

ORDINANCE

CITY OF NEW ORLEANS

CITY HALL: February 27, 2025

NO. 30260 MAYOR COUNCIL SERIES

CALENDAR NO. 34,994

BY: COUNCILMEMBER HARRIS

AN ORDINANCE to establish a conditional use to permit a neighborhood commercial establishment in an HU-RD2 Historic Urban Two-Family Residential District, on Square 56, Lot F or portions of Lots 18 and 19, in the Fourth Municipal District, bounded by Eighth Street, Saint Thomas Street, Chippewa Street, and Seventh Street (Municipal Addresses: 601-605 Eighth Street); and otherwise to provide with respect thereto.

WHEREAS, Zoning Docket Number 101/24 was initiated by KCT St. Thomas, 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 January 3, 2025, presented in **Zoning Docket Number 101/24**; and

WHEREAS, the changes were deemed necessary and in the best interest of the City of New Orleans and were granted approval, subject to three (3) provisos as stated in Motion Number M-25-37 of the Council of the City of New Orleans on January 30, 2025.

SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS,

That a conditional use to permit a neighborhood commercial establishment in an HU-RD2 Historic Urban Two-Family Residential District, on Square 56, Lot F or portions of Lots 18 and 19, in the Fourth Municipal District, bounded by Eighth Street, Saint Thomas Street, Chippewa Street, and Seventh Street (Municipal Addresses: 601-605 Eighth Street); is hereby authorized and approved, subject to the following provisos, as specifically set forth herein:

7 **PROVISOS:**

- 8 1. The conditional use approval applies only to two ground-floor commercial spaces shown in the
9 submitted plans.
- 10 2. The developer shall comply with the applicable standards of **Article 20, Section 20.3.NN:**
 - 11 a. The existing structure is non-residential in its construction and original use.
 - 12 b. The existing structure and the proposed use shall be pedestrian-oriented in design,
13 including public entrances oriented to the street and storefront windows along the first
14 floor.
 - 15 c. Neighborhood commercial establishments are limited to the first floor of the structure
16 and three-thousand (3,000) square feet in gross floor area.
 - 17 d. The following uses are permitted within a neighborhood commercial establishment:
 - 18 i. Art Gallery
 - 19 ii. Arts Studio
 - 20 iii. Day Care Center, Adult or Child
 - 21 iv. Office
 - 22 v. Personal Services Establishment
 - 23 vi. Restaurant, Specialty
 - 24 vii. Retail Goods Establishment
 - 25 e. The structure is limited to the existing building footprint. No increase in building
26 footprint or intensity of use is permitted.
 - 27 f. The principal entrance shall be a direct entry from the street the property abuts.
 - 28 g. No off-street parking is required.
 - 29 h. Drive-through facilities are prohibited.
 - 30 i. Outside storage or display is prohibited. All business, servicing, processing, and storage
31 operations shall be located within the structure.

j. Any signs are subject to the requirements of the HU-B1A District.

k. Hours of operation are limited to 6am through 10pm.

3. The Department of Safety and Permits shall issue no building permits or licenses for this project until final development plans are approved by the City Planning Commission and recorded with the Office of Conveyances. Failure to complete the conditional use process by properly recording plans within one year or failure to request an administrative extension as provided for in Article 4, Section 4.3.H.2 of the Comprehensive Zoning Ordinance will void the conditional use.

SECTION 2. Whoever does anything prohibited by this Ordinance or fails to do anything required to be done by this Ordinance shall be guilty of a misdemeanor. Upon conviction of such a misdemeanor, the individual shall be subject to a fine, imprisonment, or both, in accordance with Section 1-13 of the Code of the City of New Orleans. Such a conviction shall be cause for immediate cancellation of the Use and Occupancy Permit for the premises. Alternatively, the individual shall be subject to whatever civil liabilities, penalties, or remedies the law prescribes.

SECTION 3. This Ordinance shall have the legal force and effect of authorizing this conditional use after: (1) all proviso(s) listed in Section 1, which impose a one-time obligation have been completely fulfilled and complied with; and (2) all proviso(s) listed in Section 1, which impose a continuing or ongoing obligation have begun to be fulfilled. Fulfilment of a continuing or ongoing obligation is based on the City Planning Commission's approval of the final site plan, which shall be submitted within one year of adoption of this Ordinance by the City Council, unless extended as authorized by the Comprehensive Zoning Ordinance. The Executive Director of the City Planning Commission shall verify that the development plan incorporate all conditions set forth in this Ordinance and shall sign the plan to indicate final plan approval. The final approved plan shall be recorded in the Office of the Clerk of Civil District Court for the Parish of Orleans, within 30 days of the date of final approval, and evidence of such recordation shall be submitted to the City Planning Commission. No use or occupancy

12 certificates or permits, other than the building permits needed to fulfill the proviso(s), shall be issued
13 until the final approved plan is recorded and evidence of recordation is submitted to the City Planning
14 Commission. If the development plan is not approved and recorded, within the timeframes provided in
15 the Comprehensive Zoning Ordinance, then this Ordinance shall be null and void with no legal force or
16 binding effect. Furthermore, if the requirements of Section 4.3.H.1 of the Comprehensive Zoning
17 Ordinance are not satisfied within the timeframe allotted by Sections 4.3.H.1 and 4.3.H.2 of the
18 Comprehensive Zoning Ordinance, the conditional use will expire, and this Ordinance will be null and
19 void.

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS MAR 27 2025

JP Morrell

PRESIDENT OF THE COUNCIL

DELIVERED TO THE MAYOR ON MAR 31 2025

APPROVED:

APR 07 2025

LATOYA CANTRELL

MAYOR

RETURNED BY THE MAYOR ON APR 08 2025 AT -10:50 AM

Aisha R. Collier

ASSISTANT CLERK OF COUNCIL

ROLL CALL VOTE:

YEAS: Giarrusso, Green, Harris, King, Moreno, Morrell - 6

NAYS: 0

ABSENT: Thomas - 1

RECUSED: 0

THE FOREGOING IS CERTIFIED
TO BE A TRUE AND CORRECT COPY

Aisha Collier

ASSISTANT CLERK OF COUNCIL

MOTION

NO. M-25-37

CITY HALL: January 30, 2025

BY: COUNCILMEMBER HARRIS

SECONDED BY: COUNCILMEMBER GIARRUSSO

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and recommendation for approval, subject to three provisos, by the City Planning Commission on **ZONING DOCKET 101/24** initiated by **KCT St Thomas, LLC**, requesting a conditional use to permit a neighborhood commercial establishment in an **HU-RD2 Historic Urban Two-Family Residential District** on **Square 56, Lot F** or portions of **Lots 18 and 19**, in the **Fourth Municipal District**, bounded by **Eighth Street, Saint Thomas Street, Chippewa Street, and Seventh Street** (Municipal Address: **601-605 Eighth Street**), is hereby **APPROVED**.

BE IT FURTHER MOVED, That the Clerk of Council shall forward copies of this motion and the report of the City Planning Commission to the Law Department for preparation of an ordinance to effectuate this request.

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

YEAS: Giarrusso, Green, Harris, King, Moreno - 5

NAYS: 0

ABSENT: Morrell, Thomas - 2

AND THE MOTION WAS ADOPTED.

**THE FOREGOING IS CERTIFIED
TO BE A TRUE AND CORRECT COPY**



ASSISTANT CLERK OF COUNCIL