



*Subdivision Regulations,*

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*August, 1999*

**SUBDIVISION REGULATIONS**  
**City Planning Commission**  
**City Of New Orleans**

**August 1999**



## **City Planning Commission**

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***Kristina Ford, Executive Director***

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**Resolution of Adoption of**  
**Subdivision Regulations of the City of New Orleans**  
**As Revised May 1999**

In accordance with the provisions of the Louisiana Revised Statutes of 1950 Title 33:101 through 33:119 and the City Charter of January 1996, the New Orleans City Planning Commission has considered the May 1999 revisions to the Subdivision Regulations in order to promote the health, safety, convenience and general welfare of the inhabitants of the City of New Orleans and the Parish of Orleans, and to assist in bringing about the coordinated, efficient and economical development of the City and the Parish. These regulations and minimum standards have been considered after a public hearing duly advertised in the Official Journal, modified after discussion of the Commission, and are now hereby adopted by the City Planning Commission of New Orleans, Louisiana, at its regularly scheduled and advertised meeting this Tuesday, May 25, 1999.

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George E. Robinson, III  
Chairman

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Kristina Ford  
Executive Director

Effective Date: August 1, 1999



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## **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**

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. The Commission may grant variances from these regulations pursuant to the provision of Article 1, Section 1.13.

### **Section 1.3. Statement of Policy**

- 1.3.1. Orderly, planned, efficient and economical development. It is hereby declared to be the policy of the Commission to consider the subdivision of land and its subsequent development as one of the principal steps in carrying out the general purpose of adopted elements of the New Orleans Master Plan<sup>1</sup> for the orderly, planned, efficient and economical development of the City.
- 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 to the subdivision.
- 1.3.3. Correlation with other regulatory documents. A proposed subdivision shall be correlated with adopted elements of the New Orleans Master Plan; 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

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<sup>1</sup> The following elements of the New Orleans Master Plan have been formally adopted by the Commission: *New Century New Orleans Master Policy Plan*, and the *New Orleans Land Use Plan*.

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.

## **1.4. Statement of Purpose**

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

- 1.4.1. General welfare. To promote, protect and provide for the public health, safety, convenience, and general welfare of the residents of the City of New Orleans.
- 1.4.2. Growth management/Social and economic stability. To guide the future growth and development of the land within the jurisdiction in accordance with adopted elements of the New Orleans Master Plan. To 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.
- 1.4.3. 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.
- 1.4.4. 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.
- 1.4.5. 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.
- 1.4.6. 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 geomorphological 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 concurrent 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 subdivision's of land, as defined in Article 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 may 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. Any Final Plat which has been approved by the Commission and endorsement shown thereon shall be recorded at the Register of Conveyance, as required herein (Article 4, Section 4.1.5). The recording shall be completed within the required 30-day period from the date of the Final Approval. 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 building permit and no certificate of occupancy shall be issued for any lot of land created by subdivision, as defined herein, unless a Final Plat of 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 August 1, 1999. All applications for subdivision approval, including Final Plats which are pending on the effective date of these regulations, shall be reviewed under these regulations except when both of the following conditions are met: (a) approval of engineering plans was obtained prior to the effective date of these regulations and (b) the subdivider has constructed subdivision improvements prior to submission of the Final Plat for approval.

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

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

Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, the provision which is more restrictive or which imposes higher standards shall control.

### **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.** It shall be duty of the Executive Director of the City Planning Commission to enforce these requirements and to bring to the attention of the City Attorney any violations of them.
- 1.9.2.** Whoever, being the owner or agent of any land located within a subdivision, transfers or sells or agrees to sell any land by reference to, exhibition of, or by other use of a plat of a subdivision, before such plat has been approved by the City Planning Commission and recorded at the Register of Conveyances, shall

forfeit and pay a penalty of Five Hundred Dollars<sup>2</sup> (\$500.00) for each lot or parcel so transferred or sold or agreed to be sold, and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided. The City may enjoin such transfer, sale or agreement by suit for injunction brought in any court of competent jurisdiction or may recover the said penalty by a civil action in any court of competent jurisdiction.

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

**1.10.1. Administration and Amendments.** The City Planning 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. These regulations may be changed or amended by the Commission after public hearing. 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 City Planning 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 plats 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. Appeals**

The decision of the City Planning Commission to approve, approve with conditions, or deny the Tentative or Final Subdivision Plan 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.

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<sup>2</sup> The penalty subject to revision. See Louisiana Revised Statutes 33:114 (La.R.S.33:114)

Appeals from a decision on the subdivision plan of a Major Subdivision may be made by the applicant or by any owner of real property within the affected area as specified in Section 3.1.3. of these Regulations, or by the Director of the Department whose objections to the proposal submitted pursuant to Sections 4.1.3 and 4.2.3. were not satisfied. Appeals from a decision on the subdivision plan of Minor Subdivision may be made by the applicant.

Appeals shall be made by filing a Notice of Appeal with the Clerk of Council, with a copy to the Planning Commission, and shall state specifically how the City Planning Commission failed to properly evaluate the proposed subdivision plan, make a decision consistent with the purposes of Section 1.4. of these Regulations, or make required findings. The appeals shall be accompanied by a fee as specified in Section 1.12, and with the names, addresses, lot and square numbers of all properties in the affected area as specified in Section 3.1.3. of these Regulations.

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 3.1.3. 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 the date on which the Notice of Appeal is filed. 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 1.12. Fees for processing subdivision regulations**

All required fees are set by Chapter 118, Article II, Section 118-43 of Ordinance Number 828 M.C.S., known as the Code of the City of New Orleans and available at the City Planning Commission's office. The cost of advertising for public hearings and the cost of the State required registered mail shall be borne by the property owner(s). Processing fees and advertisement costs in effect at the time of adoption of these Regulations are presented in Appendix 1, and are subject to future amendment. Fees and costs may be refunded in the following situations:

- a. Errors. Overpayment will be refunded when an error is made in calculating a fee.
- b. 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 or sent public hearing notices.

**Section 1.13.        Variances and Exceptions**

Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in these regulations would result in real difficulties and substantial hardships or injustices, the Commission may vary or modify such requirements, so that the subdivider is allowed to develop his property in a reasonable manner, but so that, at the same time, the public welfare and interests of the City are protected and the general intent and spirit of these regulations are preserved.

Petition for variance from these regulations shall 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 Tentative Plan.

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## **ARTICLE 2. DEFINITIONS**

### **Section 2.1. General Rules of Construction**

- The word “shall” is always mandatory. The word “may” is permissive.
- Words and terms not defined herein shall be interpreted in accord with their normal dictionary meaning and customary usage.

### **Section 2.2 Definitions**

For the purpose of these regulations, certain terms and words are hereby defined:

**Administrative Approval** (also referred to as Certified Approval, Certification). The approval of the subdivision granted by the Executive Director of the City Planning Commission and ratified by the Commission (as per established Special Policies of Section 3.2).

**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).

**Bond.** Any form of a surety bond 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 exclusive of those areas required for yards or open spaces as required by the Comprehensive Zoning Ordinance (CZO).

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

**Building Line.** That line, between which and the street line, no building or part thereof may be erected, except as provided in the CZO.

**Certification, Certified Approval.** See **Administrative Approval**.

**Commission, Planning Commission** - Whenever the word “Commission” or “Planning

Commission” is used in these Regulations, it shall be deemed to refer to the City Planning Commission of the City of New Orleans.

**Comprehensive Zoning Ordinance (CZO).** A set of regulations governing the use and development of land within the City of New Orleans (Ordinance # 4264 M.C.S. as amended by Ordinance # 16,976 M.C.S. In these regulations, the Comprehensive Zoning Ordinance is referred to as CZO.

**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. The cul-de-sac shall have a minimum right-of-way radius of 62 feet (see Section 5.3.3.).

**Development Plan** (also referred to as Site Plan). A plan submitted in connection with certain subdivision applications (Policy G, Neighborhood Unit Development, Planned Unit Development, or a multi-phased development proposal which may or may not require phasing of the subdivision) to provide the information and graphics requirements of these regulations for the purpose of implementing an innovative design or an integrated development scheme.

**Double.** A structure consisting of two dwelling units separated from each other by a party wall.

**Dwelling.** A building or portion of thereof, designed or used exclusively for residential occupancy, but not including trailers, hotels, motels, motor lodges, boarding and lodging homes, tourist courts, or tourist homes, or time share buildings.

**Dwelling, Two Family.** A dwelling designed for, constructed or under construction or alteration for, or occupied by two (2) families.

**Digital Copy.** A computer-generated copy of the survey in .dxf, .dwg, or ESRI compatible file format.

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

**Engineering Plans, Construction Plan.** 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 Plan** (also referred to as Final Plat). The map of a subdivision (major or minor) to be recorded after approval by the Planning Commission and any accompanying material (digital format) as required and described in these regulations and which, if approved, shall be recorded at the Register of Conveyances.

**Flag Lot.** See Lot, Flag.

**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 occupied or which may be hereafter occupied by a building and its accessory buildings, together with such open spaces and parking spaces or areas as are required under the Comprehensive Zoning Ordinance, and having its principal frontage upon an officially approved street or place.

- a. **Lot, Corner.** A lot having a frontage on two (2) or more streets at their intersection.
- b. **Lot, Depth of.** The average distance between the front and rear lot lines.
- c. **Lot Designation.** Any area hereafter created through a subdivision process, regardless of its size or previous designation as parcel or tract, shall be designated on the subdivision (survey) plan as “Lot” to facilitate coding of the City’s GIS system.
- d. **Lot, Flag.** A “flag lot” is a lot which is located behind the frontage lot, and is connected by a strip of land to the street for access (See Section 5.5.4 for minimum frontage on a street).
- e. **Lot Frontage.** The distance for which the front lot line and a street right-of-way line are coincident.
- f. **Lot Lines, Property Lines.** The lines bounding a lot.
- g. **Lot of Record.** A lot which is part of a subdivision, the map of which has been recorded in the Register of Conveyances; or a parcel of land which became legally established and defined by deed or Act of Sale on or before May 4, 1950.
- h. **Lot Width.** The average horizontal distance between the side lot lines measured at the required front yard setback line (as defined in the Comprehensive Zoning

Ordinance) and parallel to the front street right-of-way line, or measured at the street right-of-way line if no front yard is required.

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

**Major Subdivision.** See **Subdivision, Major**

**Major Street.** See **Street, Major**

**Master Plan, Overall Subdivision Plan.** A Tentative Plan submitted in connection with a multi-phased development or multi-phased subdivision application (such as Neighborhood Unit Development; Planned Unit Development) which provides the information and graphics requirements of these regulations for the purpose of implementing an integrated development scheme for all phases of the proposed subdivision.

**Minor Subdivision.** See **Subdivision, Minor**

**Neighborhood Unit Development.** A development constructed under single ownership and planned and developed as an integral unit consisting primarily of residential uses. Neighborhood Unit Development may be developed in a single phase or in multiple phases.

**Nonresidential Subdivision.** A subdivision whose intended use is other than residential, such as commercial, institutional, or industrial.

**Owner.** The owner of the Title to real property as shown on the last available record in the Register of Conveyances.

**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.

**Place.** An open, unoccupied space other than a street or alley permanently reserved as the principal means of access to abutting property.

**Planned Unit Development.** The development of an area containing a minimum of one (1) acre or one half (½) of a city square, constructed under single ownership and planned as an integral unit consisting of residential, commercial, office, recreational or industrial uses or combination thereof. The Planned Unit Development may be developed as a single phase or in multiple phases.

**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 **Subdivision Plan, Tentative** and **Subdivision Plan, Final**.

**Property Line.** See **Lot Lines**.

**Residential Development or Use.** Building, structures and uses which are authorized in a residential district, including dwellings, permitted residentially related public and semipublic facilities, and permitted accessory uses. All such uses are subject to applicable zoning district regulations of the Comprehensive Zoning Ordinance.

**Right-of-Way.** Right-of-way is the area between the boundary lines of a street, other dedicated area (place), or easement.

**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.).

**Septic Tank System** means 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.

**Site Plan.** See Development Plan.

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

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

- b. Street, Major.** A street designated as “major” on the officially adopted Major Street Plan of the City of New Orleans.

**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.

**Subdivision.** For the purpose of these Regulations, subdivision of land is defined as:

- a.** the division of land into two (2) or more lots, or
- b.** any change of an approved and recorded subdivision plat that affects any lot line or any street layout, or
- c.** the dedication of an alley, road, street or highway through a lot, or
- d.** the revocation of the alley, road, street or highway and its incorporation with the abutting lots.
- e.** any change or alteration in lot lines including the exchange or transfer of ownership of land between adjoining property owners and the combining or incorporation of lots.

**Subdivision, Major.** All subdivisions not classified as Minor Subdivisions, including but not limited to subdivision of more than five (5) lots, and/or any subdivision requiring creation of a new street, public or private. A subdivision involving closure of an existing street, road or alley, public or private, shall be considered as a Major Subdivision.

**Subdivision, Minor.** Any subdivision containing five (5) or fewer lots fronting on an existing public or private street, and not involving creation or closure of a street, public or private.

**Subdivision Plan, Final.** See Final Plan.

**Subdivision Plan, Tentative.** See Tentative Plan.

**Tentative Plan.** The preliminary drawing(s) as described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Commission for approval.

**Town House.** A single-family dwelling forming one of a group of three (3) or more attached single-family dwellings separated from one another by party walls.

**Vicinity Map.** A map showing the general location of the proposed subdivision as it relates to the nearest Major Streets.

**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.** An open space at existing ground level between a buildable area and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided within the Comprehensive Zoning Ordinance. For the purpose of determining yard measurements, the minimum distance between the lot line and the buildable area shall be used.

**Yard, Front.** A yard extending across the front of a lot between the side lot lines, and being the required minimum distance between the street and/or building line and the buildable area. On corner lots, the front yard shall be provided facing the street upon which the lot has its lesser dimension.

**Yard, Rear.** A yard extending across the rear of a lot between the side lot lines, and being the required minimum distance between the rear lot line and the rear of the buildable area. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

**Yard, Side.** A yard between the main building and the side lot line and extending from the required front yard to the required rear yard, and being the required minimum distance between a side lot line and the side line of the buildable area.

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## **ARTICLE 3. CLASSIFICATION OF SUBDIVISIONS AND REVIEW PROCESSES (General Process and Special Policies)**

### **Section 3.1. Classification of Subdivisions and General Review Process**

All subdivision applications are classified into one of two general categories, as either Minor or Major Subdivisions. Accordingly, two general review procedures have been defined, one for each category of subdivision. As shown below, the Minor Subdivision review process has one (1) principal step, and the Major Subdivision has three (3) principal steps.

**3.1.1. *Minor Subdivisions*** (*creation of 5 lots or less and not involving creation or closure of a street*).

- a. Submission and review of Final Plan

**Note:** Minor Subdivisions may be reviewed according to the appropriate established “**Subdivision Policy**” (Policy A, Policy B, Policy E or Policy F), adopted to simplify the approval procedure (see Section 3.2.).

**3.1.2. *Major Subdivision*** (*creation of more than 5 lots, and/or any subdivision proposing creation or closure of a street*).

- a. Submission and review of Tentative Plan (Public Hearing required).
- b. Submission and review of Engineering Plans (required only when new streets are being proposed).
- c. Submission and review of Final Plan.

**Note:** Major Subdivisions may be reviewed according to the appropriate established “**Subdivision Policy**” (Policy C, Policy D, Policy E, Policy F or Policy G) according to established criteria for approval (see Section 3.2.).

**3.1.3. Public Hearing, When Required .** No plan for a subdivision shall be acted on by the Planning Commission without affording a hearing **except for Minor Subdivisions** where no more than five (5) lots are proposed and no streets are proposed to be created or closed. After receipt of the application and required copies of the Tentative Plan, the staff of the Commission shall schedule the date for a hearing on the proposed subdivision unless exempted above. Commission members are not required to attend the hearing.

As required by State Law, notice of the time and place of such hearing shall be sent by registered mail to the owner or owners, whose names and addresses must appear on the Tentative Plan, not less than five days before the date fixed for the hearing. In addition, the Commission staff shall mail the same notices to: (a) the relevant neighborhood association on file with the Commission, (b) owners of land immediately adjoining the land proposed to be subdivided, if any, and (c) owners of all other properties on both sides of the street on which the petitioned property is located, between the two intersecting streets. The applicant shall submit a list bearing names, addresses, lot and square number of all these properties in order for the Commission staff to schedule a hearing. These names and addresses shall be checked with the records of the Division of Real Estate and Records before any mail is forwarded.

The Commission shall give notice of the hearing, including the date, time, place and purpose, by three publications in a newspaper of general circulation in the City of New Orleans over a period of two (2) weeks, not less than five (5) days prior to the hearing date (La.R.S.33:113). The cost of advertising for public hearings and the cost of the State required registered mail shall be borne by the property owner(s). (The fee schedule for processing subdivision requests is available at the City Planning Commission's office).

**Note:** The City Planning Commission may call for a public hearing on any subdivision if deemed necessary and in the best interest of the public. The same public hearings procedure/requirements shall be followed.

- 3.1.4. Official Submission Date .** For the purpose of these regulations, for both Major and Minor Subdivisions, the date of the submittal of the application in a complete form shall constitute the Official Submission Date of the request.
- 3.1.5. Commission Deadline .** The Commission shall act upon the Tentative Plan (or Final Plan for Minor Subdivisions) within sixty (60) days after the Official Submission Date unless the subdivider agrees to an extension of this period (see Article 8, Section 8.1).

## **Section 3.2. Special Policies for Review and Approval of Subdivisions**

To simplify and streamline the administration of subdivision requests, the Commission has further classified all Minor and Major Subdivisions into seven (7) categories, based on the particular aspects of the proposals. Special approval policies relative to each category have been developed, and the Commission has authorized its staff to review and grant Administrative Approval (also referred to as Certification or Certified Approval) to certain categories of subdivisions, subject to ratification by the Commission at a subsequent regular meeting. The Executive Director of the City Planning Commission is authorized to grant Administrative Approval for the standard types of subdivision requests.

According to subdivision classification, the stipulations for Administrative Approval or Approval by the Commission are described below.

### **3.2.1. Policy A: Minor Adjustments of Lot Lines (Minor Subdivisions)**

This policy waives the requirement for a public hearing for Minor Subdivisions and authorizes the Executive Director to grant Administrative Approval on subdivision applications involving the shifting of a side and/or rear lot line(s), provided the application complies with the requirements of the CZO and does not involve the creation of any additional lots. The widths and depths of lots shall be in accordance with the requirements of the underlying zoning district (see Appendix 2 of these regulations).

### **3.2.2. Policy B: In Compliance With Regulations or Constituting General Improvements to the Existing Plat (Minor Subdivisions. Not applicable for Vieux Carré)**

This policy waives the requirement for a public hearing for Minor Subdivisions and authorizes Administrative Approval by the Executive Director of subdivision plans which either meet all the requirements of Subdivision Regulations or meet all following conditions:

- c. No lot is reduced in area below the minimum lot size required by the Zoning Ordinance;
- d. The new condition creates a general improvement of the original plat by increased lot width, etc., although the proposed lots may be slightly below the minimum lot dimensions and area standards which are required in these regulations;

- c. Improvements exist upon the property, antedating original adoption of the Subdivision Regulations (May,1950).

As part of this policy, all doubtful cases **MUST** be referred to the Commission. Policy B shall not be applicable for any subdivision proposed within the limits of the Vieux Carré.

**3.2.3. Policy C: No Changes in Street Pattern (Major Subdivisions)**

This policy authorizes the Executive Director to grant Administrative Approval after a public hearing on subdivision applications that do not involve any changes in street patterns. This Policy can only apply when the land to be subdivided encompasses less than two (2) squares. All requirements of Article 5 of these Regulations must be met.

**3.2.4 Policy D: Changes In Street Pattern (Major Subdivisions)**

This policy explicitly requires both, Commission review and a public hearing prior to a decision by the Commission. Major Subdivisions involving changes in street patterns must be reviewed by the Commission and are not eligible for Administrative Approval.

**3.2.5. Policy E: Resubdivision of Properties Developed Prior To 1929<sup>3</sup> (Minor Subdivisions. Not applicable for Vieux Carré)**

This policy waives the requirement for a public hearing for Minor Subdivisions and authorizes the Executive Director to grant Administrative Approval to subdivision plans proposing new lot lines that will separate buildings constructed prior to 1929, provided that plans meet all of the following conditions:

- a. Satisfactory evidence is submitted indicating existence of structures prior to 1929. Such evidence is to be provided by the owner or subdivider and should consist of a letter from the appropriate Tax Assessor or other documents deemed acceptable by the Executive Director.
- b. The request to separate buildings involves only main/principal buildings.
- c. Proposed side lot lines comply as nearly as possible with Subdivision Regulations and the Comprehensive Zoning Ordinance.

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<sup>3</sup> Date of adoption of the first Comprehensive Zoning Ordinance.

- d. The proposed lots shall contain a minimum of 1,800 square feet.
- e. The proposed lots will not be an excessive variation to the neighborhood norm.

The Executive Director or the Commission may waive minimum lot size requirements (depth, width, area, and yard setbacks) of the Comprehensive Zoning Ordinance for lots approved under this Policy. Building Code Requirements such as minimum side yard setbacks, erection of the fire wall at the property line, etc., cannot be waived through the application of Policy E.

As a part of this policy, all doubtful cases **MUST** be referred to the Commission. The Commission generally denies the application for which any proposed lot is contrary to all five (5) stated criteria. This policy shall not be applicable for any subdivision proposed within the limits of the Vieux Carré.

**3.2.6. Policy F: Reconsideration (Minor and Major Subdivisions)**

Reconsideration will not be granted to a subdivision which has already been acted upon by the Commission unless one of the following criteria has been met:

- a. Circumstances and conditions have substantially changed since the Commission's original consideration.
- b. Inaccurate data was used in analyzing the case.
- c. Additional information is available which justifies re-examination.

**Exceptions:** Requests for Reconsideration shall be subject to time restrictions of Article 8 of these regulations.

**3.2.7. Policy G: Innovative Design (Minor and Major Subdivisions)**

This policy explicitly requires Commission review and a public hearing for all subdivisions considered under this policy, including those proposing creation of five (5) or fewer lots.

This policy encourages development that creates a superior living environment and provides for the utilization of design ingenuity, although the proposal may not fully comply with all the standards of the CZO pertaining to lot size and building setbacks. A successful proposal shall be sensitive to the existing and possible future developments in the area, and shall be consistent with the goals of adopted elements of the New Orleans

Master Plan. The Commission shall consider favorably those subdivision requests which include development/site plans and title restrictions, ensuring the enforceability by the City of said plans, whenever all the following provisions are met:

- a. The subdivision will promote the public interest at its proposed location.
- b. The subdivision is designed, located and proposed to be operated so that the public health, safety and welfare will be protected.
- c. The subdivision will not cause substantial injury to other property in the neighborhood in which it is to be located.
- d. The overall area of the site encompassed by the subdivision plan conforms to minimum lot area per dwelling unit required by the zoning district in which it is located.
- e. The development/site plan conforms to any additional conditions which shall be deemed necessary by the Commission to secure the general objectives of adopted elements of the New Orleans Master Plan so as to not adversely affect other properties in the neighborhood. Such additional conditions can be established to provide:
  1. Adequate ingress/egress to the subdivision and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, traffic flow and control, and access in case of fire.
  2. Off-street parking and loading areas where required, with particular attention to the noise or glare effects of the proposal on adjoining properties and properties generally in the district.
  3. Refuse and service areas, with particular emphasis on the criteria included in “a” and “b” above.
  4. Provision of adequate utilities.
  5. Screening, buffering, and landscaping that is compatible with a type, size and character of the development.

6. Control of signs, if any, and proposed exterior lighting taking into consideration the issues of glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.
7. Required yards and open space.
8. Other necessary improvements to ensure the general compatibility with adjacent or nearby land uses and zoning in the area.

The Commission may require that a surety bond be filed or deposited in escrow with the City to ensure completion of the requirements as may be imposed by the Commission in accord with this policy.

**A Public Hearing shall be required for all subdivisions considered under this policy including those of five (5) lots or less.**

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## **ARTICLE 4. STEPS TO APPROVAL OF SUBDIVISIONS**

### **Section 4.1. Steps to Approval of Minor Subdivisions**

- 4.1.1. Preapplication Meeting .** The City Planning Commission staff welcomes the applicant for a subdivision, the owner of land or his authorized agent, to present a preliminary proposal prior to submitting a formal request in order to become thoroughly familiar with subdivision requirements and stipulations of other regulatory documents governing the use of land and affecting the territory in which the proposed subdivision lies. At that time, the staff will determine whether the proposed subdivision constitutes a Minor or Major Subdivision and which Subdivision Policy of Article 3, Section 3.2. may be applicable. This early review and input by the staff could save the applicant unnecessary delay and expensive plan revisions.
- 4.1.2. Filing of the Application .** The applicant shall submit to the staff of the Commission the following items as a formal request for subdivision approval:
- a. Letter of Request,** using forms prescribed for this purpose and furnished by the Commission staff, signed by the property owner(s). If the property is owned by a corporation, a resolution authorizing the subdivision or authorizing an individual to request such approval shall also be submitted. If the property is owned by a partnership, a copy of the Article of Partnership shall be submitted which indicates who is authorized to make such a request on behalf of the partnership.
  - b. Ten (10) copies of the Final Subdivision Plan** as described in these regulations and complying in all respects with these regulations.
  - c. Fee.** The application shall be accompanied by the appropriate application fee as specified in Section 1.12.
- 4.1.3. Processing the Subdivision Request .** 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 mailed to various City/State/Federal agencies for review and written comments with respect to compliance with each department's regulations. The reviewing agencies include: Sewerage and Water Board, Departments of Public Works, Utilities, Health,

Safety and Permits, Real Estate and Records, Historic District Landmarks Commission and Vieux Carre Commission (if the property is located within a historic district), Corps of Engineers and Department of Natural Resources when wetlands may be involved. These agencies shall be given a reasonable time to review the plan and suggest revisions. 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.

**Note:** The City can require that the applicant bring any non-conformities (encroachments on the public right-of-way, building code violations, etc.) into compliance with the existing regulations as a condition of the approval of the subdivision request.

#### **4.1.4. Approval of the Request (Administrative, Tentative, Final Approval) .**

**4.1.4.1. Administrative Approval** (also referred to as Certification or Certified Approval). If determined by the Commission's staff that the proposed subdivision plan qualifies for Administrative Approval under Policy A, B or E of Article 3 of these regulations, and when written statements of no objection to the proposal have been issued by reviewing agencies, the staff of the Planning Commission shall issue a Notification Letter informing the applicant that Final Approval of the proposal shall be granted upon submittal of items specified under Section 4.1.4.3. of these Regulations.

**4.1.4.2. Tentative Approval or Denial of the Request - Commission Action on Subdivision Plan.** When determined that the proposed subdivision plan does not qualify for administrative approval according to established policies of Article 3, and upon receipt of the written comments from the reviewing agencies, the staff shall prepare the report for the next scheduled Commission meeting. The Commission may grant Tentative Approval to the proposal, stating the conditions to be met prior to Final Approval of the proposal, or it may disapprove the request. 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 1.11. of these Regulations.

**4.1.4.3. Final Approval.** Once the Commission has granted Tentative Approval to a subdivision or a Notification Letter has been issued, the applicant shall comply with all conditions and provisions as set forth by the Commission before the subdivision is considered for Final Approval. In addition, prior

to Final Approval or Certification the applicant shall submit the following items:

- a. **A reproducible copy** (a tracing, film, or sepia) and two (2) prints of the Final Plan to which approval may be signed. A digital copy of the survey shall be submitted as a part of the Final Approval process, unless exempted as per Section 7.3.1.
- b. **Mortgage Certificate**, available from the Office of Mortgages, Civil District Court Building, bearing a date within 60 days of the date of Tentative Approval or of the date of Notification Letter by the Planning Commission. If mortgage and/or vender's liens are indicated on the certificate, the consent of the holder(s) must be obtained.
- c. **Paving Research Certificate and City Tax Research Certificate**, available from the City Department of Finance. All city taxes, as well as individual charges assessed under paving liens, must be paid prior to the Final Approval.

Once all of these conditions and provisions have been met, Final Approval will be granted. The approval of the Commission shall be indicated on the plat by the date and the signature of the Executive Director. Following the approval, the applicant will be required to provide 20 copies of the approved plan for distribution to various City departments.

**4.1.5. Recordation of the Plan .** An approved subdivision must be recorded in the Register of Conveyance within 30 days from the date of signed Final Approval, otherwise, the approval shall be deemed null and void. There is a fee for Reapproval or Recertification of the approved plans by the Commission (the fee schedule appears in Appendix 1). Detailed instructions regarding the recordation procedure are available at the City Planning Commission office.

## **Section 4.2. Steps to Approval of Major Subdivisions :**

- 4.2.1. Preapplication Meeting .** Same as 4.1.1.
- 4.2.2. Filing of the Application .** The applicant shall submit to the staff of the Commission the following items as a formal request for subdivision approval:
- a. Letter of request. Same as 4.1.2.a.**
  - b. Twenty seven (27) copies of Tentative Plan** as described in these regulations and complying in all respects with these regulations.
  - c. Fee.** The application shall be accompanied by the appropriate fee as specified in Section 1.12.
- 4.2.3. Processing the Subdivision Request, Planning Advisory Committee .** 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. The proposed subdivision must be reviewed by the Planning Advisory Committee (PAC) which will make recommendations to the developer and to the Commission regarding the proposed street design, provision/extension of sewer, water and utility lines, and any other comments regarding applicable development standards. The applicant for subdivision shall be present at the Committee meeting in order to explain the proposal. If the subdivision does not involve the dedication or opening of a street, it need not be forwarded to the PAC for review unless such a proposal includes existing public land.

Note: Where appropriate, the Commission staff will direct the applicant to the US Corps of Engineers and/or the Department of Natural Resources to obtain wetland delineation and any required wetland permits.

- 4.2.4. Tentative Approval - Approval of the Tentative Plans .** After receipt of the Planning Advisory Committee's recommendations and the conclusions of the public hearing (see Section 3.1.3), the subdivision proposal will be considered by the Commission. If the proposed Tentative Plan conforms to all standards of these Regulations, or if the applicant and the Commission have agreed upon any revisions to the original application, the Commission shall grant **Tentative Approval**. The applicant shall submit the original tracing, revised as required per Tentative Approval, and two prints of the Tentative Plan for signing by the Executive Director. One copy of the approved Tentative Plan, signed by the

Executive Director, shall be retained in the office of the Commission and one signed copy shall be given to the subdivider. Following the approval, the applicant will be required to provide 10 copies of the approved plan for distribution to various City departments. NOTE: Tentative Approval does not constitute final acceptance of the subdivision plan by the Commission.

**4.2.5. Approval of Engineering Plans .** Tentative Approval of the subdivision plan, indicated by the signature of the Executive Director, is authorization for the subdivider to proceed with the preparation of the engineering plans and specifications for the minimum improvements required in Section 6 of these Regulations. Prior to the construction of any improvements required in Section 6, or prior to the submittal of any guaranties for the completion of the development, the subdivider shall submit Engineering Plans containing information and data necessary for said improvements to the Departments of Public Works and Utilities, and to the Sewerage and Water Board. These plans shall be examined by the staff of these agencies for compliance with their regulations (see Section 7.2 and Appendix 3). Upon the receipt of the approval letters from these Departments by the Commission staff, the applicant shall submit the original tracing and two prints of the approved Tentative Plan for signature by the Executive Director. Approval of Engineering Plans shall be indicated on the plat by the date and the signature of the Executive Director. One copy of the plat indicating Tentative and Engineering Plans' approval shall be retained in the office of the Commission and one signed copy shall be given to the applicant. The applicant will be required to provide 10 copies of the approved plat for distribution to various City departments. Following the approval of the Engineering Plans, construction can be started or a Bond/Letter of Credit for the amount sufficient to cover all necessary improvements shall be submitted to the Commission staff.

**4.2.6. Requirements for Final Approval.** Prior to Final approval, the applicant shall submit/obtain the following:

- a. Assurance for Completion and Maintenance of Improvements.** Off-site improvements (streets, sewer, water, drainage, sidewalks, utilities, etc.) must be completed and accepted by the appropriate City Departments, unless the applicant provides adequate bonding. The estimated cost(s) for each of the improvements must be included in the bond (letter of credit). The Bond/Letter of Credit must be approved by the Departments of Law and Purchasing.

- b. 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 Tentative Plan. If such a dedication is Tentatively Approved by the Commission, 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.
- c. Covenants and Agreements.** If common space, recreational areas, communal facilities 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 agreement(s), covenant(s), 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. If approved, the document(s) shall be recorded at the Conveyance Office. Reference to recorded covenants or any agreements shall be indicated on the Final Subdivision Plan prior to its recordation.
- d. 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 Conveyance Office. **It will not be a duty of the City to enforce the self-imposed restrictive covenants.**
- e. Municipal Numbers and Street Names.** Prior to the Final Approval, municipal numbers not existing shall be assigned by the Department of Safety and Permits, and placed on the Final Plan. Names of all new streets within the proposed subdivision, having a maximum of nine (9) characters (not counting Avenue, Street, Court, Drive, Lane, etc., designation), shall

be indicated on the Final Plan. Duplication of existing street names shall not be permitted.

**4.2.7. Approval of Final Plan.** Once the Commission has granted Approval of the Engineering Plans, the applicant has the responsibility to complete all conditions and provisions as set forth by the Commission and in accordance with these regulations in order for the subdivision to be considered for Final Approval. In addition, prior to Final Approval, the applicant shall submit items stated in Section 4.1.4.3. of these regulations (tracing, digital copy, mortgage, tax certificates, etc.).

Once all of these conditions and provisions have been met, Final Approval will be granted. The approval of the Commission shall be indicated on the plat by the date and the signature of the Executive Director. Following the approval, the applicant will be required to provide 20 copies of the approved plan for distribution to various City departments.

**4.2.8. Recordation of the Plan. Same as 4.1.5.**

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## **ARTICLE 5. DESIGN STANDARDS AND PRINCIPLES OF ACCEPTABILITY**

### **Section 5.1. General Principles of Acceptability**

In general, any proposed subdivision shall conform to all adopted elements of the New Orleans Master Plan, adopted neighborhood plans, 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.

- 5.1.1. **Compliance with Comprehensive Zoning Ordinance.** No subdivision will be approved by the Commission that is in conflict with current zoning regulations, except for subdivisions with less than the minimum lot size requirements when approved under Special Policies (Policy B, E and G) of these regulations (Section 3.2).
- 5.1.2. **Compliance With Building Code.** No subdivision will be approved by the Commission that is in conflict with Building Code requirements for side yards, fire walls, or common walls.
- 5.1.3. **Land Suitability.** No major subdivision will 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.
- 5.1.4. **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 or place, public or private.
- 5.1.5. **Secondary Access for Neighborhood Unit Development, Gated Subdivision, or Planned Unit Development.** No subdivision for any Neighborhood Unit Development, gated subdivision, or Planned Unit Development 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 Article 8 of these regulations.

5.1.6. **Substandard Lots.** The Planning Commission will look with disfavor upon proposal(s) in which lots are proposed with less than the minimum frontage, width, and depth requirements of these regulations, and in which such lots are proposed at less than the average lot frontage between two intersecting streets on both sides of the street upon which the proposed lot or lots front, unless extenuating circumstances are demonstrated.

5.1.7. **Buildable Lot Depth.** The Planning Commission will look with disfavor upon proposal(s) in which lots are proposed with depths that do not permit a buildable depth of at least 26 feet, unless the total development is in harmony with existing and future development of adjoining properties.

5.1.8. **Reversal of Lot Frontage.** The Planning Commission will look with disfavor upon proposal(s) for reversal of lot frontages that will result in:

- a. Required rear yards abutting required side yards;
- b. Required side yards abutting required rear yards;
- c. Required front yards opposite required side yards,

unless the existing lot pattern within 500 feet on both sides of the proposed subdivision on each affected street contains development on which 50% or more lots have similar frontages. Reversal of lot frontages, which will result in placing lot frontages on Major Streets, will be generally acceptable, unless such reversals result in hardship to owners of the adjoining properties.

5.1.9. **Location on a Lot Required.** Every building constructed and reconstructed, converted, moved, or structurally altered shall be located on the lot of record and in no case shall there be more than one main building on one lot, unless otherwise provided for in the Comprehensive Zoning Ordinance.

## **Section 5.2. General Standards of Design**

- 5.2.1. **Acre Subdivision.** Whenever the area is divided into lots containing one or more acres and there are indications that such lots will eventually be resubdivided into smaller building plots, 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. For this type of subdivision, the Commission may require submittal of the Master Plan or Development Plan/Site Plan as a part of the subdivision application.
- 5.2.2. **Relation to Adjoining Street System.** The arrangement of streets in new subdivisions shall make provision for the continuation of the principal existing streets in adjoining areas (or their proper projection where adjoining land is not subdivided) insofar as they may be deemed necessary by the Commission for public requirements. Streets, alleys, or servitudes shall be provided for the continuation of existing utility mains and lines in adjoining areas. The width of such streets in new subdivisions shall be not less than the minimum street widths established herein (Section 5.3). The street and alley arrangements must also be such as to cause no hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. In general, provisions should be made for through streets at intervals of approximately one-half mile or less. Offset streets should be avoided. Streets that are obviously in alignment with others already existing shall bear the names of the existing streets.
- 5.2.3. **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 intersection construction must be in accordance with standard specifications of the City of New Orleans for dedicated streets.

The foregoing standards of development are not intended to apply to private drives within multi-family developments or non-residential development. A Homeowners Association or a similar responsible entity must be established to provide for the permanent maintenance of all private streets. A proper notation to that effect shall be indicated on the Final Plat of subdivision as approved by the Planning Commission and recorded at the Register of Conveyance. The sewer and water facilities located within private streets or private servitudes shall not become the property of the Sewerage & Water Board. The Homeowners

Association may enter into an agreement with the Sewerage & Water Board to have Board crews maintain the facilities, with the Homeowners Association paying the cost of any work. Alternatively, the Homeowners Association may hire a private contractor to perform maintenance.

- 5.2.4. **Streets in Relation to Railroads, Expressways and Parkways** . When the area to be subdivided adjoins or contains for a considerable distance, a railroad right-of-way, expressway or parkway, a street should be dedicated approximately parallel to the side of such right-of-way. In determining the distance of such parallel street from the right-of-way of the railroad, expressway, or parkway, consideration should be given to the distance required for approach grades and interchanges to future grade separation.
- 5.2.5. **Phased Development, Master Plan, When Required**. Subdivision proposals for a multi-phased Neighborhood Unit Development or Planned Unit Development must be presented in the form of a Master Plan and, as required, accompanied by a Development Plan/Site Plan. **Any single phase** of a multi-phased residential development shall contain a minimum of twenty (20) residential lots or an area of not less than two (2) acres. For non-residential properties, any single phase of a multi-phased development shall have a minimum of 1.5 acres of area.
- 5.2.6. **Development Plan/Site Plan, When required**. When the proposed subdivision is considered under Policy “G” or involves Planned Unit Development, or phased non-residential development, the site plan shall be submitted as a part of the subdivision application and subject to approval by the City Planning Commission based upon standards of Article 3, Section 3.2.7 of these Regulations. Site plan approval and subdivision approval shall proceed simultaneously.
- 5.2.7. **Preservation of Natural Features and Amenities**. 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 effected 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 Article 6, Section 6.10.)

### **Section 5.3. Street (Alley, Driveway) Width, Design, and Parking Provision .**

- 5.3.1. **Major Streets** . The widths of Major Streets shall conform to the widths designated on the Major Street Plan, as adopted by the Commission on December 17, 1947, and to all subsequent amendments and additions thereto.
- 5.3.2. **Secondary or Minor Streets** . The minimum right-of-way width for secondary or minor 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 waive the above requirements. The minimum street width, measured from face-of-curb to face-of-curb shall be 26 feet.
- 5.3.3. **Place (Cul-de-Sac Street, Dead-End Street, etc.)** . Where it is desirable to subdivide a tract of land which, because of its size or location, does not permit an alignment that is directly connected with a standard street arrangement in the area, there may be established one or more "Places." Such a "Place" may be in the form of court, cul-de-sac street or other arrangement, provided, however, that proper access shall be given to all lots from a designated or dedicated "Place" (Street or Court). Such a "Place" shall terminate in an open space (preferably circular) having a minimum right-of-way radius of 62 feet. This should be interpreted to mean that the right-of-way for any cul-de-sac should have a minimum radius of 62 feet, and the paved street diameter at the gutter line should have 50 feet radius. The maximum length of any street leading to a cul-de-sac shall be 1000 feet.

Except in unusual instances, no dead-end street/cul-de-sac street shall exceed seven hundred fifty (750) feet, and it shall not be shorter than 100 feet. The cul-de-sac street shall serve building sites for not more than 25 dwelling units (for single, two-family and town house structures). A maximum permitted number of lots developed around a cul-de-sac having a radius of 62 feet shall be five (5).

- 5.3.4. **Paved Sidewalks** are required in all developments including those containing private streets unless waived by the City Planning Commission. Sidewalks on minor residential streets shall have a minimum width of four (4) feet.
- 5.3.5. **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 Approval of the subdivision plan, unless it is built according to all standards regulating development of dead-end streets.

- 5.3.6. **Alley.** The minimum width of an alley in a residential block shall be fifteen (15) feet, but such alleys are not recommended except under unusual conditions. Where possible, alleys shall be required in the rear of all business lots and shall be at least twenty (20) feet in width. A minimum of five foot cut-off shall be made at all acute angle alley intersections, and at especially acute angle alley intersections a greater than 5 foot cut-off may be required.
- 5.3.7. **Common Driveways and Secondary Access Servitudes.** Common driveways and secondary access servitudes serving single and two-family residential properties shall have a minimum width of 10 feet. For multi-family, commercial, office or industrial uses, a minimum width of the driveway for any particular use shall be determined in consultation with the Department of Public Works and the Fire Department, but shall in no case be less than 15 feet.
- 5.3.8. **Half Streets (half the required street width)** are not acceptable except under unusual circumstances where they are clearly essential to the reasonable development of the land division, when in conformity with the other requirements of these regulations and the City Code, and when the Planning Commission, with concurrence of the Department of Public Works, finds it will be practical to require dedication of the other half when the adjoining property is resubdivided.
- 5.3.9. **Off-Street Parking.** Adequate provisions for off-street parking are to be made for all platted residential and non-residential lots according to the parking requirements of the Comprehensive Zoning Ordinance. Under normal conditions, the subdivider of commercial properties shall provide twice as much area for parking as is to be devoted to the ground floor of commercial buildings.

## **Section 5.4. Blocks**

The lengths, widths and shapes of blocks shall be determined with consideration of the limitations and opportunities of topography, the provision of building sites suitable to the intended uses, and the need for convenient access, circulation, control of and safety from street traffic.

- 5.4.1. **Block Lengths** along minor streets shall not exceed 1000 feet and block lengths shall not be less than 300 feet. Wherever practical, blocks along Major Streets shall be not less than one thousand (1,000) feet in length.

- 5.4.2. **Crosswalks, Pedestrian ways.** For their tendency to create crime and vandalism problems, crosswalks shall be avoided where possible. If created, the right-of-way of such walks shall not be less than ten (10) feet in width and shall be designed to preclude use by automobiles. Cross walkways may be provided where necessary for convenient access to schools, playgrounds, shopping centers and other community facilities.
- 5.4.3. **Blocks Intended for Commercial or Industrial Use** shall be designed specifically for such use, with consideration of off-street loading, off-street parking facilities, and access thereto.

## **Section 5.5. Lots**

Every lot of land hereafter created shall have its principal frontage on and access from an officially approved (public or private) street or place.

- 5.5.1. **Lot Size.** Except as provided in Section 5.3., minimum lot size shall vary with the Zoning Classification of the property (see chart in the Appendix). Except in designated local Historic Districts, lots located in commercial or industrial zoning districts to be used for commercial and/or industrial purposes shall provide a minimum width of 50 feet and a minimum depth of 100 feet. Lots to be used for residential purposes in said districts shall conform to the lot area requirements of the District Regulations of the CZO. Minimum lot size for party-wall doubles and townhouses shall comply with the respective standards of the CZO.

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 (see excerpts in the Appendix).

- 5.5.2. **Side 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.
- 5.5.3. **Corner Lots** should have at minimum a fifteen percent (15%) larger width than the interior lots to allow for larger sideyard setbacks as required by the CZO (see Table 1 in the Appendix).
- 5.5.4. **Flag Lots.** Creation of a flag lot shall not be permitted unless it is the only way of access to the lot that complies with the minimum lot size requirements of the

CZO for the underlying zoning district and when improvements on the lot antedate adoption of the City of New Orleans' first Subdivision Regulations (May 1950). 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.

- 5.5.5. **Double Frontage Lots** and parcels shall be avoided, except where essential to provide separation of residential development from Major Streets or to overcome specific disadvantages of topography or adjacent non-compatible land uses. A buffer landscape strip, at least 20 feet wide and across which there shall be no right of access, shall be provided along the lots abutting such Major Street or disadvantageous use. In an established urban environment, double frontage lots shall be permitted in instances where a similar development pattern already exists in the surrounding blocks and where a second frontage will provide for the otherwise nonexistent off-street parking and fire access to the building.
- 5.5.6. **Lots on Major Street Intersections** and at all other acute intersections which, in the opinion of the Commission, are likely to be dangerous to traffic movement shall have a radius of (20) feet at the street corner. On commercial lots a chord may be substituted for the circular arc. Where grade separation structures are proposed at the intersection of Major Streets, the lots and improvements in the subdivision shall be arranged so as to make adequate provision for such structures.
- 5.5.7. **Frontage on Major Streets.** Wherever a residential subdivision abuts or contains an existing or proposed Major Street, the Commission may require development of the minor streets, reversed frontage lots with suitable depth, fencing, screening and landscaping in a buffer strip, or such other treatment along the rear property line as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

## **Section 5.6. Exceptions in Neighborhood Unit Developments**

Whenever a subdivision is developed as a neighborhood unit, wherein adequate park space or playground are provided, through traffic is adequately cared for and the majority of the minor streets are of the cul-de-sac type, the Commission may vary the requirements of Section 5.3; Section 5.4 and Section 5.5 of this Article to allow the subdivider more freedom in arrangement of streets and lots. However, the Commission shall ensure that the convenience, health, welfare and safety of the probable future residents of the subdivision as well as the character of

surrounding property and the general welfare of the entire parish are protected. The average lot area per family shall not be less than the requirement of the zoning regulations in the area being subdivided.

## **Section 5.7. Miscellaneous Design Standards**

- 5.7.1 **Building Lines (setbacks from property lines)** shall not be less than those required by the Comprehensive Zoning Ordinance.
- 5.7.2. **Maintenance of Common Areas or Facilities.** For a subdivision which contains sewers, sewage treatment plants, water supply 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 4.2.6.c and d).
- 5.7.3. **Parks, School Sites, etc.** When designing a subdivision, consideration shall be given to suitable sites for schools, parks, playgrounds and other common areas for public use so as to conform to the recommendations of the Planning Commission. Any provisions for schools, parks and playgrounds shall be indicated on the tentative plan so that it may be determined when and in what manner such areas will be dedicated to or acquired by the appropriate agency. When this is determined, and the appropriate notification of said dedication and/or acquisition has been submitted to the Department of Property Management, Division of Real Estate and Records, it shall be the duty of the specified department to see that the necessary recording of sales and/or dedication of public areas has been completed.
- 5.7.4. **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.
- 5.7.5. **Buffer Landscaping Strips.** Where a residential subdivision adjoins land zoned for or used for a railroad right-of-way, limited access highway, an industrial or commercial area, or other land uses which would have a depreciating effect on the residential use of the land, and where a parallel street specified in Section 5.2.4. could not be developed, a buffer planting strip at least 20 feet in depth in addition

to the required minimum lot depth shall be created. Continuous maintenance of the buffer strip shall be the responsibility of the individual property owners (if the buffer is a part of the individual lots) or the neighborhood association responsible for all common properties. Where a non-residential subdivision (commercial, office, industrial) adjoins land zoned or used for residential purposes, or where an industrial subdivision adjoins land zoned or used for commercial or other land uses which may be negatively affected by the proposed non-residential development, a buffer planting strip at least 20 feet in depth shall be created. Continuous maintenance of the buffer strip shall be the responsibility of the owner(s) of the property that includes a buffer. This strip shall be part of the platted lots and shall be indicated on the survey.

The placement of any structure on this area shall be prohibited. The buffer strip shall be planted prior to Final Approval of the subdivision plan unless the applicant submits the adequate bonding. Planting material (type, size and quantity) shall be subject to approval by the Planning Commission staff.

- 5.7.6. **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 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.
- 5.7.7. **Sewer, Water, Drainage Servitudes.** In general, the Sewerage and Water Board discourages utility servitudes for Board facilities. The Board will not accept rear lot servitudes. The minimum width of a servitude to be dedicated to the Sewerage & Water Board is 20' for one utility line and 30' for two or more lines. If unusually large lines are involved (such as drainage canals), the servitude may need to be larger to accommodate the lines as well as the equipment necessary to perform maintenance. 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.
- 5.7.8. **Land Adjacent to Open Drainage Canals, Open Ditches, Borrow Pits, etc.** Subdivision of land adjacent to open drainage canals, open ditches, borrow pits, etc., shall not be permitted without adequate safeguards against any dangerous conditions created by such residential use. Such safeguards shall be maintained by the property owner(s) or property owners' association.

## **ARTICLE 6. REQUIREMENTS FOR IMPROVEMENTS**

Plans for the improvements required in this Section shall be prepared by a licensed and registered engineer or surveyor, as applicable. The improvements listed below 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.

### **Section 6.1. Assurance for Completion of Improvements**

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.

### **Section 6.2. 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.

### **Section 6.3. 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.

## **Section 6.4. Street Improvements**

All streets (private or public) shall be prepared in accordance with the City of New Orleans, Department of Public Works' "General Guide for Design, Survey and Preparation of Plans and Specifications" (latest revision). Street construction shall be in accordance with the Department of Public Works "General Specifications and Standard Plans for Street Paving and Temporary Surfacing" (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.

## **Section 6.5. Water Lines**

- 6.5.1. **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 Sewage 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 Boards'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

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the Sewerage & Water Board upon final inspection and final dedication of the street.

- 6.5.2. **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.

## **Section 6.6. Sewers**

- 6.6.1. **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. (see Appendix 3).
- 6.6.2. **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).
- 6.6.3. **Storm Water Disposal.** Adequate provision shall be made for the disposal of storm water. The proposed storm water disposal system and its construction shall be subject to the approval by the Sewerage and Water Board and the Department of Public Works.

## **Section 6.7. Drainage**

The owner or subdivider of property that is subdivided into lots shall construct the necessary facilities as determined by the Department of Public Works and the Sewerage and Water Board for subsurface drainage, with permanent drainage structures under all new or previously dedicated streets and/or alleys abutting the subdivision. All drainage structures shall be constructed in accordance with plans and specifications approved by the Department of Public Works and Sewerage and Water Board, and no new subdivision shall increase the runoff to any adjacent property.

All drainage facilities 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).

## **Section 6.8. Electrical, Telephone and Cable Communications Systems**

- 6.8.1. 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 Department of Utilities. 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.
- 6.8.2. 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.
- 6.8.3. 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.

- 6.8.4. 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.

## **Section 6.9. Landscaping**

- 6.9.1. **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 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 4.2.5). General standards for landscaping are as follows:
- a. Trees shall be planted at the rate of one (1) large tree per 40-45 linear feet or, one (1) medium and small tree per 20-25 linear feet of each green strip between sidewalk and curb within the street right-of-way.
  - b. No tree shall be planted in the neutral ground within 40 feet of the street intersection.
  - c. The mature drip line of any tree planted shall not be within three (3) feet of any street light standard fixture, support and/or arm.
  - d. Landscaping shall be designed to reduce the adverse impact of the tree canopy on street lighting.
- 6.9.2. **Buffer Planting Strips** shall be installed in instances defined under Section 5.7.5.

- 6.9.3. **Landscaping Within the Right-of-Way of the Existing Streets** . The subdivider proposing any Major Subdivision or any subdivision of lots not to be used for residential purposes shall be required to install -- if non-existing -- permanent landscaping within the existing street right-of-way, and along lot frontages. A landscape plan shall be submitted for review and approval by the Planning Commission as a part of the Engineering Plan Approval process. General standards for landscaping shall comply with Section 6.10.1. and with recommendations of the Department of Parks and Parkways and the Downtown Development District (where applicable).
- 6.9.4. **Tree root guards.** 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 feet on either direction for trees expected to attain a height of more than 25 feet. Root guard materials must be approved by the Departments of Public Works and Parks and Parkways.

### **Section 6.10. 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:

- a. A galvanized chain link fence, not less than 7 feet in height (or any other type of fence that is more in keeping with the design of surrounding properties, as required by the City Planning Commission),
- b. 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 7. STANDARDS FOR DOCUMENTS/PLATS SUBMITTED FOR REVIEW AND APPROVAL**

### **Section 7.1. Tentative Plan - Requirements**

**7.1.1 General Requirements.** The Tentative Plan shall be prepared by a licensed land surveyor registered in the State of Louisiana, at a convenient scale not more than 1 inch equals 100 feet and a sheet size no larger than 24 inches by 30 inches. If the subdivision contains more than 150 acres, the plan may be at a scale of 1 inch equals 200 feet. Where necessary, the plan may be on several sheets accompanied by an index sheet showing the entire subdivision.

**7.1.2. Information to be Shown.** The Tentative Plan shall contain the following information:

a. Vicinity Map. A map showing the general location of the proposed subdivision with reference to the nearest Major Streets.

b. Location, Name of Subdivision, and Miscellaneous Data. The location of present property, section, township and parish lines and lines of incorporated areas, and other legally established districts; the title/name under which the proposed subdivision is to be recorded; the name of the subdivider and name of the surveyor; north point; scale; and date of survey. Note: The proposed name of the subdivision shall not duplicate the name of any plat previously recorded.

c. Survey Data. 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).

d. Adjoining Land. The names of all common boundary corners of all adjoining subdivisions; the name, width, and location of streets and other public rights-of-way; the character and location of railroads, power lines, towers and other nearby non-residential uses, the location of water courses, wetlands, or wooded areas.

e. Streets. The proposed location and width of streets, alleys, and servitudes, statements regarding the grades of proposed streets, and the width and type of pavements and sidewalks; the location and extent of any fences and landscape buffer zones required under Article 5 of these Regulations.

f. Notation of street dedication or dedication of other improvements or land.

g. Existing and proposed sanitary and storm sewers, water mains, culverts and other underground structures within the tract and immediately adjacent thereto. The location, size and type of sanitary sewers or other sewer disposal facilities, gas mains, hydrants, street lighting and other utilities.

h. Lots and Blocks. The existing and the proposed lot lines and lot identification, lot area, width and depth, the overall acreage for a Major Subdivision, and identification and acreage of any area proposed for common use or proposed for dedication. The linear dimensions are to be expressed in feet and decimals of a foot.

i. Base Flood Elevation Data and Flood Zones as shown on FIRM (Flood Insurance Rate Map)/FEMA current maps must be disclosed.

j. Encroachments on Public Right-of-Way. The location and exact measurements (length, width, height) of any existing and/or proposed encroachment onto the public right-of-way. Any proposed and existing trees within the street right-of-way along the proposed subdivision shall be shown on the plan.

k. Easements/servitudes. The purpose, location, length and width of existing and proposed easements/servitudes.

l. Existing covenants on the property, if any.

m. Zoning Classification of the property to be subdivided.

n. Tree Survey. All Major Subdivisions shall include a tree survey plan as a part of the Tentative Plan submittal.

## **Section 7.2. Engineering Plans - Requirements**

**7.2.1. 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, Department of Utilities and the Sewerage and Water Board (See Appendix 3 for additional reference). A landscape plan, indicating all planting material as to type, size and location, shall be submitted for review and approval as a part of the Engineering Plans.

**7.2.2. 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:

1. Title sheet with vicinity map showing streets connecting to the subdivision, permanent benchmark and project benchmark descriptions, index and name of subdivision.
2. Summary sheet of construction quantities.
3. Typical section sheet.
4. Slab jointing plan sheet.
5. Cross-section sheets.
6. 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.

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7. 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.
8. Soil boring information as described in the City of New Orleans Department of Public Works Roadway Design Guide (10 ft. minimum depth).
9. Department of Public Works Standard Drawings or attachment by reference.
10. Sewerage & Water Board Standard Drawings and General Notes or attachment by reference.
11. Construction notes as needed to ensure compliance with City standards.
12. Detour phasing, hauling and signing sheets as required by the Department of Public Works Traffic Section.

b. Utilities. The location, sizes and invert elevations of existing and proposed sanitary sewerage and storm water drainage lines; 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:

1. A title sheet with vicinity map,
2. A master water plan,
3. A master sewer plan, and
4. A master drainage plan (the master drainage plan may be combined with the master paving plan).
5. 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 7.3. Final Plan - Requirements**

- 7.3.1. General Requirements .** The Final Plan shall be presented in ink on tracing cloth or reproducible Mylar at the same scale and contain the same information as the Tentative Plan plus the requirements of Section 7.3.2., and any changes or additions required by the Planning Commission and stated at the time of Tentative Approval. All revision dates must be shown on the plan. **Digital copy of the survey** in .dxf, .dwg, or ESRI compatible file format shall be submitted as a part of the Final Plan approval process. **Exemptions: Minor Residential Subdivisions shall be exempted from the requirement for submittal of the digital copy of the survey until August 1, 2000. After that date, digital copy will be required for all subdivision requests.**
  
- 7.3.2. Information to be shown.** The Final Plan shall show all information **required for the Tentative Plan as well as the following items:**
  - a. Primary Control Points or description, and ties to such control points/benchmarks, to which all dimensions (X, Y and Z coordinates), angles, bearings and similar data on the plat shall be referred, must be indicated on the survey plan. The Final Plan shall also include the boundary lines of the subdivision, streets, easements, and other right-of-way; property lines of all proposed lots, street corners with accurate dimensions, bearings or deflection angles, radii, arcs, and central angles of all curves; the location and description of monuments and statement of any closure error. At the applicant's request, the City Planning Commission will provide Primary Control Point data.
  
  - b. Municipal Addresses assigned to each lot.
  
  - c. Restrictive Covenant. Notation of any restrictive covenant or any self-imposed restrictions and their period of existence shall be indicated on the plan.
  
  - d. Any Agreements, Covenants, or other legal instruments stating the ownership and setting forth the manner and means for permanent care and maintenance of common spaces (streets, communal facilities, playgrounds, parks, etc.) not offered for dedication, shall be indicated on the Final Plan. Reference to these documents (Instrument Number as assigned by the Office of Conveyance) shall be placed on the plan.

e. Certification by a Registered Land Surveyor licensed and registered in the State of Louisiana to the effect that the plan represents a survey made by him and that the necessary survey monuments are correctly shown thereon.

d. Base Flood Elevation. For Major Subdivision plats, base flood elevation data must be indicated as follows: “Minimum first floor elevation must be \_\_\_\_\_NAVD88 to meet land use and control measures of Ordinance 828 MCS, Chapter 32.”

#### **Section 7.4. Master Plan/ Overall Subdivision Plan - Requirements**

**7.4.1. Information to be Shown.** The Master Plan shall be prepared in accordance with the specifications for Tentative Plan as per Section 7.1.2. of this Article. In instances where the Master Plan of a multi-phased subdivision will cover an area of more than 200 acres, the Planning Commission may waive certain requirements of Section 7.1.2. e,f, and g, to allow for development flexibility.

#### **Section 7.5. Development Plan/Site Plan - Requirements**

**7.5.1. Information to be Shown:**

a. Scale. The Development Plan shall be prepared at a scale of not more than one (1 inch equals 100 feet).

b. Name and Address of the Subdivider and date of preparation of the plan; name and address of the surveyor, engineer, architect, or other persons involved in preparation of the plan; proposed name of the development.

c. Location Map, north arrow, contours at 2 foot intervals, surrounding streets, railroads, canals, servitudes, natural features including lakes and wooded area, and limits of the 100 year flood plain and floodway as shown on current FIRM (Flood Insurance Rate Map)/FEMA current maps including location and acreage.

d. Site Boundaries and dimensions, lot lines, site and lot acreage and square footage, proposed land use and zoning.

e. Residential Density. For residential development, overall residential density and density within certain portions/phases of the development (single family, two-family, multi-family).

- f. Building Envelopes, locations and footprints including building size, height, intensity, density, setback, use, building material proposed, and location of entrances and exits.
- g. Elevation and/or perspectives to show the relationship of building heights to surrounding topography.
- h. Proposed streets (private or public), secondary access provision, drives, alleys, sidewalks, bike paths, fire lines, buffers, etc., with dimensions, radii and surface types.
- i. Parking areas and structures, aisles and spaces, handicap spaces, ramps, crosswalks and other facilities for pedestrian circulation, and loading areas with typical dimensions and surface types.
- j. Dedicated land. Accurate outline of proposed dedication or designation of land for public or common use;
- k. Screening walls, fences, retaining walls, landscaping and buffer zones;
- l. Phases of development, including delineation of areas, lot lines, land uses and improvements to be constructed in independent phases, and the scheduled timing and sequencing of development.

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**ARTICLE 8. LEGAL EFFECTS OF APPROVAL, EXPIRATION TIME, REQUESTS FOR REVISION OF THE APPROVED PLANS**

**8.1 General Timetable For Commission Action**

**The City Planning Commission shall act upon the Tentative Plan** (or Final Plan for Minor Subdivisions) within sixty (60) days after the Official Submission Date, unless the Applicant gives his authorization to an extension of this period. If the Commission fails to act (approve, conditionally approve or disapprove) on the submitted plan within the stated period, such plan shall be deemed to have been approved, and a certificate to that effect shall be issued by the Commission on demand. The grounds of disapproval of any officially submitted plan shall be stated in the records of the Commission.

Tentative Approval of a subdivision plan shall not constitute acceptance of the “plat” of the proposed subdivision, but shall be deemed only as an expression of approval of the plan submitted as a guide to preparation of the Final Plan, which Final Plan will be submitted for approval of the Commission and for recording upon fulfillment of the requirements of these regulations and the conditions of Tentative Approval. **The Commission shall grant Final Approval** to the subdivision plan within six (6) working days after the submission of a Final Plan which complies with all of the stated requirements.

**8.2. Expiration Time**

**8.2.1. Administrative Approval - Certification.** The applicant shall have a maximum time of one (1) year from the date of the Notification Letter issued by the Commission, to meet the stated conditions and requirements for the Administrative Approval of the Final 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 4.1. and 4.2. of these regulations.

**8.2.3. Tentative Approval** of a subdivision plan shall be effective for a maximum time of one (1) year from the date of approval, unless, upon application 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

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starting the process over again, following steps contained in Sections 4.1. and 4.2. of these regulations.

**8.2.4. Approval of Phased Development** including the Master Plan/Overall Subdivision Plan, Neighborhood or Planned Unit Development Plans 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 4.2. of these regulations.

**8.2.5. Recordation of the Approved Final Plan / Failure to Record the Plan.** An approved subdivision plan must be recorded at the Office of Conveyance, Orleans Parish, within thirty (30) days from the date of signed Final Approval; otherwise, the approval shall be deemed null and void. At the Applicant's formal request, accompanied with the required fees, the Planning Commission will consider Reapproval of the approved Final Plan. The Reapproval of the plan may be predicated upon compliance with any new requirements deemed necessary by the Commission in order for the plan to meet new or changed on/off site conditions and new or modified requirements of the Subdivision Regulations. **The request for Reapproval of a previously approved Final Plan may be filed with the City Planning Commission within one (1) year following the date of Final Approval.** If the Applicant fails to request Reapproval within the stated time limit, the subdivision plan will be subject to the complete approval procedure as specified in Sections 4.1. and 4.2. of these regulations.

**8.3. Requests for Revision of the Approved Tentative Plan and Amendments to the Master Plan/Overall Subdivision Plan, Neighborhood Unit Development and Planned Unit Development Plans**

**8.3.1. Request by the City Planning Commission** for modification of the approved Tentative Plan as a result of changes of the on/off site conditions and changes of Subdivision Regulations prior to Final Approval. At any time after the expiration of the initial one year period during which the Tentative Approval is effective, the Commission may notify the Subdivider of change(s) it will require to meet new or changed on/off site conditions and new or modified requirements of the Subdivision Regulations. An exception to this rule will be granted if, prior to the notification requesting change, all of the required improvements have been constructed or installed as per approved Engineering Plans, or in instances where,

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as determined by the relevant City agencies, the substantial improvements have been in place and the requested change(s) will create a great hardship for the developer.

- 8.3.2. Request by the Applicant** for modification of the approved Tentative Plan as a result of conditions specified in the Section 3.2.6. of these Regulations may be submitted at any time within the one year period during which the Tentative Approval is effective, or within one additional year if an extension was granted. **Exceptions: Requests for modification to the approved phased development plans such as Master Plan/Overall Subdivision Plan, Neighborhood Unit Development, Planned Unit Development** shall not be considered by the Commission unless a three (3) years period from the original or any subsequent revision has passed. The exceptions to this rule will be granted when revision involves minor adjustment of lot lines; minor changes to the street configuration; or when there is a change and revision to the Major Street Plan affecting the general area of the subdivision in question.

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**APPENDIXES**

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## APPENDIX 1.

### Fees for processing subdivision application<sup>4</sup>

Fees for processing subdivision application **in effect at the time of adoption of these regulations and subject to future amendments**, are as follows:

For all subdivisions, there shall be a base filing fee of \$200.00 plus \$25.00 per lot for each newly proposed lot.

Any subdivision proposing the dedication of a street or portion thereof shall pay the filing fee based upon the number of lots or a minimum fee of \$500.00, whichever the greater.

Applicants submitting subdivision under Policy E of the Subdivision Regulations shall pay a fee based upon the number of lots or a minimum fee of \$350.00, whichever the greater.

Applicants shall bear the cost of advertising and the cost of the State-required registered mailing for subdivisions requiring a public hearing. This fee is in addition to any other applicable processing fees mentioned above.

A \$300.00 Site Plan Review fee shall be required for any subdivision wherein site plans are submitted as a part of the application procedure. This fee is in addition to any other applicable processing fees mentioned above.

Subdivisions which are Re-approved or Re-certified by Planning Commission shall pay a fee of \$100.00 for such re-approval.

Request for reconsideration of proposals previously acted upon by the City Planning Commission are required to pay a \$200.00 fee.

Appeals to the City Council of the Planning Commission action on any subdivision are required to pay a fee of \$300.00 for processing the appeal.

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<sup>4</sup> All required fees are set by Chapter 118, Article II, Section 118-43 of Ordinance Number 828 M.C.S. known as the Code of the City of New Orleans.

**APPENDIX 2.**

**Minimum Lot Size Requirements**

Minimum Lot Size Requirements of the Comprehensive Zoning Ordinance **in effect at the time of adoption of these regulations and subject to future amendments**, are as follows:

## **APPENDIX 3.**

### **Engineering Plan Approval Process - Major Subdivision**

To facilitate and streamline the review of Engineering Plans prepared in conjunction with all Major Subdivision proposals, a brief summary of procedures and approval standards<sup>5</sup> employed by agencies in charge of the review and approval of these plans is presented as follows:

#### **A. Requirements of the Department of Public Works**

The developer or his engineer should meet with the Department of Public Works (565-6855) early in the process (immediately following the Planning Advisory Committee meeting as described in Section 4.2.3. of these regulations) to discuss the preparation of Engineering Plans.

The Department of Public Works will check the items listed below when evaluating engineering plans:

- 1) Plans must conform to City of New Orleans Department of Public Works Standard Drawings and General Specifications, current Subdivision Regulations, and Park & Parkways and Sewerage & Water Board requirements.
- 2) Plans must include the following sheets:
  - A) Title sheet with vicinity map showing street connecting to the subdivision, permanent benchmark and project benchmark descriptions, index and name of subdivision.
  - B) Summary sheet of construction quantities.
  - C) Typical section sheet.
  - D) Slab jointing plan sheet.
  - E) Cross-section sheets.
  - F) 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

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<sup>5</sup> These same approval standards have been presented in Articles 5, 6, and 7 of this document.

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example, separate survey, geometric and site plan sheets may be provided. The landscaping must be indicated on the drawings with planting approval from the Park & Parkways Commission.

- G) 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.
  - H) Soil boring information as described in the City of New Orleans Department of Public Works Roadway Design Guide (10 ft. minimum depth).
  - I) Department of Public Works Standard Drawings or attachment by reference.
  - J) Sewerage & Water Board Standard Drawings and General Notes or attachment by reference.
  - K) Construction notes as needed to ensure compliance with City standards.
  - L) Detour phasing, hauling and signing sheets as required by the Department of Public Works Traffic Section.
3. Among the Department of Public Works criteria are the following (see also Article 5 and 6 of these Regulations):
- A) The minimum right-of-way for minor street is 50 ft. The minimum street width, measured from face of curb to face-of-curb, is 26 ft.
  - B) Major street widths are as designed on the Major Street Plan.
  - C) The minimum right-of-way on cul-de-sacs is 62 ft. radius. The minimum radius for the gutter line on a cul-de-sac is 50 ft.
  - D) The minimum and recommended design slope for gutter lines is 0.35% towards the drainage structures.
  - E) Lots will be graded to drain toward the street over the top of the curb unless a rear lot subsurface drainage system is provided and approved by the Sewerage & Water Board of New Orleans.

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- G) The maximum street length between intersections should be 1000 ft. instead of the current 1,500 ft. For street not connected at both ends to other streets, the minimum street length requiring a cul-de-sac is 100 ft. The maximum length of any street leading to a cul-de-sac is 1,000 ft.
  - H) Water, sewer and drain line manholes, as well as any other underground utility manholes, should be located in the area between the back-of-curb and the property line to the maximum extent possible.
  - I) Roof and house drains are permitted to tie directly to the RCP drain line using the core drilling method.
  - J) Root guards shall be installed to protect sidewalks and street pavements in the vicinity of trees wherever roots may interfere with pavements.
4. Typical sections for new subdivisions, showing the preferred locations for drainage, water and sewer lines, are presented as a part of Appendix 3.

**B. Requirements of the Sewerage and Water Board**

**Review of Major Subdivisions:**

1. The developer or his engineer should meet with the Sewerage & Water Board Network Engineering Division (865-0671) early in the process (immediately following the Planning Advisory Committee meeting as described in Section 4.2.3. of these regulation) to discuss the availability of sewer, water, and drainage facilities, and preparation of Engineering Plans.
2. The developer is responsible for the installation of sewer, water and drainage facilities within the proposed subdivision. If it is necessary to extend off-site sewer, water and drainage facilities to serve the proposed subdivision, such extension(s) shall be in accordance with the Sewerage & Water Board of New Orleans Policies for Extension of Water, Sewer, and Drainage Facilities, February 14, 1973.
3. All sewer, water, and drainage utilities installed within the subdivision shall be in accordance with current Board specifications. The Board will work with the developer's engineer on the preparation of plans and specifications.
4. Prior to the start of construction, the developer will present plans for the installation of sewer, water and drainage facilities to the Sewerage & Water Board for review and approval. These drawings will include, at a minimum, (1) a title sheet with vicinity map, (2) a master water plan, (3) a master sewer plan and (4) a master drainage plan (the master drainage plan may be

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combined with the master paving plan). In addition, plan/profile sheets must be provided for all streets within the subdivision and should include all utilities, including house connections. No construction shall begin until after the Board approves final plans for all sewer, water and drainage facilities.

5. All sewer and 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.
6. All sewer and water facilities located within private streets or private servitudes shall not become the property of the Sewerage & Water Board. The developer must create a Homeowners Association or similar overseeing authority that will own those facilities and be responsible for their maintenance. The Homeowners Association may enter into an agreement with the Sewerage & Water Board to have Board crews maintain the facilities, with the Homeowners Association paying the cost of any work. Or, the Homeowners Association may hire a private contractor to perform the maintenance. Any work performed by private contractors must be inspected by the Board.
7. In general, the Board discourages utility servitudes for Board facilities. The Board will not accept rear lot servitudes. The minimum width of a servitude to be dedicated to the Sewerage & Water Board is 20' for one utility line and 30' for two or more lines. If unusually large lines are involved (such as drainage canals), the servitude may need to be larger to accommodate the lines as well as the equipment necessary to perform maintenance.

**C. Requirements of the Department of Utilities**

Procedures for approval of Engineering Plans followed by the Department of Utilities for Major Subdivisions are:

1. Once Tentative Approval Plans are received from the City Planning Commission's office, the Department of Utilities will circulate those plans to all franchised utilities in charge of providing electricity, gas, telephone and cable services (such as Entergy, BellSouth, Cox Communications).
2. The developer or his engineer should meet with all franchised utility companies early in the process (immediately following the Planning Advisory Committee meeting as described in Section 4.2.3. of these regulation) to discuss the availability of these services, or to make satisfactory arrangements for provision of utilities.
3. Once all utilities respond that underground facilities for the new subdivision are available, or being properly arranged by the developer, the City Planning Commission is notified by the Department of Utilities that the applicant may proceed with preparation of Engineering Plans. This process can be expedited if the developer provides the name and address/telephone number of the Entergy, BellSouth, and Cox Communications engineers contacted and assigned to the new subdivision.
4. Once Engineering Plans (4 copies and 1 digital copy) are received, the Department of Utilities re-circulates those plans to all franchised utilities. Engineering Plans must show at least two reference points using state plane coordinates for GIS reference. The Department of Utilities will prepare a schematic layout of the proposed street lighting system and an estimate. The estimate is based on work performed by the City, or its chosen contractor, using standard street lighting equipment. (The lamps, luminaries, photo controls, bracket arms, supports, poles and related hardware used to provide the roadway, sidewalk, and/or parkway lighting shall be designed in accordance with the Illuminating Engineering Society of North America, ANSI, AASHTO, and IEEE standards). If the developer chooses to perform the work himself, all work is subject to inspection by the City. The developer must still use standard materials approved by the Department, using an approved configuration. Once the developer has forwarded payment for the street lighting system or payment bond, City Planning is notified by the Department of Utilities to proceed with Final Approval.



## APPENDIX 4.

### **Excerpts from the Sanitary Code State of Louisiana, Chapter XIII, Sewage Disposal** Adopted July 24, 1985, and as amended through January 20, 1993)

#### **Sub-Part A - Definitions :**

**Individual Sewage System** means any system of piping (excluding building plumbing), treatment devise 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 as prescribed in Sub-part B of these regulations.

**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.).

**Septic Tank System** means an individual sewage system which consists of a septic tank followed by an acceptable method of septic tank effluent treatment or disposal. A conventional septic tank system is a septic tank followed by a subsurface absorption field.

#### **Sub-Part D - Individual Sewage Systems :**

**13:012-1 Permits:** No person shall install, caused to be installed, materially alter subsequent to installation, or operate an individual sewage system of any kind without first obtaining a permit from the State Health Officer. No person shall install, cause to be installed, or materially alter subsequent to installation an individual sewage system of any kind except in accordance with the plans and specifications for the installation which have been approved as a part of a permit issued by the State Health Officer. Such permits shall be issued in a two-stage process in accordance with Sections 13:012-2 and 13-012-3 (for these Sections, see the original document).

**13:012-4** No individual sewage permits shall be issued for lots within a formal subdivision unless an official recorded plat/property survey has been filed with the Chief Sanitarian of the appropriate parish for all subdivisions created subsequent to the effective date of these regulations.

**13:019-1 Individual Sewage Systems Allowable:** The use of individual sewage systems is allowable when all requirements of this Code are met and one or more of the following conditions are met:

1. On large lots, where an area of one (1) acre or more is involved.

*City Planning Commission*

2. The installation would be located on a lot, plot or site which has a minimum area of 22,500 square feet, and a minimum frontage of 125 feet.

For items under 3, 4, and 5 see the original document.

6. For single lots or sites, regardless of size, remaining in substantially developed previously established subdivisions, when, in the opinion of the State Health Officer, a hazard to the public health will not result.
7. For individual camps (structure used temporarily or occasionally as a dwelling), when the requirements of Section 13:022, paragraph 6 are also met.
8. For single commercial lots or sites, when the requirements of Section 13:022, paragraph 3 are also met.

**D. Typical cross section for 50 feet wide street right-of-way**

**APPENDIX 5.**

**Lines-to-inches conversion chart**

<b>LINES</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>
<b>INCHES</b>									
<b>0</b>	.000	.010	.021	.031	.042	.052	.062	.073	.083
<b>1</b>	.083	.093	.104	.114	.125	.135	.145	.156	.167
<b>2</b>	.167	.177	.188	.198	.209	.219	.229	.240	.250
<b>3</b>	.250	.260	.271	.281	.292	.302	.312	.323	.333
<b>4</b>	.333	.343	.354	.364	.375	.385	.395	.406	.417
<b>5</b>	.417	.427	.438	.448	.459	.469	.479	.490	0.5
<b>6</b>	0.5	.510	.521	.531	.542	.552	.562	.573	.583
<b>7</b>	.583	.593	.604	.614	.625	.635	.645	.656	.667
<b>8</b>	.667	.677	.688	.698	.709	.719	.729	.740	.750
<b>9</b>	.750	.760	.771	.781	.792	.802	.812	.823	.833
<b>10</b>	.833	.843	.854	.864	.875	.885	.895	.906	.917
<b>11</b>	.917	.927	.938	.943	.948	.959	.969	.990	1

**ACRE**

**43,560 SF**