

## ARTICLE 1. GENERAL PROVISIONS

### Section 1.1. Title

These regulations shall officially be known, cited, and referred to as the Subdivision Regulations of the City of New Orleans.

### Section 1.2. Authority

In accordance with the provisions of Louisiana R.S. 33:101-119 and the Code of the City of New Orleans, Chapter 118–41, the City Planning Commission of the City of New Orleans (hereinafter “Commission”) is vested with the authority to review, approve, conditionally approve and disapprove applications for the subdivision of land, including tentative, engineering, and final plats.

### Section 1.3. Statement of Policy

- 1.3.1. **Implementation of the Master Plan.** It is hereby declared to be the policy of the Commission to consider the subdivision of land as one of the principal steps in carrying out the general purpose of the Land Use Chapter of the City’s Master Plan, as may be updated.
- 1.3.2. **Public Safety and Services.** Land to be subdivided shall be of such character that it can be used safely for building and other purposes without danger to health, or peril from fire, flood or other menace. Land shall not be subdivided until adequate provision is made for drainage, water, sewerage and access, as well as other improvements required by these regulations, and unless adequate community facilities such as schools, parks, recreation areas are available within the subdivision or in reasonable proximity.
- 1.3.3. **Establish Clear Standards and Processes.** These regulations establish clear predictable, transparent processes governing the division of land, acknowledging the varied development pattern throughout the city, and crafting polices which respond to the historic platting patterns in the different places within the city.
- 1.3.4. **Consistency with Other Regulatory Documents.** Proposals made pursuant to these subdivision regulations shall be consistent with the Master Plan, the Comprehensive Zoning Ordinance; the Major Street Plan; and the Capital Improvements Program of the governing bodies of the City of New Orleans and respective agencies having responsibilities for public improvements. These regulations are intended to supplement and facilitate the enforcement of the provisions and standards contained in the building, housing and related codes, zoning ordinances and other regulatory documents governing development of the city.
- 1.3.5. **Reasonable Accommodations.** These regulations implement the policy of the City of New Orleans, pursuant to the federal Fair Housing Amendments Act of 1988 and applicable state laws, to provide individuals with disabilities reasonable accommodation in the City’s zoning laws and land use regulations, rules, policies and practices to ensure equal access to housing and to facilitate the development of housing for individuals with disabilities. Reasonable Accommodations in the zoning and land use context means providing individuals with disabilities, or developers of housing for people with disabilities, flexibility in the applicant of land use, zoning and building regulations, policies, practices and procedures, or even waiving certain requirements, when it is necessary to eliminate barrier to housing opportunities.

#### 1.4. Statement of Purpose

In pursuit of this policy, these regulations shall be applied to accomplish the following purposes:

- 1.4.1. **Master Plan Implementation.** These regulations guide the future growth and development of the City in accordance with the Master Plan.
- 1.4.2. **General welfare.** These regulations promote, protect and provide for the public health, safety, convenience, and general welfare of the residents of the City of New Orleans.
- 1.4.3. **Growth management/Social and economic stability.** These regulations protect the character and the social and economic stability of all parts of the City. To encourage the orderly and beneficial development of the community through appropriate growth management techniques which assure adequate public facilities accompany new development. To promote infill development in existing neighborhoods and in non-residential areas where adequate public facilities already exist. To assure orderly development and adequate open space and protection of environmentally sensitive areas and areas premature for urban development.
- 1.4.4. **Health and safety.** To provide for adequate light, air, and privacy. To secure safety from fire, flood and other danger, and to prevent the overcrowding of land and undue congestion of population.
- 1.4.5. **Land uses.** To protect, conserve and enhance the economic and ecological value of land and the value of buildings and improvements on the land, and to minimize the conflicts among the uses of land and buildings.
- 1.4.6. **Circulation.** To provide for safe and efficient circulation of traffic with particular regard to the avoidance of congestion, to the proper separation between pedestrians and local and through traffic, and to provide for the proper location and width of streets, buffer zones and building lines.
- 1.4.7. **Environment.** To prevent the pollution of air and water bodies, to assure the adequacy of drainage, and to encourage the wise use and management of natural resources in order to preserve the integrity, stability, and beauty of the community and the value of land. To preserve the natural beauty of the land and to ensure appropriate development with regard to those natural features.
- 1.4.7. **Open space.** To provide open space through efficient design and layout of subdivisions. To encourage the designation as permanent open space those lands that are subject to flooding or unsuited for development for other geo- morphological reasons.
- 1.4.8. **Design standards.** To establish reasonable design standards and procedures for subdivisions in order to further the orderly layout and use of land. To encourage innovative subdivision design that will produce attractive, convenient and diversified living environments.
- 1.4.9. **Public services and facilities.** To ensure that public facilities and services are available concurrently with development. To ensure that the community will bear no more than its fair share of the cost of providing facilities and services by requiring the developer to make improvements, pay fees, dedicate land, or establish mitigation measures to ensure that the needs for capital facilities generated by the development are borne in fair proportion by the development itself.

#### Section 1.5. Jurisdiction

- 1.5.1. These regulations apply within the City of New Orleans to all subdivisions and resubdivisions of land, as defined in Article 6, Section 6.2. Definitions, of these regulations. The boundaries of the city are the same as those defined in the Home Rule Charter of the City of New Orleans.

- 1.5.2. No land shall be subdivided through the use of any legal description other than with reference to a plat approved by the City Planning Commission in accordance with these regulations.
- 1.5.3. Subdivisions which have been approved by the Commission and endorsement shown thereon shall be recorded in the Conveyance Records of Orleans Parish Civil District Court, Land Records Division, as required herein (Article 3, Section 3.2.11). No plan or plat shall be recorded, and no lots shall be sold from such plat unless and until approved as in these regulations.
- 1.5.4. No certificate of occupancy shall be issued for any lot of land created by subdivision, as defined herein, unless such subdivision has been approved and recorded as required by these regulations. No excavation of land and no construction of public or private improvements shall take place or be commenced except when in conformity with these regulations.

#### **Section 1.6. Enactment/Effective Date**

These regulations are hereby adopted and made effective as of [REDACTED]. All applications submitted in complete form as of the date of effectiveness of these regulations shall be reviewed under these regulations. All applications submitted in complete form prior to the effectiveness of these regulations shall be reviewed under the regulations in effect when they were submitted.

#### **Section 1.7. Interpretation and Conflict**

The City Planning Commission Executive Director shall be authorized to rule on the meaning, spirit and intent of the provision of these regulations as is necessary for the administration thereof.

All subdivisions shall comply with these Subdivision Regulations. However, where conflicts occur with the Comprehensive Zoning Ordinance, as determined by the Executive Director of the City Planning Commission, the Comprehensive Zoning Ordinance or other applicable code shall prevail.

An applicant may appeal the decision of the Executive Director within forty-five (45) days of the date of the decision. The City Planning Commission shall consider the appeal within forty-five (45) days of the appeal being made in complete form.

#### **Section 1.8. Severability**

If any section, clause, paragraph, provision or portion of these regulations shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of these regulations.

#### **Section 1.9. Enforcement, Violations and Penalties**

- 1.9.1. The Executive Director of the City Planning Commission shall be authorized to enforce these requirements and to bring to the attention of the City Attorney, the Director of the Department of Safety and Permits, or any other applicable department or agency any violations of these regulations.
- 1.9.2. No property shall be sold or transferred by or reference to, exhibition of, or other use of a plat of a subdivision before such plat has been approved by the City Planning Commission and recorded with the Orleans Parish Civil District Court, Land Records Division. The City of New Orleans shall not recognize a subdivision or lot that is created without approval by the City Planning Commission and/or is not recorded with the Orleans Parish Civil District Court, except where such lots were created prior to May, 1950.

## **Section 1.10. Administration, Modification and Amendments**

**1.10.1. Administration and Amendments.** The Commission may, from time to time, adopt, amend and publish rules and instructions for the administration of these regulations to the end that the public be informed and that approval of plats be expedited, in accordance with Section 2-1000 of the City Code. A notice setting forth the date, time, place and purpose of the public hearing shall be published once a week for three (3) consecutive weeks in a newspaper of general circulation in the City of New Orleans. At least twenty (20) days shall lapse between the first publication and the date of hearing.

**1.10.2. Modification and Amendment.** The Commission may adopt certain policies to be carried out in the administration of these regulations without the formal amendment procedure to Subdivision Regulations, provided that: (a) such policies protect the public welfare and interest of the City and facilitate and expedite the approval of subdivisions by the Commission; (b) the public is duly informed of such matters by the publication of rules and instruction as to their use; and (c) such policies do not constitute a substantive change in the administration of the regulations that would fall under the provision of Section 1.10.1 of these regulations.

## **Section 1.11. Fees for processing subdivision regulations**

All required fees are set by Chapter 118, Article II, Section 118-43 of the Code of the City of New Orleans. The cost of advertising for public hearings and the cost of the State required registered mail shall be borne by the property owner(s). Fees and costs may be refunded in the following situations:

**1.11.1. Errors.** Overpayment will be refunded when an error is made in calculating a fee.

**1.11.2. Full refund.** A full refund will be given if a written request for the withdrawal of an application for a subdivision is received before staff has notified other agencies.

## **Section 1.12. Waivers from the Subdivision Regulations**

Where the Planning Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations, or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve waivers to these regulations, provided that all of the following criteria are met:

- The granting of the waiver will not be detrimental to the public safety, health, or welfare to the community or injurious to other properties.
- The granting of the waiver will not be in conflict with the provisions of the Comprehensive Zoning Ordinance (as may be modified through the variance process) or the Master Plan.
- The modified requirement imposed by the City Planning Commission is more appropriate given the characteristics of the property, its context, and the objectives of these regulations.

Petition for waiver from these regulations may be made by written request of the applicant, stating fully the grounds for the request and the facts relied upon by the petitioner. The petition shall be filed with the City Planning Commission when the application requesting subdivision or resubdivision is filed.

The City Planning Commission has no authority to grant waivers of requirements of the Comprehensive Zoning Ordinance, except where explicitly authorized by Article 2, Section 2.1 of these regulations in conjunction with the approval of a Policy B subdivision.

## ARTICLE 2. CLASSIFICATION OF SUBDIVISIONS (REVIEW POLICIES)

All subdivision applications are classified into one of two general categories, as either Minor or Major Subdivisions. Minor Subdivisions are either eligible or ineligible for Administrative Approval. Major Subdivisions are divided into those that create or do not create a new street or public infrastructure. Here are the four types of subdivision:

- Minor Subdivision, Administrative Approval
- Minor Subdivision, Commission Approval
- Major Subdivision, No New Streets
- Major Subdivision, New Street

Minor Subdivisions are considered under Policy A, Policy B, or Policy C.

Major Subdivisions creating no new streets are considered under Policy D.

Major Subdivisions creating new streets are considered under Policy E.

Major or minor subdivisions considered in conjunction with a Planned Development ordinance are considered under Policy F.

Major or minor subdivisions considered in conjunction with creation of affordable housing development are considered under Policy G.

### Section 2.1. Policy A

- 2.1.1. **Purpose.** This policy is to accommodate minor subdivision applications that result in new lots that are in compliance with all applicable requirements of the Subdivision Regulations and the Comprehensive Zoning Ordinance.
- 2.1.2. **Eligible applications.** Policy A shall be used for minor subdivision applications that satisfy all of the following:
- The subdivision is proposed to:
    - o shift lot boundaries or change lot designations without changing the number of lots; or
    - o consolidate existing lots into a lesser number of new lots; or
    - o divide existing lots into five or fewer new lots.
  - The parcel to be subdivided is two acres in size or less and formed by ten or fewer lots; and
  - The subdivision does not create any new streets (public or private) or public improvement.
- 2.1.3. **Review criteria.** In general, Policy A subdivisions require consideration by the City Planning Commission. The exception is that the Executive Director is empowered to administratively approve subdivisions under Policy A when all of the following criteria are met:
- The proposal is compliant with all applicable requirements of the Subdivision Regulations and the Land Use Element of the Master Plan;
  - The proposal conforms to the Comprehensive Zoning Ordinance. Existing non-compliant conditions may be retained or brought closer into compliance.
  - In instances where the Executive Director concludes that the criteria are not met or finds consideration by the City Planning Commission to otherwise be justified, the Executive Director may elect not to grant administrative approval.

- 2.1.4. **Authority to grant variances of zoning requirements.** For subdivisions considered under Policy A, variances of zoning requirements contained in the Comprehensive Zoning Ordinance may only be granted by the Board of Zoning Adjustments. No subdivision reviewed under Policy A shall be granted final approval unless and until all required variances have been granted.

## **Section 2.2. Policy B – Separation of existing principal structures on non-conforming lots**

- 2.2.1. **Purpose.** The policy recognizes that in neighborhoods that were developed prior to the adoption of Subdivision Regulations, multiple structures were sometimes developed on a single parcel. It is sometimes necessary for those historic buildings and development sites to occupy separate lots, which may be non-compliant with the minimum lot size requirements of the zoning district. Consistent with the Master Plan objective of promoting smart growth land use patterns, this policy allows for the creation of non-conforming lots where necessary to separate development sites which historically existed on a single parcel.
- 2.2.2. **Eligible applications.** Policy B can be used for minor subdivision applications that create new lots and/or shift existing lot boundaries to separate development sites in Historic Core and Historic Urban zoning districts, as designated by the Comprehensive Zoning Ordinance.
- 2.2.3. **Review criteria.** In general, Policy B subdivisions require consideration by the City Planning Commission. The exception is that the Executive Director is empowered to administratively approve subdivisions under Policy B when all of the following criteria are met:
- The request to separate buildings involves only principal buildings or the approximate footprints of historic principal buildings which no longer exist, as documented on surveys, Sanborn maps, aerial photography, or other resources.
  - The subdivision creates the fewest lots necessary to separate buildings and/or the approximate footprints of historic principal buildings which no longer exist;
  - Proposed lot conditions comply as nearly as is practical with the applicable requirements of the Subdivision Regulations and the Comprehensive Zoning Ordinance while still accomplishing the policy's intent of creating separate lots for separate buildings/historic building sites.
  - The proposal is consistent with the Land Use Element of the Master Plan.
  - In instances where the Executive Director concludes that the criteria are not met or finds consideration by the City Planning Commission to otherwise be justified, the Executive Director may elect not to grant administrative approval.
- 2.2.4. **Authority to grant variances of zoning requirements.** For subdivisions eligible for administrative approval under Policy B, the Executive Director of the City Planning Commission may be authorized to grant variances of zoning requirements contained in the Comprehensive Zoning Ordinance as needed to accomplish the policy's intent of creating separate lots for separate buildings/historic building sites. These zoning requirements include but are not limited to minimum lot size requirements, setback requirements permeable open space requirements, open space requirements, and floor area ratio requirements.

For Policy B subdivisions requiring consideration by the City Planning Commission, the Commission may be authorized to grant variances of zoning requirements as needed to accomplish the policy's intent of creating separate lots for separate buildings/historic building sites.

Unless and until the Comprehensive Zoning Ordinance is amended to give the City Planning Commission and its Executive Director the authority to grant variances of zoning requirements, variances of zoning requirements shall only be granted by the Board of Zoning Adjustments in accordance with Article 4, Section 4.6.C of the Comprehensive Zoning Ordinance.

### Section 2.3. Policy C – Expropriation affecting adjoining lot boundaries

- 2.3.1. **Purpose.** This policy is intended to allow for administrative approval of lot changes resulting from transfer to the City, local government, or any governmental entities.
- 2.3.2. **Eligible applications.** Policy C shall be used for subdivision applications that create new conditions as a result of the transfer or expropriation of land to the City, local government, or any governmental entities.
- 2.3.3. **Review criteria.** In the event where a portion of a lot or other parcel of land has been expropriated or has been dedicated, sold, or otherwise transferred to the City, leaving a severed portion of the original parcel which requires a re-designation of lot number and establishment of new boundary lines, the subdivision is eligible for administrative approval by the Executive Director. If these circumstances do not apply, the subdivision cannot be considered under Policy C.
- 2.3.4. **Authority to grant variances of zoning requirements.** For subdivisions considered under Policy C, variances of lot dimensions (lot area, depth, width) are grantable through the resubdivision process due to expropriation. Any other zoning requirements contained in the Comprehensive Zoning Ordinance may only be granted by the Board of Zoning Adjustments. No subdivision reviewed under Policy C shall be granted final approval unless and until all required variances have been granted.

### Section 2.4. Policy D – Major subdivision without creation of street

- 2.4.1. **Purpose.** This policy is to accommodate major subdivision applications that do not create new streets or public infrastructure.
- 2.4.2. **Eligible applications.** Policy D shall be used for major subdivision applications that satisfy all of the following:
- The subdivision meets at least one of the following:
    - o is proposed to divide existing lot(s) into six or more new lots; and/or
    - o includes a site over than two acres in size; and/or
    - o includes a site formed by eleven or more lots
  - The subdivision does not create any new street (public or private)
  - The subdivision does not create any public improvement.
- 2.4.3. **Review criteria.** All Policy D subdivisions shall be considered by the City Planning Commission. The Executive Director has no authority to administratively approve Policy D subdivisions.

Under Policy D, the City Planning Commission staff will generally view a subdivision application favorably if all of the following criteria are met:

- The proposal is compliant with all applicable requirements of the Subdivision Regulations;
- The proposal conforms to the Comprehensive Zoning Ordinance. Existing non-compliant conditions may be retained or brought closer into compliance.
- The proposal is consistent with the Land Use Element of the Master Plan.
- The subdivision is designed, located, and proposed to be operated so that the public health, safety, and welfare is protected.
- Adequate public facilities exist to accommodate the proposed subdivision.

Under Policy D, the City Planning Commission staff will generally view a subdivision application with disfavor if any of the following apply:

- The proposal is not compliant with all applicable requirements of the Subdivision Regulations.

- The proposal creates new conditions that do not conform to the Comprehensive Zoning Ordinance.
- The proposal is not consistent with the Land Use Element of the Master Plan.
- The subdivision does not promote the public health, safety, and welfare.
- Other circumstances apply which justify the disapproval of the subdivision.

2.4.4. **Authority to grant variances of zoning requirements.** For subdivisions considered under Policy D, variances of zoning requirements contained in the Comprehensive Zoning Ordinance may only be granted by the Board of Zoning Adjustments. No subdivision reviewed under Policy D shall be granted final approval unless and until all required variances have been granted.

## **Section 2.5. Policy E – Major subdivisions with the creation of a street or infrastructure.**

2.5.1. **Purpose.** This policy is to accommodate major subdivision applications that create new streets or public infrastructure.

2.5.2. **Eligible applications.** Policy E shall be used for major subdivision applications that satisfy any of the following:

- The subdivision meets at least one of the following:
  - o is proposed to divide existing lot(s) into six or more new lots; and/or
  - o includes a site over than two acres in size; and/or
  - o includes a site formed by eleven or more lots
- The subdivision proposes the creation of a new street (public or private)
- The subdivision proposes any other type of public improvement.

2.5.3. **Review criteria.** All Policy E subdivisions shall be considered by the City Planning Commission. The Executive Director has no authority to administratively approve Policy E subdivisions.

Under Policy E, the City Planning Commission staff will generally view a subdivision application favorably if all of the following criteria are met:

- The proposal is compliant with all applicable requirements of the Subdivision Regulations;
- The proposal conforms to the Comprehensive Zoning Ordinance. Existing non-compliant conditions may be retained or brought closer into compliance.
- The proposal is consistent with the Land Use Element of the Master Plan.
- The subdivision is designed, located, and proposed to be operated so that the public health, safety, and welfare is protected.
- Adequate public facilities exist or will be developed to accommodate the proposed subdivision.

Under Policy E, the City Planning Commission staff will generally view a subdivision application with disfavor if any of the following apply:

- The proposal is not compliant with all applicable requirements of the Subdivision Regulations.
- The proposal creates new conditions that do not conform to the Comprehensive Zoning Ordinance.
- The proposal is not consistent with the Land Use Element of the Master Plan.
- The subdivision does not promote the public health, safety, and welfare.
- Other circumstances apply which justify the disapproval of the subdivision.

2.5.4. **Authority to grant variances of zoning requirements.** For subdivisions considered under Policy E, variances of zoning requirements contained in the Comprehensive Zoning Ordinance may only be granted by the Board of Zoning Adjustments. No subdivision reviewed under Policy E shall be granted final approval unless and until all required variances have been granted.

## Section 2.6. Policy F – Subdivisions in conjunction with Planned Developments

- 2.6.1. **Purpose.** This policy is to accommodate major or minor subdivisions proposed in conjunction with the establishment of Planned Development.
- 2.6.2. **Eligible applications.** Policy F shall be used for major or minor subdivision applications that are proposed as a companion to a Planned Development authorized by City Council ordinance in accordance the Comprehensive Zoning Ordinance.

2.6.3. **Review Criteria.**

In general, Policy F subdivisions require consideration by the City Planning Commission. The exception is that the Executive Director is empowered to administratively approve subdivisions under Policy A when all of the following criteria are met:

- The application is a minor subdivision
- The subdivision is compliant with the ordinance authorizing the related Planned Development. In the event that the Planned Development Ordinance contains any variances or exceptions to zoning requirements, those variances or exceptions shall be reflected as appropriate in the subdivision plan.

Under Policy F, the City Planning Commission staff will generally view a subdivision application favorably if all of the following criteria are met:

- The proposal is compliant with all applicable requirements of the Subdivision Regulations and the Comprehensive Zoning Ordinance.
- The proposal is consistent with the Land Use Element of the Master Plan.
- The subdivision is designed, located, and proposed to be operated so that the public health, safety, and welfare is protected.
- Adequate public facilities exist or will be developed to accommodate the proposed subdivision.

Under Policy F, the City Planning Commission staff will generally view a subdivision application with disfavor if any of the following apply:

- The proposal is not compliant with all applicable requirements of the related Planned Development ordinance, the Comprehensive Zoning Ordinance, or the Subdivision Regulations.
- The proposal is not consistent with the Land Use Element of the Master Plan.
- The subdivision does not promote the public health, safety, and welfare.
- Other circumstances apply which justify the disapproval of the subdivision.

- 2.6.4. **Authority to grant variances of zoning requirements.** For subdivisions considered under Policy F, variances of zoning requirements contained in the Comprehensive Zoning Ordinance may only be granted by the City Council through the establishment or amendment of the related Planned Development ordinance. No subdivision reviewed under Policy F shall be granted final approval unless and until all required variances have been granted.

## Section 2.7 Policy G – Subdivisions in conjunction with creation of affordable housing development.

- 2.7.1 **Purpose.** This policy is to accommodate smaller lots that will provide affordable housing. Variance of the lot sizes may be granted. HANO has a program that provide lots for affordable housing and other lots for market rate housing. We need to make sure that lots are subdivided in approximately the same size as much as possible so that both development (affordable and market rate) are similar in appearance. **[Placeholder – no regulations are drafted yet]**

## **ARTICLE 3. SUBDIVISION APPROVAL PROCESS**

### **Section 3.1 Different Types of Review Process**

All subdivision applications are classified into one of two general categories, as either Minor or Major Subdivisions. In addition, there are two types each of Minor and Major Subdivisions. Minor Subdivisions are either eligible or ineligible for Administrative Approval. Major Subdivisions can be divided into those that create or do not create a new street. Here are the four types of subdivision. The steps for the review of a subdivision application vary by application type.

- Minor Subdivision, Administrative Approval
- Minor Subdivision, Commission Approval
- Major Subdivision, No New Streets
- Major Subdivision, New Street

### **Section 3.2. Subdivision Review Steps**

#### **3.2.1. Pre-Application Meeting (All Types)**

Anyone who is interested in applying for a subdivision can meet with the City Planning Commission staff to review the subdivision proposal. The CPC staff can explain the subdivision regulations, the approval process, and the applicable Comprehensive Zoning Ordinance requirements. This early review and input by the CPC staff could save the applicant from delays in the process and plan revisions.

#### **3.2.2 Project Neighborhood Participation Program (Major Subdivision Only)**

All applications for major subdivisions (creation of more than 5 lots) shall include a Project Neighborhood Participation Program (Project NPP). A Project NPP is not required for any minor subdivision (creation of 5 lots or less). Until all required NPP documents are submitted to CPC staff, including the meeting notice letter, sign-in sheets, and NPP meeting summary, the request will not be deemed complete for the purpose of a completeness review as provided in Section 3.2.4.

- a. Applicants shall first meet with the staff of the City Planning Commission to obtain guidance on the requirements of the Project NPP.
- b. The Project NPP shall include the following information:
  - A brief description of the proposal which includes the number of lots being created.
  - An outlined area map and a contact list for notifying the individuals and entities identified in Section 3.3 of the Comprehensive Zoning Ordinance.
  - A general description of how parties on the contact list will receive information on the project, including a statement as to which public notification techniques will be used for the project.
  - A general description of how parties on the contact list will be informed of any changes or amendments to the proposed project after the applicant's initial contact.
  - A statement as to how those impacted by the proposal will be provided an opportunity to discuss the request if issues or questions should continue or suddenly arise.
- c. The applicant shall provide the typed Project NPP and notice, including email notification to applicable registered neighborhood associations, of an opportunity for interested parties to attend a meeting to discuss the proposed application not less than fourteen (14) nor more

than thirty (30) days after the date on which the applicant provides notification to the parties on the contact list. In addition, the applicant shall notify the City Planning Commission of the meeting date, time, and location not less than fourteen (14) days prior to the meeting. The applicant shall hold the meeting at the noticed time. The applicant shall distribute informational handouts to meeting attendees. The handouts shall include information about registering with City notification system(s), accessing application documents and NPP meeting summary reports. For the purposes of this section, meetings may be held in a physical location that is in accordance with the City Planning Commission's Administrative Rules, Policies and Procedures. The notice provided in accordance with this section shall include a brief description of the request which includes the number of lots being created.

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

### 3.2.3. **Application Submittal (All Types)**

To initiate a subdivision application, the applicant shall submit the following items to the City Planning Commission staff:

- a. Application Form. The applicant shall submit a completed application form that is signed by all of the property owner(s) listed on the title of the existing lot(s) of record and/or the authorized representative of the property owner(s). The application form must be notarized. Signing the application form shall serve as an attestation that the property owner(s) have consent of any mortgage holder or any lien holder interest in the property (if applicable).
- b. Proof of Standing to Submit the Application. If the property is owned by a corporation, organization, partnership, or similar entity, the applicant shall submit the Articles of Incorporation, Organization, or Partnership and/or resolution indicating who is authorized to sign on behalf of the property owner.
- c. Subdivision Survey. The applicant shall submit the applicant shall submit copies of the subdivision survey as specified by the Executive Director of a subdivision survey plan that has been prepared specifically for the purpose of subdivision by a land surveyor registered in the State of Louisiana bearing his/her official stamp. The plan shall be to scale (typically no more than 1 inch equals 100 feet) and contain the information contained in Section 5.1.1.

- d. Fee. The application shall be accompanied by the appropriate fee as specified in Section 1.12 and Chapter 18, Article II, Section 118-43 of the Code of the City of New Orleans.
- e. Municipal Address Form. Using the appropriate forms prescribed for this purpose by the Department of Safety and Permits, the applicant shall indicate all municipal addresses to be added, removed, or retained.
- f. Additional Items, as required. Depending on the subdivision type and the specific aspects of the subdivision, additional items may be required as determined by the Executive Director of the City Planning Commission. These additional items could include, but are not limited to, the following:
- Deeds, succession documents, or other documentation to establish the current ownership of the subject property(ies),
  - For Policy B subdivisions, documentation of existing principal structures or historic sites of previously-existing structures. Acceptable documentation can include historic surveys, Sanborn maps, or other materials as determined to be appropriate by the Executive Director.
  - For subdivisions proposing unusual lot configurations, the Executive Director may require the subdivision survey to be supplemented with schematic development plans. The development plans will allow the Commission to assess the intended development of the site, make a tentative determination as to compliance with the applicable zoning regulations, and identify the impact of the proposal on surrounding properties and the street network. The development plan must include the following information:
    - Property lines with width, depth, and area noted
    - Distances of all buildings from property lines
    - Building(s) location, dimension, square footage, area
    - Location and dimensions of all vehicular use areas; curb cuts, interior streets, driveways, bicycle parking, vehicle parking and loading areas
    - Location of pedestrian walkways
    - Fence location, height, materials
    - Impervious and pervious surfaces with area noted
    - Location of refuse storage areas
    - Right-of-way improvements including sidewalks, plantings, curb cuts
    - Identify all existing and proposed conditions
    - Landscape

The Executive Director may modify the development plan content requirements as appropriate given the nature of the subdivision and development proposal.

#### 3.2.4. **Completeness Review (All Types)**

- a. Completeness Determination. Within 10 days of the submittal of the subdivision application, the Executive Director of the City Planning Commission shall review the application to ensure that all required submittals are included in the application and determine whether the application is complete or incomplete.
- b. Incomplete Application. If the application is deemed incomplete, the Executive Director shall notify the applicant of the application deficiencies and will not process the application until the deficiencies are remedied.

- c. Complete Application. If the application is deemed complete, the Executive Director of the City Planning Commission shall determine the type of subdivision, the review policy, and whether it requires consideration by the City Planning Commission or is eligible for administrative approval. The determination that an application is eligible for administrative approval of requires City Planning Commission review is subject to subsequent ratification by the City Planning Commission pursuant to Section 3.2.4(e).
- d. No Determination within Ten Days. If the Executive Director of the City Planning Commission fails to make a completeness determination within 10 days, it shall be determined to be complete and scheduled for a City Planning Commission meeting, if applicable. If needed, the City Planning Commission and/or the CPC staff can require the applicant to supplement the application with additional information.
- e. Ratification. Within 60 days of the submittal of a complete application, the City Planning Commission shall make a decision to ratify or overrule the Executive Director's determination that an application is or is not eligible for administrative approval.

### 3.2.5. **Agency Review (All Types)**

- a. Agency Review. Upon determination that an application is complete, the Commission staff shall review the plan and check it against the minimum standards and requirements hereinafter provided. As part of the subdivision process, copies of the plan will be sent to various City/State/Federal agencies for review and written comments.

The purpose of the agency review is to determine if the proposed subdivision request complies with City Code, the building code, the agency's regulations and any other applicable regulations. In addition, the agency review will identify if the proposed subdivision request requires any additional infrastructure and/or creates the need for any easements or servitudes. The agency review shall be limited to items under the jurisdiction of that agency, and the Executive Director of the City Planning Commission has final jurisdiction to determine if a comment is under the agency's jurisdiction or relevant to the subdivision request. In providing comment, the agency shall be able to cite the regulation that is the basis for the agency's approval or opposition.

The reviewing agencies depend on the type and location of the proposed subdivision and can include the following:

- Sewerage and Water Board,
- Departments of Public Works,
- Safety and Permits, Building Division
- Department of Property Management, Division of Real Estate and Records,
- Entergy (if applicable),
- Historic District Landmarks Commission (if applicable),
- Vieux Carré Commission (if applicable),
- Department of Health and Hospitals (if applicable),
- Army Corps of Engineers (if applicable), and
- Department of Natural Resources (if applicable),
- Fire Department.

- b. Review Time. These agencies shall be given a reasonable time to review the plan and to make comments. If no written response is received within 30 days from the date of request, the Executive Director may consider that the agencies have approved the plan as submitted. The

approval of the City Planning Commission Executive Director shall not waive the requirements of other agencies.

- c. Response to Review Comments. The agencies' review comments shall identify existing nonconformities (e.g. existing encroachments in the public right-of-way) and new issues that result from the proposed subdivision (e.g. locating a property line too close to a structure that does not have the proper fire rating per the building code). The applicant shall address all of these review comments prior to the Final Subdivision Plan Approval.

**3.2.6. Administrative Approval (Minor Subdivision, Administrative Approval)**

- a. Administrative Approval. For Minor Subdivisions that can be approved administratively, the application follows Section 3.2.11 once all applicable agency review comments have been addressed.
- b. Commission Approval. For subdivisions that require approval of the City Planning Commission, Section 3.2.7 through 3.2.10 can apply depending on the subdivision type.

**3.2.7. Public Notice (Minor Subdivision, Commission Approval & Major Subdivisions)**

Public notice of the City Planning Commission meeting shall be given for all Major Subdivisions. The public notice shall include the following:

- Published notice in the official journal of the City of New Orleans not less than five days prior to the public hearing,
- Certified mail notice not less than five days prior to of the public hearing to subdivision contact as listed on the application form, and
- Mailed notice to all property owners and occupants of all properties within 300 feet of the property lines of the subject property shall be sent by regular mail at least 15 days before the public hearing.

**3.2.8. City Planning Commission Approval (Minor Subdivision, Commission Approval & Major Subdivisions)**

Subdivisions that do not qualify for administrative approval shall be considered by the City Planning Commission. In accordance with Louisiana Revised Statutes, the City Planning Commission shall approve or deny the proposed subdivision within 60 days of the submission date. An action by the City Planning Commission that fails to obtain a legal majority vote shall be considered to be a denial.

If the City Planning Commission fails to act within 60 days, the subdivision plat shall be deemed to have been approved. The subdivision applicant may waive this requirement and request an extension of the 60 day approval period.

For proposals that are consistent with the guidelines in the Subdivision Regulations, the Commission may grant Preliminary Subdivision Plan Approval to the subdivision request, stating the conditions to be met prior to Final Subdivision Plan Approval of the proposal. If the Commission disapproves the proposed subdivision, it shall state the grounds of disapproval. The applicant may file an appeal in the manner prescribed in Section 3.4. of these Regulations.

### 3.2.9. **Preliminary Subdivision Plan Approval (Major Subdivision, New Streets)**

Preliminary Subdivision Plan Approval is only required for Major Subdivisions where new streets are being created. All other subdivision types can go directly to Final Subdivision Plan Approval in Section 3.2.11.

The purpose of the Preliminary Subdivision Plan Approval is to document the approved subdivision layout prior to the applicant creating the engineering plans. The Preliminary Plan Approval shall address any provisos approved by the City Planning Commission. The Executive Director of the City Planning Commission shall stamp and sign the Preliminary Plan to indicate its approval. The approved Preliminary Plan shall be given to the applicant and any relevant review agency.

Note: Preliminary Subdivision Plan Approval does not constitute final acceptance of the subdivision plan by the City, and this plan shall not be recorded. The applicant is required to receive Final Subdivision Plan Approval from the City Planning Commission prior to recording the survey or selling lots.

### 3.2.10. **Engineering Plan Approval (Major Subdivision, New Streets)**

Once the Preliminary Subdivision Plan has been approved by the City Planning Commission, the applicant can prepare engineering plans for the required infrastructure associated with the subdivision, including but not limited to streets, sidewalks, water, sewer, drainage, stormwater management, etc. These plans shall be prepared to the specifications of the relevant regulating agencies. These plans shall be approved by the Department of Public Works, the Sewerage and Water Board, the Department of Safety and Permits (if stormwater management is required), and any other applicable agency that has jurisdiction over the required infrastructure improvements. Once the plans have been approved by the applicable agencies, the plans shall be submitted to the City Planning Commission for the signature of the Executive Director. Once approved by the City Planning Commission, the approved engineering plans shall be provided to the applicant and the applicable reviewing agencies.

### 3.2.11. **Final Subdivision Plan Approval (All Types)**

For all subdivision types, the following shall be required for the City Planning Commission staff to grant final approval to the subdivision:

- a. Agency Approvals. The applicant shall have addressed all agency review comments from Section 3.2.5.
- b. Property Tax Payment. The property owner shall pay all delinquent property taxes prior to Final Subdivision Plan Approval. If there are unpaid property taxes, then approval of the Chief Administrative Office and/or the Finance Director shall be required.
- c. Proviso Compliance. The applicant shall submit documentation addressing all of the provisos that were part of the City Planning Commission's approval.
- d. Landscape Plan Approval. If required as part of the subdivision, the applicant shall have a landscape plan approved by the Department of Parks and Parkways for the installation of parkway trees in the public right-of-way. The trees shall be installed prior to the issuance of the Certificate of Occupancy for the principal structure on the adjacent lot.

In addition to the requirements above, the following items are required for the City Planning Commission staff to grant final approval of Major Subdivisions that will create new streets:

- e. Completion of Infrastructure Improvements. All infrastructure improvements (streets, sidewalks, water, sewer, drainage, sidewalks, utilities, stormwater management best management practices, etc.) must be completed subject to the approval of the appropriate agency. If the applicant is proposing private streets, then approval of the agencies is required. If the applicant is proposing public streets, then the agencies shall accept the improvements. Alternatively, if the applicant is proposing public streets, then the applicant can provide adequate bonding in lieu of completing the streets prior to the Final Subdivision Plan approval. The applicant shall include the estimated cost(s) for each of the improvements in the bond (letter of credit). That cost estimate shall be approved by the applicable agency, and the Bond/Letter of Credit must be approved by the Departments of Law and Purchasing.
- f. Street Dedication and Dedication of Other Improvements or Land. If the applicant desires to dedicate streets or other improvements (playgrounds, parks, recreation parcel, etc.) to the public, such intent shall be indicated in the Letter of Request for approval of the subdivision plan, and all such parcels and uses clearly marked on the Subdivision Survey Plan submitted as part of the application. If such a dedication is approved by the Commission and shown on the Preliminary Subdivision Plan Approval, a dedication plan and a draft of the ordinance authorizing dedication shall be submitted to the Division of Real Estate and Records and the Commission for review and approval. If the submitted plan and ordinance are in accordance with the approved plans and specifications, the draft of the Ordinance shall be submitted to the City Council for consideration and adoption. All property offered for dedication shall be free and clear of all liens and encumbrances, and title insurance shall be issued prior to actual acceptance and recordation.
- g. Covenants and Agreements. If common space, recreational areas, communal facilities, stormwater management lots, private streets, and/or other improvements within the proposed subdivision are to be privately owned and not offered for dedication to the City, the Applicant shall submit agreements, covenants, or other legal instruments stating the ownership and setting forth the manner and means for permanent care and maintenance of the stated common spaces, etc., for review and approval of the Law Department and City Planning Commission. The responsible party for the care and maintenance should be a Home Owner's Association (HOA) or a similar entity that has a long-term interest in the subdivision. If approved, the documents shall be recorded at the Land Records Division of the Clerk of Civil District Court. Reference to recorded covenants or any agreements shall be indicated on the Final Subdivision Plan prior to its recordation.

Sewer and water facilities located within private streets or private servitudes shall not become the property of the Sewerage and Water Board. The Home Owner's Association or other party responsible for care and maintenance may enter into an agreement with the Sewerage and Water Board for maintenance of the facilities, with the Home Owner's Association or other responsible party paying the cost of any work. Alternatively, the Home Owner's Association may hire a private contractor to perform maintenance.

- h. Requirements for Infrastructure Improvements. Plans for the improvements required in Section 5.3 shall be prepared by a licensed and registered engineer or surveyor, as applicable. The improvements listed below in Section 5.3 shall be installed prior to the approval of the Final Plan. All public utilities and facilities, such as sewer, gas, electrical, and water systems, shall be located and constructed to minimize or eliminate flood damage.
- i. Self-Imposed Restrictions. If the owner places restrictions on any of the land contained in the subdivision greater than those required by the Zoning Ordinance or these regulations, such restrictions or reference to those restrictions shall be indicated on the subdivision plan and

Restrictive Covenant specifying the restrictions recorded at the Land Records Division of the Clerk of Civil District Court . It will not be a duty of the City to enforce the self-imposed restrictive covenants.

- j. Municipal Numbers and Street Names. Prior to the Final Subdivision Plan approval, municipal numbers not existing shall be assigned by the Department of Safety and Permits, and placed on the Final Subdivision Plan. Names of all new streets shall be done in accordance with the City Planning Commission's street naming policy, which is found in the *New Orleans City Planning Commission: Administrative Rules, Policies, & Procedures*.

Final approval by the City Planning Commission shall be indicated by the Executive Director's signature on the City Planning Commission's stamp on the Final Subdivision Plan.

#### 3.2.12. **Recordation of Approved Final Subdivision Plan (All Types)**

The applicant must record the Final Subdivision Plan approval with the Land Records Division of the Clerk of Civil Court within 30 days from the date of signed Final Subdivision Plan approval, otherwise, the approval shall be deemed null and void. If the Final Subdivision Plan is not recorded within 30 days, there is an application and a fee as specified in Section 1.12 and Chapter 18, Article II, Section 118-43 of the City Code for Reapproval or Recertification of the approved plans by the Commission.

#### 3.2.13. **Recertification**

If a Final Subdivision Plan is not recorded within 30 days, it is eligible for re-certification within six (6) months of the date of the original, signed Final Subdivision Plan approval. After six (6) months, the application is not eligible for re-certification and must be considered as a new application.

#### 3.2.12. **Expiration Time**

- a. Administrative Approval Upon notification from staff that agency review comments need to be addressed, or that delinquent property taxes need to be paid, the applicant shall have a maximum time of one (1) year to meet the stated conditions and requirements for the Administrative Approval of the Final Subdivision Plan. At the written request of the Applicant, the Commission may grant an extension for a maximum of one (1) year. If the stated conditions have not been met within this time limit, the file will be closed. The Applicant may resubmit a request for a subdivision starting the process over again, following steps contained in Sections 3.2. of these regulations.

- b. City Planning Commission Approval Tentative approval of a subdivision plan shall be effective for a maximum time of one (1) year from the date of approval, unless, upon request by the Applicant, the Commission grants an extension for a maximum of one (1) year. If the Final Plan, meeting all conditions and provisions as set forth by the Commission, has not been submitted for Final Approval within this time limit, the file will be closed. The Applicant may resubmit a request for a subdivision starting the process over again, following steps contained in Section 3.2. of these regulations.

- c. Approval of Subdivisions in conjunction with Planned Developments Approval of subdivisions in conjunction with Planned Developments shall be effective for a maximum of five (5) years from the date of the original approval, unless, upon the written request by the Applicant, the Planning Commission grants an extension for a maximum of three (3) years. If all phases of the development have not been constructed within the stated time limit, to continue with the development the

Applicant shall resubmit a request for a subdivision starting the process over again, following steps contained in Section 3.2. of these regulations.

### **Section 3.3. Standards for City Planning Commission's action**

When a subdivision application requires consideration by the City Planning Commission, the staff shall prepare a staff report recommending approval, modified approval, or denial of the application. The staff report shall state the reasons for recommendation, which shall be based in these regulations.

When the Commission acts in accordance with the staff recommendation, the action shall be presumed to be based on the reasoning in the staff report, as well as any additional reasoning stated on the record. When the Commission does not act in accordance with the staff recommendation, it shall address the approval criteria of the policy under which the application is reviewed.

### **Section 3.4. Appeals**

#### **3.4.1. Eligibility for appeal**

The decision of the City Planning Commission to approve, approve with conditions, or deny Subdivision Plan, or any action which fails to obtain a legal majority, may be appealed to the City Council within 30 days following such decision. The Commission's decision is effective on the 31st day after rendering unless appealed within the interim 30 days.

The City Planning Commission's decision regarding a Subdivision Plan may be appealed by an aggrieved party or by any officer, department, commission, board, bureau, or any other agency of the City. Appeals shall be based in, and provide evidence of, an error in application of the law or a conflict in the law.

Administrative approvals granted by the Executive Director may not be appealed.

#### **3.4.2. Procedure**

Appeals shall be made by filing a Notice of Appeal with the Clerk of Council with a copy to the City Planning Commission. The Notice of Appeal shall state specifically how the City Planning Commission failed to properly evaluate the proposed subdivision plan, and make a decision consistent with these Regulations. The appeals shall be accompanied by a fee as specified in Section 118-43 of the Code of the City of New Orleans, which shall be paid to the City Planning Commission.

Within ten days of the notice of appeal, the City Planning Commission shall transmit all staff reports, application materials, and a list of parties to be notified of the appeal to the Clerk of Council.

The City Council shall hold a public hearing on any such appeal. The Clerk of Council shall mail notices to all owners of real property within the affected area at least 14 days prior to the hearing. The affected area is that area specified in Section 3.2.7 of these Regulations. The City Council shall render a decision by motion affirming or reversing the Planning Commission's action no later than forty-five (45) days after receipt of the transmittal from the City Planning Commission. If the City Council fails to approve or disapprove the appeal within the assigned 45 days, the action of the City Planning Commission shall be considered reinstated. If the City Council reverses the Planning Commission, the applicant may proceed to submit a tentative or final plan, as is appropriate, under

the conditions for approval agreed to by the City Council. The Clerk of Council shall notify the City Planning Commission of the Council’s action on the appeal.

**Section 3.5. Subdivision Review Flow Charts**

Below are the flow charts for the different subdivision review types:

**3.5.1. Minor Subdivision, Administrative Approval Flow Chart**

Minor Subdivisions that are eligible for administrative approval require the following steps as outlined in Section 3.2. A process flow chart for this type of subdivision is included below.

- Pre-Application Meeting (See section 3.2.1)
- Application Submittal (See Section 3.2.3)
- Completeness Review (See Section 3.2.4)
- Agency Review (See Section 3.2.5)
- Administrative Approval (See Section 3.2.6)
- Final Subdivision Plan Approval (See Section 3.2.7)
- Recordation of Approved Subdivision Plan (See Section 3.2.12)



**3.5.2. Minor Subdivision, Commission Approval Flow Chart**

Minor Subdivisions that are ineligible for administrative approval require the following steps as outlined in Section 3.2. A process flow chart for this type of subdivision is included below.

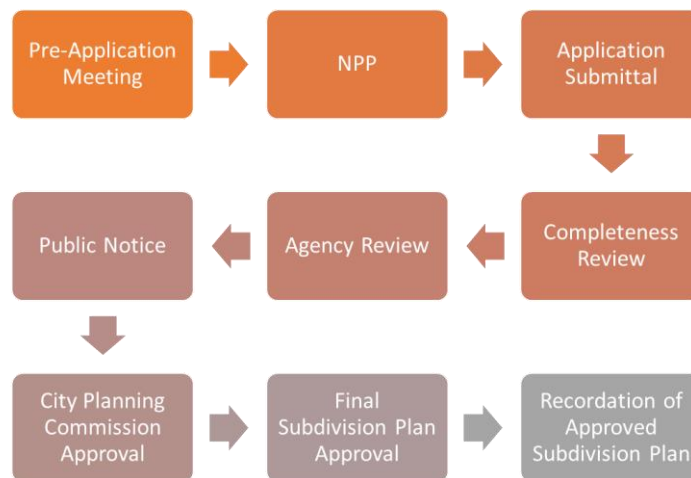
- Pre-Application Meeting (See section 3.2.1)
- Application Submittal (See Section 3.2.3)
- Completeness Review (See Section 3.2.4)
- Agency Review (See Section 3.2.5)
- City Planning Commission Approval (See Section 3.2.6)
- Final Subdivision Plan Approval (See Section 3.2.11)
- Recordation of Approved Subdivision Plan (See Section 3.2.12)



### 3.5.3. Major Subdivision, No New Streets Flow Chart

Major Subdivisions that do not create any new streets require the following steps as outline as outlined in Section 3.2. A process flow chart for this type of subdivision is included below.

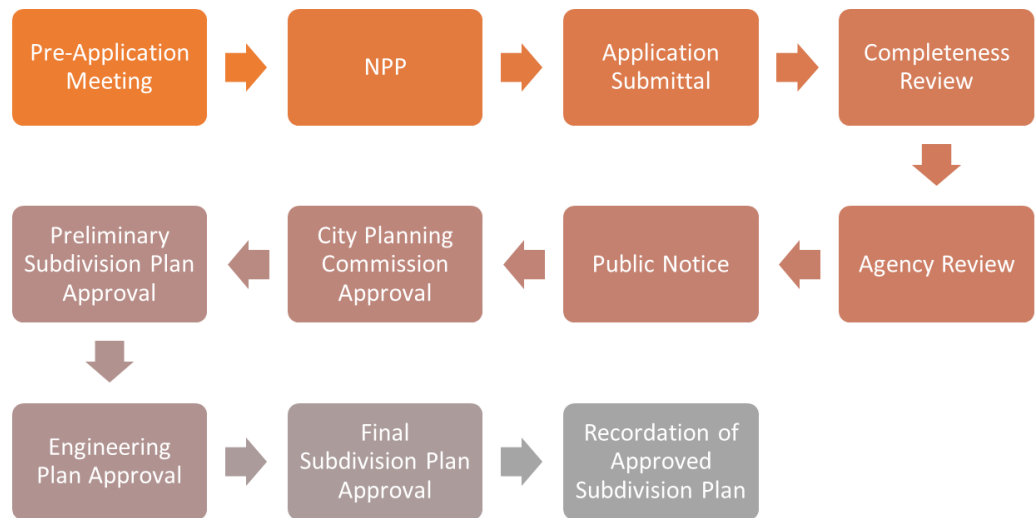
- Pre-Application Meeting (See section 3.2.1)
- Project Neighborhood Participation Program (See Section 3.2.2)
- Application Submittal (See Section 3.2.3)
- Completeness Review (See Section 3.2.4)
- Agency Review (See Section 3.2.5)
- Public Notice (See Section 3.2.7)
- City Planning Commission Approval (See Section 3.2.8)
- Final Subdivision Plan Approval (See Section 3.2.11)
- Recordation of Approved Subdivision Plan (See Section 3.2.12)



### 3.5.4. Major Subdivision, New Streets Flow Chart

Major Subdivisions that do create new street(s) require the following steps as outline above. A process flow chart for this type of subdivision is included below.

- Pre-Application Meeting (See section 3.2.1)
- Project Neighborhood Participation Program (See Section 3.2.2)
- Application Submittal (See Section 3.2.3)
- Completeness Review (See Section 3.2.4)
- Agency Review (See Section 3.2.5)
- Public Notice (See Section 3.2.7)
- City Planning Commission Approval (See Section 3.2.8)
- Preliminary Subdivision Plan Approval (See Section 3.2.9)
- Engineering Plan Approval (See Section 3.2.10)
- Final Subdivision Plan Approval (See Section 3.2.11)
- Recordation of Approved Subdivision Plan (See Section 3.2.12)



## ARTICLE 4. DESIGN STANDARDS AND REGULATORY REQUIREMENTS

### Section 4.1. Compliance with regulatory requirements

All request for the subdivision or resubdivision of land shall conform to the Master Plan, adopted neighborhood plans, the Comprehensive Zoning Ordinance, all applicable ordinances and regulations, and shall conform to the general principles of acceptability and the design standards established in this Article and Articles 4, 6 and 7 of these regulations.

- 4.1.1. **Compliance with the Master Plan.** The proposed subdivision shall be consistent with the policies embodied in the adopted Master Plan
- 4.1.2. **Compliance with the Comprehensive Zoning Ordinance.** No subdivision shall be approved by the Commission that is in conflict with the provisions of the Comprehensive Zoning Ordinance, except explicitly authorized through a policy of these Subdivision Regulations.
- 4.1.3. **Compliance with the Building Code.** No subdivision shall be approved by the Commission that is in conflict with Building Code requirements, as determined by the Department of Safety and Permits.
- 4.1.4. **Land Suitability.** No major subdivision shall be approved when found unsuitable for its intended use by reasons of flooding, inadequate drainage or any other reasons harmful to the health, safety and well-being of the future residents or property owners of the proposed development, or of the community at large. The Planning Commission may approve a Major Subdivision of land if the applicant improves, or as provided in Article 6 of these regulations, agrees to improve the land consistent with the standards of this and other regulatory documents of the City of New Orleans in order to make lots, parcels and tracts of land suitable for their intended uses.

### Section 4.2. Public Right-of-Ways, Access and Relationship to Street Network

- 4.2.1. **Access to Lot.** No subdivision will be approved by the Commission unless it creates a lot or parcel having its principal frontage and access from an officially approved street, public or private. Lots

fronting on pedestrian ways shall also have frontage on a public or private street providing vehicular access.

- 4.2.2. **Phased Development.** Whenever land is being subdivided into lots that may eventually be resubdivided into smaller lots, consideration must be given to the street and lot arrangement so that additional minor streets can be opened which will permit a logical arrangement of smaller lots. Whenever the first phase of a proposed phased development creates streets ending in stub streets, the developer shall either provide insurance that the second phase of development will occur (through bond?) or shall provide cul-de-sac rather than stub streets.
- 4.2.3. **Secondary Access for Gated Subdivision.** No subdivision for any gated subdivision will be approved by the Commission unless it provides for a secondary access, designed to the satisfaction of the Fire Department, Department of Public Works and the Planning Commission. Individual phases of a multi-phased development may have a temporary secondary access designed to the satisfaction of these stated agencies. The temporary secondary access shall be allowed for the maximum time permitted for completion of the overall development, as per these regulations.
- 4.2.4. **Blocks.** This section is intended to promote connectivity within existing neighborhoods and proposed subdivisions. In general, neighborhoods developed prior to WW2 that are considered more urban in nature with a more dense, mixed-use development pattern shall preserve shorter block lengths that are pedestrian in nature and promote block connectivity and access. Neighborhoods developed post-WW2 that are considered more suburban in nature may have existing block lengths exceed exceeding those of urban neighborhoods. However, many of these suburban development patterns have resulted in environments that do not adequately accommodate pedestrians and cyclists and it is the intent of these regulations to improve upon these past deficiencies.
- a. Subdivisions that require the creation of new streets and block patterns shall design streets and block patterns in a manner that achieves high levels of connectivity within and around developments.
  - b. Block lengths should be consistent with the surrounding block lengths and patterns. When there are no predominant lengths and patterns in the vicinity, maximum block lengths shall be determined by multiplying by twelve (12) the minimum single-family lot width for the existing underlying zoning district. Zoning districts that do not have a designated minimum lot width shall have a maximum block length of 300 feet. Block lengths that exceed 600 feet shall provide a pedestrian way every 400 feet in order to provide connectivity that will accommodate pedestrians and cyclists.

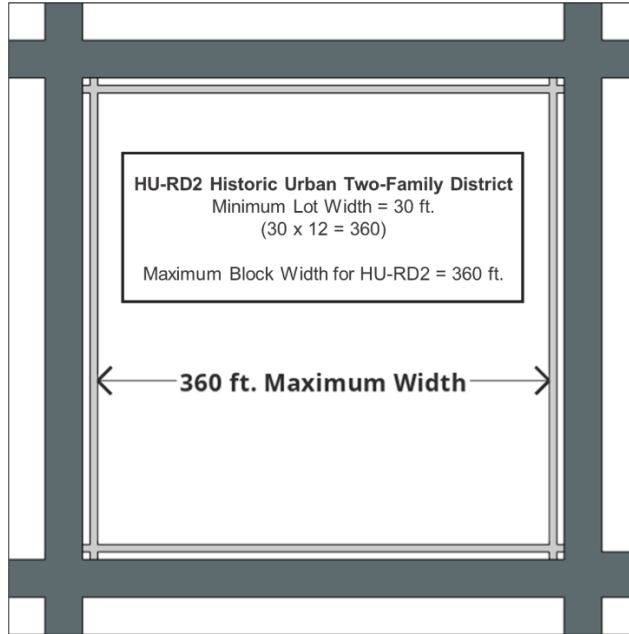
subdivisions that abut an existing block pattern and/or stub street(s), the subdivision shall make provision for the continuation of principal existing streets serving contiguous properties into the new subdivision areas (or their proper projection where adjoining land is not subdivided) in order to preserve the surrounding block pattern and street widths in a manner that is consistent with this section.

Subdivisions that include existing blocks that exceed the maximum allowed in this section shall make provision for streets that adhere with the block length requirements.

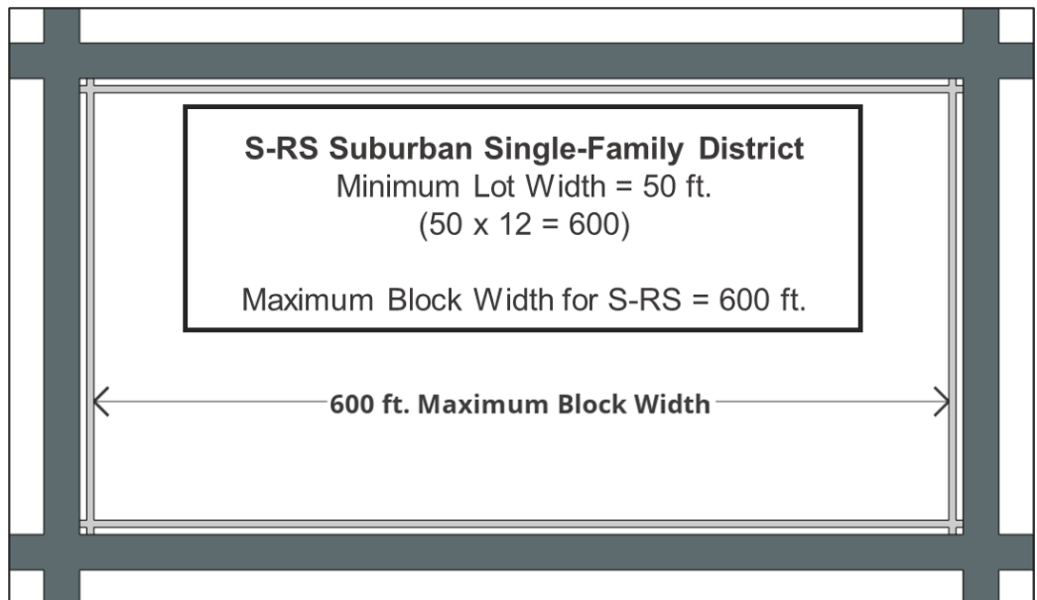
Block lengths shall not exceed the specified maximum, except for when a block length that exceeds the maximum is deemed appropriate by the Executive Director. The Executive Director may determine a block exceeding the maximum to be appropriate in instances where

the block length better ensures continuity with an existing street network or is more suitable given the particular geometry of the site.

**Figure 1. Maximum Block Length in the HU-RD2 District**



**Figure 2. Maximum Block Length in the S-RS District**



Exceptions to the requirement to extend existing streets may be considered by the Executive Director and may be granted for subdivisions that are contiguous with properties that include obstructions such as:

- Utilities/easements
- Large Institutional Developments

- Schools
- Hospitals
- Public Parks
- Natural Barriers
- Other land uses or physical features as may be deemed appropriate

#### 4.2.5. Street Design

- a. Street Widths. The widths of Major Streets shall conform to the widths designated on the Major Street Plan, as adopted by the Commission on June 22, 1993, and to all subsequent amendments and additions thereto. The minimum right-of-way width for all other streets shall be fifty (50) feet. In cases where special conditions make a right-of-way of less width more suitable, the Commission, with concurrence of the Department of Public Works, may modify the above requirements.

The minimum street width, measured from face-of-curb to face-of-curb, shall be 26 feet. In cases where special conditions make a right-of-way of less width more suitable, the Commission, with concurrence of the Department of Public Works, may modify the above requirements.

- b. Cul-de-sacs, Dead End Street. The creation of cul-de-sacs should be avoided where possible in order to maintain connectivity within and around developments. Cul-de-sacs are only allowed where existing topographic or physical barriers do not permit a street alignment that is directly connected with the existing street network of the surrounding area. The need for the creation of a cul-de-sac should not be a result of the actions of the applicant or property owner. Cul-de-sac streets shall not exceed 300 feet in length and shall terminate in a circular turn-around with a minimum diameter of 96 feet. Unless restricted by topographic or physical barriers, cul-de-sac streets shall provide a pedestrian way to connect the terminus of the cul-de-sac with the abutting public right-of-way or adjacent destinations.

Cul-de-sacs may be allowed by the Executive Director for subdivisions that are located contiguous with properties that include obstructions such as:

- Utilities/easements
- Large Institutional Developments
- Schools
- Hospitals
- Public Parks
- Natural Barriers
- Other land uses or physical features as may be deemed appropriate

- c. Street Construction Requirements. All streets (private or public) shall be prepared in accordance with the City of New Orleans, Department of Public Works' "Roadway Design Guide" (latest revision), with construction work supervised by a registered Civil Engineer. The type of surfacing shall be determined by the Department of Public Works and the Department's approval shall be indicated by the stamp and signature on all such plans. All grading, surfacing and sidewalk intersection construction must be completed prior to final acceptance by the Department of Public Works. For all streets, offered or not offered for dedication, the applicant shall to furnish to the Department of Public Works a certificate from

a registered engineer certifying that such streets have been constructed under his/her supervision and in accordance with the specifications furnished by the Director of the Department of Public Works.

- d. Development Containing Private Streets. Subdivisions with streets not offered for dedication (private streets) must meet all applicable requirements for development of public streets. Street paving and sidewalk construction must be in accordance with standard specifications of the City of New Orleans for dedicated streets.

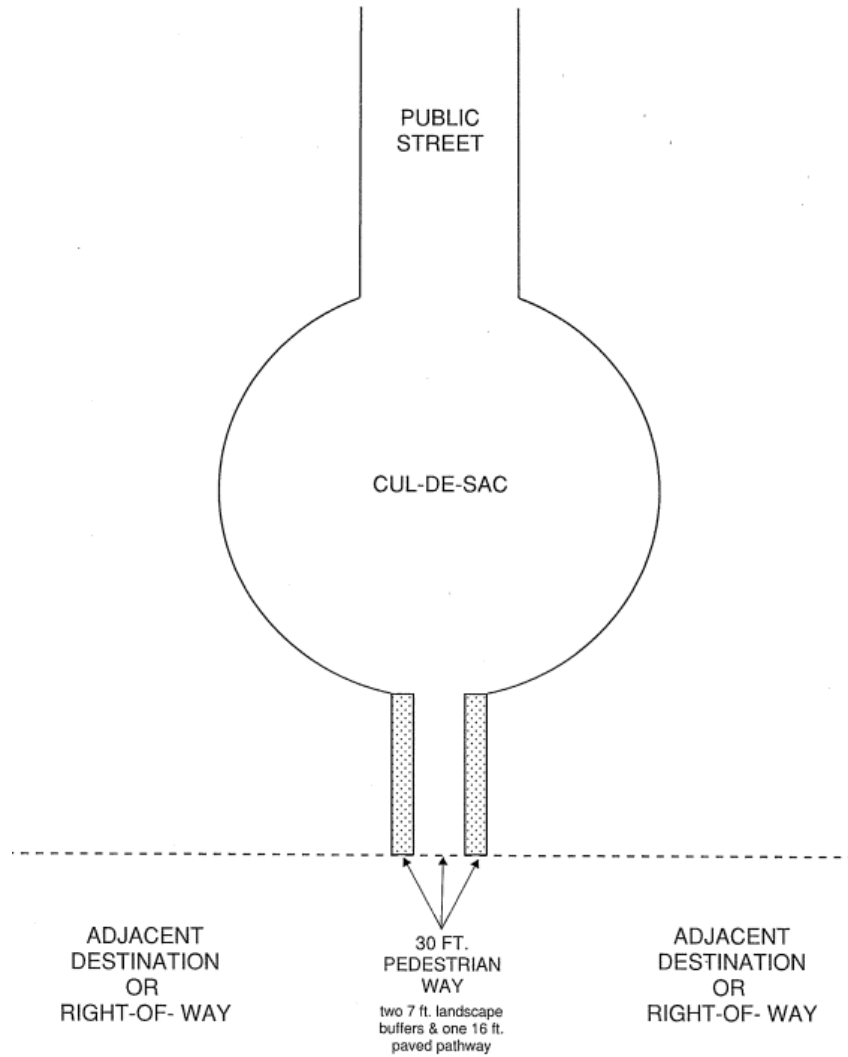
A Homeowners Association or a similar responsible entity must be established to provide for the permanent maintenance of all private streets in accordance with Section 3.2.11.g.

Approval shall not be given for proposed streets within a subdivision, which would be subject to flooding in the base flood. All street surfaces must be located at or above the base flood elevation.

- e. Pedestrian Ways. Pedestrian ways are a type of street designed specifically for use pedestrians, cyclists, and other non-vehicular transportation modes. They are provided in order to improve pedestrian and bicycle access to transit and other destinations and to shorten pedestrian and bicycle travel times within or near a subdivision. Pedestrian ways are specifically encouraged at the terminus of cul-de-sacs, within large block patterns and adjacent to destinations such as parks, schools and trails.

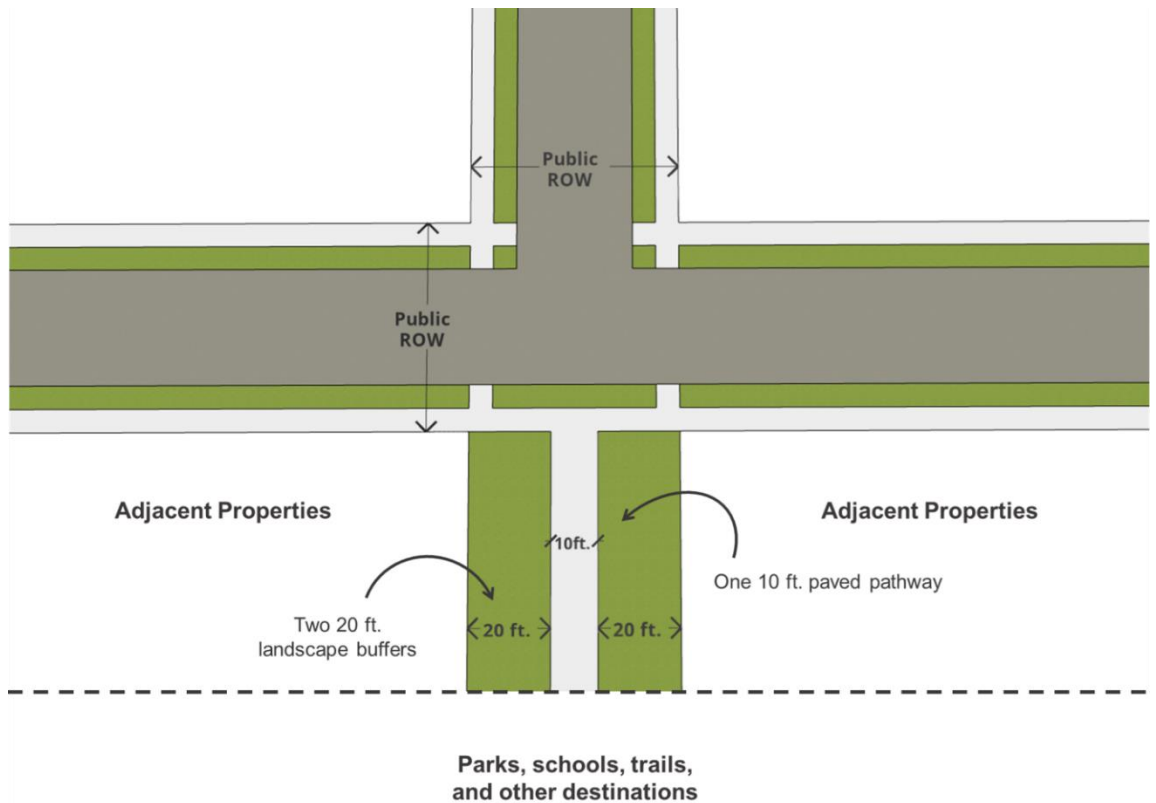
Pedestrian ways extending from cul-de-sacs and in between large blocks shall provide a paved pathway with a minimum width of ten (10) feet and two (2) landscaped buffers with a minimum width of five (5) feet between the path and adjacent properties. The minimum total right-of-way width for the pedestrian way shall not be less than thirty (30) feet. The maximum total right-of-way width shall not exceed fifty (50) feet.

**Figure 3. Pedestrian Way extending from cul-de-sacs**



Pedestrian ways extending from rights-of-way abutting parks, schools, trails and other destinations shall maintain a width equal to the right-of way from which it extends and shall include a paved pathway with a minimum width of ten (10) feet and landscaped buffers with a minimum width of five (5) feet between the path and adjacent properties.

**Figure 4. Pedestrian Way extending from right-of-way**



Pedestrian ways shall be designed to restrict vehicular access. All design proposals for pedestrian ways are subject to the review and approval of the Executive Director.

- f. Temporary Turn-Around shall be provided on all streets that are intended to be continued, either within the subdivided area or beyond. The type of surfacing of the temporary turn-around shall be subject to approval by the Department of Public Works. The temporary turn-around shall be used for a maximum of two (2) years from the date of Final Subdivision Plan Approval of the subdivision plan, unless it is built according to all standards regulating development of dead-end streets.
- g. Alley. The minimum width of an alley in a residential block shall be fifteen (15) feet, but such minimum width may be modified when an alley would continue an existing pattern of alleys.
- h. Common Driveways and Secondary Access Servitudes serving single and two-family residential properties shall have a minimum width of 12 feet. Two-way driveways for multi-family, commercial, office or shall have a minimum width of 24 feet. All driveways and secondary access servitudes shall comply with CZO regulations and be determined in consultation with the Department of Public Works and the Fire Department.
- i. Paved Sidewalks are required in all developments including those containing private streets unless waived by the City Planning Commission. Sidewalks shall have a minimum width of five (5) feet, in consultation with the Department of Public Works. Permeable and pervious

paving is encouraged under the guidelines found in Section 121.7 (the Code of the City of New Orleans).

### **Section 4.3. Lots**

This section is intended to ensure that new lots are regular in shape, size, and orientation, and adhere to the surrounding context.

4.3.1. **Lot Size.** Unless otherwise provided for in these regulations, all proposed lots shall conform to the bulk and yard regulations of the respective zoning district in the Comprehensive Zoning Ordinance. In areas that are not served by a public sewer, minimum lot and parcel sizes shall be in compliance with the requirements of the Sanitary Code, State of Louisiana.

4.3.2. **Lot Shape.**

- a. A lot shall be rectangular or wedge shaped or otherwise consistent with existing lot pattern. Lots that deviate from this norm and may create situations where development inconsistent with the existing surrounding development will require submittal of a development plan in accordance with Section 3.2.3.f., and may also require consideration by the City Planning Commission.
- b. Side lot lines of a lot shall run at right angles to the street on which it faces as far as is practicable, or on curved streets, the side lot lines shall be radial to the curve unless a variation to this rule will give a better street and lot plan.
  - i. A subdivision proposal that modifies a lot with a conventional rectangular or wedge shape to create a lot that is L-shaped, T-shaped, or otherwise atypical in shape for its context will be viewed as creating an irregular shape that is either “minor” or “major”.
    - a. A minor irregular shape is one where a “dogleg” or similar extension from the rectangular portion of the lot has an area that is 15% or less of the area of the rectangular portion.
    - b. A major irregular shape is one where a “dogleg” or similar extension from the rectangular portion of the lot has an area that is more than 15% of the area of the rectangular portion.

A subdivision creating a minor irregular shape will be generally acceptable and may be deemed to be eligible for administrative approval. A subdivision creating a major irregular shape will generally be considered to not be acceptable.

4.3.3. **Flag Lots.** Creation of a flag lot shall not be permitted unless it is the only way of creating access to an existing lot that does not have frontage along an improved street. The creation of the flag lot condition must result in the landlocked lot gaining access to an improved street. The pole portion of a flag lot (the actual lot frontage on an approved public or private street) zoned or used for residential purposes must be at least 12 feet wide. For non-residential uses, the minimum width of the pole portion of the flag lot shall be 24 feet. The minimum lot area shall be that of the underlying zoning district and does not include the flagpole area. Front yard setback shall be measured using the flag portion of the lot and discarding the flag pole portion of the lot. All setback requirements apply.

4.3.4. **Change of Lot Frontage.** When a resubdivision proposes to change a lot’s frontage from one street to another, the new frontage shall be consistent with the existing lot frontage pattern or an improvement over the established pattern in the same zoning district. Where multiple lots are held

in common ownership in a single development site, the front of the development site shall be treated as the lot frontage. The Executive Director shall make the determination as to whether a proposal is consistent with, or an improvement over the established pattern. Proposed change of lot frontage that is generally consistent with the existing lot pattern, as determined by the Executive Director may be approved administratively. Proposed change of lot frontage that is not generally consistent with the existing lot pattern shall be considered by the City Planning Commission.

- 4.3.5. **Multi-Frontage Lots.** Multi-frontage lots shall be avoided because they create unusual conditions that can result in development that is not coordinated with surrounding development pattern. Multi-frontage lots shall be considered by the City Planning Commission upon review of a development plan, in accordance with Section 3.2.3.f. to ensure good design. There are two types of multi-frontage lots, as listed below:
- a. Through Lot (Lot having frontage on two approximately parallel streets). In general development shall be oriented towards both streets. Through lots require review by the City Planning Commission except in the two following instances:
    - In an established urban environment of the city, through lots may be permitted in instances where a similar development pattern already exists in the surrounding area.
    - For institutional, commercial and industrial scale land uses occupying an entire square or portion of square
  - b. Lot having frontage on two or more approximately perpendicular streets (except corner lots). This type of multi-frontage lots may be deemed appropriate upon review of a development plan, in accordance with Section 3.2.3.f. by the City Planning Commission.
- 4.3.6. **Split Zoned Lot.** The Planning Commission will approve requests which propose the combination of lots resulting in more than one zoning district on a single lot of record only if the zoning line issue is resolved through a minor map adjustment or a zoning change. The zoning change or minor map amendment must be approved before the final subdivision approval. Exceptions to requiring a zoning change may be applied if the property is subject to a conditional use or planned development superseding the base zoning district regulations, or if other special conditions are found, as determined by the Executive Director of the City Planning Commission.
- 4.3.7. **Substandard Lots.** The Planning Commission will not approve requests which propose lots not in compliance with the applicable bulk and yard requirements of the Comprehensive Zoning Ordinance, with the exception of those requests approved under Policies B and F of these Subdivision Regulations, or where approval is contingent on the variance of relevant zoning standards by the Board of Zoning Adjustments.

#### **Section 4.4. Landscape, Natural Features and Drainage**

- 4.4.1. **Preservation of Natural Features and Amenities for Major Subdivision.** Existing features that would preserve and add economic, ecological and/or cultural value to the development site or to the surrounding area, such as trees, watercourses, wetlands, historic spots, and similar irreplaceable assets, shall be retained in the design of the subdivision. For Major Subdivisions requiring submittal of the Master Plan and/or Development Plan/Site Plan, an assessment of economic, ecological and/or cultural values of natural features/historic spots shall be made as a part of the Tentative Plan and Tentative Review process. No trees shall be removed from the proposed subdivision site nor any change of grade of the land affected until approval of the

Tentative Plan has been granted. All trees on the plan required to be retained shall be preserved, and where required, shall be welled and protected against change of grade. (See also Section 4.4.4.c)

4.4.2. **Special Flood Hazard Areas.** In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations and floodway boundaries and future conditions flood elevations for all subdivision proposals, and other proposed developments greater than five (5) acres). These studies shall be submitted to FEMA as a request for map revision and the record plan and all permitting documents shall reference the revised floodplain and base flood elevations accepted by FEMA and the City.

4.4.3. **Landscaping Within the Newly Constructed Street Right-of-Way.** The subdivider shall be required to install permanent landscaping within the newly constructed street right-of-way. This requirement shall apply for both private streets and streets offered for dedication. A landscape plan prepared by a licensed Louisiana landscape architect shall be submitted for review and approval by the Planning Commission with concurrence of the Department of Parks and Parkways and the Department of Public Works as a part of the Engineering Plan Approval process (Section 3.2.11). General standards for landscaping are as follows:

- a. Parkway trees shall be planted at the equivalent of one (1) tree for every forty (40) linear feet for shade trees and every twenty-five (25) linear feet for ornamental trees. Where appropriate, parkway trees may be clustered or spaced differently as determined appropriate or necessary by the Department of Parks and Parkways. Shade trees are defined as having a height of over forty (40) feet at maturity; ornamental trees are defined as having a height of less than forty (40) feet at maturity.
- b. A variety of compatible species should be included in the planting plan for a specific site or development. The selecting of tree species shall be reviewed and approved by the Department of Parks and Parkways with particular regard for site-appropriate species.
- c. Tree root guards are required at the edge of any roadway curb, driveway curb or paced sidewalk extending a minimum of two (2) feet below the surface (vertically downward) and for a horizontal distance of six (6) feet in either direction, for small root trees and twelve (12) feet on either direction for trees expected to attain a height of more than twenty-five (25) feet. Root guard materials must be approved by the Departments of Public Works and Parks and Parkways prior to installation.

4.4.4. **Stream and drainage improvements and easements**

- a. Stream Improvements and Easement Along Streams. No individual, partnership or corporation shall deepen, widen, fill, reroute or change the location of any existing ditch, stream, drain or drainage canal without first obtaining permission from the Sewerage and Water Board, the City of New Orleans Floodplain Manager, or any other agency having jurisdiction thereover. Plans for such deepening, widening, filling, rerouting or changing the location of any existing ditch, stream, drain or drainage canal shall comply with the specifications of Sewerage and Water Board or any other agency having jurisdiction thereover.
- b. Sewer, Water, Drainage Servitudes. Any proposed utility servitude must be specifically approved as to location and size by the appropriate department or agency (i.e., the Sewerage and Water Board, the Department of Public Works, Entergy, etc.) Whenever any existing canal or important surface drainage course is located in an area that is being subdivided, the

subdivider shall dedicate a servitude of not less than 50 feet in width along either side of such canal or important surface drainage course.

- c. Fences adjacent to open drainage canals, open ditches, etc. Whenever fences are required adjacent to open drainage canals, ditches, or borrow pits, as determined by the Commission or the Sewerage and Water Board, the subdivider must construct a fence according to the following standards:
- The applicable On-Site Development Standards for fences, in Section 21.6.N Fences and Walls of the Comprehensive Zoning Ordinance.
  - The fence must contain removable sections located and constructed in such a manner that is acceptable to the Sewerage and Water Board, or the Department of Public Works, or any other governmental agency having jurisdiction thereover.

## **ARTICLE 5. STANDARDS FOR DOCUMENTS/PLATS SUBMITTED FOR REVIEW AND APPROVAL**

### **Section 5.1. Subdivision Survey Requirements**

Prior to final approval of a subdivision, the subdivision survey must contain all of the information specified in this Section, as well as any modifications or other information required by the City Planning Commission or City Council, as applicable.

Information to be Shown. At the time of application, the subdivision survey shall contain the following information:

- An accurate depiction of the site and all structures on the site,
- A current date (within 6 months prior to the date of submission). If more than a year elapses between tentative and final approval, an updated survey may be required prior to final approval, if the previously provided survey is no longer accurate.
- Existing and proposed property lines,
- Existing and proposed lot dimensions (including lot area),
- Existing and proposed lot designations,
- Square number or tract identification,
- Municipal district
- Address (if applicable),
- Bounding streets, existing servitudes and easements, existing improvements, existing sewer and water lines, house connections, and the location, size and type of sanitary sewers or other sewer disposal facilities, gas mains, hydrants, street lighting and other existing utilities.
- Complete details of any encroachments onto the public right-of-way. This includes but not limited to trees, steps, porches, overhangs, roofs, buildings, fences etc.
- In rural areas such as Lake Catherine, Lower Coast Algiers, some of the remote heavy industrial areas, and other large parcels (greater than 2 acres), final plats should include at least four (4) control points evenly distributed across the property or located at survey property corners. Control points shall be defined as a known geographic location (X,Y, coordinates) obtained in the field using either GPS or other location-determining equipment with sub-meter precision. The coordinate system utilized should be State Plane Louisiana South North Datum 1983 (NAD83) with U.S. survey feet as the unit of measure.
- The boundary lines of the subdivision with length and bearing lines; section and squares, contours at intervals of 2 feet or less referred to the North American Datum of 1983 (NAD 83) for horizontal control and the North American Vertical Datum of 1988 (NAVD 88) for vertical control, as determined by the National Geodetic Survey (NGS).

- Any proposed streets, alleys, other public improvements, servitudes, easements, sewer and water lines, and house connections, and the location, size and type of any proposed sanitary sewers or other sewer disposal facilities, gas mains, hydrants, street lighting and other proposed utilities.
- The grades of proposed streets; and the width and type of proposed pavements and sidewalks;
- Notation of street dedication or dedication of other improvements or land.
- For major subdivisions: all natural features and landscape

The Executive Director of the City Planning Commission may modify the above survey information requirements upon a determination that there are special circumstances which make the required information unnecessary. Upon a written statement from the applicant, the Executive Director may consider waiving submittal requirements. When modifying survey requirements, the Executive Director must determine that sufficient information is provided for the proposal to be reviewed in accordance with these regulations. The cost of providing the above survey information shall not be a basis for the information not being provided.

## **Section 5.2. Engineering Plans - Requirements**

5.2.1. **General Requirements.** Engineering Plans shall show accurately and in sufficient detail for their construction and installation, the design of the subdivision improvements (streets, sewer, water, drainage, utilities, sidewalks, street lighting, landscaping, etc.). The plans shall be made according to the specification and standards of the respective City Department reviewing the plans: Department of Public Works, and the Sewerage and Water Board (See Appendix 3 for additional reference). A landscape plan prepared by a licensed Louisiana landscape architect, indicating all planting material as to type, size and location, shall be submitted for review and approval as a part of the Engineering Plans.

5.2.2. **Information to be Shown.** The Engineering Plans shall contain the following information:

- a. **Streets.** Profiles showing existing ground surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision; typical cross section of the proposed grading, roadways and sidewalks; location, species and sizes of existing and proposed trees within the street right-of-way. To meet the requirements of the Department of Public Works, the Plans must include the following sheets:
  - Title sheet with vicinity map showing streets connecting to the subdivision, permanent benchmark and project benchmark descriptions, index and name of subdivision.
  - Summary sheet of construction quantities.
  - Typical section sheet.
  - Slab jointing plan sheet.
  - Cross-section sheets.
  - A site plan showing lot lines and areas, property lines, existing and proposed servitudes, utility locations, existing and proposed streets, sidewalks cuts into existing streets, curb radii, ADA ramps, street lighting, traffic signals, proposed topography and drainage patterns, subsurface drains and outfalls, fire hydrants, and any other significant improvements such as walls, fences, gates, emergency access, etc. These items may be shown on several sheets, or included in the plan/profile drawings if desired. For example, separate survey, geometric and site plan sheets may be provided. The landscaping must be indicated on the drawings with planting approval from the Department of Parks & Parkways.
  - Plan and profile sheets that show water, drainage and sewer line locations and elevation profiles, utility locations, servitudes, power poles, meters, manholes and inverts, manhole numbers, valves, hydrants, catch basins and inverts, drop inlets, canals, outfall inverts, gutter line profiles and locations, bearings, points of curvature,

tangents and intersection, vertical curves, curb radii, stations, baselines, prominent existing features, buildings, sheds, mail boxes, bus and streetcar shelters, railroad tracks, steps, driveways, underground tanks signs, traffic controls, detector loops, parking meters, etc.

- Soil boring information as described in the City of New Orleans Department of Public Works Roadway Design Guide (10 ft. minimum depth).
- Department of Public Works Standard Drawings or attachment by reference.
- Sewerage & Water Board Standard Drawings and General Notes or attachment by reference.
- Construction notes as needed to ensure compliance with City standards.
- Detour phasing, hauling and signing sheets as required by the Department of Public Works Traffic Engineering Division.

b. Utilities. The location, sizes and invert elevations of existing and proposed sanitary sewerage and storm water drainage lines; stormwater management structures and facilities, the location and sizes of existing and proposed water lines; the location and specification of existing and proposed electrical, gas, telephone and cable distribution/communication systems; base flood elevation data indicated as a minimum first floor elevation required to meet flood control measures of the City Code. To meet requirements of the Sewerage and Water Board, the developer shall present plans for the installation of sewer, water and drainage facilities for their review and approval. These drawings will include, at a minimum:

- A title sheet with vicinity map,
- A master water plan,
- A master sewer plan, and
- A master drainage plan (the master drainage plan may be combined with the master paving plan).
- Plan/profile sheets must be provided for all streets within the subdivision and should include all utilities, including house connections.

Note: No construction shall begin until after the Sewerage and Water Board approves final plans for all sewer, water and drainage facilities.

c. Subsurface Condition Report. Location and results of soil percolation tests if an individual sewage disposal system is proposed.

### **Section 5.3. Requirements for Infrastructure Improvements**

The improvements listed below shall be installed prior to approval of the Final Plan.

#### **5.3.1. Assurance for Completion of Improvements**

a. Bond. In lieu of the completion of the improvements, the subdivider shall file a surety bond with the Commission to secure the actual installation of sewer, water, sub-surface drainage, paving of streets, and sidewalk intersections in a satisfactory manner, within a period not exceeding two years from the Preliminary Plan approval date. Monuments (permanent markers) may be in a separate bond. All such bonds shall be in an amount adequate to cover the cost of the improvements, as determined by the Commission, with surety and conditions satisfactory to the Commission.

Surety bonds for the installation of electrical and telephone distribution systems may be waived in those instances where franchised utility companies and the subdivider certify that satisfactory financial arrangements between the subdivider and the franchised utility

companies have been made and that the said utilities will be installed in accordance with the requirements of this section.

- b. **Maintenance of Common Areas or Facilities.** For a subdivision which contains sewers, sewage treatment plants, water supply systems, stormwater management systems, park areas, street trees or other physical facilities necessary or desirable for the welfare of the area, or that are for common use or benefit, which are not or cannot be satisfactorily maintained by any existing public agency, provision shall be made by trust agreement for the proper and continuous maintenance and supervision by the subdivider of such facilities. The trust agreement shall become a part of the deed restrictions, acceptable to any agency having jurisdiction over the location and improvement of such facilities. (see Section 3.2.11.g and i).

5.3.2 **Phasing of the Development and Improvements.** The owner of the tract may prepare and secure tentative approval of a subdivision plat of the entire area and may install the above improvements only in a portion of such area, but the improvements must be installed or bond posted to cover such installations in any portion of the area for which a final plan is approved for recording. The owner may only sell or lease, or offer for sale or lease, lots located in the improved portion of said property, provided, however, that streets, trunk sewers and sewage treatment plants and other utilities are either designed and built to serve the entire area or designed and built in such a manner that they can be expanded easily, or extended, as the case may be, to serve the entire area.

5.3.3. **Permanent Markers.** All intersections of the subdivision boundary property line and all intersections of street property lines within the subdivision shall be marked with permanent monuments. Monuments of ferrous material must have at least a one-half inch diameter, and must be at least 18 inches in length (longer in soft or unstable soil). Concrete monuments shall be at least 4 inches in width by 24 inches in length, reinforced with an iron rod at least one-fourth inch in diameter. All monuments shall contain a precise mark on top indicating the exact location of the corner. Should conditions prohibit the placing of monuments in line, off-set marking will be permitted, provided, however, that exact off-set courses and distances are shown on the subdivision plat. Where a benchmark is not existing within reasonable distance, a permanent benchmark shall be accessibly placed, the elevation of which shall be based on the North American Datum of 1983 (NAD 83) for horizontal control and the North American Vertical Datum of 1988 (NAVD 88) for vertical control, as determined by the National Geodetic Survey (NGS), and accurately noted on the subdivision plat.

5.3.4. **Street Improvements**

- a. All streets (private or public) shall be prepared in accordance with the City of New Orleans, Department of Public Works "Roadway Design Guide" latest revision, with construction work supervised by a registered Civil Engineer. The type of surfacing shall be determined by the Department of Public Works and the Department's approval shall be indicated by the stamp and signature on all such plans. All grading, surfacing and sidewalk intersection construction must be completed prior to final acceptance by the Department of Public Works. On all streets, offered or not-offered for dedication, it shall be the duty of the subdivider to furnish to the Department of Public Works a certificate from a registered engineer certifying that such streets have been constructed under his/her supervision and in accordance with the specifications furnished by the Director of the Department of Public Works.
- b. **Reservation of Land.** There shall be no reservation of land that is intended for future dedication to street or other public use except where the control over the reserved land is placed in the appropriate governing body under conditions approved by the Commission.

### 5.3.5. Water Lines

- a. Public Water Supply System. If water house connections are not available to serve each lot in the proposed subdivision, the property owner is responsible for their installation. Exception: The Sewerage and Water Board “owes” house connections to lots of record existing as of May 4, 1950, and is responsible for their maintenance (see Appendix 3). Where the public water supply is accessible, the subdivider shall enter into an agreement with the Sewerage and Water Board for the extension of the said public water systems, including the Sewerage and Water Board’s standard installation of valves, fire hydrants, etc., so that public water service shall be available for each lot within the subdivided area. The Sewerage and Water Board has an existing policy for the extension of water, sewer and drainage facilities, adopted on February 14, 1973, as amended. All water facilities located within dedicated public streets will become the property of the Sewerage & Water Board upon final inspection and final dedication of the street
- b. Private Water Supply System. Pending availability of a public water supply, the subdivider shall construct a private water supply system in such a manner that an adequate supply of potable water will be available to every lot within the subdivision. The source of water supply and the distribution system shall comply with the requirements of the Sanitary Code of the State of Louisiana for a public water supply system and is subject to approval by the Louisiana Department of Health and Hospitals, Office of Public Health, City Sanitarian. It is understood, however, that there shall be no obligation, on the part of the Sewerage and Water Board, to incorporate the said private system of water supply, or any part thereof, into any public system of water supply that may be built in the future.

### 5.3.6. Sewers

- a. Extension of Public Sanitary Sewer. If the subdivision is so located that it can reasonably be served by the extension of an existing public sanitary sewer, the subdivider shall enter into an agreement with the Sewerage and Water Board for the extension of the said sewer so that sanitary sewer service shall be available for each lot within the subdivided area. All sewer facilities located within dedicated public streets will become the property of the Sewerage and Water Board upon final inspection and final dedication of the street.
- b. Individual Sewage System. Where no sewers are accessible the subdivider shall secure a written permit from the Louisiana Department of Health and Hospitals, Office of Public Health, to install septic tanks or other mechanical means of sewage disposal for each lot or group of lots, provided that such septic tanks or similar mechanical means of sewage disposal must be approved by the Office of Public Health, City Sanitarian, and shall be installed in accordance with the Sanitary Code of the State of Louisiana, as amended. For Major Subdivisions, an individual sewer system must be installed prior to final approval of the plat. On-site waste disposal systems are to be located to avoid impairment to them or contamination from them during flooding (see Appendix 4).

- 5.3.8. **Drainage**. All drainage structures shall be constructed in accordance with plans and specifications approved by the Department of Public Works, the Department of Safety and Permits, and Sewerage and Water Board, and no new subdivision shall increase the runoff to any adjacent property.  
Drainage facilities of 36 inches in diameter or greater located within dedicated public streets will become the property of the Sewerage & Water Board upon final inspection and final dedication of the street. (see Appendix 3). Drainage facilities of less than 36 inches in diameter will become property of the Department of Public Works.

### 5.3.9. Electrical, Telephone and Cable Communications Systems

- a. Underground wiring services from an underground distribution system located within a public or private street right-of-way shall be provided for all subdivision and/or resubdivision of land involving new streets. Such systems shall provide underground wiring services to each lot. All such underground wiring systems shall be in accordance with the requirements of the Mayor's Office of Utilities, the Council Utility Regulatory Office, or successor entities. This section shall apply to all cables, conduits or wires used as feeders, primaries, secondaries or similarly designated conductor systems forming part of an electrical distribution system; provided further that it shall not apply to wires or conductors, and associated apparatus and supporting structures, whose exclusive function is the transmission of electrical energy between generating stations, substations and transmission lines or other utility systems.
- b. Underground wiring services from an underground distribution system shall be provided for Street Lighting Systems which must be designed in accordance with the Illuminating Engineering Society of North America, ANSI, AASHTO, and IEEE standards and installed in accordance with the requirements of the Department of Utilities under the conditions set forth above in Section 6.8.1.
- c. Subdivisions located in Heavy Industrial Zoning Districts will be exempted from the above requirements of underground electrical and telephone distribution systems, provided such subdivisions will be serviced by overhead utilities located within servitudes along rear or side lot lines. Such overhead utility systems shall be mounted on poles without cross arms or extensions.
- d. Underground cable communication system service from an underground distribution system located within a street right-of-way shall be provided for all subdivision and/or resubdivision of land involving new streets. Such systems shall be installed so as to provide the opportunity of underground cable communications to each lot. All such underground cable systems shall be in accordance with the applicable regulations and subject to approval by the Department of Utilities.

## ARTICLE 6. DEFINITIONS

### Section 6.1. General Rules of Construction

The language set forth in the text of this Ordinance is interpreted in accordance with the following rules of construction:

- The singular number includes the plural, and the plural the singular.
- The present tense includes the past and future tenses, and the future tense includes the present.
- The words "shall" and "must" are mandatory, while the word "may" is permissive.
- The terms "shall not," "must not," "will not," and "may not" are prohibiting.
- The use of one gender includes the other gender. Words and terms not defined herein shall be interpreted in accord with their normal dictionary meaning and customary usage.

### Section 6.2. Definitions

For the purpose of these regulations, certain terms and words are hereby defined. When a definition is added or modified in the Comprehensive Zoning Ordinance, a corresponding change may be made to these Regulations through an administrative procedure.

**Abut.** To have a common district boundary or lot boundary. For the purposes of this Ordinance, a lot line is considered to abut a zoning district even though it may be separated by any portion of a street, parkway, sidewalk, public way, alley, waterway or railroad right of way. The terms adjacent, adjoining and contiguous have the same meaning as abut.

**Adequate Public Facilities.** Facilities determined to be capable of supporting and servicing the physical area and designated intensity of the proposed subdivision, resubdivision, or development, as determined by the appropriate reviewing agency or department.

**Adjacent.** See "Abut."

**Adjoining.** See "Abut."

**Administrative Approval.** The approval of the subdivision granted by the Executive Director of the City Planning Commission and ratified by the Commission.

**Alley.** A way which affords only a secondary means of access to property abutting thereon.

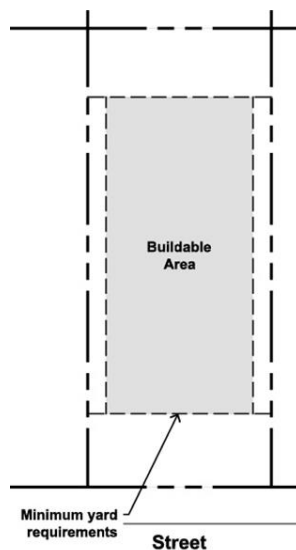
**Applicant.** The owner of land proposed to be resubdivided or his/her/their representative who shall have express written authority to act on behalf of the owner(s).

**Block.** A City-designated square, provided that where a square designation does not exist or cannot be identified, a block is defined as: (1) a portion of land enclosed by rights-of-way, or (2) a portion of land enclosed by any combination of rights-of-way, railroads, canals, bayous, rivers, and boundary lines of the City, whichever is smallest.

**Bond.** Any form of a surety bond, letter of credit, collateral or property in an amount and form satisfactory to the City. All bonds shall be approved by the appropriate City agencies whenever a bond is required by these regulations.

**Buildable Area.** The area of a lot where a structure may be built once the minimum yard and open space requirements of the Comprehensive Zoning Ordinance (CZO) have been met.

**Figure 5. Buildable Area**



**Building (structure).** A structure designed or built or used for the support, enclosure, shelter, or protection of persons, animals, or property.

**Building Line.** A line measured at the building wall of a structure between parallel lot lines. For the purposes of establishing a building line, the building wall does not include permitted encroachments of architectural features, such as uncovered porches, bay windows, eaves, landings, and steps and stoops, however, features with covers and footings are considered part of the building wall and the building line shall be measured from the base of the footing of the covered feature.

**Common Ownership.** Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association, or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner, or associate owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

**Comprehensive Zoning Ordinance (CZO).** A set of regulations governing the use and development of land within the City of New Orleans (Ordinance No. 4264 M.C.S. as amended).

**Connectivity.** The ability to provide a well-connected movement system which makes connections to adjoining land, local facilities and surrounding neighborhoods through interconnectivity of the local road, pedestrian and cycle networks.

**Crosswalk.** That part of a roadway or street, generally at an intersection, and striped or marked on the surface indicating for pedestrian travel to access adjacent sidewalks, streets, or properties.

**Cul-de-Sac.** A local street with only one outlet that terminates in a vehicular turnaround and having an appropriate terminal for the safe and convenient reversal of traffic movement. (see Section 4.2.6.b).

**Contiguous.** See "Abut."

**Development Plan.** A plan or program that provides details for complex or phased development projects, which is intended to aid in the evaluation of a proposal and its impacts on neighboring property, as well as to anticipate the necessary infrastructure systems (road network, drainage, parks and open space, utilities, etc.) that are needed to support the development

**Dwelling.** A structure, or portion of a structure, designed or used exclusively for permanent residential purposes, including single-family, two-family, townhouse, and multi-family dwellings, but not including trailers, hotels/motels, rooming houses, or automobiles.

**Digital Copy.** A computer-generated copy of the survey in .pdf compatible file format or other digital format deemed acceptable by the Executive Director.

**Easement/Servitude.** A grant of the right to use a strip/portion of land for specific purposes.

**Engineering Plans.** The drawings accompanying a subdivision plan for Major Subdivisions and showing the specific location and design of improvements, which if approved, will be used for construction of the improvements.

**Executive Director.** The Executive Director of the City Planning Commission.

**Final Subdivision Plan.** A survey which depicts the subdivision of land for final approval from the City Planning Commission in accordance with these regulations.

**Flag Lot.** A lot shaped and designed so that the principal buildable area is set back from the right-of-way on which in fronts and includes a narrow access corridor connecting the main buildable area with the right-of-way. For a flag

lot, the lot width dimension is measured at the widest dimension of the lot and yard dimensions are calculated from that point of the lot.

**Frontage.** The property abutting on one (1) side of a street between two (2) intersecting streets. If the street dead-ends, then frontage is considered all the property abutting on one (1) side of the street and the point at which the street dead-ends.

**Future Land Use Map.** A map within the “Plan for the 21st Century” (Master Plan) that shows the distribution of various land use categories (residential, commercial, industrial, mixed-use) desired in the future.

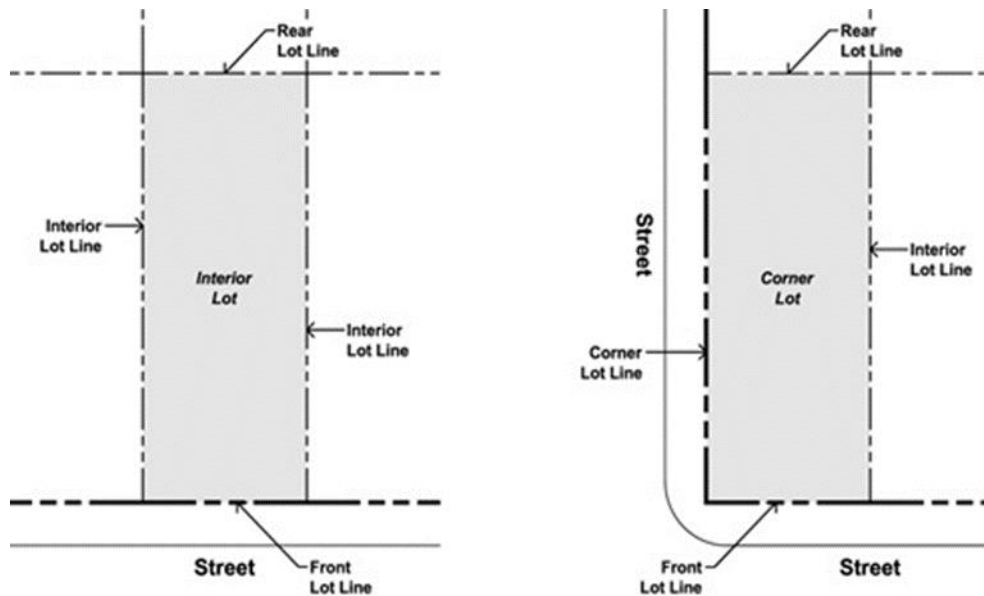
**Improvements.** Street surfacing, curbs and gutters, sidewalks, water mains, sanitary sewers, storm sewers, utilities, monuments, street lighting, landscaping, fencing, and other appropriate items.

**Lot.** A portion of land with fixed boundaries, that is developed or that may be developed with a principal building and any accessory structures, together with open space and parking areas, and having its principal frontage upon an officially approved street.

**Lot Area.** The computed total area contained within the lot lines bounding a lot.

**Lot, Corner.** A lot that abuts two (2) or more streets at their intersection.

**Figure 6. Interior Lot and Corner Lot**



**Lot, Depth.** The average distance between the front and rear lot lines.

**Lot Designation.** The letter(s), number(s), or combination thereof, used to identify a lot.

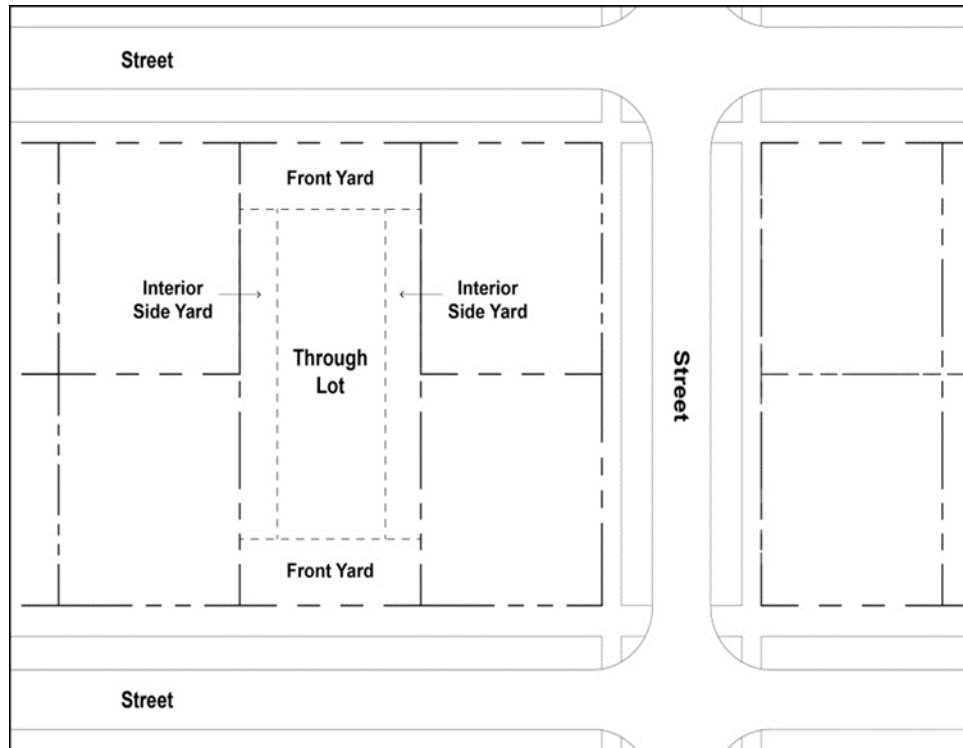
**Lot Lines.** The property lines bounding a lot.

**Lot, Multi-Frontage.** A lot that has frontage on more than one street. “Through lots” or “double-frontage” lots are types of multi-frontage lots. Corner lots are not considered to be multi-frontage lots.

**Lot of Record.** A lot which is part of a subdivision, the plan of which has been recorded in the Orleans Parish Civil District Court, Land Records Division; or a parcel of land which became legally established and defined by deed or Act of Sale on or before May 4, 1950.

**Lot, Through.** A lot having a frontage on two (2) approximately parallel streets or places.

**Figure 7. Through Lot**



**Lot Width.** The average horizontal distance between side lot lines measured at the required front yard and parallel to the front property line, or measured at the front property line if no front yard is required. For cul-de-sac lots or pie-shaped lots, lot width is measured at the front building line of the structure between side lot lines.

**Major Subdivision.** A subdivision has at least one of the following characteristics:

- It is proposed to divide existing lot(s) into six or more new lots;
- It includes a site over than two acres in size;
- It includes a site formed by eleven or more lots
- The subdivision proposes the creation of a new street (public or private)
- The subdivision proposes any other type of public improvement.

**Minor Subdivision.** A subdivision that has all of the following characteristics:

- The subdivision is proposed to:
  - o shift lot boundaries or change lot designations without changing the number of lots; or
  - o consolidate existing lots into a lesser number of new lots; or
  - o divide existing lots into five or fewer new lots
- The parcel to be subdivided is two acres in size or less and formed by ten or fewer lots; and
- The subdivision does not create any new streets (public or private) or public improvement.

**Open Space.** Those areas of a lot open and unobstructed from grade level upward, unless otherwise permitted by this Ordinance. Mechanical equipment, dumpsters, or service areas are prohibited in required open space areas. For townhouse and multi-family dwellings that are required to provide open space for each dwelling unit, open space may include areas on decks, balconies, uncovered porches, and roofs that are accessible and usable by occupants. When located at ground level, the required open space area shall be substantially covered with grass, live groundcover, shrubs, plants, trees, or usable outdoor hardscape features or amenities, such as seating areas, patios, or pools. Off-street parking and loading areas, driveways or required landscape for parking lots and screening do not satisfy open space requirements. Bollards, curbs, wheel stops, or other similar features shall be provided to ensure that required open space areas are not used for off-street parking or any other vehicular use.

**Owner.** The owner of the Title to real property

**Party Wall.** A wall extending from basement or cellar to roof without doors, windows, or other provisions for human passage or visibility through such wall, and where the roof may extend from one dwelling unit to another.

**Pedestrian Way.** A right-of-way within a block dedicated to public use and intended to provide pedestrian access to adjacent roads, lots, or public areas.

**Permeable Open Space.** Those areas of a lot open and unobstructed at grade level upward, unless otherwise permitted by this Ordinance. The required permeable open space area shall be substantially covered with grass, live groundcover, shrubs, plants, trees, or permeable outdoor hardscape features or amenities, such as seating areas, un-roofed decks constructed of wood slats over undisturbed ground, pools and patios. Off-street parking and loading areas, driveways or required landscape for parking lots and screening may satisfy permeable open space requirements if permeable paving is used.

**Permeable Paving.** A pavement system designed to allow movement of stormwater through the pavement surface and into an aggregate base. Concrete bases and mortar are prohibited. Materials include but are not limited to pervious concrete and asphalt, aggregate if stabilized with a grid-system that prevents compaction and washout; and permeable pavement, such as open-jointed blocks, pavers, or bricks that provide void spaces between to allow stormwater infiltration.

**Planned Development.** A development approved by the New Orleans City Council pursuant to the provisions of Article 5 of the Comprehensive Zoning Ordinance.

**Planning Advisory Committee (PAC).** An advisory technical committee comprised of representatives of various City departments and related agencies, which reviews all development proposals involving public land, including the opening of new streets or closing of the existing ones. The PAC determines the proposal's compliance with the existing departmental regulations, and makes recommendations to the Planning Commission regarding any conditions for approval of the request.

**Plat.** See Survey

**Preliminary Subdivision Plan Approval.** An initial approval step that does not constitute final acceptance of the subdivision plan by the City, and this plan shall not be recorded. The applicant is required to receive Final Subdivision Plan Approval from the City Planning Commission prior to recording the survey or selling lots.

**Property lines.** See Lot Lines

**Public Improvement.** Any land and improvements thereon dedicated to the public and accepted by a governmental entity, including (but not limited to) streets, parks, schools, and open space.

**Public Realm.** All areas to which the public has open access including, but is not limited to, streets, pedestrian ways, bikeways, bridges, plazas, nodes, squares, transportation hubs, gateways, parks, waterfronts, natural features, view corridors, landmarks, and building interfaces.

**Registered Land Surveyor.** A professional land surveyor properly licensed and registered by the State of Louisiana.

**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.

**Right-of-Way.** Right-of-way is the area between the boundary lines of a publicly or privately owned street, or easement.

**Septic Tank System.** An individual sewage system which consists of a septic tank and an acceptable method of septic tank effluent treatment or disposal. A conventional septic tank system is a septic tank connected to a subsurface absorption field.

**Sewage System, Individual.** Individual Sewage System means any system of piping (excluding plumbing within a building), treatment device or other facility that conveys, stores, treats, or disposes of sewage on the property where it originates, and which utilizes the individual sewage system technology.

**Sewage System, Private.** Private Sewage System means a collection and/or treatment facility which is owned, operated, maintained, and managed by a private individual or individuals or entity (partnership, corporation, etc.).

**Stormwater Management.** Any technique, apparatus, or facility that controls and/or manages the path, storage, or rate of release of stormwater runoff and include storm sewers, retention/detention basins, drainage swales and bioswales, rainwater reuse systems, drainage channels, inlet or outlet structures, and other similar techniques and facilities.

**Street.** A public or private thoroughfare which affords the principal means of access to abutting property.

**Street Line.** A property line separating a lot from an abutting street right-of-way.

**Street, Stub.** A street segment, usually relatively short in length, which terminates at the boundary of a subdivision or site plan. The purpose of stub streets is to ultimately connect to abutting property when it is developed.

**Street Lighting System(s).** The lamps, luminaries, photo controls, bracket arms, supports, poles and related hardware used to provide roadway, sidewalk, and/or parkway lighting.

**Structure.** Anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having a permanent location on the ground.

**Subdivision.** 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.

**Survey.** A graphical depiction of property prepared by a licensed land surveyor showing the property's location, dimensions, bounding streets, and square and lot numbers (as applicable), consistent with state law.

**Use.** The purpose or activity for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

**Utility.** Basic services such as electricity, gas, sewer, or water, or the company that provides such a service.

**Vacant.** A lot or a building, or a portion of a lot or of a building, that is not actively occupied by or maintained for any use. The determination of vacancy for nonconforming uses or structures, or a portion thereof, is supported by evidence, deemed satisfactory to the Director of the Department of Safety and Permits including, but not limited to the following: the actual removal of equipment, furniture, machinery, structures, or other components of the nonconforming use that are not replaced; the turning off, disconnection, or removal of the previously connected utilities; the lack of a valid certificate of occupancy; and the lack of business receipts, other business records or any necessary licenses that provide evidence that the use is in continual operation.

**Vicinity Map.** A map showing the general location of the proposed subdivision.

**Waiver.** The modification of the requirements of the Subdivision Regulations pursuant to Section 1.12.

**Waterway.** Any body of water, including any bayou, creek, canal, river, lake, or bay, natural or artificial, except a swimming pool or ornamental pool located within a single lot.

**Wetland.** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal condition do support, a prevalence of vegetation typically adapted for life in saturated soil condition, and which boundaries are determined by Army Corps of Engineers wetland delineation criteria.

**Yard.** Open space located at grade between a structure and the adjoining lot lines, unoccupied and unobstructed from the ground upward, unless otherwise permitted by this Ordinance. (See Figure 8).

**Yard, Corner Side.** The required minimum distance a principal building shall be located from a corner side lot line. The corner side yard extends along the corner side lot line between the front yard and the rear lot line, for the required minimum depth, as specified for the district in which such lot is located, measured perpendicular to the corner side lot line (See Figure 8)

**Yard, Front.** The required minimum distance a principal building shall be located from a front lot line. The front yard extends the full width of the lot between side lot lines for the required minimum depth, as specified by the zoning district in which such lot is located, measured perpendicular to the front lot line. On corner lots the front yard is provided facing the street upon which the lot has its lesser dimension. On a through lot, both yards that face a street are considered a front yard and subject to the minimum front yard requirements of the zoning district. (See Figure 8).

**Yard, Interior Side.** The required minimum distance a principal building shall be located from an interior side lot line. The interior side yard extends along an interior side lot line between the front and rear yards, for the required minimum depth, as specified for the district in which such lot is located, measured perpendicular to the interior side lot line. (See Figure 8)

**Yard, Rear.** The required minimum distance a principal building shall be located from a rear lot line. The rear yard extends between the side lot lines for the required minimum depth, as specified by the zoning district in which such lot is located, measured perpendicular to the rear lot line. On both corner lots and interior lots, the rear yard is, in all cases, at the opposite end of the lot from the front yard. (See Figure 8)

Figure 8. Yards

