

DEPARTMENT OF SAFETY AND PERMITS  
**CITY OF NEW ORLEANS**

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MAYOR

JARED E. MUNSTER, PH.D.  
DIRECTOR

## ZONING INTERPRETATION MEMORANDUM

Memorandum Z-18-01

DATE: March 8, 2018

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

RE: Definition of “Minor” relative to Section 4.7 of the Comprehensive Zoning Ordinance.

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As the Comprehensive Zoning Ordinance does not provide a definition for the term “minor” within Chapter 26, the Ordinance dictates that these terms shall be “interpreted in accordance with the definitions considered to be normal dictionary usage” (Sec.26.2.F).

In evaluating the normal dictionary usage of this term, “minor” is determined to be synonymous with the words “inconsequential,” “negligible,” and “slight.” Upon review of Section 4.7 of the Comprehensive Zoning Ordinance, it is abundantly clear that the legislative intent<sup>1</sup> of the Minor Map Adjustment procedure is to allow adjustments of Zoning District boundaries relative to inconsequential portions of lots to ensure the alignment of such boundaries and property lines.

For the purposes of application of Section 4.7 *Minor Map Adjustments* of the Comprehensive Zoning Ordinance, the term “minor” shall be defined as follows:

*A portion of a lot or multiple lots which do not constitute a reasonably developable portion of ground and where the resultant adjustment does not expand the portion of a lot within the proposed zoning classification which is greater than 15% of the portion of the lot from which the District boundary is proposed to be adjusted.*

A lot or portion of ground which is reasonably developable is ineligible for consideration under the provisions of Section 4.7, and is required to seek approval pursuant to the procedure provided in Section 4.2 of the Comprehensive Zoning Ordinance. Application of Section 4.7 to a developable portion of ground is violative of the Home Rule Charter of the City of New Orleans<sup>2</sup> and may constitute an impermissible delegation of legislative authority<sup>3</sup>.

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<sup>1</sup> CC Art 10 “When the language of the law is susceptible of different meanings, it must be interpreted as having the meaning that best conforms to the purpose of the law.”

<sup>2</sup> Section 5-402(3) provides no authority to the City Planning Commission or its Executive Director to affect changes to the official Zoning Map, only the authority to provide analytical recommendation to the Council consistent with the Master Plan.

<sup>3</sup> RS 33:4721 et seq.

