

New Orleans City Planning Commission

Administrative Rules, Policies, & Procedures

Adopted: March 11, 2014

City Planning Commission Members

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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:

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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 the 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. Any party seeking to address the Commission should notify the staff which shall present the question to the Commission.

2. Scheduled Meetings

A. Annual Meeting

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. Annual Report
4. Draft Operating Budget Request

B. Second Meeting in April

1. Evaluation of Unclassified Personnel

C. Orientation Meeting

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 assigned to 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 (*Louisiana Revised Statutes, Part IV. Physical Development of Parishes and Municipalities – Subpart A. Planning Commissions.*)

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, the Deputy Director, the Chair, or the Vice-Chair shall cause notice by at least two of the following methods: email, telephone, cell text, to be dispatched to the address or telephone number of record of the members of the Commission not less than 48 hours prior to the date of the special meeting. It will be incumbent on each member to update and maintain his or her current contact information with the Executive Director. Such notice shall specify the time and place of the special 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 the Open Meetings Law (Executive Session, Notice of Meetings) of the Louisiana Revised Statutes. An Executive Session shall be limited to matters allowed to be exempted from discussion at open meetings by the Open Meetings Law (Executive Session, Exceptions to Open Meetings) of the Louisiana Revised Statutes; 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. However, nothing in this Paragraph shall permit an executive session for discussion of the appointment of a person to a public body or, except as provided in R.S. 39:1593(C)(2)(c), for discussing the award of a public contract. 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 by the Open Meetings Law (Executive Session, Exceptions to Open Meetings) of the Louisiana Revised Statutes.

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 date, time, place of the meeting and shall list each item on the agenda separately, describing the item with reasonable specificity. The agenda shall not be changed less than twenty-four hours prior to the meeting.

The Commission may take up a matter not on the agenda upon unanimous approval of the members present. Any such matter shall be identified in the motion to take up the matter not on the agenda with reasonable specificity. Prior to any vote on the motion, there shall be an opportunity for public comment on said motion.

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 no less than twenty-four hours before the meeting on the bulletin board located at or near the Planning Commission's office, at a location on the first floor of City Hall, and on the City Planning Commission's website; however, failure to timely post on the website or the public's inability to access the website shall not be a violation of these Rules. 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. A quorum shall be convened for the Commission to deliberate, receive information, or act on a matter over which the Commission has supervision, control, jurisdiction or advisory power. 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.

A Commissioner shall recuse himself/herself from participating and voting on a matter before the Commission as required by the Louisiana Code of Governmental ethics. The Commissioner shall notify the Chair, the Vice-Chair, the Executive Director, and the Deputy Executive Director as soon as practicable of the planned recusal prior to the commencement of the meeting if reasonably known ahead of time and the basis shall be announced at the meeting by the presiding officer. Abstentions shall not be permitted.

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 the Open Meetings Law (Meetings of Public Bodies to be Open to the Public) of the Louisiana Revised Statutes, 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 the Open Meeting Law (Executive Session, Exceptions to open meetings) of the Louisiana Revised Statutes.

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 Monday eight days before the public hearing. 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. One week preceding a public hearing, the distribution of the agenda, staff reports, and associated materials shall be tendered to all Commissioners by the close of business.
- d. The staff shall publish a digital copy of the agenda, staff reports, and associated materials on its website one week prior to a public hearing.
- e. There shall be no public distribution of any preliminary report prior to the distribution to all Commissioners.
- f. Any member of the public may request and shall be given one (1) copy of any report once the distribution to all Commissioners has taken place.
- g. 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. Posting of Public Hearing Notices, Agendas, Reports, Videos, and Vote Summaries

The CPC shall post public hearing notices and submitted applications with attachments on its website within one (1) week of the public hearing scheduling. Additionally, the CPC shall post public hearing notices and agendas to the appropriate City calendars. The CPC shall post meeting videos (if available) and vote summaries to its website within one (1) week following the public hearing. These agendas, reports, videos, and vote summaries shall be

archived on the website in a manner equivalent with CPC document retention policies. If a docket is deferred and another public hearing on that matter is scheduled, the posted vote summary shall indicate the time and location of the public hearing.

15. 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.

16. Public Notice

The City Planning Commission in association with other agencies of the City shall maintain a central registry of interested neighborhood associations, organizations, and individuals that may be advised of a public hearing for any matter to be considered by the Commission. The association, organization, or individual (1) shall maintain an accurate and updated e-mail address to which the information may be distributed, and (2) shall advise as to specific geographic boundaries of interest. In order to deal efficiently with these matters, when a public hearing has been scheduled, notice of same via electronic mail (e-mail) may be timely distributed within one (1) week. The organization, association, or individual will have the burden to become familiar with the appropriate rules, policies and procedures and to seek additional information as may be desired.

17. 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. A motion to reconsider shall be made by a Commissioner who voted with the prevailing side.

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 (Chapter 15, Code of Governmental Ethics of the Louisiana Revised Statutes). 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 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 the 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 in *Section J. General 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.
- 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 Carré Commission in accordance with 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 Carré Commission.
2. The Vieux Carré Commission shall determine that the proposed façade donation is in furtherance of the preservation and character of the Vieux Carré.
3. Such application will be reviewed and a determination made by the Vieux Carré Commission of the necessary improvements to the facade, for the maintenance or reconstruction necessary for historic restoration.
4. The Vieux Carré 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 Carré 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 Carré Commission and may be adjusted annually as the need of coverage may vary.
8. The Vieux Carré 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 the 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).

- A. 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, which shall comply with the notice requirement contained herein.
- B. 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.

- 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 the Louisiana Revised Statutes, Part IV. Physical Development of Parishes and Municipalities – Subpart A. Planning Commissions, Miscellaneous powers and duties of commission), which is as follows:

“Miscellaneous Powers and Duties of Commission...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. 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 purposes of this Subpart.”

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 Carré 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. The Plan for the 21st Century: New Orleans 2030

The Plan for the 21st Century: New Orleans 2030 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 Plan for the 21st Century: New Orleans 2030*. 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 Plan for the 21st Century: New Orleans 2030*.

Any and all amendments to *The Plan for the 21st Century: New Orleans 2030*, commonly called the Master Plan, shall follow the requirements, process, and procedures for notice and public hearing mandated by the City Charter. Members of the public applying for an amendment to the Future Land Use Map of the Master Plan shall follow the Project Neighborhood Participation Program (NPP) Administrative Provisions and Notice Provisions provided and set forth in the Comprehensive Zoning Ordinance for zoning map amendments, conditional use permits, and planned development districts. A project NPP is not required for Master Plan amendments that are proposed by the City Council, City Planning Commission

or Mayor, as the Charter legally dictates the City's notice, process and procedure for amendment thereto.

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 Plan for the 21st Century: New Orleans 2030 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.

E. 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 Plan for the 21st Century: New Orleans 2030 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.

F. 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, which 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 its records of the property to be disposed of or acquired;

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. The staff shall forward a copy all submitted plans, maps, and attachments, together with a copy of the pertinent Zoning Map and Sanborn map, if available, to the Planning Advisory Committee for its review;
3. Evaluation of Impact to the City's Transportation System
 - a. Any request involving the use of a right-of-way in a manner that restricts public use, for any period of time, must indicate a reuse or redevelopment proposal.
 - b. A Traffic Impact Analysis (TIA) shall be required for any request involving the closure of an existing (improved) street, whether permanently or temporarily, provided that the Executive Director may waive the requirement for a Traffic Impact Analysis in the following instances:
 - i. For requests involving the closure of a dead-end street where the applicant(s) proposing the closure own(s) all property with frontage on the dead-end street;
 - ii. For proposals involving a parcel of land determined by the Executive Director not to be of sufficient size or dimension as to constitute a buildable lot;
 - iii. For proposals involving a parcel of land of such size that a single-family dwelling or a two-family dwelling would be the only uses permitted by the regulations of the subject zoning district, provided that such parcel of land is provided access from an improved public street;
 - iv. For any request involving the temporary closure of a street as permitted by the Department of Public Works or other appropriate agency.

The Executive Director may confer with the Director of Public Works in order to make a determination as to whether or not any proposal shall be considered to meet the foregoing criteria. The Executive Director may elect

to require the submittal of a Traffic Impact Analysis (TIA) or other traffic impact study as recommended by the Department of Public Works for any proposal.

4. Any required Traffic Impact Analysis shall be submitted directly to the Department of Public Works and to the office of the City Planning Commission no less than two weeks prior to the scheduled Planning Advisory Committee meeting. All Traffic Impact Analyses must be signed by a certified traffic engineer or other qualified individual and must include the following items:
 - a. A site location analysis which shall include a description of the existing site, surrounding land uses and zoning, the existing street network in the area, including adjacent streets and nearest intersections, and the existing vehicular and pedestrian circulation systems in the area;
 - b. A description of existing traffic conditions and operations which shall include current peak hour traffic volumes, current average daily traffic counts, modal splits, levels of service, and turning movement counts for adjacent streets and nearest intersections;
 - c. An evaluation of the possible impacts of the proposed street closure on the traffic conditions of the surrounding street system, including possible impacts to through traffic on the subject street and to traffic at nearby intersections;
 - d. A parking analysis which shall include the number of public parking spaces located on the subject street, the impact of the proposed street closure on the availability of parking in the surrounding area, and the impact of the proposed street closure on the location of any ingress and egress points for land uses located on the subject street or which presently require access from the subject street;
 - e. A plan to address traffic impacts which may include but not be limited to the employment of an individual as a transportation coordinator, contributions to improved street capacity and operations, and cost estimates for each measure; and

- f. Any other information, diagrams, and/or drawings deemed necessary by the staff of the City Planning Commission in order to evaluate the impacts of the proposed street closure.
5. The Executive Director may, in consultation with the Director of Public Works, require the submittal of a traffic circulation plan or other transportation study including such items as shall be deemed necessary in order to evaluate any proposal involving the closure of a street for which the requirement to submit a Traffic Impact Analysis has been waived.
6. 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 60 days of receipt in complete form by the City Planning Commission staff.
3. All adjacent and abutting property owners and occupants within three hundred (300) feet of the petitioned property 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 once a week for three (3) consecutive weeks prior to the date of the public hearing.
5. The City Planning Commission shall receive a copy of the letter which informs the applicant if the property is available for sale or lease 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 any request involving a buildable property as determined by the Executive Director, the closures of any existing streets, the creation of any new streets, and the lease of any street, alley, sidewalk, or other portion of a public right-of-way, subject to the following exceptions. The Executive Director may waive the requirement for a public hearing in the following instances:
 - a. For requests involving the closure of a portion of a dead-end street, alley, sidewalk, or other portion of a right-of-way where the applicant(s) proposing the closure own(s) all property with frontage on the dead-end street;
 - b. For proposals involving land determined by the Executive Director not to be of sufficient size or dimension to necessitate a public hearing; and
 - c. For proposals involving a parcel of land of such size that a single-family dwelling or a two-family dwelling would be the only uses permitted by the regulations of the subject zoning district, provided that such parcel of land is provided access from an improved public street;
 - d. For proposals involving properties which have been previously considered through the public hearing procedure established for the subdivision of land; and
 - e. For proposals involving capital projects that are part of a currently adopted Five-Year Capital Plan, unless there has been substantial change to the project since the adoption of the Five-Year Capital Plan.

2. No request involving the temporary closure of a street in order to accommodate a special event or for construction or maintenance purposes shall be considered by the City Planning Commission to constitute a disposition of property, and no public hearing or consideration for such by the City Planning Commission shall be necessary.
3. If a property disposition involves a street closure and a public hearing, the party applying for the property disposition with the Department of Property Management shall follow the Project Neighborhood Participation Program (NPP) Administrative Provisions and Notice Provisions described in the Comprehensive Zoning Ordinance for zoning map amendments, conditional use permits, and planned development districts. These regulations notwithstanding, the notification radius for the Project NPP and mailed notice shall not exceed three hundred (300) feet and posted notice is not required.
4. If the City Planning Commission votes to defer action on the request, it may also allow for the continuation of the public hearing to a subsequent meeting.

D. Criteria for Evaluation

1. Consistency with the Master Plan and the Future Land Use Map;
2. Appropriateness of current zoning for existing and proposed land uses;
3. Impact of the proposed purchase, disposition, or lease on adjacent properties and the surrounding area;
4. Impact of the proposed action on traffic and the City's transportation system;
5. Public purpose of the proposed action and potential impacts to public services and public safety;
6. Advice of the Planning Advisory Committee;
7. Potential future public use of property;

8. Compliance with the Capital Improvement Plan;
9. Street naming policy (for the naming of new streets);
10. Any other applicable CPC policies or small area or special studies.

4. Street Naming Policy

The following is the City Planning Commission's policy that establishes procedures, evaluation criteria and standards for the naming of all streets within the City of New Orleans.

A. Goals and Objectives

1. Preserve historic and significant street names that add to the City's cultural, architectural, and historic ambience;
2. Maintain the continuity of street names throughout the City;
3. Improve the clarity of the City's street name system, especially with respect to the identification of locations by those agencies charged with public safety and emergency services;
4. Provide a clear, efficient, and transparent procedure for the consideration of requests to rename streets.

B. Procedure

1. All requests must be channeled through the respective Councilmember. A written request for consideration of a street name change must be sent to the Councilmember or Councilmembers in whose district the subject street is located. The Councilmember(s) shall in turn request that the City Planning Commission and the Department of Public Works review the proposal. Prior to submitting such a request, the Councilmember or his or her designee must first meet with the staff of the City Planning Commission and the staff of the City's designated steward of electronic geographic information to become familiar with the procedure and standards for street name change requests and to review the proposed name change in the context of the City's system of street names and other geographic features in the vicinity of the subject street. All requests for

consideration by the City Planning Commission must include the following information:

- a. Name of person or group requesting the street name change;
 - b. Contact person and address;
 - c. Location of proposed name change, including total length of the street to be affected and bounding streets or other boundaries;
 - d. Total number of lots affected by proposal;
 - e. Total number of residential, commercial, and industrial uses affected by proposal;
 - f. Proposed street name; and
 - g. Reason for the change.
2. The party requesting consideration of the name change shall obtain a statement of cost for the replacement of street signs from the Department of Public Works and shall deposit funds in that amount with the City of New Orleans in such manner as is deemed appropriate by the Department of Finance. If the proposed change is approved by the City Council, the funds shall be used by the City to pay for the replacement of the street signs. If the proposal is denied by the City Council, the funds shall be returned to the party which requested the change. The City Planning Commission shall not hold a public hearing or consider any request for a street name change until this provision has been met.
 3. The City Planning Commission shall hold a public hearing on the proposed street name change within sixty (60) days of its receipt of a completed request, including evidence that the necessary funds have been deposited with the City. The staff of the City Planning Commission shall provide notice of the public hearing in the following manner:
 - a. The staff shall mail written notice of the proposed street name change to the owners of all properties with any frontage on

the subject street, including properties which are located at corners and have principal building entrances or municipal addresses on a street intersecting the subject street, as indicated in the records of the Orleans Parish Assessor's office.

- b. The staff of the City Planning Commission shall also mail written notice addressed to the resident(s) or occupant(s) of each property with frontage along the subject street as defined above. The number of written notices addressed to residents or occupants of each property shall be consistent with the information available to the staff concerning the number of residential or nonresidential units located at each property. However, no consideration of any proposed street name change by the City Planning Commission shall be declared invalid by reason of any failure to provide written notice to the resident or occupant of any unit located on a property with frontage on the subject street.
- c. The staff of the City Planning Commission shall also mail notice to any neighborhood organization officially registered with the City Planning Commission of any request for consideration of a change to the name of a street or portion of a street located within the boundaries of the organization as indicated on its registration form in the office of the City Planning Commission.
- d. The staff shall post the notice at the office of the City Planning Commission and shall publish the notice in the Official Journal of the City of New Orleans once a week for three (3) consecutive weeks prior to the date of the public hearing.
- e. The staff shall provide a written request to the Director of the Department of Public Works to post a notification sign within the public right-of-way at each intersection that would be affected by the proposed name change at least fifteen (15) days prior to the date of the public hearing.
- f. The staff shall provide notice in any other form as required by the laws of the City of New Orleans.

- g. The mailed and posted notice provided above shall include the proposed name of the street, the boundaries of the proposed change, the date, time, and location of the public hearing, and contact information for the office of the City Planning Commission. The text of the notice posted by the Department of Public Works shall be provided by the staff of the City Planning Commission and shall conform to the size specifications set forth in the Comprehensive Zoning Ordinance for posted notice.
- 4. The City Planning Commission staff shall place the proposed change before the Planning Advisory Committee (PAC) for consideration.
- 5. If the subject street is located within the Vieux Carré or one of the city's designated local historic districts, the City Planning Commission staff shall forward the proposal to the Vieux Carré Commission, the Historic District Landmarks Commission, or the Central Business District Historic District Landmarks Commission, respectively, and shall request the recommendation of the relevant Commission prior to the date by which written comments must be received for the public hearing at which the request is to be considered. The failure of the relevant Commission to provide a written recommendation to the City Planning Commission prior to such date shall be considered evidence of its lack of objection to the proposal. No consideration of any request for a street name change by the City Planning Commission shall be declared invalid by reason of any recommendation or lack thereof from any historic district commission.
- 6. The City Planning Commission staff shall prepare a report and recommendation for the consideration of the City Planning Commission;
- 7. If the City Planning Commission votes to defer action on the request, it may also allow for the continuation of the public hearing to a subsequent meeting.
- 8. After the public hearing, the City Planning Commission shall make a recommendation on the request. The staff shall forward the Commission's recommendation to the Clerk of the City Council;

9. If an ordinance to effectuate the proposed street name change is adopted by the City, the staff of the City Planning Commission shall provide written notice of the approval to the Mayor's office, the Departments of Public Works, Police, Fire, Finance, and Safety and Permits, the Emergency Medical Service, the Sewerage and Water Board, the Orleans Parish Communications District, the Orleans Parish Assessor, the Clerks of Criminal and Civil District Court for the Parish of Orleans, the United States Postal Service, the private utilities for the City, the designated steward of the City's electronically maintained repository of street names, and any other entity requested in writing by the Mayor or the City Council;
10. The City Planning Commission staff shall amend the Official Zoning Map and the Official Map of the City accordingly.

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 the city, state or country. In order to reduce any perception of misconduct, favoritism, or bias, no street shall be renamed to honor a person who has been deceased for less than five (5) years.
2. No fragmentation of the name of any continuous street shall be permitted. All street renaming shall occur in such a manner that one of the following two criteria are met: 1) the entire length of a continuous street shall be renamed, or 2) a section of a street shall be renamed only where such section is physically separated or obstructed from other sections of the same street by structures, parks, canals, interstates, rivers, bayous, or other significant objects, or as a result of shifts in the City's street grid pattern that causes a portion of a street to be clearly disconnected for other portions of the street.
3. The creation of duplicate street names shall not be permitted, and preference shall be given to requests for the renaming of existing duplicate street names. Street names shall be considered duplicate even if their suffixes (Street, Road, Circle, Boulevard, etc.) are different or if they have similar spellings (Claire Avenue and Clare Court) or pronunciations (Rayne Drive and Reynes Street).

4. In order to provide for consistency in the naming of streets and to promote the health, safety, and general welfare of the community, all street names shall conform to the following standards:
 - a. A pre-directional indicator may be included as part of a street name. When used, pre-directional indicators must precede all other components of a street name, and the use of the pre-directional indicator shall be consistent with the pattern established by the City (for example, with respect to Canal Street). Only the directions North, South, East, and West shall be used as pre-directional indicators. No post-directional indicators or other direction following a name shall be permitted;
 - b. The use of punctuation marks, including but not limited to the following, are prohibited: apostrophes, brackets, colons, commas, dashes, ellipses, question marks, exclamation marks, hyphens, parentheses, periods, quotation marks, semicolons, and slashes;
 - c. Diacritical marks (for example, ç, é, ô, etc.) and hyphens may be used;
 - d. The use of abbreviations (for example, Cath., Geo., Wm., etc.) are prohibited, except as provided below;
 - e. The use of titles (for example, Empress, Honorable, King, etc.), prefixes (for example, Dr., Mr., Rev., etc.), and suffixes (for example, Esquire, M.D., Ph.D., etc.) are prohibited, with the exception that suffixes forming part of the legal name of a person, and which are necessary to distinguish between two people with the same name, may be used. In such cases, the suffixes Junior and Senior shall be abbreviated Jr and Sr. No comma shall be used to separate such suffixes from the

other portions of a name, and no period shall be used following such a suffix;

- e. The shortest meaningful version of a proposed street name should be given preference;
- f. No new street name shall be permitted to exceed a length of thirty (30) characters. For this purpose of this standard, each letter, hyphen, numeral and space between words with a street name, including any pre-directional prefix (for example, North South etc.) and any street type suffix (for example, Avenue, Boulevard, etc.) shall be counted as an individual character. However, no diacritical mark shall be counted as a separate character from that of the letter to which it is added.

5. The City Planning Commission may consider and recommend to the City Council any modification to a proposed street name that is deemed necessary to carry out the provisions of the Street Naming Policy or to promote the health, safety, and general welfare of the community. However, the City Planning Commission shall not recommend any changes to the name of a street or right-of-way that is outside the bounding streets or other boundaries specified on the request submitted to the City Planning Commission by the City Council.

6. The City Planning Commission may waive any of the evaluation criteria in this section as part of its recommendation when doing so is deemed necessary in order to promote the health, safety and general welfare of the community.

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 sites 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), and 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 determine location opportunities and to determine future compliance with landscaping standards.

C. Updates

1. Providers must update the Fifteen Year Plan when new monopolies 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 (*Louisiana Revised Statutes, Planning commission; membership; appointment, procedure; legal effect of approval of plat, and public hearing authorized, prohibited rezoning*) to hold public hearings prior to the adoption of a Comprehensive Plan, or a portion of the Comprehensive Plan, for the approval of disapproval of a subdivision request, and for proposals to amend the Comprehensive Zoning Law. Copies of public hearing rules are included in Section I “Public Hearing Rules” of 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

Hearings, as required herein, shall be held by the Commission. Such hearings shall consists of a statement concerning the subdivision proposal by the Commission’s staff 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. 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.nola.gov.

2. 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.nola.gov.

3. 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 repetitive 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.nola.gov.

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, 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 subdivider's 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. Reversal of Lot Frontage. The Planning Commission will look with disfavor upon proposal(s) 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;

Unless the existing lot pattern within 500' on both sides of the proposed subdivision on each affected street contains development of which 50% or more have 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 hardship to owners of the adjoining properties.

- A. No subdivision will be approved by the Commission that is in conflict with current zoning regulations, except for subdivisions that meet the Special Policies of the Subdivision Regulations.
- B. No subdivision will be approved by the Commission that is in conflict with Building Code Requirements for side yards, fire walls, or common walls.
- C. 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.
- D. 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 Physical Development of Parishes and Municipalities: Planning Commissions of the Louisiana Revised Statutes.

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 *Chapter 14, Part I. Subpart A. Municipal Zoning Regulations (Zoning Commission; Recommendations; public hearings) of the Louisiana Revised Statutes* 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.

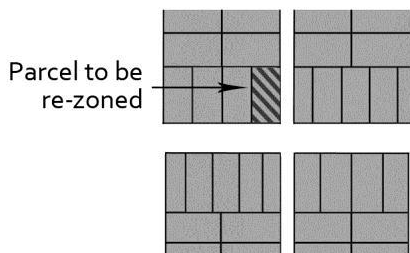
Notice of the time and place of such hearing shall be sent to the owner or owners, whose names and addresses must appear on the application and map attached thereto, by regular mail, not less than five days before the date fixed for the hearing. Similar notices shall be mailed to the petitioner and to 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.

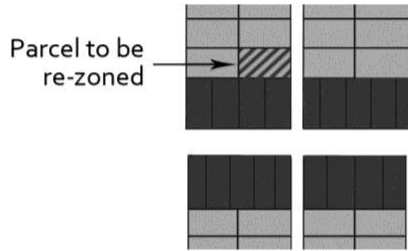
1. Spot Zoning Policy

Spot zoning refers to zoning changes that have the effect of singling out a lot or other relatively small tracts of land for treatment different from similar surrounding parcels. These zoning changes have the effect of granting preferential treatment to these parcels which is not also granted to surrounding similar properties.

An example of a spot zone is the creation of a new zoning district that is applied only to a limited number of properties which are similar to surrounding properties. The creation of this new zoning district has the effect of granting preferential treatment to these properties which is not also granted to surrounding similarly situated properties.



Spot zoning can also include the expansion of existing zoning districts when the expansion has the effect of granting certain properties preferential treatment that is not also granted to surrounding similarly situated properties.



As a policy, the City Planning Commission will generally object to requests for spot zones. However, in some instances, the City Planning Commission will be supportive of spot zones that are supported by the Historic Non-Conforming Use Policy.

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 afforded 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.

The City Planning Commission may look with favor upon requests for spot zones in instances where the physical character and historic use of the parcel(s) are significantly dissimilar from surrounding properties in a manner that justifies differential treatment. This policy should be used to evaluate the spot zoning of non-conforming properties that are different in historic land use from surrounding properties, such as commercial structures, industrial structures such as warehouses, churches, and schools. When evaluating potential spot zones, a property's historic land use, lot characteristics, setbacks, architectural characteristics, and other physical attributes should be considered to determine if the property is sufficiently dissimilar from surrounding properties. The following criteria should guide the analysis:

General:

- A. The request is consistent with *The Plan for the 21st Century*.

- B. The petition is in harmony with the historic character of the surrounding neighborhood.
- C. The request serves neighborhood need.
- D. The property has a history of non-residential use.

Specific:

1. Historically commercial properties are often developed with the following characteristics:
 - a. The building is built to the sidewalk and frames the corner.
 - b. The building entrance is visible from both streets, typically at an angle at the corner.
 - c. The building has an overhang, gallery, balcony, or canopy over the sidewalks.
 - d. The building has display windows, rather than large blank walls.
2. Historically industrial/warehouse properties are often developed with the following characteristics:
 - a. Structures are typically constructed of masonry or metal panels.
 - b. The interior of structures are often typified by expansive, open spaces suitable for manufacturing and/or storage.
 - c. Building façades are often austere, with relatively minimal façade articulation and/or ornamentation.
3. Historically institutional properties include religious buildings, schools, museums, libraries, hospitals and government buildings. These properties are often developed with the following characteristics:
 - a. Such properties are often developed with relatively large-scale structures.
 - b. Structures are typically situated on relatively sizeable lots.
 - c. Setbacks are often significantly dissimilar from surrounding properties.
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 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 of it 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 in compliance with the provisions of the *Louisiana Revised Statutes Part IV., Physical Development of Parishes and Municipalities – Subpart A. Planning Commissions*) and the City Charter and published once again in the official journal, unless deemed too 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**

CHAPTER 4

CITY PLANNING COMMISSION

Section 5-401. Creation and Composition

Section 5-402. Functions

Section 5-403. Director and Staff

Section 5-404. Master Plan

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

Section 5-406. Zoning Ordinance

Section 5-407. Approval of the Commission

Section 5-408. Board of Zoning Adjustments

Section 5-409. Orientation and Continuous Education Training for Planning
Commission and Board of Zoning Adjustments Members

Section 5-410. Other Functions

Section 5-411. Neighborhood Participation

Section 5-412. Definitions

CHAPTER 4

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 City Council for a term of nine years, staggered so that the term of one member shall expire each year.

Annotation: Pursuant to the provisions of Section 10 of Ordinance No. 23,141 M.C.S., this section as written became effective on Tuesday, November 4, 2008.

Section 5-402. Functions.

The City Planning Commission shall:

- (1) Prepare, adopt, amend, and recommend to the Council a twenty year Master Plan for the physical development of the City consistent with the requirements of Section 5-404. The Master Plan shall consist of a statement of development goals, objectives, and policies for the physical growth and development of the City, and shall include maps and a text setting forth principles, standards, and proposals. The Master Plan shall include, but not be limited to, the following elements: Vision, Goals, and Policy; Land Use; Transportation; Housing; Community Facilities and Infrastructure; and Historic Preservation. The elements are to be interrelated with each other and shall provide the overall guidance for city policy and priorities. The Land Use element shall consist of text setting forth land use issues and policies, and a Future Land Use Map setting forth categories of allowable uses and density, for the City. The entire area of the City shall be addressed within the Master Plan, as well as those land areas outside of the Parish of Orleans under the control or ownership of the City.
- (2) Prepare, adopt, amend and modify regulations governing the subdivision of land, including platting and re-platting, 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, all to be consistent with the Master Plan:
- (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, and implementing the Master Plan, 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. The zoning ordinance shall include an official Zoning Map, and the ordinance and the map may be periodically amended by the City Council provided any amendments are consistent with the Master Plan in accordance with Section 5-404 (3). The text, diagrams and maps in the Land Use Element of the Master Plan that address the location and extent of future land uses, and the zoning ordinance that implements those provisions, may also address urban form and design. They may differentiate neighborhoods, districts, and corridors, provide for a mixture of land uses and building types within each, and provide specific measures for regulating relationships between buildings, and between buildings and outdoor public areas, including streets, sidewalks, and other right of ways.
 - (d) Plans for the clearance of slum areas, public housing developments, and the rehabilitation or redevelopment of blighted areas.
 - (e) Plans for the re-planning, improvement, and reconstruction of neighborhood and community centers and of areas or districts destroyed or seriously damaged by fire, earthquake, hurricane, flood or other disaster.
 - (f) Such other studies as may be requested or directed by the Council.

- (4) Prepare the capital improvement plan and assist the Chief Administrative Officer in the preparation of the annual capital budget. The capital improvement plan and the capital budget shall be consistent with the Master Plan.
- (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 services as it may require.

Section 5-404. Master Plan.

- (1) **Preparation of the Master Plan.** The City Planning Commission shall prepare the Master Plan. Prior to completion of the Master Plan, the Commission shall hold at least one public meeting for each planning district or other designated neighborhood planning unit to solicit the opinions of citizens that live or work in that district or planning unit; it shall also hold at least one public hearing to solicit the opinions of citizens from throughout the community. In addition, it shall take affirmative steps to involve neighborhoods in master planning activities and comply with the requirements of any neighborhood participation program that the City, pursuant to Section 5-411, shall adopt by ordinance. Each public hearing or meeting shall be duly advertised in a newspaper of general circulation at least fifteen (15) but not more than (45) forty-five days in advance. Upon completion of the public meetings and hearing(s) and completion of the Master Plan, and following the adoption of the plan by resolution, the Commission shall forward the Master Plan to the City Council for adoption by ordinance. Within ninety (90) days of its receipt, the Council shall adopt the Master Plan, reject it, or propose modification. If it rejects the plan, or proposes any modification, the Council shall refer it to the Commission for public hearing and comment. The City Planning Commission shall consider and provide a recommendation to the City Council on the rejection or modification within (60) sixty days of receipt from the City Council. The Council shall take final action within (45) days of receipt of the recommendation from the City Planning Commission. Should the City Council fail to act on the Master Plan as required by this section after its submission by the Planning Commission, or after a resubmission by the Commission after the Council has modified or rejected the Plan, the Master Plan initially submitted to the Council by the Commission shall be deemed adopted by the Council. Following the adoption by the City Council 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 by the Council, certified copies of the plan and regulations and the ordinances 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 Effects of Master Plan.**
- (a) Following adoption of the Master Plan, no public project or facility and no public utility, whether publicly or privately owned, shall be authorized or significantly altered except in conformity with the adopted Master Plan.
 - (b) The Master Plan prepared by the Commission and adopted by the Council shall include as a part of the Land Use Element a table specifying the relationship between the land use designation and the zoning classification included in the Land Use Element of the Master Plan and reflected on the Future Land Use Map. The comprehensive zoning ordinance shall be simultaneously amended to include said table. Said table shall be amended, or updated as required, to accommodate amendments, or revisions, to the comprehensive zoning ordinance or Land Use Element of the Master Plan.
 - (c) All land development regulations and amendments thereto, including amendments to the zoning ordinance and the zoning map, as well as all other Land Use Actions, including but not limited to, preliminary or final approval of a subdivision plan; site plan; approval of a planned unit development, or similar site specific development plan; approval of conditional use; granting of a variance, or a decision by local government to construct a capital improvement; and/or acquire land or community facilities, including transportation facilities, shall be consistent with the Master Plan adopted by the City Council.
 - (d) A Land Use Action is consistent with the Master Plan if the Land Use Action:
 - (1) Furthers, or at least does not interfere with, the goals, policies, and guidelines, including design guidelines, that are contained in the Land Use Element of the Master Plan.
 - (2) Is compatible with the proposed future land uses, densities, and intensities designated in the Land Use Element of the Master Plan.
- (4) **Mandatory Review.** At least once every five years, but not more often than once per calendar year, and at any time in response to a disaster or other declared emergency, the

Commission shall review the Master Plan and shall determine, after one or more public hearings, whether the plan requires amendment or comprehensive revision. If amendment or comprehensive revision is required, the Commission shall prepare and recommend amendments or comprehensive revisions and readopt the plan in accordance with the procedures of this section. The Commission shall hold at least one public meeting for each planning district or other designated neighborhood planning unit affected by amendments or revision in order to solicit the opinions of citizens that live or work in that district or planning unit; it shall also hold at least one public hearing to solicit the opinions of citizens from throughout the community. In addition, it shall comply with the requirements of any neighborhood participation program that the City, pursuant to Section 5-411, shall adopt by ordinance. Each public hearing or meeting shall be duly advertised in a newspaper of general circulation at least fifteen (15) but not more than (45) forty-five days in advance. Upon completion of the public hearings and meetings and following the adoption by resolution of the amendment or comprehensive revision, the Commission shall forward the amendment or revision to the City Council for adoption by ordinance. Within ninety (90) days of its receipt, the Council shall adopt the amendment or revision to the Master Plan, reject the amendment or revision, or propose modification. If it proposes any modification, the Council shall refer it to the Commission for public hearing and comment. The City Planning Commission shall consider and provide a recommendation to the City Council on the modification within sixty (60) days of receipt from the City Council. The City Council shall take final action on the proposed amendment or revision within forty-five (45) days of receipt of the recommendation from the City Planning Commission.

- (5) **Legal Effect 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 with the subdivision regulations, and Master Plan, and no such proposed subdivision shall be made or recorded unless approved by the Commission. Approval of a plat of a subdivision shall not be deemed an acceptance by the City of any street or other open space shown on the plat.
- (6) The City shall make adequate appropriations to the Commission to implement the mandate of this section.

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

The Council, upon recommendation of the Commission, and consistent with the Master Plan, may by ordinance do the following:

- (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 widenings 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 with 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 mapped 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 on 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 City Council shall refer all proposed zoning ordinances and amendments to the Commission for its recommendations. Any zoning ordinance or amendments adopted by the Council must be consistent with the Master Plan. Inconsistent ordinances and amendments shall be null and void as provided by Sec. 5-404 (3)(c).
- (2) Prior to making recommendations on any zoning ordinance or amendment thereto, and prior to adopting regulations governing the subdivision of land, 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 the hearing shall be published at least three times in the official journal.
- (3) Simultaneous with any amendment to the Master Plan, the Commission shall review the comprehensive zoning ordinance and shall determine, after one or more public hearings, whether the ordinance requires revision and amendment.
- (4) The City shall make adequate appropriations to the Commission to implement the mandate of this section.

Annotation: Pursuant to the provisions of Section 10 of Ordinance No. 23,141 M.C.S., this section as written became effective on Tuesday, November 4, 2008.

Section 5-407. Approval of the Commission.

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 the members of the Commission. Should the Commission fail to act within ninety (90) days of the submission of the proposal to the Director of the Commission, its approval shall be presumed unless the person, governing authority, office, 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.

Section 5-408. 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 a term of five years, 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 an administrative official in the enforcement of the zoning ordinance of the City.
- (c) Have the power to permit variations from the zoning regulations in classes of cases or situations and in accordance with the principles, conditions, and procedures specified in and subject to the limitations imposed by the zoning ordinances of the City.

Annotation: Pursuant to the provisions of Section 10 of Ordinance No. 23,141 M.C.S., this section as written became effective in November 2008.

Section 5- 409. Orientation and Continuous Education Training for Planning Commission and Board of Zoning Adjustments Members.

- (1) **Training.** Each Planning Commission and Board of Zoning Adjustments member shall attend a minimum of six hours of orientation training concerning the duties and responsibilities of the Planning Commission, or Board of Zoning Adjustments, either prior to taking office or no later than one year after office is assumed. All training shall be approved by, and under the supervision of, the City Planning Commission.
- (2) **Continuing education.** All members of the City Planning Commission and the Board of Zoning Adjustments shall receive within each calendar year at least six hours of continuous education in any of the subjects listed in subsection (3) of this section. All training shall be approved by, and under the supervision of, the City Planning Commission.
- (3) **Education subjects.** The subjects for the education required by subsections (1) and (2) of this section shall include, but not be limited to, the following: land use, land use planning, land use law, zoning, transportation, community facilities, historic preservation, ethics, public utilities, parliamentary procedure, public hearing procedure, economic development,

housing, public buildings, land subdivision, and powers and duties of the Planning Commission and Board of Zoning Adjustments.

- (4) **Removal from Position.** Members of the Planning Commission and Board of Zoning Adjustments shall be subject to removal by a majority vote of the members of their respective Commission or Board if they fail to complete the requisite number of hours of orientation training and continuing education within the time allotted in this section.
- (5) **Validity of Decisions.** A failure of one or more members of the Planning Commission or Board of Zoning Adjustments to complete the orientation training or continuing education requirements shall not effect, impact, or invalidate a decision of the Commission or Board.

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.

Section 5-411. Neighborhood Participation.

The City shall establish by ordinance a system for organized and effective neighborhood participation in land use decisions and other issues that affect quality of life. It shall provide for timely notification to a neighborhood of any proposed Land Use Action affecting the neighborhood; it shall also provide the opportunity for meaningful neighborhood review of and comment on such proposals. In addition, it shall provide the opportunity for meaningful neighborhood participation in the formulation of the Master Plan or any amendment thereto.

Annotation: Pursuant to the provisions of Section 10 of Ordinance No. 23,141 M.C.S., this section as written became effective in May 2010.

Section 5-412. Definitions.

For purposes of this Article:

“Future Land Use Map” means a map in the Land Use Element of the Master Plan that sets forth categories of allowable land uses and density for the purpose of directing the future development and redevelopment of private and public property in the City

“Land Use Action” means the preliminary or final approval of a zoning map amendment, a zoning ordinance text change, subdivision plat, site plan, planned unit development, or

conditional use; the granting of a variance, adoption of a development agreement, or issuance of a certificate of appropriateness; a decision by the City or any of its administrative authorities to construct a capital improvement, acquire land for community facilities, including transportation facilities, or for redevelopment. Approval as used in this paragraph includes approval subject to conditions.

“Zoning Map” means the Official Zoning District Maps adopted with the New Orleans Comprehensive Zoning Ordinance, setting forth the boundaries of each land use designation and showing authorized land uses and densities for such uses within each designated area.

Annotation: Pursuant to the provisions of Section 10 of Ordinance No. 23,141 M.C.S., Sections 5-402, 5-403, 5-404, 5-405, 5-406, 5-407, 5-409, 5-410 and 5-412 of this chapter became effective thirty-six months from the date of the election on these amendments (Tuesday, November 4, 2008), or once the Master Plan and the Comprehensive Zoning Ordinance under revision at that time are completed and adopted by the City Planning Commission, whichever is sooner.

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 Subpart, the following terms are defined as follows:

- (1) “Master plan” means a statement of public policy for the physical development of a parish or municipality adopted by a parish or municipal planning commission.
- (2) With regard to municipalities, certain terms are defined as follows:
 - (a) “Municipality” includes any incorporated city, town, or village.
 - (b) “Chief executive” means the mayor or corresponding officer of a municipality, whatever his title.
 - (c) “Local legislative body” means the mayor and board of aldermen, the commission council, or other governing body of a municipality.
- (3) “Planning commission” means an official planning commission appointed in accordance with the provisions of this Subpart. 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 jurisdictions 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 Subpart.
- (4) “Streets” and “roads” includes streets, avenues, boulevards, roads, lanes, alleys, viaducts, and other ways.

- (5) (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.
- (b) “Resubdivision”, in addition to being synonymous with “subdivision”, means and shall also include the consolidation of two or more lots, plats, tracts, parcels, or other divisions of land into one or more lots, plats, tracts, parcels, or other divisions of land.

(Source: Amended by Acts 1990, No. 699, § 1, eff. July 20, 1990; Acts 2004, No. 859, § 1, eff. July 12, 2004. Acts 2004, No. 859 became effective July 12, 2004.

101.1. Subdivision approval a legislative function

Except as otherwise provided in this Subpart, the act of approving or disapproving a subdivision plat is hereby declared a legislative function involving the exercise of legislative discretion by the planning commission, based upon data presented to it; provided that any subdivision ordinance enacted by the governing authority of a parish or municipality or the acts of the planning commission, or planning administrator shall be subject to judicial review on the grounds of abuse of discretion, unreasonable exercise of police powers, an excessive use of the power herein granted, or denial of the right of due process. The right of judicial review of a subdivision ordinance shall not be limited by the foregoing, however, nothing contained in this Subpart or in any subdivision ordinance adopted by a parish or municipality shall be construed as imposing upon such parish or municipality a duty, special or otherwise, to or for the benefit of any individual person or group of persons.

CREDIT(S): Added by Acts 1990, No. 699, § 1, eff. July 20, 1990.

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 Subpart, and may create by ordinance a planning commission with the powers and duties as provided by this Subpart, and may appropriate funds for the commission.

CREDIT(S): Amended by Acts 2004, No. 859, § 1, eff. July 12, 2004.

102.1. Regulation of amateur radio antennas

- A. No parish or municipality may enact or enforce an ordinance or regulation that is in conflict with the ruling of the Federal Communications Commission in “Amateur Radio Preemption, 101 FCC 2nd 952 (1985)” or other federal regulations related to amateur radio service, including 47 C.F.R. Part 97.
- B. If a parish or municipality adopts an ordinance or regulation involving the placement, screening, or height of an amateur radio antenna based on health, safety, or aesthetic conditions, the ordinance or regulation must:
 - (1) Reasonably accommodate amateur communications.
 - (2) Represent the minimal practicable regulation to accomplish the parish's or municipality's legitimate purpose.

CREDIT(S): Added by Acts 1999, No. 1325, § 1.

103. Planning commission; membership; appointment

- A. A parish planning commission shall consist of not less than five nor more than nine members, at the discretion of the police 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. (1) All members of a commission, whether a parish or a municipal planning commission, shall serve without compensation, except as otherwise provided by this Paragraph or as otherwise provided by law, and shall hold no other public office, except they may also serve as members of any duly constituted regional commission of which their parish or municipality forms a part.
- D. The successors of the members of a planning commission, whether a parish or municipal planning commission shall be appointed by the parish governing authority or the local legislative body of the municipality, as the case may be, for terms of

equal length for all members, to be determined by said authority or body, which terms shall be for not less than four years or more than ten years from and after expiration of the terms of their predecessors in office. Provided however, that nothing contained herein shall affect the term of any member incumbent on the effective date of this Subsection.

- 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.
- F. Where a parish or municipality has adopted a charter for local self-government or other home rule charter and such charter provides for the establishment of a planning commission or otherwise provides for the functions of a planning commission to be performed by the governing authority or other board or commission, the provisions of this Subpart concerning membership, appointment, organization, and structure shall not be applicable. In such case, any parish or municipality with a home rule charter may avail itself of the power and authority granted herein to a planning commission; however, nothing herein shall diminish any power or authority already granted by a home rule charter or other law.

CREDIT(S): Amended by Acts 1956, No. 135, § 1; Acts 1961, No. 76, § 1; Acts 1968, No. 654, § 1; Acts 1974, No. 480, § 2; Acts 1975, No. 23, § 1; Acts 1976, No. 57, § 1; Acts 1977, No. 42, § 1; Acts 1980, No. 737, § 1; Acts 1980, No. 781, § 1; Acts 1981, No. 123, § 1; Acts 1985, No. 409, § 1, eff. Jan. 1, 1986; Acts 1990, No. 699, § 1, eff. July 20, 1990; Acts 1991, No. 720, § 1; Acts 1993, No. 980, § 1, eff. June 25, 1993; Acts 1995, No. 123, § 1; Acts 1997, No. 438, § 1; Acts 1997, No. 453, § 1; Acts 1999, No. 90, § 1; Acts 2000, 1st Ex.Sess., No. 137, § 1, eff. April 19, 2000; Acts 2006, No. 725, § 1, eff. July 1, 2006; Acts 2008, No. 105, § 1.

103.1. Training requirements; commission and advisory board members

- A. All appointed members of parish and municipal planning commissions and of advisory boards to such commissions, including boards of zoning adjustment, shall receive at least four hours of training in the duties, responsibilities, ethics, and substance of the positions held or to be held, either prior to taking office or no later than one year after office is assumed. All training shall be approved by the parish or municipal planning commission or advisory board.
- B. The provisions of this Section shall only apply to members appointed to such boards and commissions on or after July 12, 2004.

CREDIT(S): Added by Acts 2004, No. 859, § 1, eff. July 12, 2004.

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 reelection. 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, § 4; Acts 1946, No. 319, § 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, § 5; Acts 1946, No. 319, § 5.

106. General powers and duties

- A.
 - (1) A parish planning commission shall make and adopt a master plan for the physical development of the unincorporated territory of a parish.
 - (2) A municipal planning commission shall make and adopt a master plan for the physical development of the municipality.
- B.
 - (1) Any such plan shall provide a general description or depiction of existing roads, streets, highways, and publicly controlled corridors, along with a general description or depiction of other public property within the jurisdiction that is subject to the authority of the commission.
 - (2) Any such plan, with the accompanying maps, plats, charts, and descriptive matter may include 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, playgrounds, 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 of use, or extension of any of the foregoing ways, grounds, open spaces, buildings, property, utilities, or terminals.

- C. As the work of making the whole master plan progresses, a commission may from time to time adopt and publish 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.
- D. Where a municipal planning commission has been established under the authority of this Subpart, it shall also serve as a municipal zoning commission, and when acting as such, it shall hold separate meetings with separate minutes and records.

CREDIT(S): Amended by Acts 2004, No. 859, § 1, eff. July 12, 2004.

106.1. Planning commissions; exempt subdivisions; septic tanks and field drains permitted

- A. Notwithstanding any other provision in this Chapter to the contrary, no parish, regional, or other planning commission, except those of the parishes of Bossier, Cameron, St. Charles, St. James, Lincoln, Plaquemines, St. Tammany, Washington, Allen, Tangipahoa, Jefferson Davis, Evangeline, Sabine, St. John the Baptist, West Baton Rouge, and Caddo, and those of any city or municipality within said parishes, and except those covering a jurisdiction with a population greater than three hundred thousand, shall have jurisdiction over the following subdivisions of land except with respect to requirements for utilities, drainage, including sewerage disposal and street planning dimensions, composition, and alignment:
 - (1) Any parcel of land situated outside an incorporated area which is owned wholly by one owner or co-owners and is divided into single-family lots of a minimum square footage of twenty-two thousand five hundred square feet, with a minimum width of one hundred twenty-five feet of frontage, except those lots that are nonrectangular with less than a minimum of one hundred

twenty-five feet of frontage have an average width of one hundred twenty-five feet, provided said lots have a frontage of at least sixty feet, and provided that the size of the lots can support sewage disposal systems and individual water systems which meet the requirements of the office of preventive and public health services after consideration of recognized standards of suitability. However, the provisions of this Section and those of R.S. 33:106 shall not apply to any rural subdivision residence constructed prior to January 1, 1980, if the builder on or buyer of such residence installs a septic tank with an absorption field, or, as alternative method, an individual mechanical sewage treatment plant for individual single-family homes, either of which must qualify as an acceptable sewage treatment system as determined by the office of preventive and public health services of the Department of Health and Hospitals, and which would be acceptable to the local health authority of the parish in which the residence is located. Furthermore, no parish, municipality, or planning commission shall enact a sewerage permit ordinance or similar regulation authorizing the installation of individual sewage treatment and disposal systems without written approval by the office of preventive and public health services of the Department of Health and Hospitals.

- (2) Any parcel of land, wherever located, upon which a servitude of passage is created for ingress or egress which does not create a through passage and is used exclusively as a driveway need not meet any street planning dimensions, except said servitude must be adequate in dimensions to provide for ingress and egress by service and emergency vehicles.

- B. On the tracts excepted from planning commission regulation in this Section, the utilization of individual sewage disposal systems shall be permitted and the utilization of any other sewage disposal system shall not be required, provided such sewage disposal systems meet requirements of the office of preventive and public health services.

CREDIT(S)

Added by Acts 1978, No. 527, § 1. Amended by Acts 1979, No. 47, § 1, eff. June 20, 1979; Acts 1980, No. 673, § 1; Acts 1980, No. 782, § 1; Acts 1981, No. 379, § 1; Acts 1982, No. 716, § 1; Acts 1985, No. 569, § 1, eff. July 12, 1985; Acts 2001, No. 342, § 1.

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 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 co-ordinated, 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 1946, No. 300, § 7; Acts 1946, No. 319, § 7.

108. Procedure of commission; adoption of a plan

- A. 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.
- B. 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.

- C. The adoption of a plan or of any such part or amendment or extension or addition 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.
- D. Certified copies of the plan or part thereof shall be filed with the division of administration, 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.

Source: Acts 1946, No. 300, § 8; Acts 1946, No. 319, § 8.

109. Legal status of official plan

- A. 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 way, ground, space, building, structure, or utility is one 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 such 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 and after the date of official submission to a commission shall be deemed approval.
- B. Whenever a parish or municipal planning commission has adopted a master plan, the governing authority of such parish or municipality shall consider such adopted master plan before adopting, approving, or promulgating any local laws, ordinances, or regulations which are inconsistent with the adopted elements of the master plan.

Source: Acts 1946, No. 300, § 9; Acts 1946, No. 319, § 9.

109.1 Relationship between local master plans and the plans of the state and other political subdivisions

Whenever a parish or municipal planning commission has adopted a master plan, state agencies and departments shall consider such adopted master plan before undertaking any activity or action which would affect the adopted elements of the master plan.

Added by Acts 2004, No. 859, § 1, eff. July 12, 2004.

APPLICATION TO PENDING LITIGATION--ACTS 2004, NO. 859

Acts 2004, No. 859, § 2 (§ 1 of which enacted this section) provided:>

Section 2. The provisions of this Act shall not apply to any litigation pending on the effective date of this Act.”>

Acts 2004, No. 859 became effective July 12, 2004.

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 of 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 officials 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 purposes of this Sub-part.

Source: Acts 1946, No. 300, § 10; Acts 1946, No. 319, § 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, § 11; Acts 1946, No. 319, § 11.

112. Subdivision regulations

- A. Before exercising the powers referred to in R.S. 33:110, 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. 33:110 a municipal planning commission shall adopt regulations governing the subdivision of land within its jurisdiction.
- C. (1)(a) Within the city of New Orleans, the governing body may enact or may authorize its appropriate agency to enact, as a part of the municipality's subdivision control regulations, requirements that a subdivider of land dedicate such land areas, sites, and locations for park, 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 through its appropriate agency in order to determine the need, if any, for park, playground, and public school sites generated by existing subdivisions within the municipality containing various types of dwelling units or structures.

- (b) 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 Subpart, 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.
 - (c) 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 provisions 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.
 - (2) 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 firefighting 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 revocable 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 of 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. 33:4562-4566 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 interlocal 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.

CREDIT(S): Amended by Acts 1972, No. 36, § 1; Acts 1991, No. 264, § 1; Acts 2011, 1st Ex.Sess., No. 20, § 1.

Source: Acts 1946, No. 300, § 12; Acts 1946, No. 319, § 12.

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 certified mail of the time and place of such hearing not less than five days before the date fixed therefor. A planning commission shall give notice of such hearings, including the purpose, time, and place, by at least one publication in a newspaper of general circulation in the area surrounding the proposed subdivision, not less than five days prior to the hearing date; provided, however, that in parishes or municipalities with a population in excess of one hundred fifty thousand, the public hearing may be waived by the planning commission or planning authority for subdivisions creating five 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 and a 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 to 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 amendment or repeal as though set out as a part of a zoning ordinance or map.

Amended by Acts 1966, No. 498, § 1; Acts 1975, No. 556, § 1; Acts 1977, No. 108, § 1; Acts 1981, No. 379, § 1.

Source: Acts 1946, No. 300, § 13; Acts 1946, No. 319, § 13.

113.1 Administrative procedure

- A. Notwithstanding other provisions of this Subpart or other law to the contrary, the governing authority may adopt an ordinance establishing administrative procedures for approving or certifying certain plats involving minor modifications of existing parcels of land. The categories of such modifications qualifying for such administrative approval or certification are:
- (1) The realignment or shifting of lot boundary lines, including removal, addition, alignment, or shifting of interior lot boundary lines, or the redesignation of lot numbers provided the application meets the following requirements:
 - (a) Does not involve the creation of any new street or other public improvement except as otherwise provided in this Section.
 - (b) Does not involve more than two acres of land or ten lots of record.
 - (c) Does not reduce a lot size below the minimum area or frontage requirements established by ordinance.
 - (d) Otherwise meets all the requirements of the subdivision regulations and zoning ordinances.
 - (3) Parcels of land where a portion has been expropriated or has been dedicated, sold, or otherwise transferred to the parish or municipality, thereby leaving a severed portion of the original property which requires a redesignation of lot number and establishment of new lot boundary lines.
- B. Notwithstanding the provisions of Paragraph (1) of Subsection A of this Section, such administrative procedures may provide for the dedication, acceptance, relocation, or deletion of public utility servitudes, other than streets, or the deletion of gas, electric, or telephone utility servitudes acquired by private act or pursuant to the provisions of R.S. 19:1 et seq. on the property being resubdivided.
- C. All plats approved or certified by an administrative procedure provided for herein shall designate such fact on the plat and the plats shall be recorded in the conveyance records of the parish. Any plat so approved shall have the same force and effect and legal status of a subdivision application approved by the established legislative process.

CREDIT(S): Added by Acts 1990, No. 699, § 1, eff. July 20, 1990. Amended by Acts 1999, No. 144, § 1, eff. June 9, 1999; Acts 2006, No. 185, § 1, eff. June 2, 2006.

114. Penalties for transferring lots in unapproved subdivisions

- A. Whoever, being the owner or agent of the owner of any land located within a subdivision, transfers or sells or agrees to transfer or 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 make the instrument of transfer subject to compliance with laws, ordinances, and regulations relative to the development of subdivisions.
- (1) 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, without making the instrument of transfer subject to compliance with laws, ordinances, and regulations relative to the development of subdivisions, shall pay a penalty of five hundred dollars for each lot or parcel so transferred or sold or agreed or negotiated to be sold.
 - (2) 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.
 - (3) 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.

Amended by Acts 1983, No. 238, § 1; Acts 1995, No. 141, § 1.

Source: Acts 1946, No. 300, § 14; Acts 1946, No. 319, § 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 on 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, § 15; Acts 1946, No. 319, § 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 therefor 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 of 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, § 16; Acts 1946, No. 319, § 16.

117. Status of existing platting statutes

When a planning commission has control over subdivisions 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, No. 300, § 17; Acts 1946, No. 319, § 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 or by other laws to the municipal planning commission of the municipality; 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 that portion of the expenses of the designated commission which is properly chargeable to the planning service rendered to the municipality.

Source: Acts 1946, No. 300, § 18.

119. Coordination with parish planning

In any parish where there exist separate parish and municipal planning commissions, every municipal planning commission shall consult and co-operate with the parish planning commission for the purpose of guiding and accomplishing a co-ordinated, 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, § 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.

CREDIT(S): Added by Acts 1956, No. 552, § 1.

120.1. Civil actions

Nothing contained in any subdivision regulation shall relieve, lessen, or otherwise diminish the responsibility, liability, or duty of any person engaged in the design or development of a subdivision for damage to property or injury to another caused by or resulting from any defects of any nature in any work performed or acts done by said person.

CREDIT(S): Added by Acts 1990, No. 699, § 1, eff. July 20, 1990.

SUBPART B-1 INDUSTRIAL AREAS

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 and without the boundaries of any municipality. Such areas may be designated only after the feasibility therefor has been established by land use studies conducted by parish planning commissions, 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.

CREDIT(S): Added by Acts 1964, No. 406, § 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.

CREDIT(S): Added by Acts 1964, No. 406, § 1.

130.13. Procedure of parish governing authority; designation of industrial area

Before any designation is made of an 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.

CREDIT(S): Added by Acts 1964, No. 406, § 1.

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. 33:130.13, 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.

CREDIT(S): Added by Acts 1964, No. 406, § 1. Amended by Acts 1966, No. 505, § 1.

130.15. Repealed by Acts 1995, No. 194, § 2, eff. June 14, 1995

130.16. Inclusion of industrial area within certain newly created special service districts prohibited.

No portion of an industrial area that provides any of the services enumerated in R.S. 51:1202 shall be included within any newly created special service district.

CREDIT(S): Added by Acts 1964, No. 406, § 1. Amended by Acts 2008, No. 644, § 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. 51:1202 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 an 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 an industrial area or removing a portion of the territory from an industrial area, the burden of proof shall be on the parish to establish that certain of the services listed in R.S. 51:1202 have not been 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.

CREDIT(S): Added by Acts 1964, No. 406, § 1. Amended by Acts 2008, No. 644, § 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 preexisting special service district which furnishes any of the services enumerated in R.S. 51:1202, 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 to 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.

CREDIT(S): Added by Acts 1964, No. 406, § 1. Amended by Acts 2008, No. 644, § 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 therefor 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, or for delivery of materials or supplies, other than by rail or water transportation, to 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.

CREDIT(S): Added by Acts 1964, Ex.Sess., No. 30, § 1.

LOUISIANA REVISED STATUTES - R.S. TITLE 33.

MUNICIPALITIES AND PARISHES

CHAPTER 14. EXERCISE OF POLICE POWER

PART 1. 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; provided that zoning ordinances enacted by the governing authority of municipalities or the acts of the zoning commission, board of adjustment as herein provided for, or zoning administrator shall be subject to judicial review on the grounds of abuse of discretion, unreasonable exercise of the police powers, an excessive use of the power herein granted, or the denial of the right of due process, provided, further, that the right of judicial review of a zoning ordinance shall not be limited by the foregoing.

CREDIT(S): Amended by Acts 1977, No. 306, § 1.

4722. Creation of districts; powers of municipal authorities; transfers of development rights; and uniform regulations within district

- A. For any and all of the purposes set forth in R.S. 33:4721 the governing authority of any municipality 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 so created, the governing authority may regulate and restrict the erection, construction, alteration, or use of buildings, structures or land.
- B. The governing authority of the city of New Orleans shall have the power to provide for official landmark or other appropriate designation by ordinance of areas, places, buildings, and structures having a special historical, community, or aesthetic interest or value; and in connection with those areas, places, buildings, and structures so

designated by ordinance to impose regulations governing their construction, alteration, demolition, and use and to adopt additional measures appropriate to their preservation, enhancement, or use, which additional measures may include but are not limited to:

- (1) Establishment of procedures authorizing owners of designated property to transfer development rights in such amount and subject to such conditions and controls as are appropriate to secure the purposes of this Part;
 - (2) The acquisition of the complete ownership of properties so designated or a lesser interest therein, including a preservation restriction, and the reconstruction, operation, or transfer by the municipality of any such property so acquired or the transfer of any development rights so acquired, all in accordance with such procedures and regulations and subject to such conditions as the governing authority deems reasonable and appropriate.
- C.
- (1) All such regulations shall be uniform for each class or kind of land and structure 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.
 - (2) In the city of New Orleans the provisions of Subsection B of this Section shall apply only to the area bounded by the Mississippi River, Howard Avenue, the river side of I-10-Claiborne Avenue and the uptown side of Iberville Street.

CREDIT(S): Amended by Acts 1972, No. 53, § 1; Acts 1975, No. 772, § 1; Acts 1991, No. 289, § 10; Acts 2011, 1st Ex.Sess., No. 20, § 1.

4722.1. Definitions

As used in this Part, unless the context otherwise requires:

- (1) The development rights of a designated site are the rights granted under applicable local law respecting the permissible bulk and size of immovable property erected thereon. Development rights may be calculated in accordance with such factors as lot area, floor area, floor area ratios, height limitations, or any other criteria set forth under local law for this purpose.
- (2) A preservation restriction is a right, whether or not stated in the form of a restriction, predial servitude, covenant or condition, in any act executed by or on behalf of the owner of immovable property or in any order of taking, appropriate to the preservation of areas, places, buildings or structures to forbid or limit acts of demolition, alteration, use or other acts detrimental to the preservation of the areas, places, buildings, or structures.

CREDIT(S): Added by Acts 1975, No. 772, § 2.

4723. Purpose of regulations

The regulations shall be made in accordance with a comprehensive plan and designed 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 population, 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, § 3.

4724. Public hearing authorized; prohibited rezoning

The legislative body of a municipality which has provided for a comprehensive zoning plan 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 a municipality which has provided for a comprehensive zoning plan. In such a 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 circulation therein; at least fifteen days shall elapse between the first publication and the date of the hearing. In municipalities with a population of less than four hundred seventy-five thousand in addition to notice by publication, and at least ten days prior to the hearing, a good faith attempt to notify the owner or owners of record of the properties to be zoned or rezoned in municipal zoning shall be made by the sending of an official notice by regular mail of the time and place of the hearing and subject matter of the regulations and restrictions. Notwithstanding the foregoing, however, when more than ten parcels are to be zoned or rezoned by enactment of a zoning ordinance, the advertisement in the official journal or a paper of general circulation required herein shall be considered adequate notice to the property owners.

CREDIT(S): Amended by Acts 1976, No. 175, § 1; Acts 1991, No. 289, § 10.

Source: Acts 1926, No. 240, § 4; Acts 1948, No. 437, § 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 percent 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 changed, the amendment shall not become effective except by the favorable vote of a majority of the members of the legislative body of the municipality who are present and voting. The provisions of R.S. 33:4724 relative to public hearing and official notice shall apply equally to all changes or amendments.

Provided that no ordinance shall require a procedure or criteria for amendment any greater than that initially used upon the formation of regulations, restrictions and/or penalties.

CREDIT(S): Amended by Acts 1977, No. 306, § 1.

Source: Acts 1926, No. 240, § 5.

4725.1. Zoning of annexed property

- A. Except as provided by Subsection B of this Section, if after August 15, 1999, a municipality annexes property the use of which is governed by a parish zoning ordinance at the time of annexation, and the annexation causes a change in the zoning classification, the parish zoning classification shall remain in effect until the owner of the property has applied for rezoning with the appropriate municipal governing

authority, board or commission or for a period of six months, whichever occurs first. The municipality shall notify, by certified mail, the owner of the property of the change in zoning classification within thirty days of the date of the annexation.

- B. The owner of property subject to Subsection A of this Section may waive the provisions of Subsection A with respect to his property. Any such waiver shall be in writing and shall be filed in the parish conveyance records. A municipal governing authority may prescribe the form for any such waiver or may authorize a municipal officer, agency, or employee to prescribe such form for the filing of such waivers. A municipal governing authority may adopt additional requirements for the filing of such waivers.

CREDIT(S): Added by Acts 1999, No. 929, § 1.

4726. Zoning commission; recommendations; public hearing

- A. In order to avail itself of the powers conferred by R.S. 33:4721 through 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.
- B. Notwithstanding the provisions in Subsection A, the governing authority of the city of Lafayette may empower the zoning commission to determine the boundaries of the districts as well as the restrictions and regulations to be enforced therein, and any supplements, changes, and modifications thereof. In such case, public hearing and notification requirements shall be the same as those for zoning commissions operating solely as a recommending board. The zoning commission shall promptly notify the municipal governing authority of any action taken pursuant to such authority as may be granted to it as provided in this Subsection. Any action of the zoning commission may be appealed to the municipal governing authority in accordance with procedures established by such governing authority. Nothing in this

Subsection shall prohibit the municipal governing authority from enacting ordinances relating to those matters which it empowers the zoning commission to determine.

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

CREDIT(S): Amended by Acts 1992, No. 476, § 1.

Source: Acts 1926, No. 240, § 6; Acts 1948, No. 437, § 2.

4727. Board of adjustment; membership; powers and procedures; appeals from decisions

- A. (1) The local legislative body may provide for the appointment of a board of adjustment, and in the regulations and restriction 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.
- (2) The board of adjustment shall consist of five members, and may include two alternate members, all of whom shall be landowners 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.
- (3) 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 comprise a full five-member board when a quorum is present. When so serving, alternate members shall have all the powers and duties of regular members.
- (4) 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.
- (5) The board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to R.S. 33:4721 through 33:4729; however, any rules adopted by a board of adjustment, zoning administrator, or other official or official body appointed by the governing authority shall not be effective until approved in writing by the governing authority.

- B. (1) In the parish of Orleans, effective January 1, 1984, the positions of alternate member are abolished and thereafter the board of adjustment of the parish of Orleans shall consist of seven members, all of whom shall be residents and electors of the parish.
- (2) However, the members serving on the effective date of this Subsection shall continue to serve the terms to which they were originally appointed.
- (3) The two additional members shall be appointed in the same manner as the initial five members of the board and shall serve respectively, one for four years and one for five years. Thereafter each additional member shall be appointed for a term of five years.
- C. (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 meetings, 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 examination 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 an auditory recording or by a reporter employed by the board for the purpose.
- (2) (a) 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, after all transcript costs and all other costs of appeal are paid by the person or entity taking the appeal, the appellant.
- (b) 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 with him, that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril of life or property. In

such case proceedings shall not be stayed otherwise than by a restraining order that 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.

- (c) 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 appear in person or by agent or by attorney.

- (3) The board of adjustment shall have the following powers:

- (a) 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 thereto.
- (b) To hear and decide all matters referred to it or upon which it is required to pass under the ordinance.
- (c) 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.

- D. (1) In exercising the above mentioned powers the board may, in 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 powers of the officer from whom the appeal is taken.
- (2) The concurring vote of a majority of the members of the board present and voting shall be necessary to reverse any order, 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.

- E. (1) Any person or persons jointly or severally aggrieved by any decision by the board of adjustment of any officer, department, board, or bureau of the municipality, may present to the district court of the parish or city in which the property affected is located a petition, duly verified, setting forth that the decision is illegal, in whole or in part, specifying the grounds of the illegality. The petition shall be presented to the court within thirty days after the filing of the decision in the office of the board.
- (2) 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 be prescribed therein the time within which a return may be made and served upon the relator's attorney that shall be not less than ten days but which may be extended by the court. The party requesting the appeal or writ shall bear the costs of transcribing the auditory recording of the meeting in which the adverse board of adjustment decision was rendered.
- (3) The board of adjustment 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.
- (4) 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, the cost of which shall be borne by the party who initiated the appeal, 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.
- (5) The court may reverse or confirm, 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, 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.

- F. In the city of Slidell the positions of alternate members are abolished and hereafter the board of adjustment of the city of Slidell shall consist of seven members, all of whom shall be landowners and qualified voters. The members serving on the effective date of this Subsection shall continue to serve the terms to which they were originally appointed. The two additional members shall be appointed in the same manner as the initial five members of the board and shall serve respectively, one for four years and one for five years. Thereafter each additional member shall be appointed for a term of five years.

CREDIT(S): Amended by Acts 1968, No. 240, § 1; Acts 1977, No. 306, § 1; Acts 1983, No. 537, § 1, eff. July 14, 1983; Acts 1985, No. 259, § 1, eff. July 6, 1985; Acts 1990, No. 758, § 1; Acts 1991, No. 852, § 1, eff. July 23, 1991; Acts 1991, No. 1032, § 1, eff. July 26, 1991.

Source: Acts 1926, No. 240, § 7.

4728. Enforcement of building and zoning regulations; penalty for violations

In case 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 entire 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.

Source: Acts 1926, No. 240, § 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 greater 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, § 9.

4730. Ordinances 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, § 10.

4731. Regulating building construction and limiting business areas in municipalities of 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, § 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, § 2.

CHAPTER IV

CODE OF ETHICS

CITY OF NEW ORLEANS

Code of the City of New Orleans Part II, Chapter 2, Article VII

Division 1. – Generally

Secs. 2-671—2-690. - Reserved.

Division 2. – Financial Disclosure

Sec. 2-691. – Financial statements; penalty.

- (a) Effective June 1, 1991, within 60 days of taking the oath of office of mayor or member of the council, each such person shall file a financial statement with the city attorney. Thereafter, such person shall file annually on or before May 15 a financial statement and within 60 days after the date upon which such person ceases to discharge his duties as mayor or member of the council, a financial statement shall be filed. The financial statement shall include information required in Section 2-692 and shall be current as of the date on which it is filed. Attached to the financial statement shall be the affidavit of such person filing same that the information contained in statement is true and correct to the best of his knowledge, information and belief.
- (b) Within 60 days of being appointed as the chief administrative officer, a mayoral executive assistant at or above range 67 of the unclassified pay plan of the city and a director of a city department, or on regular reporting dates, such appointee shall comply with all provisions of this article. For the purposes of the article the phrase "director of a city department" shall mean the heads of the following chartered city departments only:
 - (1) The City Attorney;
 - (2) The Superintendent of Police;
 - (3) The Superintendent of Fire;
 - (4) Director of the Department of Safety and Permits;
 - (5) Director of the Department of Sanitation;
 - (6) Director of the Department of Streets;
 - (7) Director of the Department of Recreation;
 - (8) Director of the Department of Welfare;

- (9) Director of the Department of Health;
 - (10) Director of the Department of Finance;
 - (11) Director of the Department of Property Management;
 - (12) Director of the Department of City Civil Service;
 - (13) Director of the Department of Utilities.
- (c) Whoever fails to file a financial statement required by this article, or knowingly and willfully fails to timely file any such statement, or knowingly and willfully fails to disclose or to accurately disclose any information required by this article shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$100.00. Whoever willfully and intentionally files a false report required by this article shall be guilty of a misdemeanor and upon conviction thereof shall be fined \$100.00, or imprisoned for not more than 90 days, or both.

(Code 1956, § 2-75; M.C.S., Ord. No. 23544, § 1, 5-7-09)

Sec. 2-692. - Contents of financial statement.

- (a) Except as provided herein below, the financial statement required by Section 2-691 hereinabove shall be filed on a form prescribed by the city attorney and shall include the following information for the preceding calendar year. For elected officials only, alternatively the requirement for filing the financial statement required by Section 2-691 hereinabove may be satisfied by filing a duplicate original of the financial disclosure statement required to be filed with the state board of ethics, pursuant to R.S. 42:1124.2 et seq.
- (1) The full name and residence address of the individual who is required to file;
 - (2) The full name of the individual's spouse, if any, and the spouse's occupation and principal business address;
 - (3) The name, address and nature of association with and the amount of interest in each business in which the individual or spouse is a director, officer, owner, partner, member, or trustee, or in which the individual or spouse, either individually or collectively, holds an interest worth in excess of ten percent;

- (4) The name, address, type and amount of each source of income, in excess of \$1,000.00, received by the individual or spouse, and the nature of the services rendered therefor, if any. For income derived from mental health, medical health, or legal services rendered, the individual need only show the amount of the income and not the identity of any individual patient or client;
 - (5) A brief description, location and address of each parcel of real property, the fair market value of which exceeds \$2,000.00, in which the individual or spouse, either individually or collectively, has an interest;
 - (6) A brief description, amount, and date of any purchase, sale, exchange, donation, gift, or other acquisition or disposition, in excess of \$1,000.00 of any real property, and of any stocks, bonds, commodities futures, or other forms of securities, including, but not limited to, any option to acquire and/or dispose of any stocks, bonds, commodities futures, other forms of securities, negotiable instruments, movable or immovable property, or any other interest;
 - (7) The name, address, and amount of each liability owed to any creditor by the individual or spouse which exceeds \$10,000.00, excluding any loan secured by a personal motor vehicle, household furniture, or appliances, if such loans do not exceed the purchase price of the item which secures it.
- (b) When an amount is required to be disclosed pursuant to this article, it shall be sufficient to report the amount by category of value. The categories shall be:
- (1) Category I, less than \$5,000.00;
 - (2) Category II, \$5,000.00—\$24,999.00;
 - (3) Category III, \$25,000.00—\$49,999.00;
 - (4) Category IV, \$50,000.00—\$99,999.00;
 - (5) Category V, \$100,000.00—\$199,999.00;
 - (6) Category VI, \$200,000.00 or more.

Amounts required to be disclosed shall be valued at actual or fair market value, whichever is greater.

- (c) For purposes of this article, the following words shall have the following meanings:

Business: means any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, business, organization, self-employed individual, holding company, trust, or any other legal entity or person.

Income: means any income from whatever source derived, including, but not limited to, the following items: Compensation for services, including fees, salaries, commissions, and similar items; income derived from business; gains derived from dealings in property; interest; rents; royalties; dividends; annuities; income from life insurance and endowment contracts; pensions; income from discharge of indebtedness; distributive share of partnership income; and income from interest in an estate or trust.

- (d) The financial statement shall be filed with the city attorney and shall be accompanied by the affidavit of the public official filing it certifying that the information contained in the financial statement is true and correct to the best of his knowledge, information and belief. The financial statement shall be a public record, subject to the provisions of R.S. 44:1 through 44:41. The city attorney shall additionally file a copy of his financial statement with the clerk of council who shall preserve the city attorney's financial statement as a public record.
- (e) For the purposes of this section, an individual or spouse shall not transfer any asset, interest, or liability required to be disclosed pursuant to the subsection (a) of this section to any person or business for the purpose of avoiding disclosure, unless such transfer is irrevocable. A transfer shall not be irrevocable if there exists any contract, letter, counter letter, note, or any other legally enforceable agreement or authority which if exercised or enforced would require or authorize any asset, interest, or liability transferred by an individual or spouse to a person or business to revert back to such individual or spouse.

(Code 1956, § 2-76; M.C.S., Ord. No. 23544, § 1, 5-7-09)

Secs. 2-693—2-715.

Reserved

Division 3 – Code of Ethics

Subdivision I. – Generally

Sec. 2-716. – Civil penalties.

- (a) Classified employees shall be subject to disciplinary action by their appointing authority for violation of this division.
- (b) Unclassified employees and appointed officials shall be subject to suspension or dismissal in accordance with Section 3-125 of the Charter for violation of this division.
- (c) Members of boards, commissions, and agencies shall be removed and/or shall forfeit their appointment in accordance with Section 9-104 of the Charter for violation of this division.
- (d) Elected officials shall be subject to censure by city council resolution for violation of this division.

(Code 1956, § 22B-31)

Sec. 2-717. - Criminal penalties.

Any person who violates the provisions of this division shall be punished by a fine not exceeding \$500.00 or by imprisonment for not more than six months or both such fine and imprisonment.

(Code 1956, § 22B-32)

Sec. 2-718. - Advisory opinions.

The ethics review board shall prepare and promulgate procedures for requesting official advisory opinions pertaining to the city code of ethics. All such official advisory opinions shall be in writing. All such official advisory opinions shall be distributed to all agencies of city government and be accessible to all city employees.

(Code 1956, § 22B-33; M.C.S., Ord. No. 17,613, § 1, 6-20-96)

Sec. 2-719. - Ethics review board.

An ethics review board is hereby established and authorized to enforce the provisions of the code of ethics of the city.

- (1) *Powers.* Pursuant to Section 9-402 of the Home Rule Charter, the ethics review board may establish additional recommendations for the code of ethics, issue advisory opinions, promulgate rules regarding the interpretation and enforcement of the city's code of ethics, refer cases for investigation on referral or complaint, retain counsel, and impose fines.
- (2) *Membership.* The board shall consist of seven members. Six members of the board, all of whom are domiciled in and electors of the city, shall be appointed by the mayor from lists of three nominees each submitted by the presidents or chancellors of Dillard University, Loyola University, Southern University in New Orleans (SUNO), Tulane University, University of New Orleans (UNO), and Xavier University. One additional member shall be appointed by the mayor. Each appointment is subject to approval by a majority of the members of the city council.
- (3) *Qualifications.* No member may hold any elective or appointed position with the city nor any other government or political party office or have held such position within two years before appointment to the ethics review board.
- (4) *Removal.* A member of the ethics review board may be removed by the mayor only for cause in accordance with the procedures established in Section 9-104 of the Home Rule Charter and by the council in accordance with the procedures and for the reasons established in Section 3-125 of the Home Rule Charter.
- (5) *Vacancy.* Within ten days of a president's or chancellor's recommended appointee's vacancy being created, the mayor shall request the university presidents or chancellors to submit within 30 days lists of three nominees each to the mayor for consideration to fill the unexpired term. Within 30 days of receiving the lists of nominees, the mayor shall submit a selection to the council for its consideration. Within 30 days of an unaffiliated appointee's vacancy being created, the mayor shall submit a suggested replacement to the council for its consideration. Within 30 days of receiving a mayoral nomination, the council shall approve or reject the appointment.
- (6) *Term.* The terms of the initial members shall be as follows: One member shall be appointed for a term to expire on June 30 of the first year; one member shall be appointed for a term to expire on June 30 of the second year; one member shall be appointed for a term to expire on June 30 of the third year; one member shall be appointed for a term to expire on June 30 of the fourth year; one member shall be

appointed for a term to expire on June 30 of the fifth year; one member shall be appointed for a term to expire on June 30 of the sixth year; and one member shall be appointed for a term to expire on June 30 of the seventh year. At the expiration of the term of each initial member and of each succeeding member, a successor shall be appointed to serve for a term of seven years. Each such term shall expire on June 30 of the seventh year.

- (7) *Public meetings.* The meetings of the ethics review board shall be open to the public in accordance with applicable state and municipal law.
- (8) *Quorum.* Four members of the ethics review board shall constitute a quorum for the purpose of transacting the business of the board.
- (9) *Rules and regulations.* The ethics review board, pursuant to Section 4-107 of the Home Rule Charter, shall adopt rules and regulations governing the transaction of its business.
- (10) *Staff.* The board may employ necessary staff in accordance with applicable civil service law and subject to appropriations by the council. The board's operation and procedures shall be governed by chapter 1 of article IX of the Home Rule Charter and by applicable state and municipal law.
- (11) *Investigations.* For purposes of an investigation or a hearing, the ethics review board may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any records which the ethics review board deems relevant or material to an investigation or hearing.
- (12) *Amendment.* Pursuant to section 9-402(3) of the Home Rule Charter, this section may only be amended by an ordinance receiving a two-thirds favorable vote of the entire membership of the city council.

(M.C.S., Ord. No. 17,612, § 1, 6-20-96)

Secs. 2-720—2-740.

Reserved

Subdivision II. - State Code of Governmental Ethics

Sec. 2-741. - State code of ethics.

The state code of governmental ethics (state ethics code) is established by R.S. 42:1101 et seq. The state ethics code applies to all officials and employees of the city and its various departments, boards, commissions, offices, and other agencies.

(Code 1956, § 22B-10)

Sec. 2-742. - Dissemination of state ethics code.

The chief administrative officer shall cause a copy of the state code of governmental ethics to be given to each official and employee of the city and its various departments, boards, offices and other agencies.

(Code 1956, § 22B-11)

Sec. 2-743. - Advisory opinions; complaints.

The chief administrative officer shall advise all officials and employees of procedures for obtaining advisory opinions from the state ethics commission and for filing complaints under the state code of governmental ethics.

(Code 1956, § 22B-12)

Sec. 2-744. - City ethics code supplemental.

The city code of ethics in subdivision III of this division is intended to supplement the provisions of the state code of governmental ethics. In some matters, the city ethics code is intended to be more restrictive than the state code of governmental ethics. If any provisions of the state code of governmental ethics are more restrictive than any provisions contained in the code of ethics for the city, the provisions of the state code of governmental ethics prevail.

(Code 1956, § 22B-13)

Secs. 2-745—2-765.

Reserved.

Subdivision III. - City Code of Ethics

Sec. 2-766. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Board: applies to boards, commissions, authorities, and other public bodies that are subject to the provisions of the Home Rule Charter of the city, except the city council.

(Code 1956, § 22B-21)

Cross reference— Definitions generally, § 1-2.

Sec. 2-767. - Application.

The code of ethics for the city shall apply to all officials of the government of the city, whether elected or appointed; to all employees, whether classified or unclassified; and to members and/or employees of all boards, agencies, commissions, advisory committees, public trusts, and public benefit corporations of the city.

(Code 1956, § 22B-1)

Sec. 2-768. - Purpose.

The code of ethics is established to remind each public official and employee that individually and collectively, public officials and employees must adhere to high ethical standards not simply to avoid sanctions or criticism, but because it is the right thing to do. Standards and guidelines established by or pursuant to the code of ethics should be construed and implemented with sensitivity, integrity, and a good faith commitment to advance rather than evade or circumvent the evident or stated spirit and purpose of ethical rules. Public officials and employees should not give unduly narrow or legalistic constructions to specific provisions of applicable ethics codes, standards, or rules and regulations.

(Code 1956, § 22B-3)

Sec. 2-769. - Responsibility of public office.

Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the constitution of the United States and the constitution of this state and to carry out impartially the laws of the nation, state and city and

thus to foster respect of all government. They are bound to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their primary concern.

(Code 1956, § 22B-2)

Sec. 2-770. - Nonpartisanship and nondiscrimination.

Public officials and employees should take action and make decisions based on the merits, objectively and without partisanship. In taking action and making decisions, public officials and employees should not discriminate against any person because of racial, ethnic, religious, political, sexual or personal prejudice or because of age, disability or sexual orientation.

(Code 1956, § 22B-4)

Sec. 2-771. - Development of internal standards.

Each department, board, office, or other agency of city government is encouraged to develop internal minimum standards of ethical conduct or behavior for situations or transactions that may be unique to the particular department, board, office or other agency. The opinions of employees and customers of the agency should be sought and used in the development of such internal standards, rules, regulations and guidelines for ethical conduct. Members of all boards and commissions of the city shall act as prudent administrators.

(Code 1956, § 22B-5)

Sec. 2-772. - Freedom from reprisal and disclosure of improper acts.

- (a) Any public employee who reports information which the employee reasonably believes is a violation of any ordinance, statute, policy, order, rule, regulation or other ethical mandate shall be free from discipline or reprisal for reporting such acts of alleged impropriety. An employee with authority to hire and fire, supervisor, agency head, or elected official may not subject to reprisal any public employee because of such employee's efforts to disclose such acts of alleged impropriety.
- (b) The provisions of this section are in addition to the protection afforded by the state code of governmental ethics and the rules of the city civil service commission to public employees who report acts of impropriety to the employee's agency head, civil service, the ethics review board, or the state board of ethics for elected officials or commission on ethics for public employees.

(Code 1956, § 22B-6; M.C.S., Ord. No. 17,613, § 1, 6-20-96)

Sec. 2-773. - Matters of public information.

The state Public Records Law, R.S. 44:1 et seq. applies to public records of all departments, boards, offices and other agencies of city government. With certain exceptions, the records and documents in the possession of city government officials and employees are public records that citizens, the news media, and other interested parties are entitled to review and copy. When citizens make a request to review public documents, city officials and employees should respond with courtesy and as expeditiously as possible within the requirements of the state Public Records Law. Officials and employees who have questions as to whether particular information is confidential under the state Public Records Law should contact their supervisor or request assistance from the law department. The chief administrative officer shall advise all officials and employees of the provisions and requirements of the state Public Records Law.

(Code 1956, § 22B-7)

Sec. 2-774. - Other laws, rules, and policies related to standards of conduct.

City officials and employees should be generally aware that laws, rules, and policies established by the federal and state government and agencies thereof and by the chief administrative officer and supervisors in city government prescribe standards of conduct for government and city employees. Some of these rules, laws, and policies are the following:

- (1) The state Code of Governmental Ethics, R.S. 42:1101 et seq., popularly known as the State Ethics Code.
- (2) The state Dual Office Holding Law, R.S. 42:61 et seq.
- (3) Civil Service Law, La. Const., art. 10, and the rules of the city civil service commission.
- (4) Policy and circular memoranda issued by the chief administrative officer.
- (5) Departmental rules and regulations issued by department heads and supervisors.
- (6) The state Public Records Act, R.S. 44:1 et seq., sometimes referred to by citizens as the Freedom of Information Act.

- (7) The state Open Meetings Law, R.S. 42:4.1 et seq., popularly known as the Sunshine Law.
(Code 1956, § 22B-8)

Sec. 2-775. - Dissemination of code of ethics.

The provisions of the code of ethics for the city shall be distributed to each elected or appointed official and employee of the city. Upon election or appointment to office or employment with the city, all public servants shall be given a copy of the code of ethics. The chief administrative office shall establish rules providing for the dissemination of the code of ethics.

(Code 1956, § 22B-9)

Sec. 2-776. - Specific prohibitions.

The provisions of Sections 2-777 through 2-783 shall be considered as specific prohibitions applicable to city officials and/or employees and/or board members as the case may be.

(Code 1956, § 22B-21)

Sec. 2-777. - Prohibited financial interests.

No city officer or employee 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. For purposes of this section, the word "contract" shall include remunerative contracts to provide goods or services to the city or for public work and shall not include:

- (1) A contract with the city which a city official or employee is required to enter in order to receive state or federally-funded grants, loans or other public assistance, or
- (2) A sale of abandoned property, as defined by R.S. 33:4720.12(1), to a city employee, when said sale is approved by the mayor, the director of the department by which the employee is employed, and the city attorney, and when such sale is for the purposes of rehabilitation.

(Code 1956, § 22B-21(a); M.C.S., Ord. No. 20966, § 1, 2-6-03)

Sec. 2-778. - Leases, concessions restricted.

No lease or concession shall be granted to any corporation in which one or more city officers, employees, or board members hold or control the majority financial interest.

(Code 1956, § 22B-21(b))

Sec. 2-779. - Borrowing from, interest in contractors.

No member, officer or employee 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 a board shall have any interest in any contract let by the board of which he is a member.

(Code 1956, § 22B-21(c))

Sec. 2-780. - Forfeiture of board membership.

Any member of a board who shall qualify as a candidate for any public elective office or who shall accept an appointive office or position of public employment for which compensation is paid by the city shall forfeit membership on the board. The provisions of this paragraph shall not apply to ex officio board members nor to any board member who serves in such capacity by virtue of an elective office in city government.

(Code 1956, § 22B-21(d); M.C.S., Ord. No. 22810, § 1, 9-6-07)

Sec. 2-781. - Political activities.

With regard to employees in classified service, the provisions of Section 4-1504 of the Charter and article 10, section 9 of the state constitution prohibit certain political activities.

(Code 1956, § 22B-21(e))

Sec. 2-782. - Recusal of board members.

Except as otherwise provided in this subdivision, no member of a board, commission, advisory committee, or other entity covered by this article who is excepted from the provisions of R.S. 42:1112 of the state code of governmental ethics with regard to voting or participating in a transaction involving a charitable, religious, nonprofit educational, public service, or civic organization because of the provisions of R.S. 42:1123(1) shall vote on or participate in a transaction otherwise prohibited by R.S. 42:1112 and, in such a case, the member shall, verbally or in writing at a public meeting, announce his recusal from

participation in the transaction and the reason for recusal. The intent of this section is to require recusal of board, commission, or committee members who serve on the boards of certain nonprofit corporations in cases where a conflict of interest arises. The provisions of this section shall not apply to the council. The council may provide in its rules and regulations for the recusal of its members.

(Code 1956, § 22B-21(f))

Sec. 2-783. - When financial interests permitted.

Nothing in this subdivision 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 article, the city Code, the Charter, applicable civil service or departmental rules, or applicable state or federal law.

(Code 1956, § 22B-21)

Sec. 2-784. - Filing complaints.

- (a) Any person may file a complaint concerning violations of this article with the ethics review board, the office of municipal investigation, or municipal court.
- (b) Any qualified elector of the city may file a written complaint in the form of an affidavit with any member of the city council concerning violations of this article involving a member of the city council.
- (c) Subject to the provisions of applicable law, members of the city council receiving complaints in the form prescribed in subsection (b) of this section may request an executive conference of all members of the city council to consider the complaint and may proceed in accordance with the Charter.
- (d) Complaints concerning violations of this subdivision involving the mayor shall follow the same procedure as for those involving a councilmember, as authorized under Section 3-124 of the 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 subdivision.

(Code 1956, § 22B-30; M.C.S., Ord. No. 17,613, § 1, 6-20-96)

Secs. 2-785—2-810.

Reserved