

DEPARTMENT OF SAFETY AND PERMITS  
CITY OF NEW ORLEANS

LATOYA CANTRELL  
MAYOR

TAMMIE JACKSON  
DIRECTOR

**Executive Memorandum**

To: Tammie Jackson, Director, Department of Safety & Permits

From: Mark Daniel Macnamara, Chief Zoning Official

Date: December 1, 2025

**Subject: Compliance of Accessory Rooftop Solar Photovoltaic Systems (PZ-4) with the City's Comprehensive Zoning Ordinance and Historic District Review Requirements**

**I. Purpose and Context**

This memorandum provides comprehensive determination regarding the City of New Orleans' compliance with SolSmart Criterion PZ-4, which requires that accessory rooftop solar photovoltaic (PV) systems be permitted by-right in all major zoning districts. It also clarifies the relationship between this zoning allowance and the historic-district design-review procedures administered by the Historic District Landmarks Commission (HDLC) and the Vieux Carré Commission (VCC).

**II. SolSmart PZ-4 Requirement Overview**

SolSmart's PZ-4 (Silver Pathway prerequisite) requires a local government to:

Confirm that rooftop, accessory solar PV systems are allowed by-right in all principal zoning districts; and

Publicly document that determination (e.g., via zoning verification letter or posted policy statement).

PZ-4 evaluates zoning permissions only—not building-code, design, or preservation procedures. The criterion is satisfied when zoning laws classify accessory rooftop solar as a permitted accessory use without requiring conditional use, special exception, or variance approval. Ancillary design-review processes are permissible provided they operate under separate legal authority and do not alter the zoning classification.

**III. Zoning Framework in New Orleans**

1. Comprehensive Zoning Ordinance ("CZO") Art. 21.6.DD (Solar Energy System: Accessory Use) explicitly allows rooftop solar energy systems as an accessory use in all zoning districts, subject to objective criteria such as mounting height ( $\leq 6$  ft above flat roof surface) and structural placement.



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Further, CZO Art. 26 (Definitions) distinguishes between accessory and principal solar uses, ensuring that rooftop arrays serving on-site electrical demand are treated as accessory to the primary use of the property.

No portion of the CZO requires conditional use, variance, or special-exception approval for compliant rooftop PV systems.

2. Administrative Practice:

- The Department of Safety & Permits has historically issued building and electrical permits for rooftop PV under the accessory-use framework without discretionary zoning actions.
- A Zoning Verification Letter will be published affirming this by-right status and citing relevant CZO provisions for public and industry reference (fulfilling SolSmart's documentation requirement).

**IV. Historic Districts and the Vieux Carré**

1. Separate Legal Authority:

- The HDLC operates under City Code Chapter 84, and the VCC under Chapter 166, pursuant to La. R.S. 25: 731 et seq. These commissions regulate the exterior appearance of structures within designated historic districts and the Vieux Carré, not land-use entitlements.
- Their review authority is independent of the CZO and **does not** modify a property's underlying zoning classification or the "by-right" status of an accessory solar use.

2. Design Review Procedures:

- In HDLC and VCC districts, applicants must obtain a Certificate of Appropriateness (C of A) or VCC approval before issuance of a building permit.
- Current HDLC staff guidance (2024 update) allows administrative approval of rooftop PV on non-street-facing roof slopes and low-profile flush-mounted arrays, expanding accessibility for compliant projects.
- The VCC maintains separate design guidelines emphasizing compatibility with historic roofscapes; both agencies apply objective visual standards rather than discretionary land-use controls.



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3. Impact on PZ-4 Compliance:

- Because these design-review procedures derive from separate enabling ordinances and address architectural compatibility rather than use classification, they do not negate or restrict the by-right zoning status of accessory rooftop PV systems under the CZO.
- This interpretation aligns with national SolSmart precedents (e.g., Alexandria VA, Philadelphia PA, Santa Barbara CA), where historic-district design reviews coexist with by-right zoning allowances for rooftop solar.

**V. Legal and Policy Conclusion**

- **By-Right Status:** Accessory rooftop PV systems are a permitted accessory use in every major zoning district pursuant to CZO 21.6.DD.
- **Historic Review Compatibility:** HDLC and VCC reviews constitute design-compatibility assessments, not zoning restrictions, and therefore do not undermine SolSmart PZ-4 compliance.
- **Verification Mechanism:** A formal Zoning Determination Letter, signed by the Chief Zoning Official and posted publicly, will serve as the City's official PZ-4 verification document.

- Next Steps:

1. Finalize and publish the Zoning Determination Letter on the Department website.
2. Cross-link this letter to the City's solar landing page to meet SolSmart transparency requirements.
3. Coordinate with HDLC and VCC to maintain updated public guidance ensuring applicants understand when historic-review submittals are required.

**VI. Recommended Language for Zoning Determination**

“Accessory, building-mounted solar photovoltaic (PV) systems are permitted by-right in all major zoning districts under Article 21.6.DD of the Comprehensive Zoning Ordinance, subject to applicable building-code and safety standards. Properties located within locally designated historic districts or the Vieux Carré remain subject to design-review procedures administered by the

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Historic District Landmarks Commission or the Vieux Carré Commission pursuant to Chapters 84 and 166 of the City Code. These design reviews regulate exterior appearance only and do not alter the by-right zoning status established by the CZO.”

**VII. Summary Statement**

Design standards and historic-district considerations do not compromise or invalidate the City’s compliance with SolSmart PZ-4. New Orleans’ zoning ordinance already provides the necessary by-right allowance for accessory rooftop solar PV, while its preservation commissions continue to fulfill their separate, legally authorized design-review responsibilities. This dual-framework approach aligns with national best practices and positions the City to advance toward SolSmart Gold and Platinum designation.

