals by the Commission prior to final consideration by the Commission in accordance with the provisions contained herein.
 1. A formal hearing will be held by the Commission for all public housing developments proposed to be acquired by the Housing Authority of New Orleans when such development are proposed for location outside the areas designated as Urban Renewal Areas by the 1954 Housing Report, as amended. The Executive Director shall be authorized to call a formal hearing, at his/her discretion, on such proposals which a thorough staff review has shown to be in general compliance with the intent of the Commission's Public Housing Policies and Guidelines and with the appropriate District Regulations of the Zoning Regulations. The Executive Director shall submit to the Commission for its consideration and authorization of a public hearing any proposals which require a wide variation of the Subdivision Regulations or Zoning Ordinance, regardless of whether waivers have been secured from the Board of Zoning Adjustments. After a formal hearing has been called, the Commission shall give notice of said hearing as to its purpose, time and place. Said notice shall appear at least three (3) times in the Official Journal of the City, one appearance to be at least ten days prior to the time set for said formal hearing and in addition, the Executive Director shall cause the area for such public housing proposals to be posted with appropriate signs

indicating the purpose, time and place of said hearing on or before that date the first notice appears in the Official Journal.

2. An informal public hearing will be held by the Commission on all public housing developments proposed by the Housing Authority of New Orleans which do not require a formal public hearing under (1) above. However, the Commission shall reserve the right to hold a formal public hearing on any and all said proposals when it is deemed necessary to secure additional information to permit a full and complete evaluation of such proposals. In addition, the Executive Director shall cause the area of such public housing proposals not requiring a formal public hearing to be posted with appropriate signs indicating the purpose, time and place of said hearing at least ten (10) days prior to the time set forth for said informal hearing.
- c. Following the Commission's consideration of public housing proposals, the Commission will, in accord with the provisions of Act 236 of the 1968 State Legislature and the provisions of the Resolution passed by the City Council on November 27, 1968, cause reports separate from the Commission's regular transmittal of minutes to be forwarded to the City Council relative to such public housing proposals as are designated as "Turnkey" proposals by the Housing Authority of New Orleans.
- d. The Executive Director of the Commission is authorized and may grant Tentative Approval of a Scattered Site Public Housing Proposal including lease proposals subject to the public hearing required herein and subject to the ratification of said Tentative Approval by the City Planning Commission provided that the proposal meets all criteria set forth by the policies and guidelines contained herein. However, should the Executive Director deem that a) there are any unusual circumstances related to the proposal or b) there is any question relative to the proposal complying with all guidelines, the Executive Director shall not act thereon and shall refer said proposal directly to the City Planning Commission for its consideration. In instances of leased housing such proposals may be approved by the Executive Director provided such proposals comply with the following standards:
 1. The housing proposed for leasing must meet the requirements of the Minimum Standard Housing Ordinance or shall be so improved.
 2. The properties proposed for lease must conform to the Zoning Ordinance or must be established to the Commission by the Housing Authority of

New Orleans as legal non-conformities thereby permitting the proposed usage.

3. The proposal will be a scattering of housing at a density when related to the total number of dwelling units on the block facings of both sides of a street between two (2) intersecting streets at a rate not to exceed:
 - a. Single Family Districts - not more than 20%
 - b. Two Family Districts - not more than 20%
 - c. Three or Four Family Districts - not more than 15%
 - d. All other permitted districts - not more than 10%
4. The block facing between two (2) intersecting streets on both sides must be free of characteristics that are detrimental to family life (Data on non-conforming uses to be furnished by the Housing Authority of New Orleans).
5. The proposed leased housing is accessible to:
 - a. Transit (within 10 blocks).
 - b. Schools, Elementary (one (1) mile or bussing if available).
 - c. Shopping Districts.
 - d. Churches
6. The proposed shall include only dwelling units in existence at the time of submission of the application.
7. In all instances where any of the above guidelines are not met, the matter will be brought to the Commission for review and decision.
8. No proposal will be certified by the Executive Director for any site that had previously been considered by the Commission for any public housing.

2. **Public Housing Policies**

- a. The public housing program to the extent feasible shall serve as a relocation resource for the needs of low-income families and individuals displaced by public and private development activities and code enforcement activities of the City and where possible shall be planned concurrently with such development.
- b. The public housing program shall be in conformity with the Master Plan of the

City of New Orleans and where appropriate and possible in conformity with the Adopted Housing Plan, Land Use Plan and Proposals of Community Renewal Program.

- c. To the fullest extent possible, new aspects of the public housing proposals shall be provided which would a) enable a tenant to purchase a housing unit b) mix the middle and low income tenants in housing developments undertaken jointly with non-profit housing sponsors.
- d. The public housing program should employ all phases and methods to be utilized to improve areas of the City by: a) introducing new construction into an area utilizing to the maximum possible vacant and non-conforming properties; b) eliminating dilapidated existing structures; c) rehabilitating existing structures; d) assisting in the provision of neighborhood facilities, open space, beautification and off-site improvements.
- e. The leasing and “Turnkey” methods of producing scattered site public housing shall be utilized to the maximum extent possible.
- f. Some small high quality public housing developments should be encouraged in suburban locations, wherein all necessary community facilities are readily available.

3. Guidelines

- a. All public housing proposals shall conform to the requirements of the Zoning Ordinance, Subdivision Regulations and Minimum Standard Housing Ordinance.
- b. Public housing proposals to be developed according to the scattered site concept should contain on a single site no more units than are necessary to make the development economically feasible and in no case should more than 50 dwelling units be placed in one square. This guideline, however, shall not apply to high rise housing for the elderly nor shall it limit projects in their entirety to 50 dwelling units.
- c. The location of new public housing developments of any type in close proximity to existing public housing projects should be discouraged. This guideline, however, should not apply to new service facilities to be developed in conjunction with and to serve existing public housing projects.
- d. Public housing developments shall be located on sites for which transportation, schools, shopping facilities and other appropriate community service facilities are

readily available.

- e. The design and density of public housing developments shall conform as nearly as possible to the character and density of the development in which the proposal is to be located. The Housing Authority of New Orleans should supply such information including photographs of adjoining structures, as is necessary for the Commission to adequately make such determination.

N. AMENDMENTS

Amendments to these rules may be considered at any regular meeting of the Commission after such changes have been afforded a public hearing, which has been duly advertised in the Official Journal. Such change shall require a two-thirds vote of the Commission membership, provided previous written notice has been given to all members not less than 30 days in advance of the meeting at which the change or changes are proposed to be considered.

Once adopted by the Commission, all amendments shall be forwarded to the City Council for their approval in compliance with the provisions of the Section 4-107 of the Home Rule Charter and Section 2-1000 of the Code of the City of New Orleans.

After its final promulgation, every regulation shall be recorded in the Office of Conveyances in compliance with the provisions of the La. R.S. of 1950 Title 33:101 – 33:119 and the City Charter and published once again in the official journal, unless deemed to lengthy for publication by the Executive Director, who shall in such case publish a summary of its content and notice of its availability to the public.

CHAPTER II - HOME RULE CHARTER
OF THE
CITY OF NEW ORLEANS
CITY PLANNING COMMISSION

Section 5-401. Creation and Composition.

The City Planning Commission shall consist of nine members who are electors of and domiciled in the City, appointed by the Mayor with the approval of the Council for terms of nine years, staggered so that the term of one member shall expire each year.

Section 5-402. Functions. The City Planning Commission shall:

1. Prepare, adopt, amend and modify a long term Master Plan for the physical development of the City, which shall consist of a statement of development goals, objectives, and policies and which shall show the general location, extent, and character of streets, bridges, waterways, and other public ways; parks and open spaces, public buildings and structures; public utilities and terminals, whether public or privately owned; public housing, slum clearance, and redevelopment projects and areas; and any other physical public facility with due regard to the aesthetic characteristics of all public structures.
2. Prepare, adopt, amend and modify regulations governing the subdivision of land, including platting and replatting, which regulations shall provide for the proper arrangement of streets and public utilities; open spaces for light, air and recreational areas; space for vehicular parking; the sizes and shapes of lots in order to avoid congestions of population and to provide for the amenities of human habitation; and the manner and extent to which streets shall be paved and public utilities installed in such subdivisions, consistent with the provisions of this Charter.

3. Prepare and recommend to the Council:
 - a. Plats, together with revisions and amendments thereof, showing the exact location of lines of recommended new, extended, widened or narrowed streets and the estimated time within which the land needed for future street development as shown on the plat.
 - b. The Official Map of the City and amendments thereto, upon which shall be shown all existing and established streets, recommended street lines, all streets or street lines located on final or recorded plats of subdivisions, and the location of existing or planned parks and other open spaces. Street locations on final or recorded plats of subdivisions shall constitute amendments to the Official Map and shall be placed thereon.
 - c. A zoning ordinance and revisions and amendments thereof for the purpose of promoting the public health, safety, aesthetics, and general welfare of the City, which ordinance may contain regulations with respect to the location, height, bulk, size of buildings and other structures; the size of yards, courts, and other open spaces; the density of population; and the use of buildings, structures and land for trade, industry, business, residence, or other purposes.
 - d. Plans for the clearance of slum areas, public housing developments, and the rehabilitation or redevelopment of blighted areas.
 - e. Plans for the replanning, improvement, and reconstruction of neighborhood and community centers and of areas of districts destroyed or seriously damaged by fire, earthquake, flood, or other disaster.
 - f. Such other studies as may be directed by the Council.
4. Prepare the capital program and assist the Chief Administrative Officer in the preparation of the capital budget.
5. Prepare such studies as may be requested by the Mayor.

Section 5-403. Director and Staff.

The City Planning Commission may appoint a Director who shall serve at its pleasure. The Director shall be the executive officer of the Commission and shall be responsible for the supervision of the staff. The Commission may, subject to the provisions of this Charter, appoint such employees as it may deem necessary and may contract with planning experts, engineers, architects and other consultants for such service as it may require.

Section 5-404. Master Plan and Subdivision Regulations.

1. Adoption. The Commission shall adopt and may modify or extend the Master Plan at any time. The Master Plan shall consist of statements regarding development goals, objectives, and policies and shall include a diagram and a text setting forth principles, standards, and proposals. The entire area of the City shall be addressed within the Plan, as well as those land areas outside Parish of Orleans under the control or ownership of the City. Adoption, modification or extension may be by single resolution or by successive resolutions relating to parts of the Master Plan corresponding to major geographical sections or functional divisions of the subject matter. Following the adoption of that part of the Master Plan relating to the Major Street Plan, the Commission shall by resolution adopt and may so modify or extend regulations governing the subdivision of land.
2. Publication and Filing. Upon adoption, certified copies of the plan and regulations and the resolutions by which they were adopted shall be filed with the Clerk of Council and with such offices as may be required by applicable state or municipal law. Regulations governing the subdivision of land shall be published once after adoption in the official journal.
3. Legal Effect of Master Plan. After the adopted Master Plan shall have been so filed and published, no public project or facility and no public utility, whether publicly or privately owned, shall be authorized or constructed except in conformity to the adopted Plan. Proposals for the authorization or construction of such projects, facilities or public utilities shall be submitted to the Commission for its approval for conformity to the adopted Plan as to location, character and extent. No final action with respect thereto shall be taken by the Council, other governing authority, or by any officer, department or board, or by any person concerned therewith, except in conformity to the approval of the Commission certifying that the proposed action is in conformity to the adopted Master Plan.
4. Mandatory Review. At least once every ten years, the Commission shall review the Master Plan and shall determine, after one or more public hearings, whether the Plan requires amendment. If any amendment of the Plan is required, the Commission shall modify the Plan in accordance with the procedures of this Section.
5. Legal Effects of Subdivision Regulations. All proposed subdivisions of land to be made after the adoption of the regulations governing subdivision of land shall be submitted to the Commission for its approval for conformity to the subdivision regulations, and no such proposed subdivision shall be made or recorded unless approved by the Commission. Approval of a plat of subdivision shall not be deemed an acceptance by the City of any street or other open space shown on the plat.

Section 5-405. Planned Street Lines and the Official Map

1. Adoption. The Council, upon the recommendation of the Commission, may by ordinance adopt:
 - a. Plats showing the exact location of planned or mapped lines of street widening and extensions or of future streets.
 - b. An Official Map showing all public streets then existing and established by law; all planned streets or street lines previously adopted under this Section; all streets or street lines as located on final or recorded plats of subdivisions as previously approved by the Commission; and all existing or planned parks and other public open spaces.
2. Notice to Owner of Record. No plat showing the location of a planned or mapped street shall be adopted before notice shall have been sent by registered mail to the owners of record of the land on or abutting the future street lines designated upon the plat.
3. Legal Effect.
 - a. Upon the adoption of any plat showing the location of a planned or mapped street, the owners of the property within the lines of such planned or mapped street shall for the period specified in the ordinance be prohibited from erecting any structure within such lines. The owner of any property so affected shall be entitled to appeal to the Board of Zoning Adjustments under the same procedure described for appeals in zoning cases.
 - b. After the adoption of the Official Map or any plat showing the lines of planned or mapped streets, no change in any street shall be made by the Council until such proposed change shall have been submitted to the Commission for its approval or disapproval for conformity to the Official Map. Pending the adoption of the Official Map, the Council shall not vacate, narrow or extend any existing street without having secured the approval of the Commission thereon.
 - c. The adoption of any plat showing the location of a planned or map street or the placing of any street or street line on the Official Map shall not, in and of itself, constitute or be deemed to constitute the opening or establishment of any street nor the taking or acceptance of any land for street purposes.
4. Amendment of Official Map. New streets and street locations or recorded plats of subdivisions as approved by the Commission or on plats adopted by the Council shall be forthwith placed upon the Official Map as additions or modifications thereto, when the Council accepts the dedication of the streets and street locations shown thereon. Other

amendments to the Official Map may be made by the Council at any time after having secured the advice of the Commission.

Section 5-406. Zoning Ordinance.

1. Except when adopted pursuant to a zoning plan proposed and recommended by the Commission, the Council shall refer all proposed zoning ordinances and amendments to the Commission for its recommendations.
2. **Mandatory Review.** At least once every ten years, immediately following the review of the Master Plan, the Commission shall review the Comprehensive Zoning Law and shall determine, after one or more public hearings, whether the law requires revision or amendment.
3. The City shall make adequate appropriations to the Commission to implement the mandate of this section.

Section 5-407. Public Notice and Public Hearing.

Prior to making recommendations on any zoning ordinance or amendment thereto, prior to adopting regulations governing the subdivision of land, and prior to adopting the Master Plan or part thereof, the Commission shall hold a public hearing thereon at which interested persons shall be afforded a reasonable opportunity to be heard. Notice of the time and place of hearing shall be published at least three times in the official journal.

Section 5-408. Approval of the Commission.

1. When under this Charter the approval of the Commission is required of any proposal, the approval shall be by the affirmative vote of a majority of members of the Commission. Should the Commission fail to act within sixty days of the submission of the proposal to the Director of the Commission, its approval shall be presumed unless the person, governing authority, officer, department, board or commission submitting the proposal shall agree to a longer period of time for consideration by the Commission. In the case of amendments to the zoning ordinance, the Commission shall report its findings within a reasonable period of time, to be fixed by ordinance, without a presumptive approval being granted.
2. Should the Commission disapprove any proposal involving the expenditure of public moneys, such disapproval may be overruled by an affirmative vote of two-thirds of the membership of the affected governing authority paying the preponderance of the cost involved. Any disapproval of a proposal for a public housing project and any approval or disapproval of any proposal not involving the expenditures of public moneys may be

overruled by the affirmative vote of two-thirds of the members of the Council.

Section 5-409. Board of Zoning Adjustments

1. Composition. There shall be attached to the Commission a Board of Zoning Adjustments to consist of seven members who shall be domiciled in and electors of the City, appointed by the Mayor with the approval of the Council for five-year terms, staggered so that the term of one or two members shall expire each year. Neither the Director nor any member of the Commission shall be a member of the Board. The Mayor may, by Executive Order approved by the Council in accordance with the procedures established in Section 9-201(2) of this Charter, reassign or attach the functions of the Board to another department or board within the Executive Branch.
2. Functions. The Board shall:
 - a. Hear and determine appeals from applicants who have been refused building permits because of a violation or conflict with the zoning ordinance or the official map of the City.
 - b. Hear and decide appeals where error is alleged in any order, requirement, decision, or determination made by and administrative official in the enforcement of the zoning ordinance of the City.
 - c. Have the power to permit exceptions to or variations from the zoning regulations in classes of cases or situations in accordance with the principles, conditions, and procedures specified in and subject to the limitations imposed by the zoning ordinances of the City.

Section 5-410. Other Functions

Functions not specifically assigned to the Commission by this Chapter may be assigned to the Commission or reassigned by an Executive Order of the Mayor approved by the Council in accordance with the procedures established in Section 9-201(2) of this Charter.

CHAPTER III

**STATE
ENABLING LEGISLATION
FOR
PLANNING COMMISSION
MUNICIPAL ZONING REGULATIONS**

LOUISIANA REVISED STATUTES - RS. TITLE 33.

PART IV

PHYSICAL DEVELOPMENT OF PARISHES

AND MUNICIPALITIES

SUB-PART A. PLANNING COMMISSIONS

101. Definitions

For the purpose of this Sub-part, the following terms are defined as follows:

- (1) A **Planning Commission** means an official planning commission appointed in accordance with the provisions of this Sub-part. It shall denote either a parish planning commission, or a municipal planning commission, as the case may be. The term **Parish or municipality** as the case may be, when appropriate to the context relates to the respective jurisdiction or functions of a parish planning commission with regard to the parish for which it is established and of a municipal planning commission with regard to the municipality for which it is established; or, when appropriate to the context, relates to the rights and remedies which the respective parish or municipality may exercise to enforce the provisions of this Part.
- (2) **Streets** and **Roads** include streets, avenues, boulevards, roads, lanes, alleys, viaducts, and other ways.
- (3) A **Subdivision** means the division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development, and with regard to parishes, for the purpose of sale or of building development for purposes other than agricultural. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

With regard to municipalities, certain terms are defined as follows:

- (1) A **Municipality** includes any incorporated city, town, or village.

- (2) AChief executive@ means the mayor or corresponding officer of a municipality, whatever his title.
- (3) ALocal legislative body@ means the mayor and board of aldermen, the commission council, or other governing body of a municipality.

(Source: Acts 1946, No. 300, P 1; Acts 1946, No. 319, P 1.)

102. Grant of power to parishes and municipalities

Every parish and every municipality may make, adopt, amend, extend, add to, or carry out official plans as provided in this Sub-part, and may create by ordinance a planning commission with the powers and duties herein set forth and may appropriate funds for the commission.

(Source: Acts 1946, No. 300, P 2; Acts 1946, No. 319, P 2).

103. Planning Commission: membership and appointment

- A. A parish planning commission shall consist of not less than five nor more than nine members, at the discretion of the policy jury or other parish governing authority, all to be appointed by the police jury or other parish governing authority. The police jury or other parish governing authority may remove any member of the commission, after public hearing, for inefficiency, neglect of duty or malfeasance in office.
- B. A municipal planning commission shall consist of not less than five nor more than nine members, at the discretion of the local legislative body, all to be appointed by the chief executive of the municipality, who may remove any member of the commission, after public hearing, for inefficiency, neglect of duty or malfeasance in office.
- C. All members of a commission, whether a parish or a municipal planning commission, shall serve without compensation and shall hold no other public office, save and except they may also serve as members of any duly constituted regional commission of which their parish or municipality forms a part. Provided that nothing contained in this section shall prevent the policy jury of St. Charles Parish from paying to the members of the zoning commission of St. Charles Parish not less than twenty-five dollars nor more than forty dollars per diem for attending meetings of the board, nor shall the provisions of this section prevent the police jury of St. John the Baptist from paying to the members of the zoning commission of St. John the Baptist, subsequent to the creation of said commission, not less than twenty-five dollars nor more than forty dollars per diem for attending meetings of the board. In no instance however shall the number of meetings exceed a maximum of twelve per year. Of the members of each commission first

appointed, one shall hold office for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years and one for a term of five years. If a planning commission, whether a parish or municipal planning commission consists of more than five members, then the sixth member initially appointed shall hold office for a term of six years, the seventh member initially appointed shall hold office for a term of seven years, the eighth member initially appointed for a term of eight years and the ninth member for a term of nine years.

- D. The successors of the members of a planning commission, whether a parish or a municipal planning commission, shall be appointed for a term of years equal to the total membership of the commission, whether five or more, as the case may be, from and after the expiration of the terms of their predecessors in office.
- E. If a vacancy occurs other than by an expiration of the term, it shall be filled by appointment by the original appointing authority for the unexpired term.

Amended by Acts 1956, No. 135 s 1; Acts 1961, No. 76, s 1; Acts 1968, No. 654, s 1; Acts 1974, No. 480, s 2.

104. Organization meetings, and rules

A commission shall elect a chairman from its membership and create and fill such other of its offices as it may determine. The term of chairman shall be one year, with eligibility for re-election. A commission shall hold at least one regular meeting in each month. It shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record.

(Source: Acts 1946, No. 300, P 4; Acts 1946, No. 319, R 4).

105. Staff and finances

A commission may appoint such employees as it may deem necessary for its work, whose appointment, promotion, demotion, and removal shall be subject to the same provisions of law, including civil service regulations, as govern other corresponding civil employees of the parish or municipality, as the case may be. A commission may also contract with planning experts, engineers, architects, and other consultants for such services as it may require. The expenditures of a commission, exclusive of those made from funds received by gift, shall be within the amounts appropriated for the purpose by the local legislative body, which shall provide the funds, equipment, and accommodations necessary for a commission=s work.

(Source: Acts 1946, No. 300 S 5; Acts 1946, No. 319, S5).

106. General powers and duties

A parish planning commission shall make and adopt a master plan for the physical development of the unincorporated territory of a parish.

A municipal planning commission shall make and adopt a master plan for the physical development of the municipality.

Such plan, with the accompanying maps, plats, charts, and descriptive matter shall show a commission=s recommendations for the development of the parish or municipality, as the case may be, including, among other things, the general location, character, and extent of railroads, highways, streets, viaducts, subways, bus, street car and other transportation routes, bridges, waterways, lakes, water fronts, boulevards, parkways, playground, squares, parks, aviation fields, and other public ways, grounds and open spaces; the general location of public buildings, schools, and other public property; the general character extent and layout of public housing and of the replanning of blighted districts and slum areas; the general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, light, sanitation, communication, power, transportation and other purposes; and the removal, relocation, widening, narrowing, vacating, abandonment, change or use or extension of any of the foregoing ways, grounds, open spaces, buildings, property, utilities, or terminals; as well as, in the case of a parish planning commission, a zoning plan for the control of the height, area, bulk, location, and use of the buildings and premises in urban areas or areas suitable for urbanization outside municipal limits. As the work of making the whole master plan progresses, a commission may from time to time adopt and public a part or parts thereof, any such part to cover one or more major sections or divisions of the parish or municipality, as the case may be, or one or more of the aforesaid or other functional matters to be included in the plan. A commission may from time to time amend, extend, or add to the plan.

Where a municipal planning commission has been established under the authority of this Sub-part, it shall also serve as a municipal zoning commission, and when acting as such, it shall hold a separate meetings with separate minutes and records.

(Source: Acts 1946, No. 300, S 6; Acts 1946, No. 319, S 6).

107. Purposes in view

In the preparation of such plan, a parish planning commission shall make careful

and comprehensive surveys and studies of present conditions and future growth of the parish, with due regard to its relation to neighboring territory and to the relation of unincorporated territory in the parish to incorporated territory therein.

In the preparation of such plan a municipal planning commission shall make a careful and comprehensive surveys and studies of present conditions and future growth of the municipality and its environs.

A plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the parish or municipality, as the case may be, and its environs which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare as well as efficiency and economy in the process of development; including, among other things, adequate provision for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds, the adequate provision of public utilities and other public requirements, and in the case of a municipal planning commission, vehicular parking.

(Source: Acts 194, No. 300, S 7; Acts 1946, No. 319 S 7).

108. Procedure of commission: adoption of plan

A commission may adopt a plan as a whole by a single resolution or may by successive resolutions adopt successive parts of a plan, said parts corresponding with major geographical sections or divisions of the parish, in the case of a parish planning commission, or of the municipality, in the case of a municipal planning commission, or with functional subdivisions of the subject matter of the plan, and may adopt any amendment or extension thereof or addition thereto. Before the adoption of a plan or any such part, amendment, extension, or addition, a commission shall hold at least one public hearing thereon. A parish planning commission shall give notice of the purpose, time, and place of the public hearing by one publication in a newspaper of general circulation throughout the parish at least ten days prior to the date set for the hearing. A municipal planning commission shall give notice of the purpose, time, and place of the public hearing by one publication in a newspaper of general circulation in the municipality at least ten days prior to the date set for the hearing. The adoption of a plan or of any such part or amendment or extension or additional shall be by resolution of a commission.

The

resolution shall refer expressly to the maps and descriptive and other matter intended by a commission to form the whole or part of a plan, and the action taken shall be recorded on the map and plan and descriptive matter by the identifying signature of the chairman or

secretary of the commission. Certified copies of the plan or part thereof shall be filed with the Louisiana State Planning Office, with the local legislative body and with the clerk of court of the parish, except in the parish of Orleans where certified copies of said plan shall be filed with the Commission Council of the City of New Orleans and recorded with the register of conveyances for the parish of Orleans.

Amended by Acts 1952, No. 458 S 1; Acts 1968, No. 288, S 2.

(Source: Acts 1946, No. 300, S 8; Acts 1946, No. 319, S 8).

109. Legal status of official plan

Whenever a commission has adopted a master plan of a parish or municipality, as the case may be, or one or more major sections or districts thereof and has filed certified copies thereof as provided in R.S.33:108, no street, square, park or other public way, ground, or open space, or public building or structure, or public utility, whether publicly or privately owned, shall be constructed or authorized in the parish or municipality, as the case may be, or in such planned section or district until the location, character, and extent thereof has been submitted to and approved by the commission. In case of disapproval the commission shall communicate its reasons to the local legislative body which shall have the power to overrule such disapproval by a recorded vote of not less than two-thirds of its entire membership. However, if the public ground, space, building, structure, or utility is one of the authorization or financing of which does not, under the law or charter provisions governing same, fall within the province of the local legislative body, then the submission to a planning commission shall be by the board, commission, or body having such jurisdiction, and a planning commission's disapproval may be overruled by said board, commission, or body by a vote of not less than two-thirds of its membership. The failure of a commission to act within sixty days from after the date of official submission to a commission shall be deemed approval.

(Source: Acts 1946, No. 300, S 9; Acts 1946, No. 319, S 9).

110. Miscellaneous powers and duties of commission

A commission may promote public interest in and understanding of a plan and to that end may publish and distribute copies of a plan or of any report and may employ such other means or publicity and education as it may determine. Members of a commission, when duly authorized by a commission, may attend planning conferences or meetings of

planning institutes or hearings upon pending planning legislation, and a commission may, by resolution spread upon its minutes, pay the reasonable traveling expenses incident to such attendance. A commission shall, from time to time, recommend to the appropriate

public official programs for public structures and improvements and for the financing thereof. It shall consult and advise with public officials and agencies, public utility companies, civic, education, professional and other organizations, and with citizens with relation to the protecting or carrying out of a plan. A commission may accept and use gifts for the exercise of its functions. All public officials shall, upon request, furnish to a commission, within a reasonable time, such available information as it may require for its work. A commission, its members, officers, and employees, in the performance of their functions, may enter upon any land and make examinations and surveys and place and maintain necessary monuments and marks thereon. In general, a commission shall have such powers as may be necessary to enable it to fulfill its functions, promote planning, and in all respects carry out the purpose of this Sub-part.

(Source: Acts 1946, No. 300, S 10; Acts 1946, No. 319, S 10).

111. Scope of control of subdivision

Whenever a planning commission has adopted a major street or road plan of the territory unincorporated, in the case of a parish planning commission, within its jurisdiction or part thereof and has filed certified copies of such plan with the local legislative body and with the clerk of court of the parish, it shall be incumbent upon any individual or corporation prior to filing or recording such plat to first obtain approval by such planning commission and the approval entered in writing on the plat by the chairman or secretary of the commission and failure to so do shall constitute the right of the governing authority wherein said land is located not to accept same as a duly accepted and dedicated subdivision. Nothing contained herein shall be construed to prohibit the respective clerks of court and recorder of records of the various parishes from recording surveys and/or plats of land presented to them for recording or filing as a public record.

(Source: Acts 1946, No. 300, S 11; Acts 1946, No. 319, S 11).

112. Subdivision regulations

- A. Before exercising the powers referred to R.S.33:111, a parish planning commission shall adopt regulations governing the subdivision of land within unincorporated territory within its jurisdiction for purposes other than agricultural.

- B. Before exercising the powers referred to in R.S.33:111 a municipal planning commission shall adopt regulations governing the subdivision of land within its jurisdiction.

- C. Within those parishes or municipalities with a population in excess of 450,000 which have a recreation plan officially adopted in accordance with R.S.33:108(A), the governing body may enact or may authorize its appropriate agency to enact as part of the municipality=s or parish=s subdivision control regulations requirements that a subdivider of land dedicate such land areas, sites and locations for parks; playground and public school purposes as are reasonably necessary to service the proposed subdivision and the future residents thereof, but in no case more than five percent of the gross area of the proposed subdivision. The regulations may provide that the dedication shall be a condition precedent to the approval of any subdivision plat. They shall set forth the standards to be applied in determining the amount of land that is required to be dedicated. These standards shall be based upon the number and type of dwelling units or structures to be included in each subdivision. These standards shall also be based upon studies and surveys conducted by the municipality or parish through its appropriate agency in order to determine the need, if any, for park, playground and public school site generated by existing subdivisions within the municipality or parish containing various types of dwelling units or structures. When the municipality or parish through its appropriate agency adopts regulations requiring a subdivider to dedicate park, playground and public school sites, as authorized by this sub-part, it may also adopt as part of the municipality=s or parish=s regulations governing the subdivision of land, provisions requiring a subdivider, in lieu of dedicating the sites, to pay to the municipality or parish, a sum of money or a combination of money and sites equal to the value of land that would otherwise be required to be dedicated for park, playground and public school purposes, whenever the local governmental body through its appropriate agency determines that it would not be in the public interest to accept the dedication in connection with a particular proposed subdivision. The provisions shall enumerate the standards to be applied in determining when it is not in the public interest to accept the dedication and shall provide for the manner of making payment. All funds so received shall be held by the municipality or parish or a designated department or agency thereof, in a special account, and shall be applied and used by the municipality or parish to acquire park, playground and public school sites for the benefit of the residents of the subdivision for which the payment was made. Provisions may be adopted establishing standards for the application and use of the funds in accordance with the foregoing limitation. The provision may also provide that the payment in lieu of dedication shall be a condition precedent to the approval of any subdivision plat, or may provide that the payment be deferred or made in installments

following approval of a subdivision plat, upon the subdivider=s posting good and sufficient surety bond guaranteeing the payment. The parish or municipality, as the case may be, may enforce such bond by all appropriate legal remedies.

Such regulations may provide for the proper arrangement and width of streets in relation to other existing or planned streets and to the master plan, for adequate and convenient open spaces for traffic, vehicular parking utilities, access of fire-fighting apparatus, recreation, light and air, and for the avoidance of congestion of population, including minimum width and area of lots.

- D. Such regulations may include provisions as to the extent to which roads, streets, and other ways shall be graded and improved and to which water and sewer and other utility mains, piping or other facilities shall be installed as a condition precedent to the approval of the plat. The regulations or practice of a commission may provide for a tentative approval of the plat previous to such installations; but any such tentative approval shall be removable and shall not be entered on the plat. In lieu of the completion of such improvements and utilities prior to the final approval of the plat a commission may accept a bond with surety to secure to the parish or municipality, as the case may be, the actual construction and installation of such improvements or utilities at a time and according to specifications fixed by or in accordance with the regulations of the commission. The parish or municipality, as the case may be, may enforce such bond by all appropriate legal remedies.
- E. All such regulations shall be published as provided by law for the publication of ordinances, and, before adoption, a public hearing shall be held thereon. A parish planning commission shall give notice of the purpose, time, and place of the hearing by one publication in a newspaper of general circulation in the parish at least ten days prior to the date set. A municipal planning commission shall give notice to the purpose, time and place of the hearing by one publication in a newspaper of general circulation in the municipality at least ten days prior to the date set. Certified copies of such regulations shall be filed by a commission with the local legislative body and the clerk of court of the parish. Regulations governing the subdivision of land may be amended from time to time, subject to the requirements governing original adoption with respect to notice, hearing, and filing with local authorities.
- F. Whenever pursuant to R.S.33:4566 two or more parishes or parts thereof have been combined by agreement into a single recreation district such that the parish boundaries do not coincide with the recreation district, the local governing body through its appropriate agency shall refer the standards required by this subpart to the recreation district commission in which the proposed subdivision is located. The standards shall not be effective until the recreation district commission certifies, pursuant to procedures set forth in the inter-local agreement, that they are the same as those prevailing throughout the jurisdiction of the recreation

district. The foregoing section may be applicable to all federally assisted housing programs whether or not a subdivision of land would be required.

Amended by Acts 1972, No. 36 A 1:

113. Procedure: legal effect of approval of plat

A planning commission shall approve or disapprove a plat within sixty days after the submission thereof to it; otherwise such plat shall be deemed to have been approved, and a certificate to that effect shall be issued by such commission on demand. The applicant for a commission=s approval may, however, waive this requirement and consent to an extension of such period. The ground of disapproval of any plat shall be stated upon the records of such commission. Any plat submitted to such commission shall contain the name and address of a person to whom notice of a hearing shall be sent; and no plat shall be acted on by such commission without affording a hearing thereon. Notice shall be sent to the said address by registered mail of the time and place of such hearing not less than five days before the date fixed therefore. Similar notice shall be mailed to the owners of land immediately adjoining the platted land, as their names appear upon the parish assessment rolls and; in the case of a parish planning commission, as such owners addresses appear in the directory of the parish. Provided, however, that in municipalities with a population in excess of 40,000, the public hearing may be waived by the commission for subdivisions creating vie or less lots not involving the creation of any new streets, and provided further that the provisions in such waivers shall be clearly set forth in the official Subdivision Regulations. Every plat approved by a planning commission shall, by virtue of such approval, be deemed to be an amendment of or an addition to or a detail of the official plan or part thereof.

Approval of a plat shall not be deemed to constitute or effect an acceptance by the public of any street or other open space shown upon the plat. A planning commission may, from time to time, recommend to the local legislative body amendments to the zoning ordinance or map or additions thereto conform to such commission=s recommendations for the zoning regulation of the territory comprised within approved subdivisions.

In the case of a parish planning commission, such requirements or restrictions shall be stated upon the plat prior to the approval and recording thereof and shall have the same force of law and be enforceable in the same manner and with the same sanctions

and penalties and subject to the same power of amendments or repeal as though set out as a part of a zoning ordinance or map.

As amended Acts 1966, No. 498, S 1.

114. Penalties for transferring lots in unapproved subdivisions

Whoever, being the owner or agent of the owner of any land located within a subdivision, transfers or sells or agrees to sell any land by reference to or exhibition of or by other use of a plat of a subdivision, before such plat has been approved by a planning commission and recorded or filed in the office of the clerk of court of the parish, shall pay penalty of one hundred dollars for each lot or parcel so transferred or sold or agreed or negotiated to be sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided. The parish or municipality, as the case may be, may enjoin such transfer or sale or agreement by suit for injunction brought in any court of competent jurisdiction or may recover the penalty by a civil action in any court of competent jurisdiction.

(Source: Acts 1946, No. 300, S 14; Acts 1946, No. 319, P 14).

115. Improvement in unapproved streets

The parish or municipality, as the case may be, shall not accept, lay out, open, improve, grade, pave, curb, or light any street, or lay or authorize water mains or sewers or connections to be laid in any street, within any portion of territory for which a planning commission has adopted a major street plan, unless the street has been accepted or opened as or has otherwise received the legal status of a public street prior to the adoption of such plan, or unless the street corresponds with a street shown on the official master plan or with a street on a subdivision plat approved by a planning commission or with a street plat made by and adopted by a commission, copies of which plat have been duly filed as provided in R.S.33:108. The local legislative body may, however, accept any street not shown on or not corresponding with a street on the official master plan or on an approved subdivision plat or an approved street plat, if the ordinance or other measure accepting such street is first submitted to the planning commission for its approval and, if approved by the commission, is enacted or passed by not less than a majority of the entire membership of the local legislative body, or if disapproved by the commission, is enacted or passed by not less than two-thirds of the entire membership of the local legislative body. A street approved by a planning commission upon submission by the local legislative body, or a street accepted by a two-thirds vote after disapproval by the planning commission, shall thereupon have the status of an approved street as fully as

though it had been originally shown on the official master plan or on a subdivision plat approved by the commission or had been originally platted by the commission.

(Source: Acts 1946, No. 300, S 15; Acts 1946, No. 319, S 15.)

116. Erection of structure

When a planning commission has adopted a major street plan, no structure shall be erected on any lot within the affected area, nor shall a building permit be issued therefore unless the street giving access to the lot upon which such structure is proposed to be placed has been accepted or opened as or has otherwise received the legal status of a public street prior to that time, or unless such street corresponds with a street shown on the official master plan or with a street on a subdivision plat approved by the planning commission or with a street on a street plat made by and adopted by the commission or with a street accepted by the local legislative body, after submission to the planning commission, by a favorable vote required in R.S.33:115.

Where a municipality has a planning commission, any structure erected in violation of this Section shall be deemed an unlawful structure, and the municipality may bring suit for a mandatory injunction in any court or competent jurisdiction to compel its removal. Where a parish has a planning commission, any structure erected in violation of this Section shall be deemed an unlawful structure, and the legislative body can bring an action to remove.

(Source: Acts 1946, No. 300, S 16; Acts 1946, No. 319, S 16.)

117. Status of existing platting statues

When a planning commission has control over subdivision as provided in R.S.33:111, the jurisdiction of the planning commission over plats shall be exclusive within the territory under its jurisdiction, and all statutory control over plats or subdivisions of land granted by other laws shall, in so far as in harmony with the provisions of this Sub-part, be deemed transferred to the planning commission of the parish or municipality, as the case may be.

(Source: Acts 1946, 300, S 17; Acts 1946, No. 319, S 17.)

118. Designation of parish planning commission as municipal commission

In any municipality located in a parish which has a parish planning commission, the legislative body of the municipality may designate the parish commission as the municipal planning commission. Upon such designation the planning commission shall have all the powers and functions relating to making, adopting, amending, and adding to the master plan of the municipality or part thereof, or relating to the planning of the municipality as provided or granted by this Sub-part of by other laws and the master plan, its parts, amendments, and additions made and adopted by the designated commission for the municipality shall have the same force and effect in the municipality as though made

and adopted by a municipal planning commission appointed by the municipality. In acting as the planning commission of the municipality, the designated parish commission shall follow the procedure specified by the provisions of this Sub-part and other laws relating to municipal planning commissions. Any municipality so designating a parish planning commission as its planning commission shall pay to the designated commission which is properly chargeable to the planning service rendered to the municipality.

(Source: Acts 1946, No. 300, S 18.)

119. Coordination with parish planning

In any parish where there exist separate parish and municipal planning commission, every municipal planning commission shall consult and co-operate with the parish planning commission for the purpose of guiding and accomplishing coordinated, adjusted, and harmonious development of the parish, of zoning districts and of public improvements and utilities and of subdivisions which do not begin and terminate within the boundaries of any single municipality.

(Source: Acts 1946, No. 300, S 19.)

120. Zoning of heavily populated areas from hunting and shooting of firearms

The governing authorities of the parishes of this State are authorized to zone in order to prohibit, restrict, or regulate hunting and the shooting of firearms in the heavily populated areas, as determined by said governing authorities, within their parishes, and to set penalties for violation thereof. Acts 1956, No. 552 S.1.

SUB-PART B-1 INDUSTRIAL AREAS (NEW)

130.11 Designation of Industrial areas; feasibility; assistance by state agencies

Subject to the written approval of fifty-one percent in interest of the landowners of the proposed industrial area, parish governing authorities may establish industrial areas composed of territory wholly within the parish boundaries of any municipality. Such areas may be designated only after the feasibility therefore has been established by land

use studies conducted by parish planning commission, parish development boards or other similar recognized authorities. Cooperation and assistance in the preparation and evaluation of such studies may be rendered by state agencies equipped to conduct such studies when requested to do so by any parish governing authority provided that where municipal boundaries are co-extensive with parish boundaries, the municipal governing authorities may establish industrial areas within the municipal boundaries. Added Acts

1964, No. 406, S 1.

130.12 Territory included within Industrial Area

Subject to the limitation contained in R.S.33:130:11, an industrial area may include any compact body of land which is used exclusively for industrial purposes or which is primarily suited for industrial development. Added Acts 1964, No. 406, S 1.

130.13 Procedures of parish governing authority; designation of industrial area

Before any designation is made of industrial area or any change is made of the boundaries of an existing one, the parish governing authority shall hold not less than one public hearing thereon. The parish governing authority shall give notice of the purpose, time and place of the public hearing by one publication in a newspaper of general circulation throughout the parish not less than ten days prior to the date set for the hearing. The designation of an industrial area or any change of the boundaries of an existing one shall be by resolution of the parish governing authority. The resolution shall refer expressly to the map or maps and descriptive and other matter related to the industrial area, and the action, taken by the parish governing authority shall be recorded on the map or maps and descriptive and other matter by the identifying signature of the presiding officer of the parish governing authority. Certified copies of the map or maps and descriptive and other matter shall be filed with the parish governing authority and with the clerk of court of the parish. Added Acts 1964, No. 406, S.

130.14 Legal Status of Industrial Area

Whenever a parish governing authority has designated an industrial area or has made a change of the boundaries of an existing one and has filed certified copies thereof as provided in R.S.33.103.13, no facilities shall be thereafter located therein that are not industrial in character or reasonably related thereto; provided, however, no construction or installation permits shall be required but the parish governing authority may resort to judicial process to enforce such industrial requirements. Added Acts 1964, No. 406, S 1, as amended Acts 1966, No. 505, S 1.

130.15 Facilities to be furnished and maintained by industrial located in Industrial Area

Those industries located within the boundaries of any industrial area shall furnish and maintain individual or as a group the following services usually provided by parish or local governments: the construction and cleaning of streets, street lighting, sewers and sewerage works, water service, fire protection, and garbage and refuse collection and disposal. Any industrial area which furnishes and maintains all of the above enumerated

services shall not be subject to annexation. Any industrial area heretofore designated which complies with the provisions hereof shall be considered validly designated hereunder and any agreement or resolution with respect thereto shall be considered to include all services herein enumerated though not specifically included therein.

Agreements between the industries located within the boundaries of an industrial area and the governing authority of the parish and/or any municipality or municipalities situated therein may be made for mutual fire protection in grave emergencies.

All industrial areas so created shall include provision for access by public road to any and all entrances to the premises of each and every plant in such area which entrances are provided for use by employees of such company, or for use by employees of independent contracts, working on such premises, or for delivery of materials or supplies, other than by rail or water transportation, to such premises. Added Acts 1964, No. 406 S 1, as amended Acts 1966, No. 505, S 1.

130.16 Inclusion of Industrial Area within certain newly created special service districts prohibited

No portion of an industrial area may be included within any newly created special service district furnishing any of the services enumerated in R.S.33:130.15. Added Acts 1964, No. 406, S 1.

130.17 Abolishment of Industrial Area or portion thereof; procedure

The governing authority of a parish may abolish an industrial area or remove a portion of the territory from an industrial area only if the industry or industries located therein fail to furnish at the expense of said industry or industries any of the services listed in R.S.33:130.15 for an extended period of time and only if there is a definite need for such services in the portion of the industrial area involved. The parish governing authority may abolish any industrial area or remove a portion of the territory from an industrial area only by resolution adopted after not less than one public hearing on the question. The resolution of a parish governing authority to abolish an industrial area or

remove a portion of the territory from an industrial area shall be effective thirty days after the resolution is adopted by the governing authority provided that no resort to the courts is taken challenging such action prior to the expiration of such thirty days by a property owner within the area affected. If such action is taken by a property owner, the resolution of the parish governing authority shall be effective only when a judgment adverse to the property owner has been rendered and is final, executory and definitive. In any suit by a property owner questioning the legality of action by the parish governing authority abolishing and industrial area or removing a portion of the territory from an

industrial area, the burden of proof shall be on the properly furnished by the industry or industries involved and that there is a definite need for such services in the area involved.

The results of any final action taken under this Section which in any way alters the boundaries of an industrial area shall be filed with the clerk of court of the parish in accordance with the applicable provisions of R.S.33:130.13. Added Acts 1964, No. 406, S 1.

130.18 Increase of certain Taxation in Industrial Areas prohibited exceptions

When an industrial area shall be created including territory which is a part of a pre-existing special service district which furnishes any of the services enumerated in R.S.33:130.15, such territory shall continue to be subject to taxes of the special service district which had previously been levied. No new tax levied by any such special service district shall apply to any territory within an industrial area unless such tax is a renewal or extension of a previously existing tax, the proceeds of which are not be used to continue an existing service. No increase of an existing tax levied by any such special service district shall apply to any territory within an industrial area unless, because of increased maintenance or other costs, such increase is necessary to continue to provide an existing service. Added Acts 1964, No. 406 S 1.

130.31 Resolution contents: access to district; police protection

The governing authority of any parish acting pursuant to power granted in Sub-Section (b-2) of Section 14 of Article XIV of the Constitution may by the adoption of an appropriate resolution create one or more industrial districts contemplated by said Sub-Section. Such resolution shall define the boundaries of each such district, shall give the district an appropriate name, and shall prescribe such powers, duties and liabilities therefore not inconsistent with the provisions of said Sub-Section as may be deemed suitable by said governing authority. All industrial districts so created hereafter shall require or include provisions for access by public road to any and all entrances to the premises of each and every plant in the area employed for industrial purposes, for use by employees of such industry, or for use by employees of independent contractors working on such premises. Where under any plan approved by the governing authority of the parish individual plants provide police protection this protection shall be confined to the premises of each individual plant located therein. Added Acts 1964, Ex. Sess., No. 30 S 1.

LOUISIANA REVISED STATUTES - R.S. TITLE 33.

MUNICIPALITIES AND PARISHES

CHAPTER 14. EXERCISE OF POLICE POWER

PART 2. BUILDING REGULATIONS

SUB - PART A. MUNICIPAL ZONING REGULATIONS

4721. REGULATION OF SIZE AND USE OF BUILDINGS

For the purpose of promoting health, safety, morals, or the general welfare of the community, the governing authority of all municipalities may regulate and restrict the height, number of stories, and size of structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of the buildings, structures, and land for trade, industry, residence; or other purposes.

(Source: Acts 1926, No. 240, S 1.)

4722. CREATION OF DISTRICTS, UNIFORM REGULATIONS WITHIN DISTRICT

For any or all of these purposes the governing authority may divide the municipality into districts of such number, shape, and area as may be deemed best suited to carry out the purposes; and within the districts it may regulate and restrict the erection, construction, alteration or use of buildings throughout each district, but the regulations of one district may differ from those in other districts. However, no regulation shall change the status of premises which have been continuously used for commercial purposes since January 1, 1929, without interruption for more than six consecutive months at any one time. The governing authority, may, however, provide for the removal of nonconforming signs and billboards, less and except billboards erected in compliance with parish or municipal regulations at the time of erection, provided that it first establish a reasonable amortization time for removal according to a reasonable set of standards and schedules.

(Source: Acts 1926, No. 240, S 2; Acts 1948, No. 471, S 1; Acts 1972, No. 53, S 1.)

4723. PURPOSE OF REGULATIONS

The regulations shall be made in accordance with a comprehensive plan and designated to lessen congestion in the public streets, secure safety from fire, promote health, and the general welfare, provide adequate light and air, avoid undue concentration of populations, and facilitate adequate transportation water supply, sewerage, schools, parks and other public requirements. The regulations shall be made with reasonable consideration of the character of the district and its peculiar suitability for particular uses, and with a view to conserving the values of buildings and encouraging the most appropriate use of land throughout the municipality.

(Source: Acts 1926, No. 240, S 3.)

4724. PUBLIC HEARING AUTHORIZED

The legislative body of the municipality shall provide for the manner in which the regulations and restrictions and the boundaries of the districts shall be determined, established, and enforced and from time to time amended. No regulations or restrictions shall become effective until after a public hearing at which parties in interest have an opportunity to be heard. A public hearing in relation to the regulations may be held by the legislative body of the municipality. In such case notice of the time and place of the hearing shall be published once a week in three different weeks in the official journal of the municipality or, if there be none, in a paper of general circulations therein; at least fifteen days shall elapse between the first publication and the date of the hearing.

(Source: Acts 1926, No. 240; S 4; Acts 1948, N. 437, S 1.)

4725. AMENDMENT OF REGULATIONS

The regulations, restrictions, and boundaries may, from time to time, be amended, supplemented, changed, modified or repealed. In case, however, of a protest against a change duly signed and acknowledged by the owners of twenty per cent or more, either of the areas of land (exclusive of streets and alleys) included in a proposed change or within an area determined by lines drawn parallel to and two hundred feet distant from the boundaries of the district proposed to be change, the amendment shall not become effective except by the favorable vote of three-fifths of all the members of the legislative body of the municipality. The provisions of R.S.33:4724 relative to public hearing and official notice shall apply equally to all changes or amendments.

(Source: Acts 1926, No. 240, S 5.)

4726. ZONING COMMISSION: RECOMMENDATIONS: PUBLIC HEARING

In order to avail itself of the powers conferred by R.S.33:4721 through R.S.33:4729 the legislative body of the municipality shall appoint a zoning commission whose function it shall be to recommend the boundaries of the various original districts as well as the restrictions and regulations to be enforced therein, and any supplements, changes or modifications thereof. Before making any recommendation to the legislative body of the municipality the zoning commission shall hold a public hearing. Notice of the time and place of the hearing shall be published at least three times in the official journal of the municipality, or if there be none, in a paper of general circulation therein, and at least ten days shall elapse between the first publication and date of the hearing. After the hearing has been held by the zoning commission it shall make a report of its findings and recommendations to the legislative body of the municipality. The legislative body shall not hold its public hearings or take action until it has received the final report of the zoning commission.

Where a municipal planning commission exists, it shall be the zoning commission.

(Source: Acts 1926, No. 240, S 6; Acts 1948, No. 437, S 2.)

**4727. BOARD OF ADJUSTMENT: MEMBERSHIP, POWERS, AND PROCEDURE
APPEALS FROM DECISIONS**

The local legislative body may provide for the appointment of a board or adjustment, and in the regulations and restrictions adopted pursuant to the authority of R.S.33:4721 through R.S.33:4729 may provide that the board may determine and vary their application in harmony with their general purpose and intent and in accordance with general or specific rules contained therein. The board of adjustment shall consist of five members, and may include two alternate members, all of whom shall be freeholders and qualified voters. The membership of the first board shall serve respectively, one for one year, one for two years, one for three years, one for four years, and one for five years. Thereafter members shall be appointed for terms of five years each. Of the two alternate members first appointed, one alternate member shall be appointed for a term of three years and the other for a term of two years. Thereafter each alternate member shall be appointed for a term of three years. Alternate members shall serve only when called upon to form a quorum, and when so serving shall have all the powers and duties of regular members. All members shall be removable for cause by the appointing authority upon written charges and after public hearings. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The board shall elect its own chairman, who

shall serve for one year. The board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to R.S.33:4721 through 33:4729.

Amended by Acts 1968, No. 240 S 1.

Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating that fact and shall keep records of its examinations and other official actions, all of which shall be filed immediately in the office of the board and shall be public records. All testimony, objections thereto, and rulings thereon, shall be taken down by a reporter employed by the board for the purpose. Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of the municipality affected by any decision of the administrative officer. Appeals shall be taken within a reasonable time, as provided by the rules of the board, by filing with the officer from whom the appeal is taken, and with the board of adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of adjustment after the notice of appeal shall have been filed within him, that, by reasons of facts stated in the certificate, a stay would, in his opinion, cause imminent period of life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application or notice to the officer from whom the appeal is taken and on due cause shown. The board of adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the interested parties, and decide the appeal within a reasonable time. Upon the hearing any party may appeal in person or by agent or by attorney. The board of adjustment shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of R.S.33:4721 through R.S.33:4729 or of any ordinance adopted pursuant thereto.
2. To hear and decide all matters referred to it or upon which it is required to pass under the ordinance.

3. In passing upon appeals, where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance, to vary or modify the application of any of the regulations or provisions of the ordinance relating to the use, construction or alteration of buildings or structures or the use of land so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

In exercising the above mentioned powers the board may, include conformity with R.S.33:4721 through R.S.33:4729, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the power of the officer from whom the appeal is taken. The concurring vote of our members of the board shall be necessary to reverse any other, requirement, decision, or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any ordinance, or to effect any variation in the ordinance.

Any person or persons jointly or severally aggrieved by any decision of the board of adjustment, or 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. Upon the presentation of such petition the court may allow a writ of certiorari directed to the board of adjustment to review the decision of the board of adjustment and shall prescribe therein the time within which a return may be made and served upon the Realtor=s attorney, which shall be not less than ten days but which may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from the court may, on application, on notice to the board and on due cause shown, grant a restraining order. The board of adjustments shall not be required to return the original papers acted upon by it, but may return certified or sworn copies thereof or such portions thereof as may be called for by the writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take additional evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or in part or may modify the decision brought up for review. Costs shall not be allowed against the board unless it appears to the court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from. All issues in any proceedings under this section shall have preference over all

other civil actions and proceedings.

(Source: Acts 1926, No. 240 S 7.)

4728. ENFORCEMENT OF BUILDING AND ZONING REGULATIONS, PENALTY FOR VIOLATIONS

In case of any building or structure is erected, structurally altered, or maintained, or any building, structure or land is used in violation of R.S.33:4721 through R.S.33:4729 or of any ordinance or other regulation made under authority conferred thereby, the proper local authorities of the municipality, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, structural alteration, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of the building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises. The regulations shall be enforced by the city architect or other officer authorized to issue building permits, who is empowered to cause any building, structure, place or premises to be inspected and examined, to order in writing the remedying of any condition found to exist therein in violation of any provision of the regulations made under authority of R.S.33:4721 through R.S.33:4729. The owner or general agent of a building or premises where a violation of any regulation has been committed or exists, or the lessee or tenant of an entire building or premises where the violation has been committed or exists, or the owner, general agent, lessee or tenant of any part of the building or premises in which the violation has been committed or exists, or the general agent, architect, builder, contractor, or any other person who commits, takes part in, or who assists in any violation or who maintains any building or premises in which any violation exists shall be fined not less than ten dollars and not more than twenty-five dollars or be imprisoned for not more than thirty days for each day that the violation continues.

(Sources: Acts 1926, No. 240 S 8.)

4729. CONFLICTING REGULATIONS; HIGHER STANDARDS TO APPLY

Wherever the regulations made under authority of R.S.33:4721 through R.S.33:4729 require a width or size of side yards, courts, or other open spaces, or require a lower height of building or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in any other statute or local ordinance or regulation, the provisions of the regulations made under authority of R.S.33:4721 through R.S.33:4729 shall govern. Wherever the provisions of any other statute, local ordinance, or regulation require a greater width or size of yards,

courts, or other open spaces, or require a lower height of building or a less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other

higher standards than are required by the regulations made under authority of R.S.33:4721 through R.S.33:4729 the provisions of such statute, local ordinance, or regulation shall govern.

(Source: Acts 1926, No. 240, S 9.)

4730. ORDINANCE ADOPTED FOR AUTHORIZED PURPOSES; VALIDITY

Whenever any municipality pursuant to an act of the legislature has adopted an ordinance for any of the purposes covered in R.S.33:4721 through R.S.33:4729, the ordinance shall be deemed to have been adopted under R.S.33:4721 through R.S.33:4729, and it shall not be necessary in such cases for the local legislative body to appoint a zoning commission as herein provided. All such ordinances shall remain in effect, except so far as they are inconsistent with R.S.33:4721 through R.S.33:4729, until they shall have been amended, altered or repealed by the legislative body.

(Source: Acts 1926, No. 240, S 10.)

4731. REGULATING BUILDING CONSTRUCTION AND LIMITING BUSINESS AREAS IN MUNICIPALITIES OVER 50,000

The governing authority of municipalities of more than fifty thousand inhabitants may by ordinance define and regulate the kind, style, and manner of construction of buildings and other edifices which may be erected on certain designated streets and thoroughfares and may permit or prohibit the establishment and operation of businesses and trades within designated limits.

(Source: Acts 1918, No. 27 S.1.)

4732. AUTHORITY TO ENFORCE REGULATIONS

Municipalities may enforce the ordinances adopted under R.S.33:4731 by fine or imprisonment, or both.

(Source: Acts 1918, No. 27, S 2.)

SECTION IV

CODE OF ETHICS

CITY OF NEW ORLEANS

ORDINANCE NO. 2625 M.C.S.

Approved: May 17, 1963

AN ORDINANCE to establish a Code of Ethics for the government of the City of New Orleans.

WHEREAS, in the public interest, a Code of Ethics for the conduct of the government of the City of New Orleans is to be established herewith, to promote integrity in City Government; to protect the public from overt acts contrary to public interest by public officials, employees and members of public boards and commission and their agents; to protect City Officials, employees and members of public boards and commission and their agents from unwittingly performing such acts by defining improper and/or prohibitive activities, conflicts of interest and property, and extent of receiving gifts by such persons, and to provide penalties for violations of the provisions hereof.

SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAIN
That there shall be established a Code of Ethics for the government of the City of New Orleans.

SECTION 2. The Code of Ethics shall apply to all officials of the government of the City of New Orleans, whether elected or appointed; to all employees, whether classified or unclassified; and to members and/or employees of all boards, agencies and commissions which have a direct or indirect interest in any business or professional activity involving public funds or public trust.

SECTION 3. The following shall be considered as general prohibition applicable to all persons coming within the purview of this ordinance.

- A. Participation in any business or profession, contract or agreement, or the acceptance of any employment which conflicts with the discharge of assigned public duties.
- B. Disclosure of confidential information for personal gain or advantage;
- C. The use of influence to secure special privileges for self or others;
- D. Investment or representation in any financial transaction or enterprise in which profit to self or others would depend in any way upon public position or authority.
- E. Sale or rental of goods, services, or concessions to the City or any of its agencies by any person, firm, or corporation in which one or more City officers, employees or board members hold or control the majority financial interest therein;
- F. Acceptance of any gift of currency, cash certificate, stock or bonds from any person, persons, firms, corporation and/or agencies doing business with the City,

except that gratitude given to laborers and parking attendants and political campaign contributions are not prohibited;

- G. Participation in official action by vote or by use of influence on the part of an official where such activities, if successful, would result in a grant of compensation, contracts, privileges or advantages to any individual or business in which such official has a personal interest;
- H. Use of public office to procure preferential treatment, whether of employment; contract, business, fee or service with the City or any of its governmental agencies for any member of immediate family, client or business associate;
- I. Use of City-owned properties or facilities for factional political purposes meetings or furtherance of factional political interests.

SECTION 4. The following shall be considered as specific prohibitions and applicable to City officials and/or employees and/or board members, as the case may be:

- A. No City official or employee shall have dual employment, except employment elsewhere than with the City, and only when such official or employee is off duty or on authorized leave from public duties, and such employment in no way conflicts with public duties.
- B. No City official or employee shall accept fees for himself or for anyone other than himself for services which are within the scope of his duty and for which he is being compensated by the City;
- C. No officer or employee of the City shall have a financial interest in any contract with the City, and no contract for professional or other services shall be awarded on the basis of fee kickbacks;
- D. No attorney employed by the City or its agencies shall prosecute or defend litigation contradictorily with the City;
- E. No officer or employee of the City shall participate in insurance commission on City-owned properties;
- F. The member of all boards and commissions of the City shall be held to the standards of a prudent administrator;
- G. No members or officer of a board shall borrow money or receive anything of

value from any contractor doing business with the board; no member, officer, or employee of any board shall have an interest in any contract let by the board; any member or officer of any board may have a financial interest in any activity or enterprise which is not subject to regulation of the board of which he is a member, but any member of any board who is a director or stock holder in any corporation, or is an agent or attorney for any persons who is financially interested in any subject before the board, shall reveal such interest to the board and shall not discuss or vote on the subject at any meeting of the board or any of its committees;

- H. Any member of a board, except ex-officio board members, who shall qualify as a candidate for any public elective office, or who shall accept an appointive office or position or public employment for which compensation is paid, shall forfeit his membership on the board.
- I. Nothing herein shall deprive City officials or employees from having a financial interest in any activity or enterprise which is not in conflict with their respective positions or with any provisions of this ordinance, the City Code or the City Charter.

SECTION 5. The following shall be considered matters of public information:

- A. Duties and hours of employees;
 - 1. Full time employees shall perform a full day=s work each and every working day.
 - 2. Job descriptions shall be provided for all employees.
- B. Members of City boards and commissions shall file with the Mayor and Clerk of Council within sixty (60) days after this ordinance becomes effective, an affidavit revealing the amount of their financial interest in any activity or enterprise subject to regulations by the board of commission of which they are members; should such interest be acquired subsequent to sixty (60) days after the effective date of this ordinance, said affidavit must be filed upon the date of said acquisition.

SECTION 6. With regard to employees in classified service, the provisions of Section 4-1504 and 8-112 of the City Charter are adopted herein by reference.

Any qualified elector of the City of New Orleans may file written complaints in the form of an affidavit with the Civil Service Commission concerning violations of this Section

involving appointed officials, classified and unclassified employees, and members of City boards, commissions and agencies.

All complaints shall be held as confidential information, unless in the case of classified employees, the Commission decides that a complaint warrants a public hearing, or in the case of appointed officials, unclassified employees or members of boards and agencies and commissions, the City Council decides that a complaint warrants a public hearing.

City officials, employees, and members of boards, agencies, and commission shall cooperate with the Commission in providing information on any complaints.

On complaints involving classified employees, the Commission shall determine guilt or innocence and fix penalties.

On complaints involving any person appointed to the unclassified service, including officials and employees, the Civil Service Commission, after investigation, if deemed necessary, shall make recommendations to the City Council. The City Council shall then proceed in accordance with Section 3-125 of the City Charter.

On complaints involving members of City boards, agencies, and commission, the Civil Service Commission, after investigation, if deemed necessary, shall make recommendations to the City Council. The City Council shall then proceed in accordance with Section 9-104 of the City Charter.

SECTION 7

- A. Any qualified elector of the City of New Orleans may file a written complaint in the form of an affidavit with any member of the City Council concerning violations of this Section involving members of the City Council.
- B. Members of the Council receiving complaints in said form any request an executive conference of all members of the City Council to consider the complaints and may proceed in accordance with the City Charter.
- C. Complaints concerning the Mayor involving violations of this Section shall follow the same procedure as for Councilman, as authorized under Section 3-124 of the City Charter, except that a majority vote of the elected membership of the Council shall be required to call a public hearing and to adopt a resolution of censure for violations under this Section.

SECTION 8. Penalties for violation of the above shall be as follows:

- A. Classified employees shall be suspended or dismissed in accordance with Section

8-113 of the City Charter;

- B. Employees and appointed officials shall be suspended or dismissed in accordance with Section 3-125 of the City Charter;
- C. Members of boards, commissions and agencies shall be removed and/or shall forfeit their appointment in accordance with Section 9-104 of the City Charter;
- D. Elected officials shall be subject to censure by City Council Resolution;
- E. None of the above action shall preclude the instituting of criminal prosecution wherever warranted.

SECTION 9. THE effective date of this ordinance establishing the Code of Ethics for the government of the City of New Orleans shall be thirty (30) days after its adoption.