ARTICLE 1. TITLE, PURPOSE, INTENT, & APPLICATION

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1.1 TITLE

This Ordinance is known, referred to, and cited as the "Comprehensive Zoning Ordinance of the City of New Orleans," as amended.

1.2 PURPOSE

The purpose of this Ordinance includes the following:

A. To encourage and promote, in accordance with present and future needs, the public health, safety, and welfare of the citizens of the City of New Orleans.

B. To provide for efficiency and economy in the process of development.

C. To provide for the appropriate use of land.

D. To preserve and enhance the value of structures, communities, and neighborhoods that constitute the distinct places within the City.

E. To provide for ~~preservation~~, protection, development, and conservation of natural resources.

~~**F.** To promote the principles of sustainability.~~

G. To provide for functional public utilities and facilities, and for the convenience of traffic and circulation of people and goods.

~~**H.** To provide for promotion of the civic amenities of beauty and visual interest, for preservation and enhancement of historic buildings and places, and for promotion of large-scale developments as means of achieving unified civic design~~.

~~**I.** To ensure that the policies set forth in City's Master Plan are implemented by the land use regulations and are consistent with the goals set forth in the Master Plan.~~

1.3 INTENT

The objectives of this Ordinance are accomplished by establishing zoning districts, which regulate the location and use of buildings, signs and other structures, water and land for agriculture, trade, industry, and residence, and which regulate, limit, or determine the height, bulk, and access to light and air of structures, the area of yards and other open spaces, the density of use, and the standards for site organization and layout. Zoning district regulations and the Official Zoning Map have been designed with reasonable consideration of, among other things, the character of the districts and their suitability for particular uses.

1.4 APPLICABILITY

A. Territorial Application

This Ordinance applies to all land, uses, structures, and areas within the boundaries of the City of New Orleans, as defined in the Home Rule Charter of the City of New Orleans.

B. General Application

In their interpretation and application, the provisions of this Ordinance are the minimum requirements for the promotion and protection of the public health, safety and welfare, and are construed to achieve the purposes for which this Ordinance was adopted.

C. Required Conformance with Ordinance

No portion or whole of any structure or land may be used or occupied, and no structure, in whole or in part, may be erected, constructed, reconstructed, moved, enlarged or structurally altered unless it conforms to the provisions of this Ordinance.

D. Subdivisions Required to Conform with Ordinance

All subdivisions shall comply with the City of New Orleans Subdivision Regulations. Where conflicts occur with this Ordinance, the Director of Safety and Permits shall determine which regulations to follow.

E. Applicability to Private Agreements

Where this Ordinance is more restrictive than a private agreement, this Ordinance controls. The City will not enforce any private agreements.

F. Reasonable Accommodation

The City of New Orleans shall provide reasonable accommodations to persons with disabilities to ensure that persons with disabilities are provided equal opportunity to live in the dwelling of their choice.

G. Conflict with Other Laws and Regulations

Whenever these regulations contain an actual, implied or apparent conflict with other laws and regulations, including an internal conflict within this Ordinance, the more restrictive regulation applies, unless otherwise specified.

1.5 TRANSITION RULES

In determining the applicability of this Ordinance, with respect to the previously applicable zoning regulations, the following rules apply.

A. Existing Nonconforming Structures and Uses

A structure or use that is made nonconforming before the effective date of this Ordinance, but is made conforming by the provisions of this Ordinance or any subsequent amendment to this Ordinance, is lawful as of the effective date of this Ordinance or of any subsequent amendment to this Ordinance. However, any subsequent addition, enlargement or expansion of that structure or use is required to conform to the procedural and substantive requirements of this Ordinance.

B. Existing Uses

1. If a structure or land is used in a manner that was classified as a permitted use prior to the effective date of this Ordinance, and now that use is classified as a conditional use as of the effective date of this Ordinance, that use is deemed a lawful nonconforming use. ~~Any subsequent addition, enlargement, or expansion of that use shall conform to the requirements of this Ordinance.~~

2. If a structure or land is used in a manner that was classified as a conditional use prior to the effective date of this Ordinance, and that use is now classified as a permitted use as of the effective date of this Ordinance, that use is deemed a lawful permitted use. Any subsequent addition, enlargement, or expansion of that use shall conform to any Ordinance requirements for such permitted use and is no longer subject to the conditional use ordinance under which it was originally approved.

3. Planned developments, including previously adopted Residential Planned Community Districts, Central Business District Planned Community Districts, and Mixed-Use Planned Community Districts, shall follow the requirements of Section 4.4. Where a use within a planned development was classified as a conditional use prior to the effective date of this Ordinance, and that use is now classified as a permitted use as of the effective date of this Ordinance, that use is deemed a lawful permitted use. Any subsequent addition, enlargement, or expansion of that use shall comply with Paragraph 2 above.

C. Certain Uses Rendered Nonconforming

If property is used in a manner that was a lawful use before the effective date of this Ordinance or any subsequent amendment to this Ordinance, and this Ordinance no longer classifies that use as either a permitted or conditional use in the zoning district in which it is located, that use is deemed a legal nonconforming use and is controlled by the provisions of Article 25.

D. Certain Structures Rendered Nonconforming

If a structure existing on the effective date of this Ordinance or any subsequent amendment to this Ordinance was a conforming structure and was legally constructed before the effective date of this Ordinance or any subsequent amendment to this Ordinance, and such structure does not meet all standards set forth in this Ordinance, that structure is deemed a legal nonconforming structure and is controlled by the provisions of Article 25.

E. Certain Lots Rendered Nonconforming

If a lot existing on the effective date of this Ordinance was a conforming lot before the effective date of this Ordinance or any subsequent amendment to this Ordinance, and such lot does not meet all standards set forth in this Ordinance, that lot is deemed a legal nonconforming lot and is controlled by the provisions of Article 25.

F. Previously Issued Building Permits

If a building permit for a building or structure was lawfully issued prior to the effective date of this Ordinance or any subsequent amendment to this Ordinance, and if substantial construction has begun within ~~one hundred eighty (180)~~ days of the issuance of that permit, the structure may be completed in accordance with the plans on the basis of which the building permit was issued and may, upon completion, be occupied under an occupancy permit for the use originally intended.

G. Previously Granted Conditional Uses and Variances

All conditional uses and variances granted prior to the effective date of this Ordinance or any subsequent amendment to this Ordinance remain in full force and effect, unless a conditional use is allowed as a permitted use as of the effective date of this Ordinance. The recipient of the conditional use or variance may proceed to develop the property in accordance with the approved plans, including all conditions included as part of approval. If the recipient has failed to act on the conditional use or variance before the approval expires, including any periods of extension granted, the provisions of this Ordinance govern.

H. Pending Applications

An application that has been received and deemed complete and scheduled for a public hearing or meeting is subject to the rules in effect on the date the application was deemed complete.

1.6 ENFORCEMENT

A. Purpose

If any structure is erected, structurally altered, extended, moved or maintained, or any structure or land is used in violation of this Ordinance, the Director of the Department of Safety and Permits, or the Director's designee, in addition to other remedies, may institute any appropriate actions or proceedings to prevent such unlawful erection, structural alteration, extension, moving, maintenance, use, or other violations, to restrain, correct, or abate violation, to prevent the occupancy of such buildings, structure, or land or to prevent any illegal act, conduct, business, or use in or about such premises. Each ~~day~~ such violation continues constitutes a separate violation.

~~B. Penalties~~

~~The following persons may be found guilty of a misdemeanor punishable either by a fine, the minimum and maximum amounts as established in the Louisiana Revised Statutes, or not more than one hundred fifty (150) days imprisonment, or both, for each and every day that such violation continues, and the correction of a violation does not restrain imposition of these penalties.~~

1. ~~The owner or general agent of a structure or premises where a violation of any provision of these regulations has been committed or exists.~~

2. ~~The lessee or tenant of an entire structure or entire premises where such general agent, lessee or tenant of any part of the structure or premises in which such violation has been committed or exists.~~

3. ~~The general agent, architect, builder, contractor or any other person who commits, takes part in or who assists in any such violation or who maintains any structure or premises in which any such violation exists.~~

C. New Violation Following Determination of Compliance

Following any judicial determination that a violation of this Ordinance has occurred and compliance has been rendered, the Director of the Department of Safety and Permits shall place in the records of the City a notation that compliance has been rendered. Any subsequent report of a violation of the regulations pertaining to the same or substantially the same matter constitutes a new violation and is subject to the same remedies herein provided.

~~1.7 SEVERABILITY~~

~~If any section or provision of this Ordinance is declared by a court of competent jurisdiction to be invalid, such decision will not affect the validity~~ of the Ordinance as a whole or any part thereof other than the part declared to be invalid.

1.8 EFFECTIVE DATE

The effective date of this Comprehensive Zoning Ordinance is ~~ninety (90)~~ days from the date of adoption of this Ordinance, adopted ____. The effective date is defined as that date at which the specific regulations of this Ordinance take effect and are enforced.