Neighborhood Participation Program Requirements
Comparison with Other Cities

Introduction
At the request of the City Council Governmental Affairs Committee, Committee for a Better New Orleans (CBNO) worked with the City Planning Commission (CPC) to research Neighborhood Participation Program (NPP) requirements in other comparable cities. Based on the questions asked by the Governmental Affairs Committee members, CBNO and CPC staff determined which aspects of NPPs to research and which cities would be used as comparisons.

CBNO research the following NPP components:
- Notification requirements for land use applications (zone change, variance, conditional use/special use permit, and subdivisions)
- Application fees & who pays notification costs
- Timeline for land use applications & neighborhood meeting requirement's impact to the timeline
- How cities determine the validity of neighborhood associations
- Any exemptions from the NPP requirement based on size of property or lack of venue to hold meetings

CBNO used the following cities for comparison:
- Jefferson Parish, Louisiana
- Lafayette Parish, Louisiana
- Birmingham, Alabama
- Houston, Texas
- Atlanta, Georgia
- Jacksonville, Florida
- Shelby County, Tennessee (Memphis)

The next sections of this report summarize the findings based on the requirements in these other cities. All of the data for each city, as well as references, are found in the appendix of this report.
Notification Requirements
The most common notification requirements found in these other cities are similar to those proposed by the CPC: notice in the official journal, mailing to adjacent property owners, posting a sign on the property, and notice to neighborhood associations. Use of these notification requirements differ from city to city and even for different land use applications within the same city.

Notice in the official journal is required by every city. In Jacksonville the applicant is required to submit and pay for the official journal notice.

Mailing to adjacent property owners is required in every city. Some cities require certified mail for some of their land use applications (Jefferson Parish, Lafayette Parish, Birmingham, and Jacksonville). The mailing radius is different based on the city:
- Houston is 250 feet radius and 500 feet along abutting streets.
- Atlanta is 300 feet.
- Jacksonville is 350 feet.
- Memphis is at least 500 feet (can be more in some situations).
- Jefferson Parish ranges from only abutting property owners for zone change to 300 feet for Special Permitted uses.
- Lafayette is abutting and second abutting properties for zone change to 300 feet for Subdivision.
- Birmingham is abutting properties for subdivision and variance and 500 feet for a zone change.

Posting sign on the property is required in every city except for Birmingham.

Neighborhood association notice requirements change from city to city:
- No requirements for Jefferson Parish and Lafayette Parish
- Neighborhood association notice is required for Houston and Jacksonville
- Neighborhood meetings are required for Birmingham, Atlanta, and Memphis

Application Fees
The cost of a land use application differs greatly depending on the city and the land use type. Variances tend to be the least expensive, in the $100 to $500 range, but can be thousands of dollars in Jefferson Parish and Memphis depending on the size of the property and number of variances. Zone changes and subdivision are often the most expensive, especially for larger properties, but these applications could be as little as $200 (if less than one acre) in Jefferson
Parish or $500 in Lafayette Parish and Birmingham. The following table summarizes the various land use application fees for each city.

<table>
<thead>
<tr>
<th>City</th>
<th>Zone Change</th>
<th>Variance</th>
<th>Conditional or Special Use</th>
<th>Subdivision</th>
<th>Future Land Use Map Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jefferson Parish</td>
<td>$200 /acre ($5,000 max)</td>
<td>Residential</td>
<td>$200 /acre ($5,000 max)</td>
<td>$200 /acre ($5,000 max)</td>
<td>$150 (less than 2 acres) $500 (greater than 2 acres)</td>
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<tr>
<td>Lafayette Parish</td>
<td>$500</td>
<td>$200</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Birmingham</td>
<td>$500</td>
<td>Res $125</td>
<td></td>
<td>$100 + $5 per lot</td>
<td></td>
</tr>
<tr>
<td>Houston</td>
<td>N/A</td>
<td>30% of base subdivison fee</td>
<td>N/A</td>
<td>$475 or $738 plus $16.25 per lot</td>
<td>N/A</td>
</tr>
<tr>
<td>Atlanta</td>
<td>$500 to $6,000</td>
<td>Res $100</td>
<td>$400</td>
<td>$250 or $1,000 + $10 per lot</td>
<td></td>
</tr>
<tr>
<td>Jacksonville</td>
<td>$2,500 + $10 /acre - $15,000 max</td>
<td>$900 - $985</td>
<td>$900 - $985</td>
<td>$700 plus $27 per lot</td>
<td></td>
</tr>
<tr>
<td>Memphis</td>
<td>$500 + $50 /acre over 5 Res $750 + $75 Non-Res ($5,000 max)</td>
<td>Res $100 - $600 Non-Res $1,000 /variance</td>
<td>$500 + $50 /acre over 5 ($5,000 max)</td>
<td>$300 + $20 per lot ($5,000 max)</td>
<td></td>
</tr>
</tbody>
</table>

There are often additional fees, in addition to these base application costs, to cover notification and other costs. The most common additional fees that the applicant has to pay for are mail notifications. Memphis will pay for the mailings, but have applicants provide all of the mail labels. Jefferson Parish, Lafayette Parish, Houston, and Jacksonville all require the developer to pay for the mailings for most of their applications. All of these cities, except for Houston, require certified mail for some applications which costs $5-7 per notice. Some of the cities require the applicant to pay for the signs and/or notice in the official journal, but this is less common.
Application Timelines
The timelines for land use application tend to be similar across the different cities. Variance applications and some minor subdivision applications tend to have shorter timelines (1 – 3 months), if the application only require approve of a Board of Zoning Adjustments and not Council. Applications where City Council approval is required, such as zone changes and conditional/special use permits, tend to take 3 – 5 months and have a 120 or 150 day deadline for final action.

Neighborhood Meeting Requirements
Birmingham, Atlanta, and Memphis all require that developers meet with the neighborhood associations and/or adjacent residents. Birmingham requires that the developer come a neighborhood meeting. In Atlanta, the applicant is required to schedule a meeting with the Neighborhood Planning Unit, and depending on the NPU, they also might have to meet with the NPU’s Zoning Committee and/or the neighborhood association. In Memphis, it is the developer’s responsibility to schedule the meeting and invite the residents within 500 feet and neighborhood associations within 1,500 feet.

In all of these cities, the neighborhood notification does not need to take place until after the developer submits his or her application (the developer can meet prior to submitting the application). Then it is the responsibility of the developer and the neighborhood to meet before a deadline, which is usually a certain set of days before the Planning Commission or City Council meeting.

Neighborhood Association Validity
Three of the cities have certain community organizations that are designated to provide input on land use applications: Neighborhoods in Birmingham, Neighborhood Planning Units (NPUs) in Atlanta, and Citizen Planning Advisory Committees (CPACs) in Jacksonville. These organizations were either created or officially designated by the City, so their validity is established by the City. In addition to the NPUs and CPACs, there are neighborhood associations in Atlanta and Jacksonville. The neighborhoods can register to receive notice of and provide input on land use applications, but they do not have any official designation.

Birmingham has 99 official neighborhood designations that cover the entire city. All neighborhood recommendations are made based on a vote of the membership. When the neighborhoods vote on a recommendation, they are required to include information on the number of people who attended the meeting, number of votes in favor and against, and reasons for the vote. This provides verifiable information to City Council.
In Houston, Atlanta, Jacksonville, and Memphis, neighborhoods can register with the City to receive notification of land use applications. In each of these cities, the neighborhoods must fill out a form and also provide documentation (member/officer/board list, 501(c)3 designation, state nonprofit incorporation, bylaws, mission statement, and/or boundaries) to register with the City to receive land use notifications. Besides the documents required to register, these cities do not monitor or regulate the neighborhood associations.

**Exemptions from NPP Requirements**

In all of the cities that required neighborhood meeting or notice, CBNO did not find an exemptions based on the size of the project. Some types of land use applications did not require a neighborhood meeting (i.e. subdivision in Birmingham and variances in Memphis), but there were not any exemptions based on the project’s size.

Also, CBNO did not find any exemptions from the NPP based on a lack of a venue to hold a meeting with the neighborhoods and residents. In Birmingham and Atlanta, the developer comes to the regular neighborhood or NPU meetings, so the neighborhoods already have a venue for the meeting. In Memphis, it is the responsibility of the developer to schedule the meeting and invite the neighborhoods and adjacent residents. Developers are required to hold the meeting within a mile of site. The developer is required to find the meeting location, and there is no exemption from the meeting requirement for a lack of a venue.
Appendix

Public notice requirements

Jefferson Parish
All require notice and the official journal and a sign on the property
Zoning Change – Certified mailing to abutting property owners
Variance/BZA – Certified mailing to property owners within 100 feet
Special Permitted Use (Conditional Use) – Certified mailing to property owners within 300 feet
Subdivision – Certified mailing to property owners within 100 feet
Future Land Use Change (Master Plan Map) – Certified mailing to abutting property owners.

Lafayette Parish
All require notice in the official journal and a sign on the property
Zone Changes – Certified mailing to adjacent and second adjacent property owners (abutting property owners and all property owners that abut the adjacent property owners)
Variance – Regular mailing to property owner within 200 feet
Subdivision – Regular mailing to property owners within 300 feet – notification homeowners association if it is within 300 feet

Birmingham
Zoning Change – Notice in official journal – Mailing to property owners within 500 feet – Meeting with neighborhood organizations
Variance – Mailing to adjacent property owners – Notifies neighborhood organizations
Subdivision – Certified mail to adjacent property owners

Houston
Variance – Mail notice to 250 foot radius and properties within 500 feet along all abutting streets and alleys – notice to civic organizations – Sign on property – Notice in official journal
Subdivision (if public hearing is required) – Same mail notice for variance – Sign on property – Notice in official journal

Atlanta
Zoning Change – Notice in official journal – Post sign on the property – Mail notice to property owners within 300 feet – Contact Neighborhood Planning Unit
Variance – Notice in official journal – Post sign on property – Mail notice to property owners within 300 feet – Contact Neighborhood Planning Unit
Special Use Permit – Notice in official journal – Post sign on the property – Mail notice to property owners within 300 feet – Contact Neighborhood Planning Unit

**Jacksonville**
Rezoning - Signs posted on property (every 200 feet) – Contact neighborhood organizations within 350 feet – Certified mailing notices to property owners within 350 feet – Notice in official journal
Variance – Signs posted on property (every 200 feet) – Contact neighborhood organizations within 350 feet – Certified mailing notices to property owners within 350 feet – Notice in official journal

**Memphis**
*All require mail notice to property owners within 500 feet (or greater radius if less than 25 properties)*
Zoning Change – Sign posted on property – Notice to Neighborhoods within ¼ mile – Required to meet with neighborhood organizations – Notice in the official journal
Variance – Sign posted on property
Special Use Permit – Sign posted on property – Notice Neighborhoods with ¼ mile – Required to meet with neighborhood organizations – Notice in the official journal
Subdivision – Sign posted on property – Notice to Neighborhood within ¼ mile – Required to meet with neighborhood organizations – Only required to mail notice to adjacent property owners (not within 500 feet)

**Application costs**

**Jefferson Parish**
Zoning Text Change - $200
Zoning Map Change - $200 /acre not to exceed $5,000 plus certified mailing cost
BZA for Variances – Residential $100 per variance per lot up to $2,000 – Non-residential $150 per variance per lot up to $5,000 plus $20 per sign
Special Permitted Use (Conditional Use) - $200 per acre up to $5,000 plus certified mailing cost
Subdivision - $200 per acre not to exceed $5,000 plus certified mailing cost
Master Plan Map Change - $150 (less than 2 acres) or $500 (more than 2 acres) plus certified mailing cost
**Lafayette Parish**
Zone Text Change - $100\textsuperscript{18}
Zone Map Change - $500 plus certified mailing cost ($5.75 per notice)\textsuperscript{19}
Variance - $200 + $52 recording fee and regular mailing cost
Subdivision – Commercial/Apartment $1,000 + $12 per lot/unit – Residential $600 + $12 per lot/unit (includes the mailing fee but applicant supplies the labels)\textsuperscript{20}

**Birmingham**
Rezoning/Text Change - $500\textsuperscript{21}
Zoning Variance - $125 Residential, $300 Non-residential\textsuperscript{22}
Subdivision - $100 plus $5 per lot and $10 per acre dedicated not slated for residential use (does not cover legal notices, lot fees, recording fees, and reproductions)\textsuperscript{23}

**Houston**\textsuperscript{24}
*Houston does not have zoning, so there are no Rezoning or Conditional Use Applications*
Subdivision - $474.85 to $738.09 plus $16.25 per lot plus fee per acre of reserves plus mailing costs
Subdivision Variance – 30% of base subdivision fee

**Atlanta**
Rezoning Application – between $500 and $6,000 depending on the size of the property and the type of requested zoning (smaller and residential zoned properties are less expensive)\textsuperscript{25}
Variance - $100 for residential and $500-$625 for non-residential\textsuperscript{26}
Special Use Permits (Conditional Use) - $400\textsuperscript{27}
Subdivision – Either $250 (less than 10 acres) or $1,000 (greater than 10 acres) plus $10 per lot\textsuperscript{28}

**Jacksonville**
Rezoning - $2,500 plus $10 per acre up to a maximum of $15,000 plus certified mailing cost\textsuperscript{29}
Zoning Acceptation/Variance/Conditional Use - $900 - $985\textsuperscript{30}
Subdivision - $700 plus $27 per lot (paid both at preliminary and final plat)\textsuperscript{31}
*Certified mailing cost ($7 per mailing notice) and official journal notice paid by the applicant*

**Memphis**\textsuperscript{32 33}
Zone Change – Residential $500 plus $50 per acre over 5 acres for $5,000 maximum – Non-residential $750 plus $75 per acre over 5 acres for $5,000 maximum
Variance – $100 Single Family, $250 Two Family, $600 Apartments (plus $5 per unit), and $1,000 Non-residential (cost is per variance)
Special Use Permits - $500 plus $50 for each acre over 5 acres for a $5,000 maximum
Subdivision - $300 plus $20 per lot up to $5,000
*In addition to these cost, applicant are required to provide mailing labels*

**Timeline for land use application processes**

**Jefferson Parish**
Zoning Change – Maximum of 126 days
BZA Variance – Docketed within 60 days of application
Subdivision – Minor Subdivision about 3 weeks – Major Subdivision maximum of 126 days
Special Permitted Use Application (Conditional Use) – Maximum of 126 days
Future Land Use Change – Maximum of 126 days

**Lafayette Parish**
Zoning Change – Must submit application at least 40 days prior to monthly Zoning Commission meeting – requires Council vote one month later, so process can take a minimum of 70 days, but up to about 100 days
Variance – Submit application at least 24 days prior to monthly BZA meeting, so process can take between 24 to 55 days
Subdivision – 60 days for the Planning Commission to make a decision (decision can be appealed to Council, which adds another 45-60 days)

**Birmingham**
Zoning Change – process typically takes 10-12 weeks, maximum of 150 days
Variance – typically 2 weeks (not sure of the maximum timeline)
Subdivision – typically 2 weeks (not sure of the maximum timeline)

**Houston**
Subdivision (when a Public Hearing is required)/Variance – Public Hearing is scheduled within about 4 weeks, and then final decision is made within 30 days of the public hearing (maximum timeline of about 60-70 days)

**Atlanta**
Rezoning – 45 days to the zoning review board, then to City Council Zoning Committee and then to full City Council
Variance – typically 60 days between application submission and decision by BZA
Special Use Permit – 45 days to the zoning review board, then to City Council Zoning Committee and then to full City Council

**Jacksonville**
Zoning Change – 8 weeks to the Planning Commission, then the final decision is made by the City Council
Variance – 8 weeks (decision made at the public hearing of the planning Commission)

**Memphis**
Zoning Change – Land Use Control Board review within 35 to 75 days, then to Council for the final decision
Variance – Board of Adjustment hearing within 21 to 54 days and decision can be deferred for one meeting
Special Use Permit – Land Use Control Board review within 35 to 75 days, then to Council for the final decision
Major Subdivision – Land Use Control Board review within 35 to 75 days, then to Council for the final decision

**Residents/neighborhood association meeting impact on timeline**

**Jefferson Parish**
There is no requirement to meet with or contact neighborhood associations.

**Lafayette Parish**
There is no requirement to meet with or contact neighborhood associations.

**Birmingham**
Developer required make a presentation to the neighborhood associations. Birmingham used to require that the meeting take place prior to submitting the application. There were issues with neighborhoods not meeting, which delayed developments (there was no requirement that neighborhoods had to meet within a set amount of time after being contacted by the developer). Now the meeting is required before final decision by City Council, but most developers still go to neighborhoods before going to the Planning Commission.
Houston
There is no requirement to meet neighborhood group prior to development. Registered neighborhood groups are informed of variance requests.\textsuperscript{40}

Atlanta
The developer is required to contact the Neighborhood Planning Unit (NPU) within two days of submitting the application. It is up to the NPU contact person to determine if a meeting will take place with the NPU (and possibility the NPU Zoning Committee) and/or neighborhood organization(s). The meeting must be completed prior to the public hearing.

Jacksonville
The developer is not required to meet with any residents or organizations. It is sometimes suggested that the developer meet with residents and organizations on controversial developments. The City is required to notify neighborhood organizations, Citizens Planning Advisory Committees (CPACs), and “umbrella” organizations of all land use proposal within 350 feet of their boundaries. These organizations are required to register with the City. CPACs review and provide input to the City on the proposal, but the developer is not required to meet with the CPACs or neighborhoods. Many developers do chose to meet with the CPACs or neighborhoods prior to address issues prior to the public hearing.\textsuperscript{41}

Memphis
The developer is required to schedule a meeting and invite the neighborhood associations within 1,500 feet and cent property owners. The developer provides the meeting notice letters, stamps, and envelops for the Planning Department to mail out. The meeting should be held at or within a mile of the site. After the meeting, the developer submits a letter with proof of the meeting, notice, and meeting summary. The neighborhood can submit a Community Impact Statement (CIS) to the Land Use Control Board. This meeting must take place at least 10 days prior to the public hearing before the Land Use Control Board or the public hearing will be deferred. The Developer can hold the meeting prior to or after submitting their application.\textsuperscript{42}
City requirements for Neighborhood Association Validity (Bylaws, Membership list, etc)

Jefferson Parish
N/A

Lafayette Parish
N/A

Birmingham
The City of Birmingham has official neighborhood designations. There are 99 neighborhoods that cover the entire city. All neighborhood recommendations are made based on a vote of the entire membership at the meeting (the Board of the neighborhood associations does not vote instead of its members). When the neighborhoods vote on a recommendation to City Council, they are required to include information on the number of people who attended the meeting, votes in favor and votes against, and reasons for the vote. This provides verifiable information to City Council.43

Houston
Civic Associations need to register with the Planning and Development Department to get notification. They must provide 501(c)3, Bylaws, Meeting Minutes, or other documentation.44

Atlanta
The City has established Neighborhood Planning Units (NPUs) who provide input into land use decisions. The NPUs membership is open to anyone who resides in the area as well as businesses, organizations, and institutions in the NPU. Each NPU contains multiple neighborhood organizations. Neighborhood organizations are required to register with their NPU and Bureau of Planning. Neighborhood organization must fill out an application form and include a list of officers (or members if there is no officers), contact information, bylaws, a mission statement, and neighborhood boundaries (there are no overlapping boundaries). This form is submitted to the NPU and the Office of Planning.45 Citizen Land Use Advisory Board, which is made up of the NPU Chairs, provide advice on land use at a citywide scale.

Jacksonville
The City has established six Citizen Planning Advisory Committees (CPACs). The CPACs are government sponsored but run by neighborhood representatives, which establishes their validity. In addition, there are more than 600 neighborhood organizations in Jacksonville.46 The Mayor’s Office recognizes the neighborhood organization and then Planning Department will provide notification to these organizations. The neighborhoods are only required to fill out a
form and provide their boundary. Each neighborhood can request to send a representative to the CPAC, which reviews and provides input on land use applications. There is no requirement for developers to meet with the CPAC.

**Memphis**
Neighborhood associations register with the Office of Community Affairs. Neighborhoods must provide their boundary, Officers/Board of Directors, association name, and certify that they are incorporated nonprofit with the state in order to register. When the neighborhood is registered, they will be informed on all land use applications within a ¼ mile that require neighborhood notification.

**Exemptions to NPP requirement based on size of project**

**Jefferson Parish**
N/A

**Lafayette Parish**
N/A

**Birmingham**
There is no exemption based on the size of the project.

**Atlanta**
There is no exemption based on the size of the project.

**Jacksonville**
There is no exemption based on the size of the project.

**Memphis**
There is no exemption based on the size of the project.
Exemption to NPP requirements based on lack of venue to hold meeting

Jefferson Parish
N/A

Lafayette Parish
N/A

Birmingham
Developers are required to attend neighborhood association meetings, which occur once a month. Therefore, the neighborhoods already have a meeting place.

Atlanta
If a meeting with the Neighborhood Planning Unit (NPU) is required, it will be organized by the NPU.

Jacksonville
Developers are only required to notify residents and neighborhoods and are not required to hold a meeting.

Memphis
Developers are required to hold a meeting and invite neighborhoods and residents in or near the neighborhood. City does not provide any assistance in finding a meeting place. If the developer does not hold the meeting earlier than 10 days before the Land Use Control Board public hearing, then their application will be deferred.
Comparison of city size with planning dept. size/budget

With the City Council Budget Hearings approaching, CBNO wanted to do some comparisons of New Orleans City Planning Commission budget to other cities. While we were able to find budgets for every city/parish/county, it was difficult to find data that would make for a good comparison. The Louisiana jurisdictions were the only ones where the structure of the planning commission/department was comparable to New Orleans. In every other city/council, the planning office/section/division was part of a larger planning and development department (like combining CPC, Safety and Permits, and maybe HDLC). It is difficult to only break down the budget and staff to find something comparable to the function of New Orleans’ CPC. Here is the data that CBNO found.

<table>
<thead>
<tr>
<th>City</th>
<th>2011 Census Population</th>
<th>2012 Planning Dept Budget</th>
<th>Planning Staff (FTE)</th>
<th>Per capita Planning Budget</th>
<th>Population per Planner</th>
<th>Planning Fees go to...</th>
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</thead>
<tbody>
<tr>
<td>New Orleans</td>
<td>360,740</td>
<td>$1,781,439$^{49}</td>
<td>20.49$^{50}$</td>
<td>$4.94$</td>
<td>17,606</td>
<td>General Fund</td>
</tr>
<tr>
<td>Jefferson Parish</td>
<td>432,640</td>
<td>$1,817,474 + $213,983 = $2,031,457$^{51}</td>
<td>$22 + 2 = 24$^{52}</td>
<td>$4.70$</td>
<td>18,027</td>
<td>General Fund</td>
</tr>
<tr>
<td>Lafayette Parish</td>
<td>224,390</td>
<td>$1,206,376$^{53}</td>
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<td>$5.38$</td>
<td></td>
<td>Dept Budget</td>
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<tr>
<td>Birmingham</td>
<td>212,413</td>
<td>$11,872,440$^{54}</td>
<td>157$^{55}$</td>
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<td>General Fund</td>
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<tr>
<td>Houston</td>
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<td>75.5$^{57}$</td>
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<td></td>
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<td>Atlanta</td>
<td>432,427</td>
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<td>99.25$^{59}$</td>
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<td></td>
<td>Dept Budget?</td>
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<tr>
<td>Jacksonville</td>
<td>827,908</td>
<td>$5,465,093$^{60}</td>
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<td>General Fund</td>
</tr>
<tr>
<td>Shelby Co. (Memphis)</td>
<td>935,088</td>
<td>$990,096$^{61}</td>
<td>17$^{62}$</td>
<td></td>
<td></td>
<td>Dept Fund</td>
</tr>
</tbody>
</table>
Comparison Cities Contact Information

**Jefferson Parish** – Planning Department – (504) 736-6320 - JPPlanning@jeffparish.net - http://www.jeffparish.net/index.aspx?page=651 – Katrina Van Every, KVanEvery@jeffparish.net


**Houston** – Planning and Development Department – (713) 837-7701 – pd.planning@houstontx.gov - http://www.houstontx.gov/planning/ - Marlon Connley, (713) 837-7938, Marlon.Connley@houstontx.gov


**Shelby County (Memphis)** – Division of Planning and Development – (901) 576-6619 - http://shelbycountytn.gov/index.aspx?NID=18 – Chip Saliba, chip.saliba@memphistn.gov
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