

MOTION

NO. M-15-367

CITY HALL: August 6, 2015

BY: <sup>SAA</sup> COUNCILMEMBERS HEAD AND WILLIAMS (BY REQUEST)

BE IT MOVED BY THE CITY COUNCIL OF THE CITY OF NEW ORLEANS, That the City Planning Commission is directed to conduct a public hearing to consider amending and reordaining Ordinance No. M.C.S 4264, as amended by Ordinance No. 26413 M.C.S., as amended, the Comprehensive Zoning Ordinance of the City of New Orleans, and the designation of such on the corresponding zoning base maps of the City of New Orleans, to amend Article 19 to establish a new Interim Zoning District (IZD) to be named the *Open Space Permeability IZD*, the intent of which is to delete standards for "Maximum Lot Coverage" where currently applied in the "Site Design Standards" of the "Bulk and Yard Tables" of "Article 8, Rural Open Space Districts, Table 8-2"; "Article 9, Historic Core Neighborhood Residential Districts - Historic Marigny/Treme/Bywater Districts, Table 9-2"; "Article 10, Historic Core Neighborhood Non-Residential Districts Historic Marigny/Treme/Bywater Districts, Table 10-2"; "Article 11, Historic Urban Residential Districts, Table 11-2"; "Article 12, Historic Urban Non-Residential Districts Table 12-2"; "Article 13, Suburban Neighborhood Residential Districts, Table 13-2"; "Article 14, Suburban Neighborhood Non-Residential Districts, Table 14-2"; "Article 15, Commercial Center & Institutional Campus Districts, Table 15-2"; and "Article 16, Centers for Industry Districts, Table 16-2", and to add standards for "Minimum Permeable Open Space", where appropriate, and to remove any inconsistencies created with existing Open Space Ratio standards, as included in Attachment A entitled "*Table OSP-IZD - Bulk and Yard Regulations*", and to add "Site Design Standards" to "Article 9, Section 9.3" and "Article 10, Section 10.3" respectively, to read as follows:

C. Permeable Open Space

1. In the Historic Marigny/Treme/Bywater Residential Districts, the area of a green roof may be included as permeable open space.

#### **D. Permeable Open Space**

1. In the Historic Marigny/Tremé/Bywater Districts, the area of a green roof may be included as permeable open space.

And; the area of applicability of which shall be Citywide, and to otherwise provide with respect thereto.

**BE IT FURTHER MOVED,** That in conjunction with the new standards included in "Attachment A" reference above, that the IZD shall prohibit the issuance of permits in compliance with the current definition of "Porous Paving System" as defined in Article 26, Section 26.6 Definitions, which shall herein be deleted, and insert a new term with definition "Permeable Open Space" and modify the current definitions of "Impervious Surface and Permeable Paving, in Article 26, Section 26.6 to reflect the language below:

**Impervious Surface.** A type of ground cover that represents the portions of a site that are occupied by structures, pavement, and other impervious surfaces that do not allow for the infiltration of rainwater into the ground. Unroofed, unenclosed accessory structures, where water is allowed to drain to a pervious surface, such as decks constructed of wood slats, are not included in impervious surface calculations.

**Permeable Open Space.** Those areas of a lot open and unobstructed at grade level upward, unless otherwise permitted by this Ordinance. The required permeable open space area shall be substantially covered with grass, live groundcover, shrubs, plants, trees, or permeable outdoor hardscape features or amenities, such as seating areas, and patios. Off-street parking and loading areas, driveways or required landscape for parking lots and screening may satisfy permeable open space requirements if permeable paving is used. Bollards, curbs, wheel stops, or other similar features shall be provided to ensure that required permeable open space areas are not used for off-street parking or any other vehicular use.

**Permeable Paving.** Paving surfaces that allow stormwater to infiltrate the underlying soils and are contained so neither sediment nor the permeable surface discharges off the

site. Materials shall include but are not limited to porous concrete and asphalt, open-jointed blocks, pavers, bricks set without mortar, and aggregate if stabilized with a grid system that prevents compaction and washout. All permeable paving materials must be installed above an aggregate base; concrete bases are prohibited.

**BE IT FURTHER MOVED**, That in accordance with Article 19, Section 19.3.C.4. of the Comprehensive Zoning Ordinance, all appropriate agencies of City Government shall not accept any applications for permits or licenses that are in conflict with the intent and provisions of the proposed Interim Zoning District for properties contained within the aforesaid area during consideration of this matter as of the effective date of the amended CZO, August 12, 2015. The Interim Zoning District is to be in effect for a period of one year and is subject to extension as provided by Section 3-126 of the City Charter. Applications to appeal this IZD shall be consistent with the application and approval procedures provided in Section 4.3 of Article 4, and all applicable notice and hearing procedures, provided in Article 3 of the Comprehensive Zoning Ordinance, as amended, shall be complied with.

**BE IT FURTHER MOVED BY THE CITY COUNCIL OF THE CITY OF NEW ORLEANS**, That in the process of studying and reviewing the *Open Space Permeability Interim Zoning District*, the City Planning Commission staff is directed and granted the flexibility to make all appropriate changes to the proposed regulations and any existing corresponding regulations in the Comprehensive Zoning Ordinance to establish consistency and continuity with the format of the existing zoning code, to add references wherever references are customary, needed and/or appropriate, to make the appropriate adjustments to clarify any ambiguities or mistakes, and to make adjustments deemed necessary in light of public testimony resulting from this study and review.

**THE FOREGOING MOTION WAS READ IN FULL, ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:**

**YEAS:** Brossett, Cantrell, Gray, Guidry, Ramsey, Williams - 6

**NAYS:** 0

**ABSENT:** Head - 1

**AND THE MOTION WAS ADOPTED.**





# TABLE OSP - IZD BULK & YARD REGULATIONS - ATTACHMENT A

OSP - IZD Garden District Historic District Bulk & Yard Regulations			
BULK REGULATIONS			
	Single-Family	Two-Family	Non-Residential
MINIMUM LOT WIDTH	40	50	100
MINIMUM PERMEABLE OPEN SPACE	By lot width 40' or less: 30% of lot area Greater than 40': 40% of lot area	By lot width 40' or less: 30% of lot area Greater than 40': 40% of lot area	By lot width 40' or less: 30% of lot area Greater than 40': 40% of lot area

OSP - IZD BULK & YARD REGULATIONS									
BULK & YARD REGULATIONS									
	G-1	G-2	G-3	M-1	M-2	MC	MS	IS	
MINIMUM PERMEABLE OPEN SPACE	20% of lot area	20% of lot area	20% of lot area	20% of lot area	20% of lot area	30% of lot area	30% of lot area	30% of lot area	
MINIMUM OPEN SPACE RATIO									

OSP - IZD BULK & YARD REGULATIONS						
BULK & YARD REGULATIONS						
	LI	HI	MI	BI	BI	
MINIMUM PERMEABLE OPEN SPACE	20% of lot area	20% of lot area	20% of lot area	20% of lot area	20% of lot area	
MINIMUM OPEN SPACE RATIO						