ARTICLE 19. INTERIM ZONING DISTRICTS

19.1 PURPOSE STATEMENT

19.2 INTERIM ZONING DISTRICT PROCESS

submitted by Justin Schnidt

19.1 PURPOSE STATEMENT

An interim zoning district is intended to provide temporary regulations within the boundaries of designated areas, notwithstanding existing zoning applicable to the area, pending a review by the City Planning Commission. An interim zoning district may be established to support development or to allow implementation of the City's Master Plan, and is intended further to prevent establishment of uses which are incompatible with such plan for the duration of the interim zoning district.

19.2 INTERIM ZONING DISTRICT PROCESS

A. Applicability

An interim zoning district may be applied to any area of the City, upon appropriate demonstration of public need and in accordance with Section 3-126 of the City Charter.

B. Nature and Effect of District

1. Amendment of Zoning Map

Establishment of an interim zoning district constitutes an amendment of these zoning regulations. The boundaries of interim zoning districts shall be placed and identified on the Official Zoning Map once the ordinances creating such districts become effective.

2. Governing Regulations

Notwithstanding any contrary provisions contained in the zoning district regulations underlying the interim zoning district, the use or development of any land, the use of any structure, or the construction, enlargement, or alteration of any structure within the district shall conform to the regulations set forth in the interim zoning district for the period of its duration.

3. Duration

- a. An interim zoning district is approved for a term of one (1) year. The City Council by ordinance may authorize one extension for an additional one hundred eighty (180) days. In the event that the required review is not completed and a report has not yet been submitted to the City Council during the initial one hundred eighty (180) day extension, the City Council may by ordinance extend the interim zoning district for one additional period up of to one hundred eighty (180) days.
- **b.** After expiration, no interim zoning district or similar prohibition of substantially the same legal effect on substantially the same geographic area may be imposed until at least one (1) year after the expiration of a prior moratorium ordinance, interim zoning district, or other temporary prohibition.
- **c.** Following expiration of the interim zoning district regulations, including any period of extension, the City Council shall repeal the interim zoning district regulations and authorize the removal of the boundaries of the district from the Official Zoning Map.

- d. Notwithstanding any provision to this Section 19.2 to the contrary, no interim zoning district shall have any effect on any parcel or parcels of property that have been the subject of a zoning determination letter or other similar memorandum issued by the Director of the Department of Safety and Permits, or which has been approved for a variance or waiver from the Board of Zoning Adjustments or which has received approval on a design review application or a Conditional Use Permit Application within the last ninety(90) days.
- [Explanation: In the 16 years I have been working on land use matters in the City of New Orleans, there have now been two (2) instances that in the middle of a permitting process for a particular project, the City Council has passed an IZD on property that was otherwise "permitted by right" for the intended use. For 2 years we heard various City Council members proclaim the virtues of a "Master Plan with the force of law, a plan that developers can count on as the gospel truth and rely on to make an investment without fear of a change of the rules in the middle of the game." However, this is exactly what 2 separate councilmembers did in these instances. Its time to play fair on both sides of the equation.

C. Procedure

- 1. The zoning text amendment creating an interim zoning district shall be initiated by the adoption of a motion by the City Council. Except as otherwise provided in this section, an interim zoning district for a particular area shall be established on the Official Zoning Map.
- 2. The motion initiating the interim zoning district shall incorporate regulations addressing the following factors, where applicable:
 - a. Intent of the interim zoning district.
 - **b.** Delineation of interim district boundaries.
 - c. Uses permitted.
 - d. Limitations on uses.
 - e. Land use intensity, yard, lot area, and similar requirements.
 - **f.** Special provisions necessary to the accomplishment of the intended intent and purpose of the district (i.e. landscape requirements, site plan review, etc.).
 - g. Submittal requirements, if any.
 - h. Appeal procedure
- 3. Upon adoption of the City Council's motion authorizing the City Planning Commission to conduct a public hearing to consider an amendment to this Ordinance to create an interim zoning district, all appropriate agencies shall refuse to accept any new applications for permits that are in conflict with the intent and provisions of the proposed interim zoning district. However, applications determined to be complete and received prior to adoption of such motion, may be reviewed and processed under existing regulations.

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Sent:

Saturday, November 30, 2013 11:43 PM

To:

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Subject:

DRAFT CZO COMMENTS art19

Attachments:

 ${\tt EDITEDArt 19-Interim-Zoning-Districts.pdf}$

Interim zoning districts need to placed under more control, perhaps to be signed off on my more administration officials because they have been abused by the current council members.

It's better to light a candle Than curse the darkness..

http://progress.8principlesforneworleans.com/