

DEPARTMENT OF SAFETY AND PERMITS
CITY OF NEW ORLEANS

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MAYOR

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DIRECTOR

ZONING INTERPRETATION MEMORANDUM

Memorandum Z-13-01

DATE: February 13, 2013

FROM: Jared E. Munster, Ph.D., Director 

RE: Interpretation of Section 18.61 of the CZO, as it relates to building heights within 30' of a right of way and the minimum height requirements for all structures.

Following a review of Section 18.61, Lafayette Square/Warehouse District Refined Height Plan Interim Zoning District (Height Plan IZD), it is the interpretation of the Department of Safety and Permits that the language of Section 18.61 serves to supersede all other minimum and maximum building height requirements within the area of its applicability within the CBD, Central Business District Zoning Districts, as is clearly stated within Section 18.61.3(1).

All height regulations found within Chapter 6, Sections 6.1.7, 6.2.7, 6.6.7, 6.8.7, 6.9.7, and 6.13.1 of the Comprehensive Zoning Ordinance (Ordinance 4,264 MCS, as amended) (CZO) have been effectively, albeit temporarily, nullified through Council Motion M-12-180 and the subsequent adoption of Ordinance 25,068 MCS which created Section 18.61 of the CZO. By virtue of Section 18.61 taking precedence over the existing regulations within the preceding sections, the Height Plan IZD has the effect of eliminating the "step-back" requirements found within several of the indicated zoning districts within the area of applicability. This allows for the plane of building façades to continue uninterrupted from grade to the maximum building height as provided within Section 18.61, without differentiating that portion of a building which may be within thirty (30) feet of a street line.

Further, the Height Plan IZD provides a minimum, 'build-to' height for all structures within the area of applicability. The requirement, found within Section 18.61.3(2) provides that "all structures...must have a minimum height of three (3) stories and forty (40) feet." The language of this section requires all structures to substantially meet this three-story, forty-foot requirement. Vertical projections and other incidental appurtenances which may extend above the structure are not sufficient to meet this standard.

