

**ORDINANCE
(AS AMENDED)
CITY OF NEW ORLEANS**

**CITY HALL: January 20, 2022
CALENDAR NO. 33,605**

NO. 28944 MAYOR COUNCIL SERIES

BY: COUNCILMEMBER HARRIS

AN ORDINANCE to establish a conditional use to permit a commercial use over 5,000 sq. ft. in an HU-MU Historic Urban Mixed-Use District, located on Square 584, portion of Lot 1A (proposed Lot 1A-2), in the Sixth Municipal District, bounded by La Salle Street, Freret Street, Jena Street, and Napoleon Avenue (Municipal Addresses: 4423-4433 La Salle Street); and otherwise to provide with respect thereto.

WHEREAS, Zoning Docket Number 89/21 was initiated by Landis Construction Co., LLC and referred to the City Planning Commission; and

WHEREAS, the City Planning Commission held a public hearing on this zoning petition and recommended approval of a conditional use in its report to the City Council dated November 29, 2021, presented in **Zoning Docket Number 89/21**; and

WHEREAS, the recommendation of the City Planning Commission was upheld and the changes were deemed necessary and in the best interest of the City of New Orleans and were granted approval, subject to eight (8) provisos as stated in Motion Number M-22-23 of the Council of the City of New Orleans on January 6, 2022.

1 **SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY**
2 **ORDAINS,** That a conditional use to permit a commercial use over 5,000 sq. ft. in an HU-MU Historic
3 Urban Mixed-Use District, located on Square 584, portion of Lot 1A (proposed Lot 1A-2), in the Sixth
4 Municipal District, bounded by La Salle Street, Freret Street, Jena Street, and Napoleon Avenue

5 (Municipal Addresses: 4423-4433 La Salle Street); is hereby authorized and approved, subject to the
6 following waiver and provisos, as specifically set forth herein:

7 **WAIVER:**

8 The developer shall be granted a waiver of the applicable requirements including but not limited to
9 22.8.B.2 to permit parking within five (5) feet of the property line.

10 **PROVISOS:**

11 No person shall use any of the properties described herein or permit another to use any of those
12 properties described herein for the use authorized by this ordinance, unless the following requirements
13 are met and continue to be met:

- 14 1. In accordance with **Article 23, Section 23.3.B** and **Section 23.4**, the developer shall submit an
15 updated detailed landscape plan prepared by a licensed Louisiana landscape architect, subject
16 to review and approval of the City Planning Commission staff, indicating the following:
 - 17 a. The genus, species, size, location, quantity, and irrigation of all proposed plant
18 materials within both the site and the street right-of-way adjacent to the site, with
19 applicable remarks and details.
 - 20 b. Compliance with all applicable landscape regulations in **Article 23** and elsewhere in
21 the Comprehensive Zoning Ordinance including parking lot landscaping in **Article 23,**
22 **Section 23.7** and building foundation landscaping in **Article 23, Section 23.6.**
 - 23 c. Although planting of trees in the parkway is not required in a HU-MU District, the
24 developers are proposing to plant sweetbay magnolias in the public right-of-way which
25 will be subject to the approval of the Department of Parks and Parkways.
- 26 2. The plans submitted to the City Planning Commission for final approval shall indicate the type,
27 locations, and height of any and all exterior lighting. Any proposed exterior lighting shall
28 comply with standards of **Article 21, Section 21.5** of the Comprehensive Zoning Ordinance.

- 29 3. The developer shall submit signage plans to the Department of Safety and Permits for final
30 approval that shall indicate the type, location, size, and materials of all signage. All signage
31 shall conform to the requirements of **Article 24** of the Comprehensive Zoning Ordinance,
32 subject to the review and approval of Department of Safety and Permits.
- 33 4. In accordance with **Article 23, Section 23.13.A** of the Comprehensive Zoning Ordinance, the
34 plans submitted to the City Planning Commission for final approval shall indicate the location of the
35 trash receptacle which may be within an enclosed structure or screened by a seven foot (7') opaque
36 fence with latching gates. At no time, excepting trash collection days, shall trash be stored as to be
37 visible from the public rights-of-way.
- 38 5. The Department of Safety and Permits shall issue no Certificate of Occupancy or licenses
39 specifically related to the proposed commercial use that is to be over 5,000 sq. ft. in floor area
40 until final development plans are approved by the City Planning Commission and recorded
41 with the Office of Conveyances. Failure to complete the conditional use process by properly
42 recording plans within one year or failure to request an administrative extension as provided
43 for in **Article 4, Section 4.3.H.2** of the Comprehensive Zoning Ordinance will void the
44 conditional use.
- 45 6. The plans submitted to the City Planning Commission for final approval shall indicate the
46 installation of at least 2 short-term bicycle parking spaces, as set forth in **Article 22, Section**
47 **22.6 (Table 22-1)** of the Comprehensive Zoning Ordinance. The design of bicycle parking
48 spaces shall comply with the requirements as set forth in **Article 22, Section 22.9** of the
49 Comprehensive Zoning Ordinance. When submitting plans to the City Planning Commission
50 for final approval, the developer shall provide documentation of all required approvals by the
51 Department of Public Works for any bicycle spaces located in the public right-of-way.
- 52 7. The developer shall secure the approval of the Department of Public Works for any
53 improvements to the adjacent public right-of-way, including sidewalks, curbing, and curb cuts,

54 and any other modifications to the surrounding public rights-of-way. When submitting plans
55 to the City Planning Commission for final approval, the developer shall provide documentation
56 of all required approvals by the Department of Public Works.

1 **SECTION 2.** Whoever does anything prohibited by this Ordinance or fails to do anything
2 required to be done by this Ordinance shall be guilty of a misdemeanor and upon conviction shall be
3 subject to a fine or to imprisonment or both, such fine and/or imprisonment set by Section 1-13 of the
4 Code of the City of New Orleans, or shall alternatively be subject to whatever civil liabilities, penalties
5 or remedies the law may prescribe. Conviction shall be cause for the immediate cancellation of the Use
6 and Occupancy Permit of the premises.

1 **SECTION 3.** This ordinance shall have the legal force and effect of authorizing this
2 conditional use only after all the provisos listed in Section 1 of this Ordinance which impose a one-
3 time obligation have been completely fulfilled and complied with, and only after all the provisos listed
4 in Section 1 which impose a continuing or on-going obligation shall have begun to be fulfilled, as
5 evidenced by the Planning Commission's approval of a final site plan, which shall be submitted within
6 one (1) year of adoption of the conditional use ordinance by the City Council. The Executive Director
7 of the City Planning Commission shall verify that the development plan incorporates all conditions set
8 forth in the ordinance authorizing the conditional use, and shall sign the plan to indicates final plan
9 approval. The final approved plan shall be recorded in the Office of the Clerk of Civil District Court
10 for the Parish of Orleans within thirty (30) days of the date of final approval, with evidence of such
11 recordation being submitted to the City Planning Commission. No use or occupancy certificates or
12 permits (other than the building permits needed to fulfill the provisos) shall be issued until all the
13 provisos which impose a one-time obligation have been completely fulfilled and complied with, and
14 only after all the provisos listed in Section 1 which impose a continuing or ongoing obligation shall
15 have begun to be fulfilled, as evidenced by the Planning Commission's approval of a final site plan
16 (which shall be incorporated into this ordinance by reference) and its subsequent recordation. If the

17 development plan is not approved and recorded within the timeframes provided herein, this ordinance
18 shall be null and void with no legal force or binding effect. Furthermore, if the development or
19 construction of the conditional use authorized herein is not commenced within three (3) years from the
20 date this ordinance becomes law, as contemplated by Section 3-113 of the Home Rule Charter of the
21 City of New Orleans, the provisions of this Ordinance shall be null and void with no legal force or
22 binding effect.

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS FEBRUARY 17, 2022

**HELENA MORENO
PRESIDENT OF THE COUNCIL**

DELIVERED TO THE MAYOR ON FEBRUARY 18, 2022

**APPROVED:
~~DISAPPROVED:~~ FEBRUARY 23, 2022**

**LATOYA CANTRELL
MAYOR**

RETURNED BY THE MAYOR ON FEBRUARY 24, 2022 AT 11:10 A.M.

**LORA W. JOHNSON
CLERK OF COUNCIL**

ROLL CALL VOTE:

YEAS: Giarrusso, Green, Harris, King, Moreno, Morrell, Thomas - 7

NAYS: 0

ABSENT: 0

RECUSED: 0

THE FOREGOING IS CERTIFIED
TO BE A TRUE AND CORRECT COPY
Lora W. Johnson
CLERK OF COUNCIL

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