

**ORDINANCE**

**CITY OF NEW ORLEANS**

**CITY HALL: January 24, 2008**

**CALENDER NO. 26,870**

**NO. \_\_\_\_\_ MAYOR COUNCIL SERIES**

**BY: COUNCILMEMBERS CLARKSON, HEAD, FIELKOW, CARTER, HEDGE-MORRELL, WILLARD-LEWIS, AND MIDURA**

**AN ORDINANCE** to amend and reordain Article I of Chapter 26 of the Code of the City of New Orleans to amend the procedure for the Housing Conservation District Review Committee; to rename and re-organize the committee to be the Neighborhood Conservation District Committee; and to provide otherwise with respect thereto.

**SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY**

**ORDAINS**, That Article I of Chapter 26 of the Code of the City of New Orleans be amended and reordained to read as follows:

\* \* \*

**“Sec. 26-3. Neighborhood Conservation District (NCD).**

(a) The boundaries for the NCD shall encompass the area generally bounded, on the east bank of the Mississippi River, by the Orleans / Jefferson Parish line, Metairie Road, City Park Avenue, Wisner Boulevard, Interstate 610, Florida Boulevard, the Orleans/ St. Bernard Parish line, and the Mississippi River; on the Westbank, the neighborhood conservation district shall encompass the area generally bounded by Atlantic Blvd., Bodenger Blvd., the Orleans/Jefferson Parish line, and the Mississippi River, as well as all National Register Historic Districts that are on the National

13 Register of Historic Places, pursuant to 16 U.S.C. § 470 *et seq.* and other applicable  
14 laws. Any National Register Historic Districts created after the adoption of this  
15 ordinance shall be included within the boundaries as well.

16 (b) The purpose of the NCD shall be:

- 17 1. To attempt to preserve those buildings within the NCD having an historical or  
18 architectural value as defined by the Historic District Landmarks Commission  
19 or buildings that contribute to the overall character of the neighborhood.
- 20 2. To preserve and stabilize neighborhoods through the protection of those  
21 structures that represent the character and quality of the neighborhood.
- 22 3. To promote redevelopment that contributes to the historic character of the  
23 neighborhood.
- 24 4. To discourage underutilization of property in an urban environment.
- 25 5. To advise the City Council of New Orleans as it deems appropriate and  
26 necessary concerning issues related to the conservation of neighborhoods  
27 within the NCD.

28 **Sec. 26-4. Composition of the Neighborhood Conservation District Committee (NCDC).**

29 The NCDC shall be created within the Department of Safety and Permits. The Director of the  
30 Department of Safety and Permits shall cause coordination of demolition applications, clerical  
31 assistance, and public notification for the NCDC.

- 32 (a) The NCDC shall be composed of nine members, to serve nine (9) year terms and  
33 shall include five representatives from the community to be appointed by each of  
34 the district council members approved by the City Council, and one representative  
35 from each of the following city departments:

- 36 1) Office of Code Enforcement;
- 37 2) Historic District Landmarks Commission;
- 38 3) City Planning Commission; and
- 39 4) Department of Health

40 **Sec. 26-5. Organization of the NCDC; Officers; Rules.**

- 41 (a) The NCDC Chairperson shall be elected by the committee members every year  
42 and shall serve no greater than two consecutive years as the Chairperson.
- 43 (b) Five members present shall constitute a quorum.
- 44 (c) The NCDC shall adopt rules, policies, and procedures governing its officers and  
45 city staff advisors, the organization of the committee, and the transaction of its  
46 business as it deems necessary. Those rules, policies, and procedures and  
47 amendments thereto shall be effective upon ratification by City Council Motion  
48 and made available to the public upon request and shall be available on the City's  
49 website.
- 50 (d) In absence of any provision of the rules, policies, and procedures adopted by the  
51 NCDC to the contrary, the rules of procedure provided by Robert's Rules of Order  
52 shall govern NCDC hearings to the extent that such rules are not incompatible  
53 with Sec. 26-3 through 26-7.
- 54 (e) The NCDC hearings shall convene twice per month, unless the NCDC adopts  
55 rules to meet more or less frequently. NCDC hearings shall be held in the City  
56 Council Chambers and shall be recorded and televised.

57 (f) A current comprehensive index of all decisions made by the NCDC shall be  
58 maintained. A listing of the decisions shall be made available on the City’s  
59 website within (5) five business days after the hearing.

60 (g) NCDC hearings shall be open to the public and subject to all relevant state and  
61 municipal laws regulating the same.

62 (h) Minutes of the NCDC hearings shall be taken, recorded, and adopted by the  
63 NCDC at the subsequent hearing.

64 **Sec. 26-6. Notice.**

65 (a) Notice, as used in this Section, shall be the identification of all properties that are  
66 scheduled to be considered by the NCDC. Information that is required to be  
67 included on the notice shall be the date, time, and location of the hearing and the  
68 municipal addresses of all properties to be considered.

69 (b) For applications that are initiated by a City agency or government entity, no less  
70 than ten (10) ten business days prior to the first hearing, a letter shall be sent to  
71 the property owner via regular or certified mail to the last known address verified  
72 by the tax assessor records. This letter shall include the reason for the  
73 application; the date, time, and location of the NCDC hearing; the municipal  
74 address of the property to be considered for demolition; and contact information  
75 of the City agency or government entity that is initiating the demolition  
76 application. The Department of Safety and Permits is encouraged to include in  
77 this letter a listing of pro-bono, non-profit, and/or volunteer organizations that  
78 may be helpful to the property owners receiving the letter.

79 (c) Notice of the hearing shall be provided to all interested persons, organizations and  
80 neighborhood associations who have registered in writing with the Department of  
81 Safety and Permits via traditional or electronic request to receive regular notices  
82 of NCDC hearings. The Department of Safety and Permits shall provide notice  
83 electronically, by facsimile, or by regular mail no less than five (5) business days  
84 prior to the hearing.

85 (d) Notice shall be placed in the official journal and on the City's website not less  
86 than (5) five business days prior to the hearing. No items may be added to the  
87 agenda after notice has been issued in this manner.

88 (e) All agendas shall be publicly archived on the City's website.

89 (f) Notice shall also include a sign, no smaller than a standard sized paper (8 \_ x 11  
90 inches), shall be posted on the front of the building which is the subject of the  
91 demolition application to be considered by the NCDC. This notice shall be posted  
92 no less than five business days prior to the NCDC hearing at which the demolition  
93 application will be considered.

94 (g) Prior to consideration of a demolition application for any building, the NCDC  
95 shall obtain proof that such notices were properly provided.

96 **Sec. 26-7. Criteria; Procedure; Appeals.**

97 (a) Applications for demolition permits within the NCD shall be evaluated according  
98 to the following criteria:

99 1. The current condition of the structure as evidenced by photographs of no  
100 more than forty five (45) days old, provided to the NCDC members at the  
101 hearing;

- 102 2. The architectural significance of the subject structure;
- 103 3. The historical significance of the subject structure;
- 104 4. The urban design significance of the structure as it relates to:
- 105 i. Pedestrian perception and movement;
- 106 ii. Height, area and bulk of the structure and how it relates to the
- 107 street scene, traffic, and to other buildings in the vicinity;
- 108 5. The neighborhood context of the subject structure, including the condition
- 109 and architectural, historical and urban design significance of other
- 110 structures in the vicinity of the subject structure;
- 111 6. The overall effect on the block face;
- 112 7. The proposed length of time the subject site is anticipated to remain
- 113 undeveloped;
- 114 8. The proposed plan for redevelopment;
- 115 9. The stated position of adjacent neighbors, neighborhood associations, or
- 116 other interested organizations, either provided in writing in advance, or
- 117 during public comment at the hearing;
- 118 (b) The NCDC shall approve or deny the demolition application by a vote of
- 119 two-thirds of the members present. If the NCDC does not approve or deny the
- 120 application within thirty (30) days of the first hearing date set for the application,
- 121 it shall be considered denied.
- 122 (c) Demolition applications shall be approved by NCDC Resolution. Such
- 123 resolutions may contain conditions or provisos governing the redevelopment of
- 124 the property.

- 125 (d) Appeals.
- 126 1. After a denial by the NCDC, no new application for a demolition permit
- 127 may be filed for the same building within one (1) year of the original
- 128 application. The applicant may appeal a denial by the NCDC to the City
- 129 Council within ten (10) days of the action of the NCDC. Any aggrieved
- 130 party, including adjacent property owners, neighborhood associations, or
- 131 other interested organizations, may appeal the approval of a demolition
- 132 permit to the Civil District Court.
- 133 2. The City Council shall act upon the appeal by motion within sixty (60)
- 134 days of the filing of the appeal; however, failure of the City Council to act
- 135 on the appeal within this time frame shall be considered a denial.

136 **Sec. 26-8. Permits for demolitions.**

- 137 (a) Permits
- 138 1. All applications for the demolition of any structure located within the
- 139 NCD shall be reviewed subject to the exceptions listed in Section 26-8 (b).
- 140 2. Permits may be issued for approved demolitions only after the ten (10) day
- 141 appeal delay, as specified in Section 26-7 (d), has lapsed. A permit shall
- 142 not be issued if an appeal is pending.
- 143 3. The applicant shall obtain the demolition permit within one (1) year of the
- 144 submission of the demolition application to the NCDC. If the applicant
- 145 fails to do so, the application approval shall be deemed null and void.
- 146 (b) Exceptions from review:
- 147 1. Single story accessory structures that are not visible from the public

- 148 right-of-way and/or not used for residential or commercial space;
- 149 2. Partial demolition (defined as less than 50 percent of the floor area of the  
150 structure and not including the front façade);
- 151 3. Structures located within an HDLC jurisdiction;
- 152 4. Structures in the Central Business District which are under the demolition  
153 review procedures set forth in Section 26-2;
- 154 5. Structures that have been determined to be in imminent danger of collapse  
155 in accordance with Section 26-166.

156 (c) Any person who demolishes or commences demolition of a building or structure  
157 subject to Section 26-2 through 26-12 without all necessary and proper permits  
158 shall be subject to a penalty of 200% of all fees in addition to the required permit  
159 fee. Failure to obtain said permit shall result in a lien being filed according to La  
160 R.S. 13:2575 *et seq.*

161 **Sec. 26-9. Violations of conditions contained in the NCDC Resolution.**

162 The applicant shall obtain the necessary permits to meet conditions or provisos stated by  
163 the NCDC Resolution within eighteen (18) months from the date of the hearing. The  
164 Department of Safety and Permits shall not issue building permits that are inconsistent with the  
165 NCDC Resolution and shall have the ability to enforce the conditions or provisos stated therein.

166 **Sec. 26-10. Penalties.**

167 The Director of Safety and Permits shall prosecute any violations of Sections 26-2  
168 through 26-9 in accordance with the administrative adjudication procedures established in  
169 Chapter 6 of the Code of the City of New Orleans.

170 No building permits shall be issued unless and until all fees resulting from un-permitted  
171 demolition or commencement of demolition of any structure within the NCD have been paid.

172 \* \* \*

173 **Sec. 26-11. National Register Districts.**

174 \* \* \*

175 **Sec. 26-12. Approval of demolitions of public housing.**

176 \* \* \*”

**ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS** \_\_\_\_\_

\_\_\_\_\_  
**PRESIDENT OF COUNCIL**

**DELIVERED TO THE MAYOR ON** \_\_\_\_\_

**APPROVED:**  
**DISAPPROVED:** \_\_\_\_\_

\_\_\_\_\_  
**MAYOR**

**RETURNED BY THE MAYOR ON** \_\_\_\_\_ **AT** \_\_\_\_\_

\_\_\_\_\_  
**CLERK OF COUNCIL**

**ROLL CALL VOTE:**  
**YEAS:**

**NAYS:**

**ABSENT:**

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