

ARTICLE 9 HISTORIC MARIGNY/TREMÉ DISTRICTS

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9.1.1. Purpose of the District.

The purpose of this district is to protect existing residential development and to maintain a desirable character of such development within the historic Marigny/Tremé area. Incompatible uses should be excluded from this residential district. Rehabilitation and renovation, particularly of historically significant buildings, as well as good maintenance should be encouraged.

9.1.2. Uses Authorized in the District.

Only those uses of land listed under permitted use, accessory use or conditional use provisions of this section are authorized within this zoning district. Supplementary use standards, which are set forth in Article 11, apply to any permitted, accessory or conditional use designated with an asterisk (*) in the use lists appearing in this section.

9.1.3. Permitted Uses.

The following uses of land are authorized as permitted uses in the HMR-1 Historic Marigny/Tremé Residential District, except that timeshare buildings, transient vacation rentals and pawnshops are prohibited:

1. Any permitted use in the VCR-1 District, and, with respect to electric utility distribution facilities, meters and service lines, any use permitted in the RS-1 District.
2. Small group homes.* (See Section 11.22)
3. Bed and breakfast family home.* (See Section 11.6)
4. Bed and breakfast guest home.* (See Section 11.7)
5. Bed and breakfast historic home.* (See Section 11.8)
6. Bed and breakfast inn.* (See Section 11.9)
7. Personal wireless communication facilities consisting of mast-mounted and facade-mounted installations.* (See Section 11.55)

(Ord. 18,384 1 (part), adopted 8/21/97)

9.1.4. Accessory Uses.

Any accessory use authorized in the VCR-1 Vieux Carré Residential District is authorized as an accessory use in the HMR-1 Historic Marigny/Tremé Residential District.

9.1.5. Permitted Signs.

Subject to the general sign regulations of Article 12, permitted accessory signs are the same as those permitted in the VCR-1 District.

9.1.6. Height, Area and Yard Requirements.

Minimum requirements for lot area, yards and maximum height in the HMR-1 District are contained in Table 9.A. These standards apply to all permitted and accessory uses, unless a variance is granted by the Board of Zoning Adjustments under Section 14.6, and to all conditional uses unless modified by the City Council in conjunction with approval of a conditional use permit under Section 16.6.

**Table 9.A
Area Regulations for the HMR-1 District**

Requirements	Standards: Type of Development: One-Family Units	Standards: Type of Development: Two-Family Units	Standards: Type of Development: Three-or- More-Family Units

Minimum lot area per dwelling unit	1,500 sq. ft.	1,200 sq. ft.	900 sq. ft.
Minimum lot width	25 ft.	25 ft.	30 ft.
Minimum lot depth	none	90 ft.	90 ft.
Maximum height from grade	40 ft.	40 ft.	40 ft.
Minimum yard requirements	none	none	none
Maximum Floor Area Ratio	1.3	1.3	1.3
Minimum Open Space Ratio (Percentage of lot area)	30%	30%	30%

9.2.1. Purpose of the District.

The purpose of this district is to protect existing residential development and to maintain a desirable character of such development within the historic Marigny/Tremé area. Incompatible uses should be excluded from this residential district. Rehabilitation and renovation, particularly of historically or architecturally significant buildings and good maintenance should be encouraged. Smaller lot areas and higher floor-to-area ratios are permitted in the HMR-2 Historic Marigny/Tremé Residential District than those allowed in the HMR-1 Historic Marigny/Tremé Residential District.

9.2.2. Uses Authorized in the District.

Only those uses of land listed under permitted use, accessory use or conditional use provisions of this section are authorized within this zoning district. Supplementary use standards, which are set forth in Article 11, apply to any permitted, accessory or conditional use designated with an asterisk (*) in the use lists appearing in this section.

9.2.3. Permitted Uses.

Any permitted use authorized in the HMR-1 Historic Marigny/Tremé Residential District is authorized as a permitted use in the HMR-2 Historic Marigny/Tremé Residential District.

9.2.4. Accessory Uses.

Any accessory use of land authorized in the HMR-1 Historic Marigny/Tremé Residential District is authorized as an accessory use in the HMR-2 Historic Marigny/Tremé Residential District.

9.2.5. Permitted Signs.

Subject to the general sign regulations of Article 12, permitted accessory signs are the same as those permitted in the HMR-1 Historic Marigny/Tremé Residential District.

9.2.6. Height, Area and Yard Requirements.

Minimum requirements for lot area, yards and maximum height in the HMR-2 District are contained in Table 9.B. These standards apply to all permitted and accessory uses, unless a variance is granted by the Board of Zoning Adjustments under Section 14.6, and to all conditional uses unless modified by the City Council in conjunction with approval of a conditional use permit under Section 16.6.

**Table 9.B
Area Regulations for the HMR-2 District**

Requirements	Standards: Type of Development: One-Family	Standards: Type of Development: Two-Family	Standards: Type of Development: Three-or-	Standards: Type of Development: Four-or-More-
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	Units	Units	More-Family Units	Family Units
Minimum lot area per dwelling unit	1,500 sq. ft.	1,000 sq. ft.	800 sq. ft.	600 sq. ft.
Minimum lot width	25 ft.	25 ft.	30 ft.	30 ft.
Minimum lot depth	none	90 ft.	90 ft.	90 ft.
Maximum height from grade	50 ft.	50 ft.	50 ft.	50 ft.
Minimum yard requirements	none	none	none	none
Maximum Floor Area Ratio	2.0	2.0	2.0	2.0
Minimum Open Space Ratio (Percentage of lot area)	30%	30%	30%	30%

9.3.1. Purpose of the District.

The purpose of this district is to provide for single-family dwellings and two-family dwellings and to protect the existing residential development and to maintain the desirable character of such development within the historic Marigny/Tremé area. Incompatible uses should be excluded from this residential district. Rehabilitation and renovation, particularly of historically significant buildings, as well as good maintenance should be encouraged.

9.3.2. Uses Authorized in the District.

Only those uses of land listed under permitted use, accessory use or conditional use provisions of this section are authorized within this zoning district. Supplementary use standards, which are set forth in Article 11, apply to any permitted, accessory or conditional use designated with an asterisk (*) in the use lists appearing in this section.

9.3.3. Permitted Uses.

Any permitted use authorized in the HMR-1 Historic Marigny/Tremé Residential District is authorized as a permitted use in the HMR-3 Historic Marigny/Tremé Residential District.

9.3.4. Accessory Uses.

Any accessory use authorized in the HMR-1 Historic Marigny/Tremé Residential District is authorized as an accessory use in the HMR-3 Historic Marigny/Tremé Residential District.

9.3.5. Conditional Uses.

The following uses of land are authorized as conditional uses within the HMR-3 Historic Marigny/Tremé Residential District upon approval of a conditional use permit under the standards and procedures contained in Section 16.6 of these zoning regulations:

1. Three-family dwellings.
2. Four-family dwellings.

9.3.6. Permitted Signs.

Subject to the general sign regulations of Article 12, permitted accessory signs are the same as those permitted in the HMR-1 Historic Marigny/Tremé Residential District.

9.3.7. Height, Area and Yard Requirements.

Minimum requirements for lot area, yards and maximum height in the HMR-3 District are contained in Table 9.C. These standards apply to all permitted and accessory uses, unless a variance is granted by the Board of Zoning Adjustments under Section 14.6, and to all conditional uses unless modified by the City Council in conjunction with approval of a conditional use permit under Section 16.6.

Table 9.C
Area Regulations for the HMR-3 District

Requirements	Standards: Type of Development: One-Family Units	Standards: Type of Development: Two-Family Units	Standards: Type of Development: Three-or- Four-Family Units¹
Minimum lot area per dwelling unit	2,000 sq. ft.	1,250 sq. ft.	800 sq. ft.
Minimum lot width	25 ft.	30 ft.	30 ft.
Minimum lot depth	90 ft.	90 ft.	90 ft.
Maximum height from grade	40 ft.	40 ft.	40 ft.
Minimum front yard	none	none	none
Minimum side yard	3 ft.	3 ft.	3 ft.
Minimum rear yard	20 ft.	20 ft.	20 ft.
Maximum Floor Area Ratio	1.2	1.2	1.2
Minimum Open Space Ratio (Percentage of lot area)	30% ²	30% ²	30% ²

Table 9.C Notes:

1 Three- and four-family units are conditional uses in the HMR-3 District.

2 Minimum Open Space Ratio is twenty (20) percent of lot area for corner lots.

9.4.1. Purpose of the District.

The purpose of this district is to provide for restricted retail stores and service establishments that will attract tourists and local residents without adversely affecting either the character of the historic Marigny/Tremé area or nearby residences.

9.4.2. Uses Authorized in the District.

Only those uses of land listed under permitted use, accessory use or conditional use provisions of this section are authorized within this zoning district. Supplementary use standards, which are set forth in Article 11, apply to any permitted, accessory or conditional use designated with an asterisk (*) in the use lists appearing in this section.

9.4.3. Permitted Uses.

The following uses of land are authorized as permitted uses in the HMC-1 Historic Marigny/Tremé Commercial District subject to the performance standards in Section 7.5:

1. Any use authorized in the HMR-1 District.
2. Bakeries, retail and wholesale.
3. Seafood establishments, retail and wholesale.

4. Private clubs, lodges.
5. Retail shops, except package liquor stores and pawnshops, with a floor area not to exceed 2,000 square feet.
6. Barbershops, beauty parlors and similar personal service shops.
7. Dressmaking and tailoring businesses.
8. Professional offices.
9. Dry cleaning shops and laundromats.
10. Studios for artists and photographers.
11. Repair shops not to exceed 2,000 square feet in floor area but not automobile, truck and boat repair shops.
12. Restaurants (but not drive-in restaurants)* (See Section 11.51).
13. Printing establishments occupying a floor area of not more than 3,500 square feet.
14. Ice cream/yogurt shop (with no drive-through service).

(Ord. 20,271 § 1 (part), adopted 8/02/01; Ord. 19,722 § 1, adopted 7/6/00)

9.4.4. Accessory Uses.

The following uses of land are authorized as accessory uses within the HMC-1 Historic Marigny/Tremé Commercial District:

1. Any accessory use authorized in the HMR-1 District.
2. Storage in connection with a permitted use, which is incidental to the approved occupancy of the building, provided all products and materials used or stored shall be in a completely enclosed building or enclosed by a masonry wall screening fence, or hedge, not less than six (6) feet in height. Storage of all materials and equipment shall not exceed the height of the building and shall not be conducted in required open space.
3. Package liquor sales in retail stores, shops, drugstores with pharmacies and in grocery stores occupying more than 5,000 square feet of floor area, where the wholesale cost of the package liquor does not exceed fifteen (15) percent of the wholesale cost of other merchandise stocked and displayed; and where the package liquor display constitutes not more than ten (10) percent of all display area; and where package liquor is not advertised outside or off their premises.

For the purpose of this regulation, a grocery store is defined as a retail facility which offers for sale staple foodstuffs, household supplies, fresh meat with a meat cutter (butcher), produce and dairy products.

9.4.4a. Conditional Uses.

1. Cocktail lounges.
2. Restaurants with bar areas that do not meet the requirements of Section 11.51.2, Holding Bar.

(Ord. 19,722 § 2, adopted 7/6/00)

9.4.5. Permitted Signs.

Subject to the general sign regulations of Article 12, permitted accessory signs are the same as those permitted in the VCC-1 Vieux Carré Commercial District.

9.4.6. Height, Area and Yard Requirements.

Minimum requirements for lot area, yards and maximum height in the HMC-1 District are contained in Table 9.D. These standards apply to all permitted and accessory uses, unless a variance is granted by the Board of Zoning Adjustments under Section 14.6, and to all conditional uses unless modified by the City Council in conjunction with approval of a conditional use permit under Section 16.6.

**Table 9.D
Area Regulations for the HMC-1 District**

Requirements	Standards
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Maximum height from grade	40 ft.
Minimum yard requirements	none
Maximum Floor Area Ratio	1.3
Minimum Open Space Ratio (Percentage of lot area)	20% ^{1,2}
Minimum lot area per dwelling unit:	
One-family units	1,500 sq. ft.
Two-family units	1,200 sq. ft.
Three-or-more-family units	900 sq. ft.

Table 9.D Notes:

1 The open space requirement may be waived or reduced if the site plan for a large scale development considers the use of garage roofs for pedestrian or landscaped areas, terraces, pools, fountains, open stairways, planting beds, all of which may not necessarily be at grade level, and which must remain “open to the sky,” as part of the aggregate open space requirement.

2 For residential or mixed use developments containing a residential component, minimum open space regulations of the HMR-1 District will be required.

Section 9.5. HMC-2 Historic Marigny/Tremé Commercial District.

9.5.1. Purpose of the District.

The purpose of this district is to permit more intensive commercial uses than the HMC-1 District, yet protect the historic character of the Marigny/Tremé area. The district includes the peripheral properties in Marigny/Tremé which front on major traffic arteries and can provide access for more intense commercial uses.

9.5.2. Uses Authorized in the District.

Only those uses of land listed under permitted use, accessory use or conditional use provisions of this section are authorized within this zoning district. Supplementary use standards, which are set forth in Article 11, apply to any permitted, accessory or conditional use designated with an asterisk (*) in the use lists appearing in this section.

9.5.3. Permitted Uses.

The following uses of land are authorized as permitted uses in the HMC-2 Historic Marigny/Tremé Commercial District subject to the performance standards in Section 7.5:

1. Any permitted use in the HMC-1 Historic Marigny/Tremé Commercial District, provided that any floor area restrictions established in the HMC-1 District shall not apply.
2. Theatres.
3. Clinics.
4. Hotels, motels and apartment hotels.
5. Parking garages.
6. Funeral homes in existing buildings with a total square footage of 10,000 sq. ft. or less.
7. Ice cream/yogurt shop (with no drive-through service).

(Ord. 20,271 § 1 (part), adopted 8/02/01; Ord. 19,815 § 1 (part), adopted 9/7/00)

9.5.4. Accessory Uses.

Any accessory use authorized in the HMC-1 Historic Marigny/Tremé Commercial District is authorized as an accessory use in the HMC-2 Historic Marigny/Tremé Commercial District.

9.5.5. Conditional Uses.

The following uses of land are authorized as conditional uses within the HMC-2 Historic Marigny/Tremé Commercial District upon approval of a conditional use permit under the standards and procedures contained in Section 16.6 of these zoning regulations:

1. Any permitted uses in the HMC-2 Historic Marigny/Tremé Commercial District occupying more than 10,000 square feet of floor area.
2. Leased bingo hall facilities.* (See Section 11.10)
3. Green markets.* (See Section 11.52)
4. Cocktail lounges.
5. Restaurants with bar areas that do not meet the requirements of Section 11.51.2, Holding Bar.

(Ord. 19,815 § 1(part), adopted 9/7/00; Ord. 19,722 § 3, adopted 7/6/00; Ord. 18,177 § 5, adopted 4/3/97)

9.5.6. Permitted Signs.

Subject to the general sign regulations of Article 12, permitted accessory signs are the same as those permitted in the HMC-1 Historic Marigny/Tremé Commercial District.

9.5.7. Height, Area and Yard Requirements.

Minimum requirements for lot area, yards and maximum height in the HMC-2 District are contained in Table 9.E. These standards apply to all permitted and accessory uses, unless a variance is granted by the Board of Zoning Adjustments under Section 14.6, and to all conditional uses unless modified by the City Council in conjunction with approval of a conditional use permit under Section 16.6.

**Table 9.E
Area Regulations for the HMC-2 District**

Requirements	Standards
Maximum height from grade	50 ft.
Minimum yard requirements	none
Maximum Floor Area Ratio	2.2
Minimum Open Space Ratio	See Note2
Minimum lot area per dwelling unit:	See Note2
One-family units	1,500 sq. ft.
Two-family units	1,000 sq. ft.
Three-family units	800 sq. ft.
Four-or-more-family units	600 sq. ft.

Table 9.E Notes:

1 Except when included in a planned development district, in which case the minimum lot area per dwelling unit for more than ten (10) dwelling units, shall be 400 square feet, the maximum height may be increased to sixty (60) feet and the maximum floor ratio may be increased to 3.0.

2 The open space requirement may be waived or reduced if the site plan for a large scale development considers the use of garage roofs for pedestrian or landscaped areas, terraces, pools, fountains, open stairways, planting beds, all of which may not necessarily be at grade level, and which must remain “open to the sky,” as part of the aggregate open space requirement.

For residential or mixed use developments containing a residential component, minimum open space regulations of the HMR-1 and HMR-2 Districts will be required.

When applying for a planned development district with the reduced lot area requirements per dwelling unit (400 square feet), increased height (sixty (60) feet) and increased Floor Area Ratio (3.0), the following standards shall be required:

- A. Along all streets and public pedestrian rights-of-way there shall be provided as a component of the building, continuous galleries, balconies, or overhangs extending over the width of the public sidewalk for the purpose of providing weather protection, where compatible with adjacent architecture.

- B. Ground-level retail uses shall be required along streets where compatible with neighborhood uses nearby.
- C. All off-street parking shall be screened as much as possible from public view by opaque landscaped evergreen hedges, fences, walls, architectural facades, or combinations thereof.
- D. All landscaping and landscape elements in public and private areas of the development shall be installed and maintained with specific species, caliper, and construction material requirements as stipulated by the City Planning Commission.
- E. Along all major streets and boulevards with major neutral grounds there shall be installed and maintained by the developer, landscaped public areas and landscape elements to soften the image of the development.
- F. The waiver of or reduction in grade level open space requirements shall be predicated upon the provision of plans indicating specific landscaping and landscape elements as to caliper, species, and construction materials.
- G. Elevated open space shall substitute for grade level open space only when:
- i. All area constituting such elevated open space shall remain open to the sky and free from automobiles.
 - ii. In no instance shall buildings or permanent structures be substituted for elevated open space.
- H. The relocation of utility lines underground shall be at the developer's expense.
- I. A standard of at least twenty (20) percent of the parking shall be available as public parking.

Section 9.6. HMLI Historic Marigny/Tremé Light Industrial District.

9.6.1. Purpose of the District.

The purpose of this district is to provide a mixture of light industrial, commercial and residential uses which would not adversely affect the historic character of the Lower Marigny neighborhood. Compatibility of such uses and structures with one another and with the areas will be encouraged through a site plan review process. Within this district there will be no permitted uses; only those uses listed under permitted conditional uses will be allowed in order to best preserve the historical and architectural character of Marigny/Tremé.

9.6.2. Uses Authorized in the District.

Only those uses of land listed under permitted use, accessory use or conditional use provisions of this section are authorized within this zoning district. Supplementary use standards, which are set forth in Article 11, apply to any permitted, accessory or conditional use designated with an asterisk (*) in the use lists appearing in this section.

9.6.3. Permitted Uses.

No uses of land are authorized as permitted uses; only conditional and accessory uses are authorized.

9.6.4. Accessory Uses.

Any accessory use authorized in the HMR-1 Historic Marigny/Tremé Light Residential District is authorized as an accessory use in the HMLI Historic Marigny/Tremé Light Industrial District.

9.6.5. Conditional Uses.

The following uses of land are authorized as conditional uses within the HMLI Historic District, upon approval of a conditional use permit under the standards and procedures contained in Section 16.6 of these zoning regulations:

1. Any permitted or conditional use authorized in any other residential district.
2. Any permitted or conditional use authorized in any business or commercial district.
3. Any permitted or conditional use authorized in the LI District, except composting facilities, separation/recovery facilities, construction/demolition debris landfills, and sanitary landfills, subject to compliance with the performance standards of Section 7.5.
4. Leased bingo hall facilities.* (See Section 11.10)
5. Adult cabarets.

(Ord. 18,562 7, adopted 12/18/97)

9.6.6. Permitted Signs.

Subject to the general sign regulations of Article 12, permitted accessory signs are the same as those permitted in the HMC-1 Historic Marigny/Tremé Commercial District.

9.6.7. Height, Area and Yard Requirements.

Minimum requirements for lot area, yards and maximum height in the HMLI District are contained in Table 9.F. The minimum requirements for lot area, yards and maximum height requirements shall not be subject to waiver by the Board of Zoning Adjustments.

**Table 9.F
Area Regulations for the HMLI District**

Requirements	Standards
Maximum height from grade	50 ft.
Minimum yard requirements	none
Maximum Floor Area Ratio	2.0
Minimum Open Space Ratio	none
Minimum lot area per dwelling unit:	
One-family units	1,500 sq. ft.
Two-family units	1,000 sq. ft.
Three-family units	800 sq. ft.
Four-or-more-family units	600 sq. ft.

Referenced Articles

ARTICLE 7 INDUSTRIAL DISTRICTS

Section 7.3. LI Light Industrial District.

7.3.1. Purpose of the District.

The purpose of this district is to provide for a wide variety of light manufacturing, fabricating, processing, wholesale distributing and warehousing uses appropriately located near or adjacent to major thoroughfares or railroads for access. Commercial uses and open storage of materials are permitted; new residential development is excluded except for certain specified uses deemed appropriate adjunct to industrial

operations. All permitted uses, accessory uses and conditional uses authorized are subject to the performance standards of Section 7.5.

7.3.2. Uses Authorized in the District.

Only those uses of land listed under permitted use, accessory use or conditional use provisions of this section are authorized within this zoning district. Supplementary use standards, which are set forth in Article 11, apply to any permitted, accessory or conditional use designated with an asterisk (*) in the use lists appearing in this section.

7.3.3. Permitted Uses.

The following uses of land are authorized as permitted uses in the LI Light Industrial District: (A) General light industry, warehousing, and storage uses including certain open or enclosed storage of products, materials and vehicles; and (B) Those uses and other similar uses contained in the list below including wholesale establishments, service industries, and light industries that manufacture, process, store, and distribute material refined elsewhere, as well as the manufacturing, compounding, processing, packaging or treatment, unless otherwise stipulated, of the products or similar products contained in the list below:

1. Dwelling for resident watchmen and caretakers employed on the premises.
2. Farm dwellings and accessory farm buildings located on a farm of ten (10) acres or more.
3. Any business, commercial or office uses permitted in any business or commercial district, except child care centers, hospitals and related accessory uses.
4. Agriculture or farm implements.
5. Animal pound.
6. Animal, poultry, and bird raising, commercial.
7. Automobile truck trailer, motorcycle and bicycle, repair and assembly.
8. Bakery products, wholesale (manufacturing permitted).
9. Basket and hamper (wood, reed, rattan, etc.).
10. Bedding (mattresses, pillow and quilt).
11. Beverage, blending, bottling (all types), but not distilling.
12. Boat sales, service, and rentals.
13. Box and crate.
14. Building materials (cement, lime in bags or containers, sand, gravel, shell, lumber, and the like), storage and sales.
15. Bus garage and repair shop.
16. Candy, wholesale (manufacturing permitted).
17. Carbon paper and inked ribbons manufacture.
18. Carpet, rug, and mat, including cleaning.
19. Cigar and cigarette manufacture.
20. Cleaning and dyeing of garments, hats, and rugs.
21. Coal and coke storage and sales.
22. Condensed and evaporated milk, processing and canning.
23. Contractor's shop and storage yard.
24. Creamery and bottling operations.
25. Dairy products.
26. Exposition building and center.
27. Exterminating establishment.
28. Fireplace logs.
29. Fish, shrimp, oysters, and other seafood, processing, packing or storing, except fish curing or smoking.
30. Fruit and vegetable processing (including canning, preserving, drying and freezing).
31. Fur finishing.
32. Grain blending and packaging, but not milling.
33. Greenhouses, commercial, wholesale, or retail.
34. Heating, ventilating, cooking and refrigeration supplies and appliances.
35. Heliport or helistop.* (See Section 11.1)
36. Hosiery mill.
37. Ice cream, wholesale (manufacturing permitted).
38. Ice manufacture, including dry ice.
39. Industrial vocational training school, including internal combustion engines.
40. Ink manufacturing (mixing only).

41. Insecticides, fungicides, disinfectants, and related industrial and household chemical compounds (blending only).
42. Iron (ornamental) fabrication.
43. Kennels, boarding or otherwise.
44. Knitting, weaving, printing, finishing of textiles, and fibers into fabric goods.
45. Laboratories, research or experimental, but not combustion engines.
46. Laundries, linen service.
47. Leather goods manufacture, but not including tanning operations.
48. Livery stables and riding academies.
49. Macaroni and noodle manufacture.
50. Malt products manufacture (except breweries).
51. Market, wholesale.
52. Meat products, packing, and processing (no slaughtering).
53. Milk distributing stations, including bottling.
54. Monument processing and shaping, including sales.
55. Motion picture studio.
56. Oleomargarine (compounding and packing only).
57. Open storage of products manufactured on the premises.
58. Open storage of building materials, cement or lime in bags or containers, sand, gravel, shell, lumber, structural or reinforcing steel, and the like, storage and sales, but not steel fabrication or junk storage.
59. Perfumes and perfumed soap (compounding only).
60. Pharmaceutical products, drugs.
61. Plating, electrolytic process.
62. Printing, publishing and engraving.
63. Produce and storage warehouse.
64. Radiator repair, cleaning and flushing.
65. Radio or television broadcasting station, studios, and office.
66. Railroad passenger and freight station.
67. Research centers.
68. Sheet metal products.
69. Shipping container (corrugated board, fiber or wire bound).
70. Sign fabrication and painting shop.
71. Silverware and plated wire.
72. Theaters, including open-air drive-in theaters.
73. Tire retreading, recapping and vulcanizing shop.
74. Transportation terminals, rail, bus, or water, excluding truck terminals and truck stops.
75. Truck repair.
76. Warehouses.
77. Welding or soldering shops.
78. Wholesale houses and distributors.
79. Trailer parks.* (See Section 11.39)
80. Gas distribution facilities and gas service centers.
81. Electric utility generating, transmission and distribution facilities and electric service centers.
82. Telephone and communications lines and related facilities.
83. Transit service centers.
84. Radio, television and microwave relay, transmitting or receiving towers or antennae when set back a minimum of fifty (50) feet from all lot lines.
85. Underground sanitary sewerage lift or pumping station.
86. Aboveground sewerage lift or pumping stations.
87. Water distributions systems, meters, sanitary and stormwater sewerage systems and related appurtenances but not including lift and pumping stations or water towers.
88. Public water towers and aboveground water storage tanks.
89. Water pumping stations.
90. Stormwater pumping stations.
91. Electric substations.* (See Section 11.40)
92. Telephone exchanges.* (See Section 11.45)
93. Public transit waiting stations.* (See Section 11.31)
94. Public and commercial incinerators.
95. Electric transmission facilities.* (See Section 11.40)
96. Cable communication system cables, amplifiers, and related facilities.
97. Flea market.* (See Section 11.17)
98. Planning and millwork, where the manufacturing area:

- a. Does not exceed 10,000 square feet;
 - b. Occurs within an enclosed structure (ventilated);
 - c. Hours of operation are limited to 8:00 a.m. to 6:00 p.m. and not on Sunday, if located closer than 300 feet from a residential district; and
 - d. Meets all city codes (e.g., noise ordinance), as well as the submittal of satisfactory evidence from all applicable State and Federal agencies.
99. Furniture (wood, reed, rattan, etc.) where the manufacturing area:
- a. Does not exceed 10,000 square feet;
 - b. Occurs within an enclosed structure (ventilated);
 - c. Hours of operation are limited to 8:00 a.m. to 6:00 p.m. and not on Sunday, if located closer than 300 feet from a residential district; and
 - d. Meets all city codes (e.g., noise ordinance), as well as the submittal of satisfactory evidence from all applicable State and Federal agencies.
100. Local brewery.
101. Brew pub.
102. Colleges and universities.* (See Section 11.36)
103. Class I and II truck terminals (freight transfer facilities and truck storage yards) over 300 feet from a residential zoning district.* (See Sections 7.6, 11.54 and 15.2.12)
104. Personal wireless communication facilities consisting of mast-mounted and facade-mounted installations. Standard monopole and cellular/PCS tower installations shall also be permitted if the installation does not abut a residential district.* (See Section 11.55)
105. Adult cabarets.
106. Labor pool job placement services.
107. Check cashing establishment.
108. Guidance service.
109. Retail uses greater than 25,000 square feet in floor area.* (See Article 7, Section 7.3.9 and Article 11, Section 11.61)

(Ord. 20,716 § 1 (part), adopted 5/16/02; Ord. 20,687 § 1 (part), adopted 5/02/02; Ord. 19,731 § 2, adopted 7/6/00; Ord. 19,613 § 1 (part), adopted 4/06/00; Ord. 18,562 § 5, adopted 12/18/97; Ord. 18,834 § 1 (part), adopted 8/21/97; Ord. 18,362 § 3, adopted 8/12/97; Ord. 18,140 § 1, adopted 3/6/97)

7.3.4. Accessory Uses.

The following uses of land are authorized as accessory uses within the LI Light Industrial District:

1. Storage of goods used in or produced by permitted commercial and industrial uses or related activities, subject to applicable district regulations.
2. Gas distribution mains, service piping, service regulators, meters, gas regulator stations and related appurtenances.
3. Electric utility lines, transformers, and related appurtenances.
4. Radio, television and microwave relay, transmitting or receiving towers or antennae when set back a minimum of fifty (50) feet from all lot lines.
5. Small telephone repeater structures when located in a public right-of-way utility easement or buildable area or required side or rear yard.
6. Telephone and communication lines and related facilities.
7. Cable communication system cables, amplifiers, and related facilities but excluding distribution or switching centers and cablecasting studios.
8. Satellite dish antenna.
9. Incinerators, nonindustrial (Type II-A).* (See Section 11.24)

7.3.5. Conditional Uses.

The following uses of land are authorized as conditional uses within the LI Light Industrial District, upon approval of a conditional use permit under the standards and procedures contained in Section 16.6 of these zoning regulations:

1. Any conditional use authorized in the SI Special Industrial District.
2. Auto dismantling, storage, and/or used parts sales, subject to the following conditions:
 - a. The site shall be completely enclosed with a ten (10) foot high opaque fence.
 - b. Landscaping requirements shall be as follows:

- (1) The required thirty (30) foot setback shall be preserved as permeable landscaped areas, allowing only for curb cuts or driveways.
- (2) A large evergreen continuous hedge to a minimum height of five (5) feet shall be planted along the front property line.
- (3) Medium to large trees in accordance with LA Cooperative Extension tree rating system shall be planted every twenty-five (25) feet along the front right-of-way and any interior lot lines adjacent to residential property.
- c. The hours of operation shall be 8:00 a.m. to 8:00 p.m., six (6) days a week (not including Sunday).
- d. No automobile bodies shall be compacted or reduced on the site.
- e. The decibel level of the operation shall not exceed that which is permitted under the Noise Ordinance, which is part of the City Code, Ordinance No. 828 M.C.S., as amended.
- f. Any other applicable conditions which may be necessary to protect the public welfare.
- g. Where said uses abut residential uses or residential districts, more stringent regulations may be required.
3. Scrap metal collection and transfer centers.
4. Child care facilities.* (See Section 11.15)
5. Tire collection, reduction and transfer facility.* (See Section 11.49)
6. Flea market which cannot meet the special standards in Section 11.17.
7. Composting facilities, separation/recovery facilities, construction/demolition debris landfills, and sanitary landfills.* (See Section 11.24)
8. Brewery.
9. Guest houses.* (See Sections 11.50 and 15.2.11)
10. Green markets.* (See Section 11.52)
11. Radioactive uses provided that such uses are not located within 500 feet of any residential district.
12. Truck stops.* (See Sections 7.6, 11.54 and 15.2.12)
13. Class I and II truck terminals (freight transfer facilities and truck storage yards) when located 300 feet or less from a residential zoning district.* (See Sections 7.6, 11.54 and 15.2.12)
14. Live entertainment uses located within 300 feet of a residential district that do not meet all of the following criteria:
 - a. All off-street parking shall be provided on the site of the proposed use;
 - b. The use shall be 10,000 square feet or less in size;
 - c. No variances shall be granted by the Board of Zoning Adjustments relative to these requirements; and
 - d. To assist in minimizing adverse impacts caused by sound, the use shall provide an entrance foyer for ticket sales between two (2) sets of entrance doors. Sound insulation shall be provided as necessary and the stage and sound equipment located in order to minimize the effects of noise. The use shall comply with Ordinance No. 18,399 M.C.S., the noise ordinance of the City Code.

(Ord. 18,639 § 1, adopted 3/5/98; Ord. 18,362 § 4, adopted 8/12/97; Ord. 18,361 § 1, adopted 8/12/97; Ord. 18,177 § 4, adopted 4/3/97; Ord. 17,254 § 7, adopted 11/2/95; Ord. 17,253 § 2, adopted 11/2/95)

7.3.6. Permitted Signs.

Subject to the general sign regulations of Article 12, the following illuminated and nonilluminated, flashing or nonflashing signs are permitted in the LI Light Industrial District:

1. Any accessory sign permitted in the CBD-2 Central Business District.
2. General advertising signs, flat or detached, limited in area to six (6) square feet per lineal foot of street frontage, with total sign area for any one (1) sign limited to 1,200 square feet and limited in height to seventy-five (75) feet above grade.
3. Total aggregate sign area for all accessory signs at any height shall be limited to 600 square feet for each fifty (50) feet of street frontage.

7.3.7. Height, Area and Bulk Requirements.

Minimum requirements for lot area, yards, and maximum height and Floor Area Ratio for nonresidential uses in the LI Light Industrial District are contained in Table 7.C. Residential uses shall comply with the requirements for the RM-2 Residential District contained in Section 4.9.7. These standards apply to all permitted and accessory uses, unless a variance is granted by the Board of Zoning Adjustments under Section 14.6, and to all conditional uses unless modified by the City Council in conjunction with approval of a conditional use permit under Section 16.6.

**Table 7.C
Area Regulations for the LI Light Industrial District**

Requirements	Standards
Maximum height	75 ft. ¹
Minimum depth of front yard	none
Minimum yard on a side street	none
Minimum interior side yard	none
Minimum interior side yard abutting a residential district	5 ft.
Minimum yard on a side street when rear yard abuts a residential district	10 ft.
Minimum side or rear yard if any is provided	3 ft.
Minimum rear yard abutting a residential district	20 ft.
Maximum Floor Area Ratio	1.00

Table 7.C Notes:

1 The height of a building or structure which adjoins or abuts on a residential district shall not exceed fifty (50) feet unless set back one (1) foot from all required yard lines for each foot of additional height above fifty (50) feet.

7.3.8. Special Regulations for Existing Buildings/Uses.

An existing residential use in a LI Light Industrial District which has lost legal nonconforming status may be reestablished, structurally altered, and additions to existing structures may be permitted in accordance with the LI Light Industrial District regulations for residential uses, provided that no additional dwelling units shall be permitted other than those which had existed prior to the loss of legal nonconforming status.

In the LI Light Industrial District, additions and structural alterations to existing residential uses shall be permitted in accordance with LI Light Industrial District regulations for residential uses provided that no additional residential units may be created through such structural alterations or additions.

Section 7.5. Performance Standards.

Section 7.5. Performance Standards.

All uses subject to this section shall be so operated as to comply with standards of performance or their equivalent which have been or which may be adopted or amended from time to time by the Air Control Commission of the State of Louisiana pursuant to Section 2204 et seq. of Title 40 of the Revised Statutes of Louisiana.

All uses subject to this section shall be so operated as to comply with the performance standards described in this section below, and, in addition to the performance standards hereinafter specified, all uses shall be so constructed, maintained, and operated as not to be injurious to the use and occupation of the adjacent premises by reason of the emission or creation of noise, vibration, radiation, fire, and explosive hazard or glare.

Nothing in this section shall be construed to alter, change, modify or abrogate any authority granted exclusively to any State commission.

7.5.1. Smoke, Dust, Particulate Matter, Toxic or Noxious Waste Materials.

All uses subject to this section shall be so operated as to comply with standards of performance or their equivalent which have been or which may be adopted or amended from time to time by the Air Control Commission of Louisiana or by the Stream Control Commission of Louisiana.

7.5.2. Radiation Hazards.

All uses subject to this section shall be so operated as to comply with standards of performance or their equivalent which have been or which may be adopted or amended from time to time by the Division of Radiation Control, Louisiana Board of Nuclear Energy.

7.5.3. Vibrations.

No use subject to this section shall be operated so as to produce ground vibration, noticeable without instruments, at the lot line of the premises on which the use is located.

7.5.4. Electromagnetic Interference.

No use, activity, or process subject to this section shall be conducted which produces electromagnetic interference with normal radio or television reception in any residential or commercial district.

7.5.5. Fire and Explosion Hazards.

Each use subject to this section shall be operated so as to minimize the danger from fire and explosion and to comply with the regulations contained in the Building Code of the City of New Orleans and applicable fire prevention ordinances.

7.5.6. Humidity, Heat, or Glare.

In any commercial or SI Special Industrial District, any activity producing humidity in the form of steam or moist air, or producing heat or glare, shall be carried on in such a manner that steam, humidity, heat, or glare is not perceptible at any lot line.

In other industrial districts, any activity producing humidity in the form of steam or moist air, or producing heat or glare, shall be carried on in such a manner that the steam, humidity, heat, or glare is not perceptible at or beyond the boundary of the district in which the use is located or at or beyond any residential or commercial district boundary.

ARTICLE 8 VIEUX CARRÉ HISTORIC DISTRICTS

Section 8.1. Procedures in Vieux Carré Historic Districts.

No occupancy permit shall be issued by the Director of Safety and Permits, for any change in the use of any existing building until and unless a special permit shall have been issued by the Vieux Carré Commission, except that where no change of exterior appearance is contemplated such permit by the Vieux Carré Commission shall not be required. Where any change in exterior appearance is contemplated, the Vieux Carré Commission shall hold a hearing, and if it approves such change, it shall issue a special permit to continue the same use, or for any other use not otherwise prohibited in this district, subject to the following conditions and safeguards:

1. The historic character of the Vieux Carré shall not be injuriously affected.
2. Signs which are garish or otherwise out of keeping with the character of the Vieux Carré shall not be permitted.
3. Building designs shall be in harmony with the traditional architectural character of the Vieux Carré.
4. The value of the Vieux Carré as a place of unique interest and character shall not be impaired.

Section 8.2. VCR-1 Vieux Carré Residential District.

8.2.1. Purpose of the District.

The purpose of this district is to protect existing residential development and to maintain a desirable character of such development within the historic Vieux Carré. Incompatible uses should be excluded from this residential district and rehabilitation and good maintenance should be encouraged.

8.2.2. Uses Authorized in the District.

Only those uses of land listed under permitted use, accessory use or conditional use provisions of this section are authorized within this zoning district. Supplementary use standards, which are set forth in Article 11, apply to any permitted, accessory or conditional use designated with an asterisk (*) in the use lists appearing in this section. Regulations applicable to existing hotels and to the conversion of existing buildings to multiple dwellings are set forth in Section 8.10 of this article. Class B licensed package liquor sales are prohibited within the boundaries of the Vieux Carré and within all Vieux Carré zoning districts. (Ord. 19,151 § 1 (part), adopted 3/31/99)

8.2.3. Permitted Uses.

The following uses of land are authorized as permitted uses in the VCR-1 Vieux Carré Residential District except that timeshare buildings and transient vacation rentals are prohibited:

1. Single-family dwellings.
2. Two-family dwellings.
3. Multiple-family dwellings.
4. Churches, synagogues and temples.
5. Public elementary, junior high and high schools, and private elementary, junior high and high schools having curriculum essentially the same as that ordinarily given in public elementary, junior high and high schools, and public or private nursery schools or kindergartens.
6. Gas distribution mains and gas regulator stations.
7. Underground electric utility distribution facilities and meters and service lines.
8. Underground telephone and communications lines and related facilities.
9. Underground sewerage lift or pumping stations.* (See Section 11.43)
10. Aboveground sewerage lift or pumping stations.* (See Section 11.42)
11. Water distribution systems, meters, sanitary and stormwater sewerage systems and related appurtenances but not including lift and pumping stations or water towers.
12. Public telephones (booth or otherwise).* (See Section 11.41)
13. Public transit waiting stations.* (See Section 11.31)
14. Electric utility substation facilities and transmission facilities.* (See Section 11.40)
15. Telephone exchanges.* (See Section 11.45)
16. Museums, public or nonprofit relating to the history and character of the Vieux Carré.
17. Convents and monasteries.
18. For the purpose of Sections 8.2.1, 8.2.3, and 8.2.4, of this article, the word "dwellings" shall mean a building or portion thereof, designed or used exclusively for residential occupancy by the same person or by the same group of persons for at least sixty (60) consecutive days, but not including trailers, hotels, motels, motor lodges, boarding and lodging homes, tourist courts, or tourist homes.
19. Underground cable communication system cables, amplifiers, and related facilities but excluding distribution or switching centers and cablecasting studios.
20. Child care facilities.* (See Section 11.15)
21. Personal wireless communication facilities consisting of mast-mounted and facade-mounted installations.* (See Section 11.55)

(Ord. 18,384 § 1 (part), adopted 8/21/97)

8.2.4. Accessory Uses.

The following uses of land are authorized as accessory uses within the VCR-1 Vieux Carré Residential District:

1. Domestic storage including automobiles either in the main building or in any accessory building.

2. A laundry room for the use of occupants of a multiple-family dwelling.
3. Coin-operated vending machines such as candy, tobacco, ice, soft drinks, and sundries inside a building with ten (10) or more dwelling units or guest rooms.
4. Home occupations.
5. Gas distribution mains, service piping, service regulators, meters, gas regulator stations, and related appurtenances.
6. Electric utility distribution and service lines, distribution transformers, meters and related appurtenances.
7. Noncommercial radio and television and receiving antennae and noncommercial radio transmitting antennae limited in height above grade to fifty (50) feet.
8. Small telephone repeater structures when located in a public right-of-way, utility easement or buildable area of a lot.
9. Underground telephone and communication lines and related appurtenances.
10. Underground cable communication system cables, amplifiers, and related facilities but excluding distribution or switching centers and cablecasting studios.
11. Satellite dish antenna.* (See Section 11.35)

8.2.6. Permitted Signs.

Subject to the general sign regulations of Article 12, the following accessory signs are permitted within the VCR-1 Vieux Carré Residential District:

1. A name plate, one (1) square foot in area, to identify the owner or occupant of a dwelling or building.
2. A private directional sign, one (1) square foot in area.
3. A sign limited in area to one (1) square foot, for identification of a permitted home occupation or office use.
4. A customary church bulletin board, limited in area to eight (8) square feet.
5. A sign limited in area to eight (8) square feet, giving the name and/or address or management of a multiple-family dwelling or group of multifamily dwellings. If such sign is placed on a marquee, awning, or canopy, the height of letters shall not exceed one (1) foot.
6. A temporary, nonilluminated sign, not more than two (2) square feet in area, advertising real estate for sale or lease or announcing contemplated improvements of real estate on which it is placed.
7. A temporary sign, not more than eight (8) square feet in area, erected in connection with new construction work and displayed on the premises only during such time as the actual construction work is in process.

8.2.7. Height, Area and Yard Requirements.

Minimum requirements for lot area, yards and maximum height in the VCR-1 Vieux Carré Residential District are contained in Table 8.A. These standards apply to all permitted and accessory uses, unless a variance is granted by the Board of Zoning Adjustments under Section 14.6, and to all conditional uses unless modified by the City Council in conjunction with approval of a conditional use permit under Section 16.6.

**Table 8.A
Area Regulations for the VCR-1 Vieux Carré Residential District**

Requirements	Standards
Minimum lot area per dwelling unit	
One-family	1,500 sq. ft.
Two-family	1,200 sq. ft.
Three-or-more-family	900 sq. ft.
Minimum lot width	none
Minimum lot depth	none
Maximum height from grade	50 ft. ¹
Minimum depth of front yard	none
Minimum width of side yard	none
Minimum depth of rear yard	none
Minimum Open Space Ratio: ²	
corner lots	20 percent

interior lots	30 percent
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Table 8.A Notes:

- 1 Buildings of a lesser height may be required as provided by the Vieux Carré Commission Enabling Legislation. These height regulations shall not apply to public utilities.
- 2 In computing area, all yards and courts may be included as open space. In all Vieux Carré Districts, all open space shall be unobstructed from grade level upward and shall contain no balconies, roof overhangs, galleries, stairways, storage area or other projections in such required open area. Where a parcel contains a corner lot and an interior lot, the percentage of open space area shall be prorated accordingly.

Section 8.3. VCR-2 Vieux Carré Residential District.

8.3.1. Purpose of the District.

The purpose of this district is to protect existing residential development and to maintain a desirable character of such development within the historic Vieux Carré on somewhat smaller parcels than are permitted in the VCR-1 Vieux Carré Residential District. Incompatible uses should be excluded from this residential district and rehabilitation and good maintenance should be encouraged.

8.3.2. Uses Authorized in the District.

Only those uses of land listed under permitted use, accessory use or conditional use provisions of this section are authorized within this zoning district. Supplementary use standards, which are set forth in Article 11, apply to any permitted, accessory or conditional use designated with an asterisk (*) in the use lists appearing in this section. Regulations applicable to existing hotels and to the conversion of existing buildings to multiple dwellings are set forth in Section 8.10. Class B licensed package liquor sales are prohibited within the boundaries of the Vieux Carré and within all Vieux Carré zoning districts. (Ord. 19,151 § 1 (part), adopted 3/31/99)

8.3.3. Permitted Uses.

Any permitted use authorized in the VCR-1 Vieux Carré Residential District is authorized as a permitted use in the VCR-2 Vieux Carré Residential District.

8.3.4. Accessory Uses.

Any accessory use authorized in the VCR-1 Vieux Carré Residential District is authorized as an accessory use in the VCR-2 Vieux Carré Residential District.

8.3.5. Conditional Uses.

Any conditional use authorized in the VCR-1 Vieux Carré Residential District is authorized as a conditional use in the VCR-2 Vieux Carré Residential District upon approval of a conditional use permit under the standards and procedures contained in Section 16.6 of these zoning regulations.

8.3.6. Permitted Signs.

Subject to the general sign regulations of Article 12, the following accessory signs are permitted within the VCR-2 Vieux Carré Residential District:

1. A name plate, one (1) square foot in area, to identify the owner or occupant of a dwelling or building.
2. A private directional sign, one (1) square foot in area.
3. A sign limited in area to one (1) square foot, for identification of a permitted home occupation or office use.

4. A customary church bulletin board, limited in area to eight (8) square feet.
5. A sign limited in area to eight (8) square feet, giving the name and/or address or management of a multiple-family dwelling or group of multifamily dwellings. If such sign is placed on a marquee, awning, or canopy, the height of letters shall not exceed one (1) foot.
6. A temporary, nonilluminated sign, not more than two (2) square feet in area, advertising real estate for sale or lease or announcing contemplated improvements of real estate on which it is placed.
7. A temporary sign, not more than eight (8) square feet in area, erected in connection with new construction work and displayed on the premises only during such time as the actual construction work is in process.

8.3.7. Height, Area and Yard Requirements.

Minimum requirements for lot area, yards and maximum height for the VCR-2 Vieux Carré Residential District are contained in Table 8.B. These standards apply to all permitted and accessory uses, unless a variance is granted by the Board of Zoning Adjustments under Section 14.6, and to all conditional uses unless modified by the City Council in conjunction with approval of a conditional use permit under Section 16.6.

**Table 8.B
Area Regulations for the VCR-2 Vieux Carré Residential District**

Requirements	Standards
Minimum lot area per dwelling unit	
One-family buildings	1,500 sq. ft.
Two-family buildings	1,000 sq. ft.
Three-family buildings	800 sq. ft.
Four-or-more-family buildings	600 sq. ft.
Minimum lot width	none
Minimum lot depth	none
Maximum height from grade	50 ft. ¹
Minimum depth of front yard	none
Minimum width of side yard	none
Minimum depth of rear yard	none
Minimum open space ratio: ²	
corner lots	20 percent
interior lots	30 percent

Table 8.B Notes:

1 Buildings of a lesser height may be required as provided by the Vieux Carré Commission Enabling Legislation. These height regulations shall not apply to public utilities.

2 In computing area, all yards and courts may be included as open space. In all Vieux Carré Districts, all open space shall be unobstructed from grade level upward and shall contain no balconies, roof overhangs, galleries, stairways, storage area or other projections in such required open area. Where a parcel contains a corner lot and an interior lot, the percentage of open space area shall be prorated accordingly.

Section 8.4. VCC-1 Vieux Carré Commercial District.

8.4.1. Purpose of the District.

The purpose of this district is to provide for restricted retail stores and service establishments that will attract

and service tourists and local residents and not adversely affect the character of nearby residences or detract from the historic character of the Vieux Carré.

8.4.2. Uses Authorized in the District.

Only those uses of land listed under permitted use, accessory use or conditional use provisions of this section are authorized within this zoning district. Supplementary use standards, which are set forth in Article 11, apply to any permitted, accessory or conditional use designated with an asterisk (*) in the use lists appearing in this section. Regulations applicable to existing hotels and to the conversion of existing buildings to multiple dwellings are set forth in Section 8.10. Class B licensed package liquor sales are prohibited within the boundaries of the Vieux Carré and within all Vieux Carré zoning districts. (Ord. 19,151 § 1 (part), adopted 3/31/99)

8.4.3. Permitted Uses.

The following uses of land are authorized as permitted uses in the VCC-1 Vieux Carré Commercial District subject to the performance standards in Section 7.5, except that timeshare buildings, transient vacation rentals, bed and breakfast facilities, guest houses, package liquor stores, massage parlors, adult establishments as defined in Article 2, and tattoo parlors are prohibited:

1. Any permitted use in the VCR-1 District.
2. Antique and art shops.
3. Bakeries but only when all products produced on the premises are sold at retail on the premises and the structure shall not exceed 2,000 square feet of floor area.
4. Barbershops, beauty parlors and similar personal service shops.
5. Catering and delicatessen business.
6. Custom dressmaking, millinery, tailoring or similar trades.
7. Dry cleaning shops but using no cleaning fluids whose base is petroleum or one of its derivatives.
8. Flower shops.
9. Laundromat.
10. Locksmith shops.
11. Museums.
12. Photographers or artist studios.
13. Professional offices including architects, doctors, dentists, engineers and similar professions.
14. Radio and electric repair shops.
15. Standard and cafeteria restaurants but not fast food or drive-in restaurants.
16. Shoe repair shops.
17. Small retail stores and shops, except pawnshops, occupying a floor area of not more than 2,000 square feet and grocery stores occupying a minimum of 5,000 square feet of floor area. For the purpose of this regulation, a grocery store is defined as a retail facility which offers for sale staple foodstuffs, household supplies, fresh meat with a meat cutter (butcher), produce and dairy products.
18. Banks, but excluding drive-in banks, with a minimum of 500 square feet of floor area, a maximum of 7,200 square feet of floor area, and with ten (10) linear feet perpendicular to and for each teller window provided for customer space required.
19. Theaters for live plays including musical comedies subject to: (a) approval of the Vieux Carré Commission that said use will not adversely affect the historic character of the Vieux Carré; and (b) the theater shall not occupy in excess of 3,000 square feet of floor area.
20. T-shirt shops, novelty and gift shops and souvenir shops, provided that:
 - a. T-shirt shops, novelty shops, gift shops and souvenir shops, which specialize in T-shirts, novelties, gifts and souvenirs shall be limited to one such use within 600 feet from another such use. Said distance shall be measured along the center line of the adjacent public right-of-way from the nearest point of the lot on which such use is proposed to be located to the nearest point of the lot on which any other existing similar use is located.
 - b. T-shirts, souvenirs, novelties or gifts, or a combination thereof, shall not constitute more than thirty-five (35) percent of the display area or visible floor area. This display area includes any wall display such as shelves, hangers, etc., and any floor space such as shelves, tables, etc., T-shirts, souvenirs, novelties or gifts, or a combination thereof, shall not be displayed in more than thirty-five (35) percent of the window(s) or door(s) visible from the street.
 - c. The above conditions included in items a and b, are not waivable by the Board of Zoning Adjustments but may only be considered through the conditional use process.

21. Ice cream/yogurt shop (with no drive-through service).

(Ord. 20,271 § 1 (part), adopted 8/02/01)

8.4.4. Accessory Uses.

The following uses of land are authorized as accessory uses within the VCC-1 Vieux Carré Commercial District:

1. Any accessory use authorized in the VCR-1 District.
2. Storage in connection with a permitted use where storage is incidental to the approved occupancy of the building, provided all products and materials used or stored are in a completely enclosed building, or enclosed by a masonry wall, screening fence, or hedge, not less than six (6) feet in height. Storage of all materials and equipment shall not exceed the height of the wall and shall not be conducted in required open space.

8.4.5. Conditional Uses.

The following uses of land are authorized as conditional uses within the VCC-1 Vieux Carré Commercial District, upon approval of a conditional use permit under the standards and procedures contained in Section 16.6 of these zoning regulations:

1. Any conditional use authorized in the VCR-1 and VCR-2 Vieux Carré Residential Districts.
2. T-shirt, novelty, gift and souvenir shops when not in compliance with the standards for such uses as prescribed in Section 8.4.3 of this article.

8.4.6. Permitted Signs.

Subject to the general sign regulations in Article 12, the following accessory signs are permitted within the VCC-1 Vieux Carré Commercial District:

1. Any sign permitted in the VCR-1 District.
2. One (1) sign only shall be allowed to each store, shop or bona fide place of business, and this sign shall be no larger than the maximum stipulated in this section, regardless of the amount of street frontage.
3. No sign of any character except those permitted in the VCR-1 District shall be displayed in the VCC-1 District unless such sign advertises a bona fide business conducted in or on the premises and, if it does do so, not exceeding fifty (50) percent of the area of such sign may be used to advertise products or commodities actually sold on the premises.
4. No sign shall project more than forty-eight (48) inches beyond the building line, except that, for the purpose of illumination, a hood may be used but not to exceed six (6) inches additional projection.
5. Single-faced signs attached flat against the wall and including painted wall signs shall be allowed thirty (30) square inches of sign surface area to each foot of street frontage.
6. In no case shall the area of any one single-faced or painted wall sign exceed eight (8) square feet, the maximum allowable size. Where there is more than one (1) bona fide business on a lot with frontage in excess of fifty (50) feet, the total aggregate sign area may be increased one (1) square foot for each ten (10) feet of street frontage; provided, however, no one (1) sign shall exceed eight (8) square feet in area.
7. For double-faced signs, suspended by brackets or arms perpendicularly from the wall of a building, there shall be allowed sixty (60) square inches of sign surface area for each foot of lot frontage. The area of such a double-faced sign shall be taken to mean the sum of the areas of both faces.
8. In no case shall the area of any one double-faced sign exceed a total of both sides of sixteen (16) square feet, the maximum allowable size for such sign.
9. In the case where two or more businesses are conducted on the premises of single ownership having a street front frontage of twenty-five (25) feet or less, the allowable sign area shall be increased by fifty (50) percent. Such increased sign area shall be the total maximum sign area permitted for the entire property and shall not be interpreted to be the permitted sign area for each individual business occupying said property.

8.4.7. Height, Area and Yard Requirements.

Minimum requirements for lot area, yards and maximum height for the VCC-1 Vieux Carré Commercial District are contained in Table 8.C. These standards apply to all permitted and accessory uses, unless a variance is

granted by the Board of Zoning Adjustments under Section 14.6, and to all conditional uses unless modified by the City Council in conjunction with approval of a conditional use permit under Section 16.6. Residential uses are subject to standards of the VCR-1 District.

**Table 8.C
Area Regulations for the VCC-1 Vieux Carré Commercial District**

Requirements	Standards
Maximum height from grade	50 ft. ¹
Minimum depth of front yard	none
Minimum side or rear yard	none
Maximum Floor Area Ratio	none
Minimum lot area requirements per dwelling unit	
One-family buildings	1,500 sq. ft.
Two-family buildings	1,000 sq. ft.
Three-family buildings	800 sq. ft.
Four-or-more-family buildings	600 sq. ft.
Minimum Open Space Ratio: ²	
corner lots	20 percent
interior lots	30 percent

Table 8.C Notes:

1 Buildings of a lesser height may be required as provided by the Vieux Carré Commission Enabling Legislation. These height regulations shall not apply to public utilities.

2 In computing area, all yards and courts may be included as open space. In all Vieux Carré Districts, all open space shall be unobstructed from grade level upward and shall contain no balconies, roof overhangs, galleries, stairways, storage area or other projections in such required open area. Where a parcel contains a corner lot and an interior lot, the percentage of open space area shall be prorated accordingly.

Section 8.5. VCC-2 Vieux Carré Commercial District.

8.5.1. Purpose of the District.

The purpose of the district is to permit more intensive commercial uses than in the VCC-1 District, yet protect the historic character of the Vieux Carré. The district includes the major shopping area of the Vieux Carré.

8.5.2. Uses Authorized in the District.

Only those uses of land listed under permitted use, accessory use or conditional use provisions of this section are authorized within this zoning district. Supplementary use standards, which are set forth in Article 11, apply to any permitted, accessory or conditional use designated with an asterisk (*) in the use lists appearing in this section. Subdistrict standards, which are set forth in Section 8.5.8 of this article, limit the uses authorized in certain areas. Regulations applicable to existing hotels and to the conversion of existing buildings to multiple dwellings are set forth in Section 8.10. Class B licensed package liquor sales are prohibited within the boundaries of the Vieux Carré and within all Vieux Carré zoning districts. (Ord. 19,151 § 1 (part), adopted 3/31/99)

8.5.3. Permitted Uses.

The following uses of land are authorized as permitted uses in the VCC-2 Vieux Carré Commercial District subject to the performance standards in Section 7.5, except that timeshare buildings, transient vacation rentals, bed and breakfast facilities, guest houses, package liquor stores, massage parlors, adult establishments as defined in Article 2, and tattoo parlors are prohibited:

1. Any permitted use in the VCC-1 District, except theaters.
2. Bicycle sales and repair shops.
3. Clinics, except animal clinics.
4. Dancing or music academies, or similar nonindustrial training schools.
5. Health or athletic club or studio.
6. Hospitality centers when in association with existing breweries in the adjacent VCS Vieux Carré Service District.
7. Laundries occupying not more than 2,500 square feet of floor area.
8. Professional and business offices.
9. Retail stores and shops, except pawnshops, including food and grocery stores, but no such store or shop shall occupy more than 7,500 square feet of floor area. Retail stores providing essentially the same type of merchandise, product or service as an existing store, shall not be permitted within the same block face (between two (2) intersecting streets) or within 150 feet if located across the street.
10. Residential uses limited to single-, two-family and multifamily. (See subdistrict regulations, Section 8.5.8)
11. Limited retail specialty stores. (See subdistrict regulations, Section 8.5.8)
12. Standard restaurants. (See subdistrict regulations, Section 8.5.8)
13. Antique and art shops. (See subdistrict regulations, Section 8.5.8)
14. Custom dressmaking, millinery, tailoring or similar trade. (See subdistrict regulations, Section 8.5.8)
15. Flower shop. (See subdistrict regulations, Section 8.5.8)
16. Museum. (See subdistrict regulations, Section 8.5.8)
17. Banks, but excluding drive-in banks. (See subdistrict regulations, Section 8.5.8)
18. Hospital or clinic for small animals, dogs, cats, birds, and the like provided that such hospital or clinic and any treatment rooms, cages, pens or kennels, be maintained within a completely enclosed soundproof building, and that such hospital or clinic be operated in such a way as to produce no objectionable noise or odors outside its walls, and provided that such hospital or clinic is located on a four-lane major street as indicated on the Major Street Plan of the City of New Orleans.
19. Ice cream/yogurt shop (with no drive-through service).

(Ord. 20,271 § 1 (part), adopted 8/02/01)

8.5.4. Accessory Uses.

Any accessory use authorized in the VCC-1 Vieux Carré Commercial District is authorized as an accessory use in the VCC-2 Vieux Carré Commercial District.

8.5.5. Conditional Uses.

The following uses of land are authorized as conditional uses within the VCC-2 Vieux Carré Commercial District, upon approval of a conditional use permit under the standards and procedures contained in Section 16.6 of these zoning regulations:

1. Any conditional use authorized in the VCC-1 District.
2. Theaters. For the purpose of this district the term "theater(s)" shall mean any building or part thereof which contains an assembly hall, having a performance area which may be equipped with curtains and permanent stage scenery or mechanical equipment adaptable to the showing of plays, operas, motion pictures and performances. The following standards apply:
 - a. The assembly hall shall have a minimum of 100 permanently fixed seats per permanent stage or screen;
 - b. All applicable sign regulations of the VCE Vieux Carré Entertainment District shall be observed, including advertisements in the lobby, signs shall not be visible from the street, and inventory signs shall not be permitted; and
 - c. The City Council determines that:
 - (1) The proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this Ordinance will be observed;

(2) The establishment of an additional use of this type in the area will not be contrary to any program of neighborhood conservation or improvement, either residential or nonresidential; and

(3) All applicable regulations of this Ordinance will be observed.

3. Mini-warehouse with floor area of not more than 25,000 square feet and when located above the ground floor in an existing building with skin or wall surface approved by the Vieux Carré Commission. Off-street loading spaces and stacking spaces shall be provided on the first floor on a ratio of one (1) space for each 2,000--10,000 square feet of floor area used for storage. A commercial nonwarehouse activity shall be provided on the first floor adjacent to the front sidewalk.

For the purpose of this district and the VCS Vieux Carré Service District a mini-warehouse is an existing structure which is used for the purpose of storing personal effects such as household goods and clothing, or small retail merchandise. Individual compartments shall not exceed 1,000 square feet.

4. Nonaccessory parking garage subject to the following conditions:

a. Such use is within an existing structure or replaces a surface level parking lot existing as of the effectuation of this Ordinance.

b. In VCC-2 such use is limited to those properties fronting on North Rampart Street and Iberville Street.

c. Pedestrian-oriented uses shall be provided on the first floor.

d. Submission of a traffic impact analysis which shall include site and traffic information.

5. Brew pub.

6. Governmental office and buildings.

(Ord. 18,562 § 6 (part), adopted 12/18/97)

8.5.6. Permitted Signs.

Subject to the general sign regulations of Article 12, any accessory sign permitted in the VCC-1 Vieux Carré Commercial District is permitted in the VCC-2 Vieux Carré Commercial District.

8.5.7. Height, Area and Yard Requirements.

Minimum requirements for lot area, yards and maximum height for the VCC-2 District are contained in Table 8.D. These standards apply to all permitted and accessory uses, unless a variance is granted by the Board of Zoning Adjustments under Section 14.6, and to all conditional uses unless modified by the City Council in conjunction with approval of a conditional use permit under Section 16.6.

**Table 8.D
Area Regulations for the VCC-2 Vieux Carré Commercial District**

Requirements	Standards
Maximum height from grade	50 ft. ¹
Minimum depth of front yard	none
Minimum side or rear yard	none
Maximum Floor Area Ratio	none
Minimum lot area requirements per dwelling unit	
One-family buildings	1,500 sq. ft.
Two-family buildings	1,000 sq. ft.
Three-family buildings	800 sq. ft.
Four-or-more-family buildings	600 sq. ft.
Minimum Open Space Ratio: ²	

corner lots	20 percent
interior lots	30 percent

Table 8.D Notes:

1 Buildings of a lesser height may be required as provided by the Vieux Carré Commission Enabling Legislation. These height regulations shall not apply to public utilities.

2 In computing area, all yards and courts may be included as open space. In all Vieux Carré Districts, all open space shall be unobstructed from grade level upward and shall contain no balconies, roof overhangs, galleries, stairways, storage area or other projections in such required open area. Where a parcel contains a corner lot and an interior lot, the percentage of open space area shall be prorated accordingly.

8.5.8. Subdistrict Standards.

Buildings or land fronting or siding on Royal Street (both sides) between Iberville and St. Ann Streets shall be used only for the following specifically listed purposes, and subject to the performance standards of Section 7.5:

1. Residential uses limited to single-, two-family and multifamily.
2. Limited retail specialty stores, occupying not more than 7,500 square feet of floor area, providing high quality merchandise such as antiques, furniture, leather goods, musical instruments, fine jewelry, rare stamps and coins, imported rugs, photographic or art studios.
3. Standard restaurants.
4. Antique and art shops.
5. Custom dressmaking, millinery, tailoring or similar trade.
6. Flower shop.
7. Museum.
8. Banks, but excluding drive-in banks, subject to floor area minimum requirements: no less than 500 square feet and no more than 7,200 square feet. In addition, perpendicular to each teller window there must be ten (10) linear feet provided.

Section 8.6. VCS Vieux Carré Service District.

8.6.1. Purpose of the District.

There are extensive areas within the City of New Orleans that are better suited for industrial development than the historic Vieux Carré. However, there are a number of existing businesses and industries as well as certain commercial and industrial uses that have little or no objectionable influence on surrounding properties. The purpose of this district is to accommodate existing commercial and industrial uses as well as others that would not adversely affect the historic character of the district.

8.6.2. Uses Authorized in the District.

Only those uses of land listed under permitted use, accessory use or conditional use provisions of this section are authorized within this zoning district. Supplementary use standards, which are set forth in Article 11, apply to any permitted, accessory or conditional use designated with an asterisk (*) in the use lists appearing in this section. Regulations applicable to existing hotels and to the conversion of existing buildings to multiple dwellings are set forth in Section 8.10. Class B licensed package liquor sales are prohibited within the boundaries of the Vieux Carré and within all Vieux Carré zoning districts. (Ord. 19,151 § 1 (part), adopted 3/31/99)

8.6.3. Permitted Uses.

The following uses of land are authorized as permitted uses in the VCS Vieux Carré Service District subject to the performance standards of Section 7.5, except that timeshare buildings, transient vacation rentals, bed and breakfast facilities, guest houses, package liquor stores, massage parlors, adult establishments as defined in Article 2, and tattoo parlors are prohibited:

1. Any permitted use in the VCC-2 District.

2. Bakery products, wholesale.
3. Beverage, blending and bottling, including breweries and local breweries, but only in existing brewery buildings and distilleries.
4. Business and professional offices.
5. Laboratories, research or experimental, but not combustion engines.
6. Photographic processing or blueprinting.
7. Printing and publishing.
8. Wholesale merchandising or storage warehouses, with floor area devoted to such uses limited to 25,000 square feet.
9. Gas distribution mains and gas regulator stations.
10. Electric utility facilities.* (See Section 11.40)
11. Underground telephone and communication lines and related facilities.
12. Underground sewerage lift or pumping stations.* (See Section 11.43)
13. Above grade sewerage lift or pumping stations.* (See Section 11.42)
14. Water distribution systems, meters, sanitary and stormwater sewerage systems and related appurtenances, but not including lift and pumping stations or water towers.
15. Public telephones (booth or otherwise).* (See Section 11.41)
16. Public transit waiting stations.* (See Section 11.31)
17. Electric substations.* (See Section 11.40)
18. Telephone exchanges.* (See Section 11.45)
19. Bars and lounges provided that:
 - a. The entrance to the individual bar and/or lounge shall not be within twenty-five (25) feet of a public right-of-way;
 - b. The use shall be within a building with a minimum of 20,000 square feet;
 - c. The use shall be established in a building that has provided appropriate facilities for handling garbage, trash and other service requirements; and
 - d. These standards shall not be waived by the Board of Zoning Adjustments but only by direct appeal to the City Council after review and comment by the City Planning Commission and the Vieux Carré Commission.
20. Specialty food restaurants provided that:
 - a. The entrance to the individual restaurant shall not be within twenty-five (25) feet of a public right-of-way;
 - b. The use shall be within a food and beverage market located within a single structure of not less than 20,000 square feet;
 - c. The use shall be established in a building that has provided appropriate facilities for handling garbage, trash and other service requirements; and
 - d. These standards shall not be waived by the Board of Zoning Adjustments but only by direct appeal to the City Council after review and comment by the City Planning Commission and the Vieux Carré Commission.
21. Nightclubs and/or amusement places subject to applicable law regarding hours of operation and provided that:
 - a. The entrance to the use shall not be within twenty-five (25) feet of a public right-of-way; and
 - b. The use shall be within a building that contains 20,000 or more square feet.
22. Specialty urban marketplaces provided that:
 - a. Such a designation shall only be allowed within an existing building on a single lot of record.
 - b. Signage:
 1. Main building: One (1) sign identifying building's name not to exceed 150 square feet.
 2. Tenants: One (1) square foot of signage per lineal foot of building width or tenant space width along the wall which faces the street on which the business has its main address. This signage is limited to those uses on the ground floor. In addition, tenants on interior and upper floors may utilize canopy hanging (blade) signs. These signs may not exceed eight (8) square feet.
 3. Final location of signs shall be determined by the Vieux Carré Commission.
 - c. No individual tenant may occupy more than forty-five (45) percent of the total leasable areas.
 - d. Retail stores and shops may occupy more than 7,500 square feet of leasable floor area within this use.
 - e. The use shall be established in a building that has provided appropriate facilities for handling garbage, trash and other service requirements.
 - f. These standards shall not be waived by the Board of Zoning Adjustments but only by direct appeal to the City Council after review and comment by the City Planning Commission and the Vieux Carré Commission per site plan review procedure (Section 16.7).

(Ord. 18,037 § 1, adopted 2/6/97)

8.6.4. Accessory Uses.

The following uses of land are authorized as accessory uses within the VCS Vieux Carré Service District:

1. Storage of goods used in or produced by permitted commercial and industrial uses or related activities, including storage of cars and trucks used in the normal operation of the business or industry, subject to applicable regulations.
2. Gas distribution mains, service piping, service regulators, meters, gas regulator stations and related appurtenances.
3. Electric utility distribution lines, distribution transformers and related appurtenances.
4. Noncommercial radio and television receiving antennae and noncommercial radio transmitting antennae limited in height to fifty (50) feet.
5. Small telephone repeater structures when located in a public right-of-way, utility easement or area of a lot.
6. Underground cable communication system cables, amplifiers, and related facilities but excluding distribution or switching centers and cablecasting studios.
7. Satellite dish antenna.* (See Section 11.35)
8. Package liquor sales in retail stores, shops, drugstores with pharmacies and in grocery stores occupying more than 5,000 square feet of floor area.* (See Section 11.26) For the purpose of this regulation, a grocery store is defined as a retail facility which offers for sale staple foodstuffs, household supplies, fresh meat with a meat cutter (butcher), produce and dairy products.

8.6.5. Conditional Uses.

The following uses of land are authorized as conditional uses within the VCS Vieux Carré Service District, upon approval of a conditional use permit under the standards and procedures contained in Section 16.6 of these zoning regulations:

1. Any conditional use authorized in the VCC-2 District.
2. Expansion of existing flea markets or other types of open air vending under the jurisdiction of a public benefit corporation, subject to the policies of that public benefit corporation.
3. New flea markets.* (See Section 11.17)
4. Adult cabarets, except that adult cabarets shall be prohibited in the area bounded by Ursuline Avenue, Barracks, Decatur, and North Peters Streets.
5. Parking lots on existing vacant lots, subject to compliance with the standards set forth in Article 15, Section 15.2.13. A traffic impact statement shall be submitted, which shall include site and traffic circulation patterns.

(Ord. 21,287 § 1, adopted 10/8/03; Ord. 18,562 § 6 (part), adopted 12/18/97)

8.6.6. Permitted Signs.

Subject to the general sign regulations of Article 12, any accessory sign permitted in the VCC-1 Vieux Carré Commercial District is permitted in the VCS Vieux Carré Service District.

8.6.7. Height, Area and Yard Requirements.

Minimum requirements for lot area, yards and maximum height for the VCS District are contained in Table 8.E. These standards apply to all permitted and accessory uses, unless a variance is granted by the Board of Zoning Adjustments under Section 14.6, and to all conditional uses unless modified by the City Council in conjunction with approval of a conditional use permit under Section 16.6.

**Table 8.E
Area Regulations for the VCS Vieux Carré Service District**

Requirements	Standards
Maximum height from grade	50 ft. ¹
Minimum depth of front yard	none
Minimum side or rear yard	none

Maximum Floor Area Ratio	none
Minimum lot area requirements per dwelling unit	
One-family buildings	1,500 sq. ft.
Two-family buildings	1,000 sq. ft.
Three-family buildings	800 sq. ft.
Four-or-more-family buildings	600 sq. ft.
Minimum Open Space Ratio: ²	
corner lots	20 percent
interior lots	30 percent

Table 8.E Notes:

1 Buildings of a lesser height may be required as provided by the Vieux Carré Commission Enabling Legislation. These height regulations shall not apply to public utilities.

2 In computing area, all yards and courts may be included as open space. In all Vieux Carré Districts, all open space shall be unobstructed from grade level upward and shall contain no balconies, roof overhangs, galleries, stairways, storage area or other projections in such required open area. Where a parcel contains a corner lot and an interior lot, the percentage of open space area shall be prorated accordingly. Open space requirements shall not apply to existing industrial uses in the VCS Vieux Carré Service District.

Section 8.6A. VCS-1 Vieux Carré Service District.

8.6A.1. Purpose of the District.

This district has historically accommodated commercial and industrial uses, including manufacturing, refining and distribution, due to its adjacency to the Mississippi River. The purpose of this district is to reduce the potential for development of industrial uses in the area, eliminate unsightly industrial and commercial uses permitted under prior zoning, foster improvement and beautification of existing surface parking lots and promote redevelopment as a mixed-use area, including retail and residential uses, in keeping with the historic nature of the Vieux Carré and which uses are compatible with surrounding properties. The retention and maintenance of historic structures are required, and the renovation of historic structures is encouraged. Uses which would not be compatible with residential uses have been eliminated. The district should be useful in redeveloping existing surface level parking into residential and mixed uses in conjunction with structural parking. (Ord. 21,806 § 1 (part), adopted 12/16/04)

8.6A.2. Uses Authorized in the District.

Only those uses of land listed under permitted use, accessory use or conditional use provisions of this section are authorized within this zoning district. Supplementary use standards, which are set forth in Article 11, apply to any permitted, accessory or conditional uses designated with an asterisk (*) in the use lists appearing in this section. Regulations applicable to existing hotels and to the conversion of existing buildings to multiple dwellings are set forth in Section 8.10. Class B licensed package liquor sales are prohibited within the boundaries of the Vieux Carré and within all Vieux Carré zoning districts. (Ord. 21,806 § 1 (part), adopted 12/16/04)

8.6A.3. Permitted Uses.

The following uses of land are authorized as permitted uses in the VCS-1 Vieux Carré Service District, subject to the performance standards of Section 7.5:

1. Any permitted use in the VCS District, except for the following uses:

- a. Beverage, blending and bottling, including breweries and local breweries, but excluding Brew Pubs as a conditional use.
 - b. Laboratories, research or experimental.
 - c. Wholesale merchandising or storage warehouses.
 - d. Gas distribution mains and gas regulator stations.
 - e. Electric utility facilities, other than as required for a specific property by public utilities.
 - f. Above grade sewerage lift or pumping stations.
 - g. Electric substations, other than as required for a specific property, as required by public utilities.
 - h. Clinics, animal or human.
2. Residential uses, including single family, two-family and multi-family.
(Ord. 21,806 § 1 (part), adopted 12/16/04)

8.6A.4. Accessory Uses.

The following uses of land are authorized as accessory uses within the VCS-1 Vieux Carré Service District:

1. Any accessory use authorized in the VCS District.
(Ord. 21,806 § 1 (part), adopted 12/16/04)

8.6A.5. Conditional Uses.

The following uses are authorized as conditional uses within the VCS-1 Vieux Carré Service District, upon approval of a conditional use permit under the standards and procedures contained in Section 16.6 of these zoning regulations:

1. Any conditional use authorized in the VCS District.
2. Hotels, subject to the following conditions:
 - a. Such use is primarily in an existing historic building constructed prior to 1969 containing a minimum of 25,000 square feet of gross floor area.
 - b. The need for parking shall be evaluated in conjunction with the Conditional Use request and provided as appropriate and necessary.
 - c. Submission of a traffic impact analysis for review and approval by the Department of Public Works and the City Planning Commissions staff.
 - d. Any exterior building changes shall be subject to the review and approval of the Vieux Carré Commission.
 - e. There shall be no displacement of residents or elimination of occupied residential units, or demolition of existing structures, associated with such development. Additionally, any existing building in which a hotel use will be situated shall not have been used for residential purposes in any manner for at least ten (10) years prior to its development as a hotel.
 - f. Any hotel shall be developed in conjunction with a surface improvement, area landscaping and beautification plan.
 - g. Pedestrian uses shall be encouraged.
 - h. Any approved hotel shall be considered an existing hotel and subject to Section 8.10.2 of these zoning regulations.
 - i. Any approval of a hotel shall contain a proviso which shall require the applicant to irrevocably commit to the residential use of the property identified as that certain four (4) -story red brick building within a portion of lots 11 and 12, Square 3A, Second District, and containing approximately 8,500--9,000 square feet (gross) and bearing the municipal address 110 Bienville Street ("110 Bienville") and which residential use shall be applicable to all portions of 110 Bienville other than the ground floor and which residential use obligation shall further be effective upon the redevelopment of 110 Bienville.
(Ord. 21,806 § 1 (part), adopted 12/16/04)

8.6A.6. Permitted Signs.

Subject to the general sign regulations of Article 12, any accessory sign permitted in the VCS Vieux Carré Service District is permitted in the VCS-1 Vieux Carré Service District. (Ord. 21,806 § 1 (part), adopted 12/16/04)

8.6A.7. Height, Area and Yard Requirements.

Minimum requirements for lot area, yards and maximum height for the VCS-1 District are contained in Table 8.E. These standards apply to all permitted and accessory uses, unless a variance is granted by the Board of Zoning Adjustments under Section 14.6, and to all conditional uses, unless modified by the City Council, in conjunction with approval of a conditional use permit under Section 16.6. (Ord. 21,806 § 1 (part), adopted 12/16/04)

ARTICLE 11 SUPPLEMENTARY USE STANDARDS

Section 11.1. Airports, Heliports and Seaplane Bases.

1.1. In all districts in which such use is authorized, the following standards apply:

- a. Facilities must comply with Federal Aviation Administration requirements;
- b. Any structures for such facilities must be set back a minimum of fifty (50) feet from all residential property lines, provided however, that a helistop need not comply with the required setback in the RM-4 District.

1.2. In the water portion of the P District, the following standards apply:

- a. Standards in subsection 1.1;
- b. Airports shall not be allowed in the area bounded by the eastern edge of the New Basin Canal extending eastwardly to the western boundary of the Industrial Canal.

Section 11.6. Bed and Breakfast Family Homes.

6.1. In all districts in which such use is authorized, except for the B-1A District, the C Districts and the CBD Districts, the following standards apply:

- a. No new bed and breakfast facility shall be permitted within the block frontage (including both sides) between two (2) intersecting streets of an existing bed and breakfast facility;
- b. Facility operators of bed and breakfast family homes shall obtain a Use and Occupancy Certificate from the Department of Safety and Permits (subject to the Code of the City of New Orleans, Section 26-292 Minimum Floor Area Requirements), which shall be subject to annual inspection and renewal. Operators must also obtain an Occupational License from the Bureau of Revenue (where applicable).
- c. Facilities may provide continental breakfast service only, with foods purchased from a licensed food seller (caterer or bakery) and served "as is" or only warmed at the bed and breakfast facility;
- d. No cooking facilities are permitted in individual guest accommodations;
- e. Leasing of common dining area(s) for social events is prohibited;
- f. Exterior signage permitted only in accordance with district regulations;
- g. Off-street parking must be provided in accordance with Section 15.2 of the Comprehensive Zoning Ordinance;
- h. A percentage limitation on the floor area of a bed and breakfast use shall be, for one (1)/two (2) room bed and breakfast use, fifteen (15) percent of the floor area for the bed and breakfast use;
- i. The previous conditions are not subject to waivers by the Board of Zoning Adjustments but only by ordinance of the City Council.

(Ord. 18,762 § 5 (part), adopted 6/18/98)

6.2. In the B-1A and RO-1 Districts the following standards apply:

- a. Standards in subsection 6.1, except standards c and e;
- b. Leasing of common dining area(s) for social events is authorized, when off-street parking is provided for a meeting/reception area as per Section 15.2 of the Comprehensive Zoning Ordinance, and subject to the Noise Ordinance.

(Ord. 20,031 § 1 (part), adopted 2/01/01)

6.3. In the C and RO-1 Districts the following standards apply:

- a. Standards in subsection 6.1 except standards c and e.
- b. Leasing of common dining area(s) for social events is authorized, when off-street parking is provided for a meeting/reception area as per Section 15.2 of the Comprehensive Zoning Ordinance, and subject to the Noise Ordinance.

(Ord. 20,031 § 1 (part), adopted 2/01/01; Ord. 18,762 § 5 (part), adopted 6/18/98)

6.4. In the CBD-5 District the standards in subsection 6.1, except standards c and e apply.

6.5. In the CBD-1, CBD-2, CBD-2B, CBD-3, CBD-4, CBD-6, CBD-7, CBD-8 and CBD-9 Districts, the standards in subsection 6.1, except standards c and e apply. (Ord. 18,762 § 5 (part), adopted 6/18/98)

Section 11.7. Bed and Breakfast Guest Homes.

7.1. In all districts in which such use is authorized, except for the B-1A District, the C Districts and the CBD Districts, the following standards apply:

- a. A current Certificate of Liability Insurance shall be posted on the premises;
- b. No new bed and breakfast facility shall be permitted within the block frontage (including both sides) between two (2) intersecting streets of an existing bed and breakfast facility;
- c. Facility operators of bed and breakfast guest homes shall obtain a Use and Occupancy Certificate from the Department of Safety and Permits (subject to the Code of the City of New Orleans, Section 26-292 Minimum Floor Area Requirements), which shall be subject to annual inspection and renewal. Operators must also obtain an Occupational License from the Bureau of Revenue (where applicable);
- d. Facilities may provide continental breakfast food service only, with foods purchased from a licensed food seller (caterer or bakery) and served "as is" or only warmed at the bed and breakfast facility;
- e. No cooking facilities are permitted in individual guest accommodations;
- f. Leasing of a common dining area for social events is prohibited;
- g. No exterior signage is permitted except in accordance with district regulations;
- h. Off-street parking shall be provided in accordance with Section 15.2 of the Comprehensive Zoning Ordinance;
- i. A percentage limitation on the floor area of a bed and breakfast use shall be as follows:
 - (1) Three (3) room bed and breakfast use, twenty (20) percent of the floor area for the bed and breakfast use;
 - (2) Four (4) room bed and breakfast use, twenty-five (25) percent of the floor area for the bed and breakfast use;
 - (3) Five (5) room bed and breakfast use, thirty (30) percent of the floor area for the bed and breakfast use;
- j. These conditions are not subject to waivers by the Board of Zoning Adjustments but only by ordinance of the City Council.

(Ord. 18,762 § 5 (part), adopted 6/18/98)

7.2. In the B-1A, C-1, C-2, and RO-1 Districts the following standards apply:

- a. Standards in subsection 7.1 except standards d and f.
- b. Leasing of common dining area(s) for social events is authorized, when off-street parking is provided for a meeting/reception area as per Section 15.2 of the Comprehensive Zoning Ordinance, and subject to the Noise Ordinance.

(Ord. 20,031 § 1 (part), adopted 2/01/01: Ord. 18,762 § 5 (part), adopted 6/18/98)

7.3. In the C-1A and RO-1 Districts the following standards apply:

- a. Standards in subsection 7.1 except standards a, d and f.
- b. Leasing of common dining area(s) for social events is authorized, when off-street parking is provided for a meeting/reception area as per Section 15.2 of the Comprehensive Zoning Ordinance, and subject to the Noise Ordinance.

(Ord. 20,031 § 1 (part), adopted 2/01/01: Ord. 18,762 § 5 (part), adopted 6/18/98)

7.4. In the CBD-5 District the standards in subsection 7.1, except standards d and f apply.

7.5. In the CBD-1, CBD-2, CBD-2B, CBD-3, CBD-4, CBD-6, CBD-7, CBD-8 and CBD-9 Districts, the standards in subsection 7.1, except standards d and f apply. (Ord. 18,762 § 5 (part), adopted 6/15/98)

Section 11.8. Bed and Breakfast Historic Homes.

8.1. In all districts in which such use is authorized, except for the B-1A District, the C Districts and the CBD Districts, the following standards apply:

- a. A Certificate of Appropriateness must be issued by the Historic District Landmarks Commission;
- b. A current Certificate of Liability Insurance shall be posted on the premises;
- c. No new bed and breakfast facility shall be permitted within the block frontage (including both sides) between two (2) intersecting streets of an existing bed and breakfast facility;
- d. Facility operators of bed and breakfast historic homes shall obtain a Use and Occupancy Certificate from the Department of Safety and Permits (subject to the Code of the City of New Orleans, Section 26-292

- Minimum Floor Area Requirements), which shall be subject to annual inspection and renewal. Operators must also obtain an Occupational License from the Bureau of Revenue (where applicable);
- e. Facilities may provide continental breakfast food service only, with foods purchased from a licensed food seller (caterer or bakery) and served “as is” or only warmed at the bed and breakfast facility;
 - f. No cooking facilities are permitted in individual guest accommodations;
 - g. Leasing of a common dining area for social events is prohibited;
 - h. No exterior signage is permitted except in accordance with district regulations;
 - i. Off-street parking shall be provided in accordance with Section 15.2 of the Comprehensive Zoning Ordinance;
 - j. A percentage limitation on the floor area of a bed and breakfast use shall be as follows:
 - (1) One (1)/two (2) room bed and breakfast use, fifteen (15) percent of the floor area for the bed and breakfast use;
 - (2) Three (3) room bed and breakfast use, twenty (20) percent of the floor area for the bed and breakfast use;
 - (3) Four (4) room bed and breakfast use, twenty-five (25) percent of the floor area for the bed and breakfast use;
 - (4) Five (5) room bed and breakfast use, thirty (30) percent of the floor area for the bed and breakfast use;
 - (5) Six (6) room bed and breakfast use, thirty-five (35) percent of the floor area for the bed and breakfast use;
 - (6) Seven (7) room bed and breakfast use, forty (40) percent of the floor area for the bed and breakfast use;
 - (7) Eight (8) room bed and breakfast use, forty-five (45) percent of the floor area for the bed and breakfast use;
 - (8) Nine (9) room bed and breakfast use, fifty (50) percent of the floor area for the bed and breakfast use;
 - k. These conditions are not subject to waivers by the Board of Zoning Adjustments but only by ordinance of the City Council.

(Ord. 18,762 § 5 (part), adopted 6/18/98)

8.2. In the B-1A and RO-1 Districts the following standards apply:

- a. Standards in subsection 8.1 except standards e and g;
- b. Leasing of a common dining area for social events is authorized, when off-street parking is provided for a meeting/reception area as per Section 15.2, of the Comprehensive Zoning Ordinance, and subject to the Noise Ordinance.

(Ord. 20,031§ 1 (part), adopted 2/01/01: Ord. 18,762 § 5 (part), adopted 6/18/98)

8.3. In the CBD-1, CBD-2, CBD-2B, CBD-3, CBD-4, CBD-6, CBD-7, CBD-8 and CBD-9 Districts, the standards in subsection 8.1, except standards e, and g apply. (Ord. 18,762 § 5 (part), adopted 6/18/98)

8.4. In the CBD-5 District the standards in subsection 8.1, except standards e and g apply.

Section 11.9. Bed and Breakfast Inns.

9.1. In all districts in which such use is authorized, except for the RM-2 District, the B-1A District, the C Districts and the CBD Districts, the following standards apply:

- a. A current Certificate of Liability Insurance shall be posted on the premises;
- b. No new bed and breakfast facility shall be permitted within the block frontage (including both sides) between two (2) intersecting streets of an existing bed and breakfast facility;
- c. No other bed and breakfast inn shall be located within a 500-foot radius;
- d. Facility operators of bed and breakfast inns shall obtain a Use and Occupancy Certificate from the Department of Safety and Permits (subject to the Code of the City of New Orleans, Section 26-292 Minimum Floor Area Requirements), which shall be subject to annual inspection and renewal. Operators must also obtain an Occupational License from the Bureau of Revenue (where applicable);
- e. Facilities may provide continental breakfast food service only, with foods purchased from a licensed food seller (caterer or bakery) and served “as is” or only warmed at the bed and breakfast facility;
- f. No cooking facilities are permitted in individual guest accommodations;
- g. Leasing of a common dining area for social events is prohibited;
- h. No exterior signage is permitted except in accordance with district regulations;
- i. Off-street parking shall be provided in accordance with Section 15.2, of the Comprehensive Zoning Ordinance;
- j. A percentage limitation on the floor area of a bed and breakfast use shall be as follows:
 - (1) Six (6) room bed and breakfast use, thirty-five (35) percent of the floor area for the bed and breakfast use;
 - (2) Seven (7) room bed and breakfast use, forty (40) percent of the floor area for the bed and breakfast use;
 - (3) Eight (8) room bed and breakfast use, forty-five (45) percent of the floor area for the bed and breakfast use;
 - (4) Nine (9) room bed and breakfast use, fifty (50) percent of the floor area for the bed and breakfast use;

k. These conditions are not subject to waivers by the Board of Zoning Adjustments but only by ordinance of the City Council.

(Ord. 18,762 § 5 (part), adopted 6/18/98)

9.2. In the RM-2 and RM-3 Districts the standards in subsection 9.1, except standard c apply.

9.3. In the C-1, C-2, and RO-1 Districts the following standards apply:

a. Standards in subsection 9.1 except standards e and g.

b. Leasing of a common dining area for social events is authorized, when off-street parking is provided for a meeting/reception area as per Section 15.2, of the Comprehensive Zoning Ordinance, and subject to the Noise Ordinance.

(Ord. 20,031 § 1 (part), adopted 2/01/01: Ord. 18,762 § 5 (part), adopted 6/18/98)

9.4. In the B-1A, C-1A, and RO-1 Districts the following standards apply:

a. Standards in subsection 9.1 except standards e and g.

b. Leasing of a common dining area for social events is authorized, when off-street parking is provided for a meeting/reception area as per Section 15.2 of the Comprehensive Zoning Ordinance, and subject to the Noise Ordinance.

(Ord. 20,031 § 1 (part), adopted 2/01/01: Ord. 18,762 § 5 (part), adopted 6/18/98)

9.5. In the CBD-1, CBD-2, CBD-2B, CBD-3, CBD-4, CBD-6, CBD-7, CBD-8 and CBD-9 Districts, the standards in subsection 9.1, except standards e and g apply. (Ord. 18,762 § 5 (part), adopted 6/18/98)

9.6. In the CBD-5 District, the standards in subsection 9.1, except standards e and g apply. (Ord. 18,762 § 5 (part), adopted 6/18/98)

Section 11.10. Bingo Facilities, Leased.

10.1. In the B-2 District, the following standards apply:

a. There is no live entertainment;

b. There is only one such facility within a 1,000-foot radius;

c. The hours of operation end at midnight;

d. There shall be no bingo operations on Sundays from 12:01 a.m. to 1:00 p.m.;

e. Off-street parking shall be provided as per requirements for amusement places, in Article 15 of this Ordinance;

f. No video poker machines shall be permitted on the premises;

g. The application for a conditional use must include a complete application (with attachments) which has been filed with the Department of Finance, with the indication on the face of the application and attachments that it has been filed with that department and is being processed by that department.

10.2. In the C-1A, HMLI and NU Districts and in the CBD Districts in which such use is authorized, the standards in subsection 10.1, except standards a, b, c, and d apply.

10.3. In the C-1, C-2, BIP, SI, LI and HI Districts the standards in subsection 10.1, except standards a, b, c, and g apply.

10.4. In the HMC-2 District the standards in subsection 10.1 apply.

Section 11.17. Flea Markets.

17.1. In all districts in which the use is authorized, except the VCS District, the following standards apply to flea markets located above the Industrial Canal on the east bank of the Mississippi River, or located on the west bank of the Mississippi River:

a. The use must be located within a completely enclosed building and on a major street as designated on the official Major Street Plan;

b. Off-street parking shall be provided at a ratio of one (1) space for every 150 square feet of gross retail area (all inclusive). Said parking areas shall meet the design standards of parking lots as designated in Section 15.2, including fencing, screening and landscaping;

c. Hours of operation are limited to 8:00 a.m. to 6:30 p.m.;

d. All signage shall conform to the zoning district sign regulations and/or Urban Corridor regulations, whichever are more restrictive, if the flea market is located therein;

e. The sale of food for consumption on or off the premises will require licensing by the City and approval by the Department of Health;

f. The sale of firearms and/or alcoholic beverages is prohibited;

- g. An established litter abatement program shall be required for approval and permitting; and
 - h. Those flea markets which cannot meet the above criteria shall be permitted conditional uses.
- 17.2. In all districts in which the use is authorized, except the VCS District, the following standards apply to flea markets located below the Industrial Canal on the east bank of the Mississippi River:
- a. The flea market must be located on a major street as designated on the official Major Street Plan, and may be located within a completely enclosed building or may be open-air or unenclosed when located adjacent to a commercial or industrial building;
 - b. Off-street parking shall be provided at a ratio of one (1) space for every 400 square feet of gross retail area (all inclusive). Said parking areas shall meet the design standards of parking lots as designated in Section 15.2, including screening and landscaping, but excepting fencing;
 - c. All signage shall conform to the zoning district sign regulations and/or Urban Corridor regulations, whichever are more restrictive, if the flea market is located therein;
 - d. The sale of food for consumption on or off the premises will require licensing by the City and approval by the Department of Health;
 - e. The sale of firearms is prohibited;
 - f. The sale of alcoholic beverages, properly permitted, is allowed;
 - g. An established litter abatement program shall be required for approval and permitting;
 - h. Open-air or unenclosed flea markets are required to install and maintain fencing or landscaping along three (3) sides of the open market and a plan indicating the fencing or landscaping shall be reviewed and approved by the staff of the City Planning Commission; and
 - i. Those flea markets which cannot meet the above criteria shall be permitted conditional uses.
- 17.3. In the C-1, C-2, LI and HI Districts, the standards in subsections 17.1 and 17.2, except standards 17.1.a and 17.2.a, may be varied if approved by the City Council in conjunction with a conditional use permit under Section 16.6.
- 17.4. In the VCS District the following standards apply to new uses:
- a. Review and approval by the Vieux Carré Commission;
 - b. All signage shall conform to the zoning district and shall be reviewed and approved by the Vieux Carré Commission;
 - c. The sale of food for consumption on or off the premises will require licensing by the City and approval by the Department of Health;
 - d. The sale of firearms and/or alcoholic beverages is prohibited.

Section 11.22. Group Homes, Small.

In all districts in which such use is authorized, the following standards apply:

- a. Such facilities must be licensed by the State of Louisiana;
- b. No new small group home shall be located closer than 1,320 feet from any other existing group home, as measured from a point of the lot line on which such use is proposed to be located to the nearest point on the lot line on which any other existing similar use is located;
- c. The maximum number of residents (unrelated persons) is limited to six (6) per dwelling unit;
- d. Architectural review by the Historic District Landmarks Commission is required for any small group homes located within the boundaries of any national and/or local historic district, to ensure that any retrofitting of a building for group home use would not detract from its architectural integrity;
- e. A small group home shall not be allowed in a part or a portion of a building but shall encompass the entire structure.

(Ord. 18,039 § 4, adopted 2/6/97)

Section 11.24. Landfills, Sanitary and Construction/Demolition Debris, Composting Facilities, Separation/Recovery Facilities, and Incinerators.

24.1. In all districts in which sanitary landfills are authorized, the following standards apply:

- a. Location characteristics pursuant to LAC 33:VII and City requirements shall be met, including the requirement that municipal water accessibility must be provided and connections approved by the Fire Department and Sewerage and Water Board;
- b. Buffering requirements shall be met, pursuant to LAC 33:VII and all applicable City requirements including:
 - (1) Adequate spacing (as defined by local and State law) between the property line and any aspect of the specific facility's operation and any residence or place of business that is served by a public water source and/or individual water supply well located on the premises,

- (2) Adequate spacing between the property line and any aspect of the solid waste disposal operation and any habitation or place of business that is served by a public water source and/or individual water supply well located on the premises,
- (3) Additional buffering requirements such as vegetative barriers or fencing which are determined to be adequate to protect adjacent landowners from odors, noise, visual impacts, vectors, and water quality problems,
- (4) No facility structures, buildings, or internal roadways shall occur within the buffer zone,
- (5) All facility operators or property owners shall provide for litter abatement outside the facility to a distance set by the City Planning Commission and/or City Council,
- (6) All other applicable local, State and Federal legal requirements. A permit holder shall provide the city with evidence that copies of the permit have been forwarded to the State;
- c. Water discharges from operating units of all facilities must follow all LaDEQ regulations pursuant to LAC 33:VII and all applicable local requirements. Copies of these applications must be sent to the City Planning Commission, Department of Safety and Permits and Sewerage and Water Board;
- d. Environmental concerns raised by the Department of Environmental Quality and other Federal, State and local agencies shall be addressed by the CPC in the conditional use process;
- e. All appropriate State, local and Federal permits as required by applicable law shall be obtained prior to the specific facility's operation and copies submitted to the appropriate local agency;
- f. If other stipulations such as performance bonds and peripheral cleanup are required, the specific facility shall comply with those requirements;
- g. If participation in recycling programs in a manner consistent with the City's solid waste management objectives is found to be necessary, the operators of sanitary landfills and incinerators shall be required to participate;
- h. Hurricane and flood protection must be provided and incorporated into the facility's design and operation;
- i. Fire protection and medical care as approved by the City's Fire and Health Department and pursuant to LAC 33:VII shall be available;
- j. Security must be provided and incorporated into the facility's design and operation;
- k. Parking requirements will be satisfied as indicated in Section 15.2.1, and listed under the manufacturing or industrial use category;
- l. Restrictions and limitations shall be placed on the disposal if such restrictions are found to be in the public welfare. Such restrictions include but are not limited to locations, source of origin, volume of wastes entering the facilities, and type of wastes;
- m. Environmental concerns raised by the Department of Environmental Quality and other Federal, State and local agencies shall be addressed by the CPC in the conditional use process;
- n. Materials not classified as hazardous (as Defined by the current Louisiana Hazardous Waste Regulations LAC 33:V and subsequent DEQ guidelines) may be prohibited, by the Department of Sanitation and Health, from the facility if deemed in the public welfare;
- o. Facilities shall comply with buffer zones pursuant to LAC 33:VII and City requirements;
- p. A detailed study and site plan of the facility's fire and emergency action plan must be submitted to the New Orleans Fire Department for approval. These plans shall include but are not limited to:
- (1) Location of fire hydrants and size of water lines,
 - (2) Communications equipment, size and type;
- q. A copy of any State preliminary report concerning the individual property must be provided to the City Planning Commission and Department of Safety and Permits as part of the conditional use process;
- r. The landfill operator shall be required to comply with a future reuse (end use plan) schedule approved by the State and City Planning Commission;
- s. A plan for closing and upgrading existing operating areas if the application is for expansion of a facility or construction of a replacement (new) facility;
- t. Facilities shall comply with the conditions and specifications contained in the definition of sanitary landfills as referenced in LAC 33:VII.115, LAC 33:VII.701, LAC 33:VII.709, and LAC 33:VII.711;
- u. Facilities shall comply with the limitations of LAC 33:VII and City requirements.
- 24.2. In all districts in which composting facilities are authorized, the following standards apply:
- a. Standards in subsection 24.1 except standards r through u;
 - b. Facilities shall comply with the conditions and specifications contained in the definition of composting facilities as referenced in LAC 33:VII.115, LAC 33:VII.719, and LAC 33:VII.723;
 - c. Prior to commencement of operation, facilities must provide written notice to the local and State authority, stating the location of the composting facility, nature, origin and quantity of the material to be composted, description of the operation and the intended use for the compost;
 - d. Facilities must follow methods of composting approved by the LaDEQ that minimize odors and vectors and produce a useful and stable product;
 - e. Facilities shall comply with facility surface requirements pursuant to LAC 33:VII and City requirements;
 - f. Facilities shall comply with the limitations that apply to composting facilities pursuant to LAC 33:VII;

g. Local authorities may ban specific material not deemed in the best interest or not acceptable to the public welfare.

24.3. In all districts in which separation/recovery facilities are authorized, the following standards apply:

- a. Standards in subsection 24.1 except standards p through u;
- b. Facilities shall comply with the conditions and specifications contained in the definition of separation/recovery facilities referenced in LAC 33:VII.115, LAC 33:VII.719, and LAC 33:VII.725;
- c. Facilities shall comply with facility operations pursuant to LAC 33:VII and City requirements;
- d. All source separation/recovery activity shall be performed within an enclosed structure.

24.4. In all districts in which construction/demolition debris landfills are authorized, the following standards apply:

- a. Standards in subsection 24.1 except standards t through u;
- b. Facilities shall comply with the conditions and specifications contained in the definition of construction/demolition debris landfills as referenced in LAC 33:VII.115, LAC 33:VII.719, and LAC 33:VII.721;
- c. Smoking shall be prohibited within the construction debris area pursuant to LAC 33:VII and City requirements;
- d. All construction/demolition debris landfills now in existence within the Almonaster-Michoud Industrial District (AMID) shall be granted a compliance period of five (5) years or as approved by the Louisiana State Department of Environmental Quality (LaDEQ), Office of Hazardous and Solid Waste.

24.5. In all districts in which incinerators, nonindustrial (Type II-A) are authorized as a conditional use, the following standards apply:

- a. Incinerators shall comply with the conditions and specifications contained in the definition of incinerators as referenced in LAC 33:VII.115, LAC 33:VII.701, LAC 33:VII.709, and LAC 33:VII.717;
- b. Only noninfectious waste from hospitals or clinics which has been properly packaged and identified and is certified as nonhazardous by the Department of Health and Hospitals may be deposited;
- c. Incinerators must be developed as a subordinate use which is incidental to and customary or necessary in connection with a main building or use located on the same lot;
- d. Incinerators shall meet the requirements to be met by the other facilities authorized as conditional uses in the LI Light Industrial District;
- e. Incinerators shall comply with buffer zones pursuant to LAC 33:VII and City requirements.

24.6. In all districts in which incinerators, nonindustrial (Type II-A) are authorized as an accessory use, the following standards apply:

- a. Standards in subsection 24.5 except standards c through e;
- b. Incinerators must be developed as a permitted accessory use as defined in Section 2.2;
- c. Landscaping shall be provided between any aspect of the facility and the property line.

Section 11.31 Public Transit Waiting Stations.

31.1. In all RS, all RD, all RM, MS, RO, RO-1, all B, all C, CBD, BIP, SI, LI, HI, NU, P, HMR, HMC and VCP Districts, such facilities shall be approved by the Department of Utilities to insure that:

- a. Facilities shall be sited to avoid the creation of a potential hazard for adjacent streets, roadways or driveways;
- b. Facilities shall not obstruct public sidewalks or pedestrian ways.

31.2. In the VCR, VCC, and VCS Districts, the following standards apply:

- a. Standards in subsection 31.1;
- b. In Vieux Carré Districts, approval by the Vieux Carré Commission shall be required when the use is to be covered.

Section 11.36. Schools, Colleges, Junior Colleges or Institutions of Higher Learning.

36.1. In all districts in which such use is authorized, except in all RM-4 SI, LI and BIP Districts, the following standards apply:

- a. Facilities shall be located on a site of at least ten (10) acres;
- b. Facilities shall be set back a minimum of fifty (50) feet from all property lines;
- c. Any accessory use which has accompanying hazards, such as fire, explosion, noise, vibration, dust, or emission of smoke, odors, or toxic gases, or other hazards to public health, or welfare, may be permitted only in accord with the provisions of Section 7.4.4.

36.2. In the RM-4 and all SI, LI and BIP Districts the following standards apply:

- a. Standards in subsection 36.1, except standard b;
- b. Facilities shall be set back in accordance with district regulations.

36.3. In the LI-Light Industrial Districts the following standards apply:

- a. The developer shall submit site plans for City Planning Commission staff review and approval. These plans shall include litter abatement strategies as well as the location of all dumpsters and/or trash receptacles to be used in conjunction with the use; and
- b. Colleges or university developments within fifty (50) feet of a Residential Zoning District (excluding the RM-4 District) shall be considered as conditional uses.

(Ord. 20,309 § 1, adopted 8/16/01; Ord. 18,140 § 2, adopted 3/6/97)

Section 11.39. Trailer Park and Trailer Court.

In all districts in which such use is authorized, the following standards apply:

- a. All ordinances of the City of New Orleans regulating trailer parks and trailer courts shall be complied with, especially Chapter 36A of the Code of the City of New Orleans;
- b. Such trailer park shall be located on a site of not less than two (2) acres and shall contain not more than twenty-four (24) trailer sites per acre;
- c. Individual trailer sites shall contain an area of not less than 1,750 square feet;
- d. Such trailer parks shall be connected with a street by a paved driveway or driveways constructed in accordance with appropriate ordinances and regulations;
- e. A front yard at least ten (10) feet in depth shall be provided;
- f. Side yards of not less than three (3) feet shall be provided, however, on corner sites a side yard of not less than five (5) feet in width shall be provided;
- g. A rear yard of not less than fifteen (15) feet in depth shall be provided;
- h. Required front, rear, and side yards shall be planted with grass, shrubs, or trees and all plantings must be maintained in a manner not obstructing sight distances for vehicles entering or leaving the trailer park;
- i. The trailer park shall be separated from the abutting property and the required front yard and on a corner lot from the required side yard on the street side by a solid masonry wall at least five (5) feet but not in excess of seven (7) feet in height;
- j. Individual trailer sites shall provide a front yard having a minimum depth of five (5) feet. Appendages, expansions, or attachments to the trailer shall not protrude into any required yard area;
- k. Individual trailer sites shall provide two (2) side yards having a combined width of thirteen (13) feet, in no case shall either side yard be less than four (4) feet. However, when a side yard of a trailer site abuts a residential district, the side yard shall not be less than six (6) feet. Appendages, expansions, canopies or attachments to the trailer shall not protrude into any required yard area;
- l. Individual trailer sites shall provide a rear yard having a minimum depth of five (5) feet. However, when a rear yard of an individual trailer site abuts a residential district, the rear yard shall not be less than ten (10) feet. Appendages, expansions, canopies or attachments to the trailer shall not protrude into any required yard area;
- m. Off-street parking spaces for automobiles shall be provided in the ratio of at least one (1) space per trailer in locations convenient to individual trailers or groups of trailers;
- n. No signs shall be erected upon such trailer parks, except not more than one (1) sign shall be permitted at each entrance for directional and identification purposes, such signs shall not exceed ten (10) square feet nor extend more than ten (10) feet in overall height above the ground and shall not project into required yard areas more than six (6) inches.

Section 11.40. Utility, Electric Substations and Transmission Facilities.

40.1. In all RS, RD, RM, MS, RO, and B Districts, in which electric substations and transmission facilities are authorized, the following standards apply:

- a. Facilities must be approved by the Department of Utilities;
- b. Substation facilities shall be on a site having a minimum area of one (1) acre or on sites completely surrounded by public streets;
- c. Substation facilities shall be located within and completely surrounded by an ornamental fence or wall having a minimum of sixteen (16) feet in height and set back a minimum of twenty (20) feet from all property lines in all residential districts and set back in accord with applicable district regulations in all other districts;
- d. All buildings or structures for substations, other than poles, shall be set back so as to provide the yard areas required for a particular district with self-supporting radio towers set back a minimum of fifty (50) feet in all residential districts and set back in accord with district regulations in all other districts;
- e. All structures other than poles or self-supporting radio towers shall be limited to the height requirements of the particular district;
- f. The location, character, and extent of proposed electric utility substations and transmission lines shall be reviewed and approved by the City Planning Commission prior to the issuance of required permits. Such

review of said facilities shall ensure that the facility will be in keeping with the existing neighborhood and adjoining property's architectural and aesthetic characteristics so that the facility will not unnecessarily adversely affect the existing environment of the area and will be consistent with the intent and purposes of this Ordinance to promote public health, safety, morals, and general welfare. In such instances the action of the City Planning Commission shall be final, unless the City Council, by majority vote, determines that the Commission's action should be reviewed, in which case, such action by the City Council shall be taken within thirty (30) days from the date of final action by the City Planning Commission;

g. Prior to any review of transmission line facilities, the City Planning Commission shall, in accord with Section 16.9.3, hold a public hearing in relation to the proposal. In such instances the Commission shall have notice published in accord with Section 16.9.2.

40.2. In all VCR, VCC, HMR and HMC Districts, in which electric substations and transmission facilities are authorized, and in the VCS District in which electric substations are authorized, the following standards apply:

a. Standards in subsection 40.1, except c and d;

b. Substation facilities shall be located within and completely surrounded by an ornamental fence or wall having a minimum of sixteen (16) feet in height and set back a minimum of twenty (20) feet from all property lines;

c. All buildings or structures for substations, other than poles, shall be set back so as to provide the yard areas required for a particular district with self-supporting radio towers set back a minimum of fifty (50) feet.

40.3. In all C, VCP, BIP, SI and NU Districts in which electric substations are authorized, the following standards apply:

a. Substation facilities shall be on a site having a minimum area of one (1) acre or on sites completely surrounded by public streets;

b. Substation facilities shall be adequately screened from any abutting residential district by a landscaped fence or hedge at least six (6) feet in height;

c. All buildings or structures other than poles and self-supporting radio towers shall be set back a minimum of twenty (20) feet from all property lines abutting a residential district and limited in height to forty (40) feet;

d. Self-supporting radio towers shall be set back a minimum of fifty (50) feet from all property lines.

40.4. In the LI and HI Districts, in which electric substations are authorized, the following standards apply:

a. Substation facilities shall be adequately screened from any abutting residential district by a landscaped fence or hedge at least six (6) feet in height;

b. All buildings or structures other than poles and self-supporting radio towers shall be set back a minimum of twenty (20) feet from all property lines abutting a residential district;

c. Self-supporting radio towers shall be set back a minimum of fifty (50) feet from all property lines.

40.5. In all CBD Districts, in which electric substations are authorized, substations shall be on sites entirely enclosed by a wall or adequately screened by a landscaped fence or hedge at least six (6) feet in height.

40.6. In all BIP, SI, LI, HI, VCS, VCP and NU Districts, in which electric transmission facilities are authorized, transmission facilities shall comply with the standards in subsection 40.1.

40.7. In all districts, existing electric substations may continue to be operated, maintained, structurally altered or expanded provided that such expansion or alteration does not further encroach on the required twenty (20) foot setback from all property lines or the applicable height regulations for such district and provided further that such expansion shall be allowed only if such use is adequately screened from any abutting residential property by a fence, hedge, or other landscaping at least six (6) feet in height.

40.8. In all districts, existing electric transmission facilities may continue to be operated, maintained or structurally altered without any change in route.

Section 11.45. Utility, Telephone Exchanges.

45.1. In all RS, RD, RM, RO and B Districts in which such use is authorized, the following standards apply:

a. Telephone exchanges shall be approved by the Department of Utilities;

b. Telephone exchanges shall be on a site of at least 20,000 square feet and set back a minimum of twenty (20) feet from all property lines in all residential districts and set back in accord with applicable district regulations in all other districts;

c. All structures other than poles or self-supporting radio towers shall be limited to the height requirements of the particular district in which it is located;

d. The location, character, and extent of proposed telephone exchanges have been reviewed and approved by the City Planning Commission prior to the issuance of required permits. Such review of said facilities shall insure that the facility will be in keeping with the existing neighborhood and adjoining property's architectural and aesthetic characteristics so that the facility will not adversely affect the existing environment of the area and will be consistent with the intent and purposes of this Ordinance to promote public health, safety, and morals, and general welfare;

e. Off-street parking shall be provided in an amount necessary to provide adequate off-street parking area for all employees regularly employed on the premises;

f. All buildings, structures and parking areas shall be adequately screened from any abutting residential property by landscaped fence or hedge a minimum of six (6) feet in height.

45.2. In the C-1, C-2, BIP, SI, LI and HI Districts in which such use is authorized, standards e and f of subsection 45.1 apply.

45.3. In the C-1A District in which such use is authorized, all buildings and structures shall be adequately screened from any abutting residential property by a continuous opaque fence or hedge at least six (6) feet in height.

45.4. In the NU District in which such use is authorized, the following standards apply:

a. Standards e and f of subsection 45.1;

b. Telephone exchanges shall be set back a minimum of twenty (20) feet from all property lines.

45.5. In the VCP and VCS Districts, in which such use is authorized, standard e of subsection 45.1 applies.

45.6. In all VCR, VCC, HMR and HMC Districts in which such use is authorized, the following standards apply:

a. Standards in subsection 45.1 except standard b;

b. Telephone exchanges shall be on a site of at least 20,000 square feet.

45.7. In all districts, existing telephone exchanges may continue to be operated, maintained, structurally altered or expanded provided that such expansion or alteration does not further encroach on the required setback, yard areas, off-street parking requirements or Floor Area Ratio requirements of the applicable district regulations and provided further that such expansion shall be permitted only if such use is adequately screened from any abutting residential property by a fence, hedge, or other landscaping at least six (6) feet in height.

Section 11.49. Tire Collection, Reduction and Transfer Facility.

In the LI and HI Districts in which such use is authorized, the following standards apply:

a. The site shall be completely enclosed with a ten (10) foot high, ninety (90) percent opaque, wood fence. The fence shall be located ten (10) feet inside any property line abutting a public right-of-way or residentially zoned properties.

b. The site shall be properly landscaped and maintained from the property line to the ten (10) feet buffer zone on the outside of the fence.

c. The hours of operation shall be limited to between 8:00 a.m. and 8:00 p.m., Monday through Saturday.

d. The decibel level as measured at the property line shall not exceed those set in the Noise Ordinance, as specified in the City Code, Ordinance 828, M.C.S., as amended.

e. If the site is located within 100 feet of a residential zoning district, the operation must be located within a fully enclosed structure. No more than twenty (20) percent of this requirement may be waived.

f. The maximum storage allowed of unshredded tires shall not exceed the twenty-four (24) hour processing capacity of the facility (shredder).

g. A mosquito control plan, approved by the New Orleans Mosquito Control Board, must be described and implemented to reduce the potential for mosquito breeding within the site.

h. No portion of the collection, reduction or storage operations shall be visible from the adjacent properties.

i. A disposal plan for all byproducts of the process (i.e. steel belts, wheels) shall be submitted and followed.

j. All loading and unloading of materials shall be done within the site.

k. Approval of the Department of Streets of location and size of curb cuts or driveways is required to assure proper ingress and egress.

l. Prior to the issuance of building permits, the applicant must secure the approval of the Louisiana Department of Environmental Quality.

m. If other stipulations such as performance bonds and peripheral cleanup are required, the operator shall comply with those requirements.

Section 11.51. Restaurants.

51.1 In the B-1, B-2 and B-1A Neighborhood Business Districts, and in the HMC-1 and HMC-2 Historic Marigny/Tremé Commercial Districts, the following shall apply: subject to applicable zoning restrictions, restaurants in the B-1, B-2 and B-1A Neighborhood Business Districts, and in the HMC-1 and HMC-2 Historic Marigny/Tremé Commercial Districts that do not otherwise prohibit bars/cocktail lounges may contain a holding bar as defined herein, but no other type of bar.

(Ord. 19,722 § 4, adopted 7/6/00; Ord. 17,664 § 2 (part), adopted 7/3/96)

51.2 Holding Bar. A holding bar is an accessory use to the restaurant and is an area of a restaurant at which alcoholic beverages may be prepared and served across the bar provided that the bar area does not exceed

fifteen (15) percent of the floor area of the seating area of the restaurant, up to a maximum of 300 square feet for the holding bar area, and provided that no live entertainment be allowed. The holding bar shall be open to the public only while food is being served in the restaurant's dining room.

(Ord. 17,664 § 2 (part), adopted 7/3/96)

51.3 The Board of Zoning Adjustments may grant an increase in the square footage of the holding bar area that shall not exceed twenty-five (25) percent of the seating area of the restaurant.

(Ord. 17,664 § 2 (part), adopted 7/3/96)

Section 11.52. Green Markets.

In all districts in which such use is authorized, the following standards apply:

- a. Such use shall be located on property abutting a major street as designated on the official major street plan and such use shall be located adjacent to or within 150 feet of a residential zoning district.
- b. No new green markets, whether seasonal or permanent, shall be located within 1,000 foot radius of an existing seasonal or permanent farmers' market.
- c. Off-street parking shall be provided at a ration of one (1) space for every 400 square feet of gross retail area (all inclusive). Parking areas shall meet the design standards of parking lots as designated in Section 15.2 of the Comprehensive Zoning Ordinance of 1995, including screening, landscaping, except fencing.
- d. Hours of operation are limited to 7:00 a.m. to 7:30 p.m. and shall not conflict with the regular hours of operation of the primary use(s).
- e. Size restrictions shall be consistent with the retail sales size restrictions in the underlying zoning district.
- f. All signage shall be consistent with the sign regulations of the underlying zoning district and/or Urban Corridor, and/or City Council whichever is more restrictive.
- g. An established litter abatement program shall be required prior to approval and permitting.
- h. Green market facilities cannot protrude onto the public right-of-way or be placed in such a way that customers occupy the sidewalk or the public right-of-way.
- i. Permanent open air green markets shall be required to install and maintain fencing or landscaping along three (3) sides of the market and provide a plan indicating the fencing or landscaping as part of the conditional use process. The plan shall include perimeter landscaping with shrubs and trees with a minimum depth of five (5) feet. Shrubs shall have minimum height of thirty (30) inches and trees shall be two and one-half (2 1/2) inches caliper with a height of one (1) to twelve (12) feet.
- j. In the instance where a seasonal green market utilizes an existing accessory parking lot, the green market shall not displace the required parking for the primary use during its regular hours of operation.
- k. Any green market which erects any type of overhead permanent structure and located in local or national historic districts is subject to the approval of the Historic District Landmarks Commission.
- l. The sale of food for consumption on or off the premises will require licensing by the City and approval by the Department of Health.
- m. Supplemental use standards (a) through (j) shall be subject to modification by the conditional use process.

(Ord. 18,177 § 6, adopted 4/3/97)

Section 11.55. Personal Wireless Communication Facilities.

55.1 In all district in which such use is authorized, as shown in the table below, the following standards apply:

Zoning District Regulation Showing the Classification of Uses as Determined by Type of Wireless Installation

Zoning District	Mast-mounted	Facade-mounted	Standard* Monopole	Cellular/ PCS Tower
All RS, RD, RM	P	P	C	--
MS, RO, RO-1, B-1, B-1A, B-2, C-1A	P	P	C	--
C1 & C2	P	P	P & C	C if 2 or more co-located and not abutting resid. dist.
CBD-1 through CBD-	P	P	C	--

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SC	P	P	P & C	C if 2 or more co-located and not abutting resid. dist.
LI, HI, SI & BIP	P	P	P & C	P & C
NU	P	P	P with wetlands permit, if required, and 2 or more co-located; C with wetlands permit, if required, and no co-location	P with wetlands permit, if required, and 2 or more co-located
All VCR, VCC, VCE, VCP & VCS	P	P	--	--
RP - Research Park	P	P	C	--
All HMR & HMC	P	P	--	--
HMLI	C	C	C	--
P-Park	C	C	C	--

P = Permitted Use

C = Conditional Use

-- = Prohibited

P & C = A permitted use if the installation does not abut a residential district; otherwise, the installation will be authorized as a conditional use.

* All nonstandard monopoles shall require conditional use approval.

1. In conditional use reviews, a carrier shall provide a notarized affidavit executed by an officer or authorized agent of the carrier to the effect that co-location on existing structures, or with other carriers, is not feasible on a particular site before receiving approval.

2. If the City denies an application for a personal wireless communication facility, it shall notify the applicant of such decision in writing. The denial must be supported by substantial evidence contained in the written record.

3. Cellular/PCS installations authorized as conditional uses shall be approved in accordance with the standards and procedures contained in Section 16.6 of the Comprehensive Zoning Ordinance. The conditional use procedure shall also apply to any new structure built for the purposes of containing or camouflaging new or existing cellular or PCS installations. A nonstandard monopole or other structure shall be designed to be aesthetically compatible with the character of the neighborhood in which it is located. However, this review procedure shall not be applicable in cases where a conditional use review would already be required.

4. Cellular or PCS installations authorized as a permitted use that cannot meet the applicable performance standards will be authorized as a conditional use. These applications shall be approved in accordance with the standards and procedures contained in Section 16.6 of the Comprehensive Zoning Ordinance. The performance standards contained in these regulations shall not be appealable to the Board of Zoning Adjustments. Such performance standards, however, may be waived, modified or otherwise adjusted by the City Council in connection with the approval of any personal wireless communication facility as an approved conditional use.

5. These regulations herein shall not supersede the jurisdiction of the Central Business District Historic Landmarks Commission, the Historic District Landmarks Commission, or the Vieux Carré Commission.

6. The City Planning Commission staff, in conjunction with representatives of the personal wireless communication industry, shall develop and submit to the City Council for consideration, additional guidelines and standards that address alternative methods of screening the antenna array that is attached to standard monopoles. The intent of such a cooperative effort is to further minimize the visual impact of a standard monopole on a neighborhood, while ensuring that the performance of the cellular/PCS installation is not compromised.

7. All cellular/PCS installations, including mast-mounted, facade-mounted monopole, and cellular/PCS tower installations, and related communication equipment shelters, shall be removed within twelve (12) months of permanent cessation of operation. At the time of removal, all cell sites shall be remediated such that all cellular/PCS installation improvements are removed, less and except any trees. Trees may only be removed if necessary to complete the required remediation, subject to consultation with the Department of Parks and Parkways to determine the feasibility of donating the trees for replanting on public property. Removal of

improvements will include foundation slabs and drives, but not below grade structural foundations. Furthermore, the City Planning Commission staff shall develop and submit to the City Council for consideration language outlining monetary remedies to insure the removal of monopole installations after twelve (12) months of permanent cessation of operations. This requirement shall not apply to cell sites that have temporarily ceased operations. However, the cellular or PCS operator shall deliver to the Department of Safety and Permits a notarized affidavit of an officer or authorized agent of the operator stating that the operator intends to temporarily cease operations but has a good faith intention to place the installation on line at a later specified date.

8. Setbacks for standard and nonstandard monopole and cellular/PCS tower installations:

a. Residential Districts. In residential districts the front and rear yard setbacks currently specified in the underlying zoning districts shall apply. Where setbacks range in distance, the more restrictive shall apply. With respect to side yards, a twelve (12) foot setback is required for monopole installations, with the additional requirement that trees be planted between the pole and property line.

b. MS, RO, RO-1, B-1, B-1A, B-2, C-1A, CBD-1 through CBD-9, RD, HMLI AND P DISTRICTS. In these districts the setbacks shall be as set forth in the following table:

Installation Type/Height	Setbacks Adjoining Residential	Setbacks Adjoining Nonresidential
Monopole/65 feet or less	Front--25 feet	Front--25 feet
	Side and rear--12 feet	Side and rear--8 feet
Monopole/65--125 feet	Front--25 feet	Front--25 feet
	Side and rear--20 feet	Side and rear--8 feet
Cellular/PCS tower/65 feet or less	N/A	N/A
Cellular/PCS tower/65--125 feet	N/A	N/A

c. C-1, C-2 AND SC DISTRICTS. In these districts the setbacks shall be as set forth in the following table:

Installation Type/Height	Setbacks Adjoining Residential	Setbacks Adjoining Nonresidential
Monopole/65 feet or less	Front--25 feet	Front--25 feet
	Side and rear--12 feet	Side and rear--8 feet
Monopole/65--125 feet	Front--25 feet	Front--25 feet
	Side and rear--20 feet	Side and rear--8 feet
Cellular/PCS tower/65 feet or less	N/A	Front--25 feet
		Side and rear--20 feet
Cellular/PCS tower/65--125 feet	N/A	Front--25 feet
		Side and rear--8 feet

d. NU, SI, BIP AND HI DISTRICTS. In these districts the setbacks shall be as set forth in the following table:

Installation Type/Height	Setbacks Adjoining Residential	Setbacks Adjoining Nonresidential
Monopole/65 feet or less	Front--25 feet	Front--25 feet
	Side and rear--12 feet	Side and rear--8 feet
Monopole/65--125 feet	Front--25 feet	Front--25 feet
	Side and rear--20 feet	Side and rear--8 feet
Cellular/PCS tower/65 feet or less	Front--25 feet	Front--25 feet
	Side and rear--20 feet	Side and rear--8 feet
Cellular/PCS tower/65--125 feet	Front--50 feet	Front--25 feet
	Side and rear--50 feet	Side and rear--8 feet

e. Setbacks Inapplicable. Setbacks shall not apply to mast and facade-mounted installations.

f. General. Setbacks shall be measured from the outside edge of the monopole or tower, at ground level to those property lines forming the boundaries of the cell site or otherwise surrounding the cell site. Those setbacks set forth in the column styled "Adjoining Residential" shall apply when determining the required

setback from property lines which are within or on the boundaries of any RS, RD, RM or HMR zoning district. Those setbacks set forth in the column styled "Adjoining Nonresidential" shall apply when determining the required setback from property lines which are within or on the boundaries of any zoning district other than RS, RD, RM or HMR districts. If a cell site adjoins both residential and nonresidential property, the setbacks set forth in each of the columns styled "Adjoining Residential" and "Adjoining Nonresidential" shall be applied, as applicable, in accordance with the rules set forth in this subsection (e).

9. Minimum Cell Site Size. A minimum cell site size of 2,700 square feet shall be required for monopole installations located in all RS, RD, RM and HMR districts. Minimum cell site sizes shall not be required in other districts. In all zoning districts other than RS, RD, RM and HMR districts, wireless communication facility installations shall not preclude other uses from existing on the same lot of record provided that the lot of record, exclusive of the cell site, shall be subject to size requirements of other applicable laws.

10. Co-Location. Co-location is the term that describes the following two (2) scenarios where a company shares infrastructure to install its antennas and equipment:

a. A wireless carrier installs antennas on an existing building or other structure, such as a water tower, that is usually not owned by a wireless provider. Antennas can be placed on the rooftop or facade of a building in a mast-mounted or facade-mounted configuration. Antennas mounted on a mast or support, rise above or are otherwise located upon, the top of the building, while antennas attached to the facade of a building or other structure are limited to the height of the structure; and

b. Two or more carriers cooperate and share a monopole or cellular/PCS tower to mount their antennas. The cell site must be large enough to accommodate each company's communication equipment shelter, in addition to the monopole or cellular/PCS tower.

11. A cellular or PCS provider will be allowed to locate a monopole installation on publicly owned property, when permitted by the underlying zoning district regulations, in accordance with the following conditions: A cellular or PCS provider shall be allowed to construct as a permitted use one (1) monopole installation which would otherwise be a conditional use for each four (4) co-location sites the company participates in within Orleans Parish. The application for permitted use shall include an administrative site plan review in accordance with Section 16.7 of the Comprehensive Zoning Ordinance. Performance standards shall generally follow those requirements for the P-Park zoning district. The height of the monopole may not exceed sixty-five (65) feet and prefabricated communication equipment shelters that are visible from a public right-of-way shall be prohibited. A new structure that is compatible with the design and scale of the surrounding area shall be required and shall be subject to the site plan review procedures.

12. These guidelines and performance standards shall be interpreted such that they pertain only to cellular installations operating in the 800 to 900 MHZ ultra-high frequency (UHF) range and personal communication service (PCS) installations operating in the 1,800 to 2,200 MHZ ultra-high frequency (UHF) range.

13. The City Planning Commission shall revisit the siting of personal wireless communication facilities two (2) years after the adoption of Ordinance 18,384 (adopted August 21, 1997). The purpose shall be to assess the state of wireless communication (cellular and PCS) technology, and if necessary, to recommend changes to these regulations. However, an interim review may be requested by the City Council or three (3) or more cellular and/or PCS operators if significant technological changes occur in the marketplace that dictate such a request.

14. Each personal wireless communications facility shall comply with the Federal Communications Commission (FCC) regulations concerning radio frequency (RF) emissions.

15. The Department of Safety and Permits shall issue no permit for the construction of a new monopole or cellular/PCS tower installation until the cellular/PCS provider applying for such permit has furnished proof to the Department that it has filed with the City Planning Commission a fifteen (15) year plan setting forth the applicant's best estimate of the total number of monopole and cellular/PCS tower installations that it intends to construct and/or operate on the City of New Orleans during the fifteen (15) year period covered by the plan.

55.2 Residential Districts. The regulations presented below shall apply to the following zoning districts: RS-1, RS-1A, RS-2, RD-1, RD-2, RD-3, RD-4, RM-1, RM-2, RM-2A, RM-3 and RM-4.

1. Mast-mounted and facade-mounted installations authorized as permitted uses shall be subject to an administrative site plan review in accordance with section 16.7 of the Comprehensive Zoning Ordinance with the following exceptions:

a. The ninety (90) day review period shall be reduced to thirty (30) days; and

b. The administrative site plan review procedure shall not apply to those sites that are under the jurisdiction of the Historic District Landmarks Commission, the Central Business District Historic District Landmarks Commission or the Vieux Carré Commission.

Approvals by the Executive Director of the City Planning Commission shall be in compliance with the performance standards below.

2. Monopole installations (standard and nonstandard) authorized as conditional uses shall be evaluated according to the standards defined below. The standards may be altered to provide compatibility with specific site conditions.

Facility Siting Standards

3. Mast and facade-mounted antennas:

a. Guyed, mast-mounted antennas shall be located on buildings or other structures where the height of the building or structure is a minimum of forty (40) feet, as measured to the top roof peak or roof deck for a building and to the highest point of the structure if not a building; and the height of the mast shall not exceed twenty-five (25) feet in height as measured from the base to the tip. This does not prohibit erection of masts on existing buildings or other structures taller than forty (40) feet. Guy wires shall not extend beyond ten (10) feet above the base of the mast;

Masts located upon a building shall be located near the core of the building to the maximum extent practical to minimize the surrounding ground level views. However, a cellular or PCS operator may locate a mast closer to a building's facade if evidence (certified by a licensed structural engineer) is presented that indicates that structural considerations dictate an alternative location. However, masts shall not be located at the edge of a building. Rooftop mast installations shall not be or a steel-lattice design;

b. Facade-mounted antennas shall be located on buildings that adhere to the forty (40) foot minimum height requirement of (a) above. Aesthetic compatibility with the existing building shall be achieved through the design, placement, and exterior color treatment of the antennas. Antennas shall have a low profile, not obscure any significant architectural feature, such as column capitals, and be painted to match the color of the exterior material where located; and

c. Where a mast and/or antenna is located upon an existing transmission tower, it is permissible to locate the mast and/or antenna anywhere upon the transmission tower and to locate communication equipment shelters according to the regulations contained herein. In such cases, the cell site requirements of these regulations shall not apply. The fencing and landscaping requirements shall only apply if a new ground level communication shelter is constructed.

4. Monopole installations:

a. The height of the monopole shall not exceed sixty-five (65) feet unless the cellular/PCS carrier provides a notarized affidavit of an officer or authorized agent of the carrier that substantiates the need to build a monopole of a greater height, and that co-location on existing structures, or with other carriers is not feasible;

b. Setbacks shall be measured to the outside edge of the monopole at ground level. Ground level communication equipment shelters shall conform to the setback requirements of the underlying zoning district; and

c. The areas around all ground level cell sites shall be fenced and landscaped in accordance with the design standards contained herein.

5. No more than one (1) monopole shall be erected within a 1,200-foot radius. Exceptions to this spacing requirement shall be installations that are completely camouflaged or hidden from view within existing structures, and mast-mounted or facade-mounted antennas.

6. All ground level equipment for wireless installations, other than equipment which cannot be seen at ground level from public rights-of-way or adjacent properties (such as electrical transformers, telephone pedestals, electrical isolation transformers and generators and related fuel tanks) shall be completely enclosed in a communication equipment shelter. This shelter shall be designed to accommodate a pitched roof and walls faced with the predominate materials used within the adjacent block face, such as wood siding, stucco or brick finishes. Communication equipment shelters that are located on the ground shall conform to the setback requirements of the underlying zoning district, and shall be landscaped and secured per the design standards herein.

7. For those cellular/PCS installations where a communication equipment shelter is located on a flat roof, the following standards are applicable:

a. The communication equipment shelter shall be positioned near the center of the building to the maximum extent practical to minimize the surrounding level views. However, a cellular or PCS operator may locate an equipment shelter closer to a building's facade if evidence (certified by a licensed structural engineer) is presented that indicates that structural considerations dictate an alternative location. If the communication equipment shelter is to be located at the edge of a building, then the edge shall not be adjacent to a public right-of-way; and

b. Communication equipment shelters located on rooftops shall be constructed to be aesthetically compatible with the exterior treatment of the building and its penthouse structures. Compatibility shall be achieved through the use of similar materials, color and paint treatment.

Fencing and Landscaping Standards

8. A continuous opaque wood or masonry fence, a minimum of six (6) feet in height, shall be provided on or within all cell site lines to surround all cellular/PCS installations, including related communication equipment shelters, but only where a communication equipment shelter is located at ground level. Along cell site lines contiguous to a public right-of-way, fences shall be of black metal picket construction (to allow for installation of landscaping behind), and shall be set back from the public rights-of-way a distance which is approximately the average setback of all existing buildings within the adjacent block face. Where a cell site side or rear site line is also a property line, the height of the fence shall conform to the regulations of the underlying zoning district.

9. Chain-link fencing, with or without barbed-wire, may be placed inside any required opaque wood or masonry fence to enclose and surround a cell site only when this type of fencing cannot be seen at ground level from a street, public right-of-way or a residential use. (This means the cellular or PCS carrier shall have the prerogative to install double fencing).

10. Vegetation required by these guidelines shall be selected from the Tree and Shrub Rating Guide, produced by the Louisiana Cooperative Extension Service, and shall have at least a rating of 3 in the Guide.

11. Existing on-site trees shall be preserved to the maximum extent practicable.

12. A row of evergreen shrubs of a size that is capable of forming a continuous hedge at least five (5) feet in height within one (1) year shall be provided along the exterior face of an opaque fence, or behind a metal picket fence that is adjacent to any street or public right-of-way.

13. Large evergreen trees, not less than two (2) to two and one-half (2 1/2) inches in diameter breast height (DBH), four and one-half (4 1/2) feet above grade level, spaced, on average, not more than twenty-five (25) feet apart shall be provided along all ground level cell site lines facing residential property or a public right-of-way. Trees shall always be planted between a monopole and any adjoining residential district or property. Along cell site lines contiguous to a public right-of-way, trees shall be planted outside the required fence when the front, side or rear yard is deeper than five (5) feet. In such instances, trees shall be planted inside the fence line for yards less than five (5) feet deep. Existing on-site trees, evergreen or deciduous, preserved per subsection 11, may be used for the purpose of calculating the number of trees needed to satisfy this requirement.

14. All plant materials required by these guidelines shall be maintained for the life of the use. Maintenance shall include regular watering, grass-cutting, and pruning.

15. Vehicular access to a cell site shall be limited to a major street if the cell site adjoins both a major and minor street.

16. Paving shall be permitted only for vehicular access to the cell site and the installation footprint including the communication equipment shelter. On all other portions of the site, permeable surfaces such as crushed stone or grass shall be installed. This requirement shall not apply to a cell site located in an existing parking lot or other entirely paved area.

55.3 Certain Special Commercial, Neighborhood Business, General Commercial, Central Business, Shopping Center and Non-Urban Districts.

A. The regulations presented below shall apply to the following zoning districts: MS; RO and RO-1, B-1, B-1A and B-2; C-1A; CBD-1 through CBD-9.

1. Mast-mounted and facade-mounted installations authorized as permitted uses in the MS, RO, RO-1, B-1, B-1A, B-2 and C-1A Districts shall be subject to an administrative site plan review in accordance with Section 16.7 of the Comprehensive Zoning Ordinance with the following exceptions:

a. The ninety (90) day review period shall be reduced to thirty (30) days; and

b. The administrative site plan review procedure shall not apply to those sites that are under the jurisdiction of the Central Business District Historic District Landmarks Commission or the Vieux Carré Commission. Approvals by the Executive Director of the City Planning Commission shall be in compliance with the performance standards below.

2. Monopole installations (standard and nonstandard) authorized as conditional uses shall be evaluated according to the standards defined below. The standards may be altered to provide compatibility with specific site conditions.

3. Mast and facade-mounted antennas:

a. Guyed, mast-mounted antennas shall be located on buildings or other structure where the height of the building or structure is a minimum of forty (40) feet, as measured to the top roof peak or roof deck for a building and to the highest point of the structure if not a building; and the height of the mast shall not exceed twenty-five (25) feet in height as measured from the base to the tip. This does not prohibit erection of masts on existing buildings or other structures taller than forty (40) feet. Guy wires shall not extend beyond ten (10) feet above the base of the mast. Masts located upon a building shall be located near the core of the building to the maximum extent practical to minimize the surrounding ground level views. However, a cellular or PCS operator may locate a mast closer to a building's facade if evidence (certified by a licensed structural engineer) is presented that indicates that structural considerations dictate an alternative location. However, masts shall not be located at the edge of a building. Rooftop mast installations shall not be of a steel-lattice design in the B-1, B-1A, B-2, C-1A, RO and RO-1 zoning districts;

b. Facade-mounted antennas shall be located on buildings that adhere to the forty (40) foot minimum height requirement of (a) above. Aesthetic compatibility with the existing building shall be achieved through the design, placement, and exterior color treatment of the antennas. Antennas shall have a low profile, not obscure any significant architectural feature, such as column capitals, and be painted to match the color of the exterior material where located; and

c. Where masts and antennas are located upon an existing transmission tower, it is permissible to locate the mast and/or antenna anywhere upon the transmission tower and to locate communication equipment shelters

according to the regulations contained herein. The fencing and landscaping requirements shall only apply if a new ground level communication shelter is constructed.

4. Cellular/PCS monopole installations:

- a. The height of the monopole shall not exceed sixty-five (65) feet unless the cellular/PCS carrier provides a notarized affidavit of an officer or authorized agent of the carrier that substantiates the need to build a monopole of a greater height, and that co-location on existing structures, or with other carriers is not feasible;
- b. Ground level communication equipment shelters shall conform to the setback requirements of the underlying zoning district; and
- c. The areas around all ground level cell sites shall be fenced and landscaped in accordance with the design standards contained herein.

5. In MS, RO, RO-1, B-1, B-1A, B-2 and C-1A zoning districts, no more than one (1) monopole shall be erected within a 1,200 foot radius. In all CBD districts no more than one (1) monopole shall be installed within a 900 foot radius. Exceptions to this spacing requirement shall be installations that are completely camouflaged or hidden from view within existing structures, and mast-mounted or facade-mounted antennas.

6. All ground level equipment for wireless installations, other than equipment which cannot be seen at ground level from public rights-of-way or adjacent properties (such as electrical transformers, telephone pedestals, electrical isolation transformers and generators and related fuel tanks) shall be completely enclosed in a communication equipment shelter. This shelter shall be designed to accommodate a pitched roof and walls faced with the predominate materials used within the adjacent block face, such as wood siding, stucco or brick finishes. Communication equipment shelters that are located on the ground shall conform to the setback requirements of the underlying zoning district, and shall be landscaped and secured per the design standards herein.

7. For those installations where a communication equipment shelter is located on a flat roof, the following standards are applicable:

- a. The shelter shall be positioned near the center of the building to the maximum extent practical to minimize the surrounding ground level views. However, a cellular or PCS operator may locate a communication equipment shelter closer to a building's facade if evidence (certified by a licensed structural engineer) is presented that indicates that structural considerations dictate an alternative location. If the communication equipment shelter is to be located at the edge of a building, then the edge shall not be adjacent to a public right-of-way; and
- b. Communication equipment shelters located on rooftops shall be constructed to be aesthetically compatible with the exterior treatment of the building and its penthouse structures. Compatibility shall be achieved through the use of similar materials, color and paint treatment.

8. See fencing and landscaping standards for Residential Districts (Section 55.2 of this article).

B. The regulations presented below shall apply to the C-1 and C-2 zoning districts:

Type of Wireless Facility

1. Mast and facade-mounted antennas:

- a. Guyed, mast-mounted antennas shall be located on buildings or other structures where the height of the building or structure is a minimum of forty (40) feet, as measured to the top roof peak or roof deck for a building and to the highest point of the structure if not a building; and the height of the mast shall not exceed twenty-five (25) feet in height as measured from the base to the tip. This does not prohibit erection of masts on existing buildings or other structures taller than forty (40) feet. Guy wires shall not extend beyond ten (10) feet above the base of the mast. Masts located upon a building shall be located near the core of the building to the maximum extent practical to minimize the surrounding ground level views. However, a cellular or PCS operator may locate a mast closer to a building's facade if evidence (certified by a licensed engineer) is presented that indicates that structural considerations dictate an alternative location. However, masts shall not be located at the edge of a building.
- b. Facade-mounted antennas shall be located on buildings that adhere to the forty (40) foot minimum height requirement of (a) above. Aesthetic compatibility with the existing building shall be achieved through the design, placement, and exterior color treatment of the antennas. Antennas shall have a low profile, not obscure any significant architectural feature, such as column capitals, and be painted to match the color of the exterior material where located.
- c. Where masts and/or antennas are located on existing transmission towers, it is permissible to locate the mast and/or antenna anywhere upon the transmission tower and to locate communication equipment shelters according to the regulations contained herein. The fencing and landscaping requirements shall only apply if a new ground level communication shelter is constructed.

2. Monopole and tower installations:

- a. The height of the monopole shall not exceed sixty-five (65) feet and the height of a cellular/PCS tower shall not exceed 125 feet, unless the cellular/PCS carrier provides a notarized affidavit of an officer or authorized agent of the carrier that substantiates the need to build a monopole or cellular/PCS tower of greater heights, and that co-location on existing structures, or with other carriers is not feasible;

- b. Setbacks shall be measured from the outside edge of the monopole or cellular/PCS tower, at ground level, to the relevant property line; and
 - c. The areas around all ground level cell sites shall be fenced and landscaped in accordance with the design standards contained herein.
3. In C-1 and C-2 zoning districts, no more than one (1) cellular/PCS monopole shall be installed within a 900-foot radius. Exceptions to this spacing requirement shall be installations that are completely camouflaged or hidden from view within existing structures, and mast-mounted or facade-mounted installations.
4. All ground level equipment for personal wireless communication facilities, other than equipment which cannot be seen at ground level from public rights-of-way or adjacent properties (such as electrical transformers, telephone pedestals, electrical isolation transformers and generators and related fuel tanks) shall be completely enclosed in a communication equipment shelter. This shelter shall be designed to accommodate a pitched roof and walls faced with the predominate material used within the adjacent block face, such as wood siding, stucco or brick finishes. Communication equipment shelters that are located on the ground shall conform to the setback requirements of the underlying zoning district, and shall be landscaped and secured per the design standards herein.
5. For those installations where a communication equipment shelter is located on a flat roof, the following standards are applicable:
- a. The communication equipment shelter shall be positioned near the center of the building to the maximum extent practical to minimize the surrounding ground level views. However, a cellular or PCS operator may locate a communication equipment shelter closer to a building's facade if evidence (certified by a licensed structural engineer) is presented that indicates that structural considerations dictate an alternative location. If the communication equipment shelter is to be located at the edge of a building, then the edge shall not be adjacent to a public right-of-way; and
 - b. Communication equipment shelters located on rooftops shall be constructed to be aesthetically compatible with the exterior treatment of the building and its penthouse structures. Compatibility shall be achieved through the use of similar materials, color and paint treatment.

Fencing and Landscaping Standards

7. See fencing and landscaping standards for Residential Districts (Section 55.2 of this article).
- C. The regulations presented below shall apply to the SC zoning district:
- 1. Mast and facade-mounted antennas:
 - a. Guyed, mast-mounted antennas shall be located on buildings or other structures where the height of the building or structure is a minimum of forty (40) feet, as measured to the top roof peak or roof deck for a building and to the highest point of the structure if not a building; and the height of the mast shall not exceed twenty-five (25) feet in height as measured from the base to the tip. This does not prohibit erection of masts on existing buildings or other structures taller than forty (40) feet. Guy wires shall not extend beyond ten (10) feet above the base of the mast. Masts located upon a building shall be located near the core of the building to the maximum extent practical to minimize the surrounding ground level views. However, a cellular or PCS operator may locate a mast closer to a building's facade if evidence (certified by a licensed structural engineer) is presented that indicates that structural considerations dictate an alternative location. However, masts shall not be located at the edge of a building.
 - b. Facade-mounted antennas shall be located on building that adhere to the forty (40) foot minimum height requirement of (a) above. Aesthetic compatibility with the existing building shall be achieved through the design, placement, and exterior color treatment of the antennas. Antennas shall have a low profile, not obscure any significant architectural feature, such as column capitals, and be painted to match the color of the exterior material where located.
 - c. Where masts and/or antennas are located on existing transmission towers, it is permissible to locate the mast and/or antenna anywhere upon the transmission tower and to locate communication equipment shelters according to the regulations contained herein. The fencing and landscaping requirements shall only apply if a new ground level communication shelter is constructed.
 - 2. Monopole and cellular/PCS tower installations:
 - a. The height of the monopole shall not exceed sixty-five (65) feet and the height of a cellular/PCS tower shall not exceed 125 feet, unless the cellular/PCS carrier provides a notarized affidavit of an officer or authorized agent of the carrier that substantiates the need to build a monopole or cellular/PCS tower of greater heights, and that co-location on existing structures, or with other carriers is not feasible;
 - b. Setbacks shall be measured from the outside edge of the monopole or cellular/PCS tower, at ground level, to the relevant property line; and
 - c. The areas around all ground level cell sites shall be fenced and landscaped in accordance with the design standards contained herein.
 - 3. In an SC zoning district, no more than one (1) cellular/PCS monopole shall be installed within a 900-foot radius. Exceptions to this spacing requirement shall be installations that are completely camouflaged or hidden from view within existing structures, and mast-mounted or facade-mounted installations.

4. All ground level equipment for personal wireless communication facilities, other than equipment which cannot be seen at ground level from public rights-of-way or adjacent properties (such as electrical transformers, telephone pedestals, electrical isolation transformers and generators and related fuel tanks) shall be completely enclosed in a communication equipment shelter. This shelter shall be designed to accommodate a pitched roof and walls faced with the predominate material used within the adjacent block face, such as wood siding, stucco or brick finishes. Communication equipment shelters that are located on the ground shall conform to the setback requirements of the underlying zoning district, and shall be landscaped and secured per the design standards herein.

5. For those installations where a communication equipment shelter is located on a flat roof, the following standards are applicable:

- a. The communication equipment shelter shall be positioned near the center of the building to the maximum extent practical to minimize the surrounding ground level views. However, a cellular or PCS operator may locate an equipment shelter closer to a structure's facade if evidence (certified by a licensed structural engineer) is presented that indicates that structural considerations dictate an alternative location. If the communication equipment shelter is to be located at the edge of a structure, then the edge shall not be adjacent to a public right-of-way; and
- b. Communication equipment shelters located on rooftops shall be constructed to be aesthetically compatible with the exterior treatment of the building and its penthouse structures. Compatibility shall be achieved through the use of similar materials, color and paint treatment.

Fencing and Landscaping Standards

6. See fencing and landscaping standards for Residential Districts (Section 55.2 of this article).

D. The regulations presented below shall apply to the NU zoning district:

1. Mast and facade-mounted antennas:

- a. Guyed, mast-mounted antennas shall be located on buildings or other structures where the height of the building or structure is a minimum of forty (40) feet, as measured to the top roof peak or roof deck for a building and to the highest point of the structure if not a building; and the height of the mast shall not exceed twenty-five (25) feet in height as measured from the base to the tip. This does not prohibit erection of masts on existing buildings or other structures taller than forty (40) feet. Guy wires shall not extend beyond ten (10) feet above the base of the mast. Masts located upon a building shall be located near the core of the building to the maximum extent practical to minimize the surrounding ground level views. However, a cellular or PCS operator may locate a mast closer to a building's facade if evidence (certified by a licensed structural engineer) is presented that indicates that structural considerations dictate an alternative location. However, masts shall not be located at the edge of a building.
- b. Facade-mounted antennas shall be located on buildings that adhere to the forty (40) foot minimum height requirement of (a) above. Aesthetic compatibility with the existing building shall be achieved through the design, placement, and exterior color treatment of the antennas. Antennas shall have a low profile, not obscure any significant architectural feature, such as column capitals, and be painted to match the color of the exterior material where located.
- c. Where masts and/or antennas are located on existing transmission towers, it is permissible to locate the mast and/or antenna anywhere upon the transmission tower and to locate communication equipment shelters according to the regulations contained herein. The fencing and landscaping requirements shall only apply if a new ground level communication shelter is constructed.

2. Monopole and cellular/PCS tower installations:

- a. The height of the monopole or cellular/PCS tower shall not exceed 125 feet, unless the cellular/PCS carrier provides a notarized affidavit of an officer or authorized agent of the carrier that substantiates the need to build a monopole or cellular/PCS tower of greater heights, and that co-location on existing structures, or with other carriers is not feasible;
- b. Setbacks shall be measured from the outside edge of the monopole or cellular/PCS tower, at ground level, to the relevant property line; and
- c. The areas around all ground level cell sites shall be fenced and landscaped in accordance with the design standards contained herein.

3. All ground level equipment for personal wireless communication facilities, other than equipment which cannot be seen at ground level from public rights-of-way or adjacent properties (such as electrical transformers, telephone pedestals, electrical isolation transformers and generators and related fuel tanks) shall be completely enclosed in a communication equipment shelter. This shelter shall be designed to accommodate a pitched roof and walls faced with the predominate materials used within the adjacent block face, such as wood siding, stucco or brick finishes. Communication equipment shelters that are located on the ground shall conform to the setback requirements of the underlying zoning district, and shall be landscaped and secured per the design standards herein.

4. For those installations where a communication equipment shelter is located on a flat roof, the following standards are applicable:

- a. The communications equipment shelter shall be positioned near the center of the building to the maximum extent practical to minimize the surrounding ground level views. However, a cellular or PCS operator may locate a communication equipment shelter closer to a building's facade if evidence (certified by a licensed structural engineer) is presented that indicates that structural considerations dictate an alternative location. If the communication equipment shelter is to be located at the edge of a building, then the edge shall not be adjacent to a public right-of-way; and
- b. Communication equipment shelters located on rooftops shall be constructed to be aesthetically compatible with the exterior treatment of the building and its penthouse structures. Compatibility shall be achieved through the use of similar materials, color and paint treatment.

Fencing and Landscaping Standards

5. See fencing and landscaping standards for Residential Districts (Section 55.2 of this article).
- 55.4. Industrial Zoning Districts. The regulations presented below shall apply to the following zoning districts: SI, BIP, LI and HI.

Facility Siting Standards

1. Mast and facade-mounted antennas. See Standards for Commercial Districts (Section 55.3(A) of this article).
2. Monopole and Cellular/PCS tower installations:
 - a. The height of the monopole or cellular/PCS tower shall not exceed 125 feet unless the cellular/PCS carrier provides a notarized affidavit of an officer or authorized agent of the carrier that substantiates the need to build a monopole or cellular/PCS tower of a greater height, and that co-location on existing structures, or with other carriers is not feasible;
 - b. Setbacks shall be measured from the outside edge of the monopole or cellular/PCS tower, at ground level, to the relevant property line; and
 - c. The areas around all ground level cell sites shall be fenced and landscaped in accordance with the design standards contained herein.
3. No more than one cellular/PCS monopole shall be erected within a 900-foot radius. Exceptions to this spacing requirement shall be installations that are completely camouflaged or hidden from view within existing structures, and mast-mounted or facade-mounted antennas.
4. All ground level equipment for personal wireless communication facilities, other than equipment which cannot be seen at ground level from public rights-of-way or adjacent properties (such as electrical transformers, telephone pedestals, electrical isolation transformers and generators and related fuel tanks) shall be completely enclosed in a communication equipment shelter. This shelter shall be designed to accommodate a pitched roof and walls faced with the predominate material used within the adjacent block face, such as wood siding, stucco or brick finishes. Communication equipment shelters that are located on the ground shall conform to the setback requirements of the underlying zoning district, and shall be landscaped and secured per the design standards herein.
5. For those installations where a communication equipment shelter is located on a flat roof, the following standards are applicable:
 - a. The communication equipment shelter shall be positioned near the center of the building to the maximum extent practical to minimize the surrounding ground level views. However, a cellular or PCS operator may locate a communication equipment shelter closer to a building's facade if evidence (certified by a licensed structural engineer) is presented that indicates that structural considerations dictate an alternative location. If the communication equipment shelter is to be located at the edge of a building, then the edge shall not be adjacent to a public right-of-way; and
 - b. Communication equipment shelters located on rooftops shall be constructed to be aesthetically compatible with the exterior treatment of the building and its penthouse structures. Compatibility shall be achieved through the use of similar materials, color and paint treatment.

Fencing and Landscaping Standards

6. A continuous fence, a minimum of six (6) feet in height, shall be provided along or within all cell site lines to surround all cellular/PCS installations, including communication equipment shelters, but only if a communication equipment shelter is located at ground level. Where a cell site is contiguous to a public right-of-way, fences along such right-of-way shall be of black metal picket, (to allow for installation of landscaping behind), opaque wood or masonry design, and it shall be set back from the property line a distance which is the approximate average setback of all existing buildings within the adjacent block face. Vinyl-coated black or dark green chain-link fencing shall be permitted along cell site lines which are not contiguous to a residential use or public right-of-way if such fencing is not visible at ground level from the street, public right-of-way, or a residential use. Where a cell site side or rear site line is also a property line, the height of the fence shall conform with the regulations of the underlying zoning district.
7. Vegetation required by these guidelines shall be selected from the Tree and Shrub Rating Guide, produced by the Louisiana Cooperative Extension Service, and shall have at least a rating of 3 in the Guide.
8. Existing on-site trees shall be preserved to the maximum extent practicable.

9. A row of evergreen shrubs of a size that is capable of forming a continuous hedge at least five (5) feet in height within one (1) year shall be provided along the exterior face on all opaque fences, or behind a metal picket fence that is contiguous to any street or public right-of-way.

10. Large evergreen trees, not less than two (2) to two and one-half (2 1/2) inches in diameter breast height (DBH), four and one-half (4 1/2) feet above grade level, spaced, on average, not more than twenty-five (25) feet apart shall be provided along all ground level cell site lines facing a public right-of-way or residential property. Along cell site lines contiguous to a public right-of-way, trees shall be planted outside the required fence when the front, side or rear yard is deeper than five (5) feet. Trees shall be planted inside the fence line for yards less than five (5) feet deep. On-site trees, evergreen or deciduous, preserved per subsection 8, may be used for the purpose of calculating the number of trees needed to satisfy this requirement.

11. All plant materials required by these guidelines shall be maintained for the life of the use. Maintenance shall include regular watering, weeding, grass-cutting, and pruning.

12. Vehicular access to a cell site shall be limited to a major street if the cell site adjoins both a major and minor street.

13. Paving shall be permitted only for vehicular access to the cell site and the installation footprint including the communication equipment shelter. On all other portions of the site, permeable surfaces such as crushed stone or grass shall be installed. This requirement shall not apply to a cell site located in an existing parking lot or other entirely paved area.

55.5 Special Historic Districts--Vieux Carré. The regulations presented below shall apply to the following zoning districts: VCR-1 and VCR-2; VCC-1 and VCC-2; VCE and VCE-1; VCS and VCP.

1. Mast-mounted and facade-mounted installations authorized as permitted uses shall be subject to an administrative site plan review in accordance with Section 16.7 of the Comprehensive Zoning Ordinance with the following exceptions:

a. The ninety (90) day review period shall be reduced to thirty (30) days; and

b. The administrative site plan review procedure shall not apply to those sites that are under the jurisdiction of the Central Business District Historic District Landmarks Commission, the Historic District Landmarks Commission or the Vieux Carré Commission.

Approvals by the Executive Director of the City Planning Commission shall be in compliance with the performance standards below.

Fencing and Landscaping

2. In those instances where fencing and landscaping of a cellular/PCS installation is required, the standards for Residential Districts (Section 55.2 of this article) will apply as appropriate.

55.6. Special Historic Districts--Historic Marigny/Tremé. The regulations presented below are proposed for the following zoning districts: HMR-1, HMR-2 and HMR-3; HMC-1 and HMC-2; HMLI.

A. In all HMR and HMC Districts:

1. Mast and facade-mounted antennas authorized as permitted uses in HMR Districts shall be subject to an administrative site plan review in accordance with Section 16.7 of the Comprehensive Zoning Ordinance with the following exceptions:

a. The ninety (90) day review period shall be reduced to thirty (30) days; and

b. The administrative site plan review procedure shall not apply to those sites that are under the jurisdiction of the Central Business District Historic District Landmarks Commission, the Historic District Landmarks Commission or the Vieux Carré Commission.

Approvals by the Executive Director of the City Planning Commission shall be in compliance with the performance standards below.

B. In the HMLI District:

1. Mast and facade-mounted antennas authorized as conditional uses shall be evaluated according to the standards defined below. The standards may be altered to provide compatibility with specific site conditions.

2. Cellular/PCS monopole installations (standard and nonstandard) authorized as conditional uses shall be evaluated according to the standards defined below. The standards may be altered to provide compatibility with specific site conditions.

Facility Siting Standards

3. Mast and Facade-Mounted Antennas. See Residential Districts (Section 55.2 of this article).

4. Monopole Installations. See Residential Districts (Section 55.2 of this article).

Fencing and Landscaping

5. In those instances where fencing and landscaping of a cellular/PCS installation is required the standards in Residential Districts (Section 55.2 of this article) will apply.

55.7. Special Districts.

A. The regulations presented below are proposed for the P-Park zoning district:

1. Mast and facade-mounted antennas authorized as conditional uses shall be evaluated according to the standards defined below. The standards may be altered to provide compatibility with specific site conditions.

2. Monopole installations (standard and nonstandard) authorized as conditional uses shall be evaluated according to the standards defined below. The standards may be altered to provide compatibility with specific site conditions.

Facility Siting Standards

3. Mast and facade-mounted antennas. See Residential Districts (Section 55.2 of this article).
4. Monopole installations:
 - a. The height of the monopole shall not exceed sixty-five (65) feet unless the cellular/PCS carrier provides a notarized affidavit of an officer or authorized agent of the carrier that substantiates the need to build a monopole of a greater height, and that co-location on existing structures, or with other carriers is not feasible;
 - b. The location of monopoles shall be near other types of infrastructure that are similar in nature. Where located at stadiums, or softball or soccer fields, monopoles shall appear as light standards; and
 - c. The areas around all ground level cell sites shall be fenced and landscaped in accordance with the design standards contained herein.
5. No monopole shall be erected in those areas of the P Park district that lie between the hurricane protection levees and the water's edge of Lake Pontchartrain.
6. All ground level equipment for personal wireless communication facilities, other than equipment which cannot be seen at ground level from public rights-of-way or adjacent properties (such as electrical transformers, telephone pedestals, electrical isolation transformers and generators and related fuel tanks) shall be completely enclosed in a communication equipment shelter. Prefabricated communication equipment shelters that are visible from a public right-of-way are prohibited. A new structure that is compatible with the design and scale of the park atmosphere shall be required and approved pursuant to the conditional use review procedures. Communication equipment shelters that are located on the ground shall be landscaped and secured per the design standards herein.

Fencing and Landscaping

8. In those instances where fencing and landscaping of a cellular/PCS installation is required, the standards for Residential Districts (see Section 55.2 of this article) shall apply as appropriate.
- B. The regulations presented below are for the RP-Research Park zoning district:

Facility Siting Standards

1. Mast and Facade-Mounted Antennas. See Residential Districts (Section 55.2 of this article).
2. Monopole installations:
 - a. The height of the monopole shall not exceed sixty-five (65) feet unless the cellular/PCS carrier provides a notarized affidavit of an officer or authorized agent of the carrier that substantiates the need to build a monopole of a greater height, and that co-location on existing structures, or with other carriers is not feasible; and
 - b. The areas around all ground level cell sites shall be fenced and landscaped in accordance with the design standards contained herein.
3. No cellular/PCS monopole shall be erected in those areas of the RP-Research Park districts that lie between the hurricane protection levees and the water's edge of Lake Pontchartrain.
4. All ground level equipment for personal wireless communication facilities, other than equipment which cannot be seen at ground level from public rights-of-way or adjacent properties (such as electrical transformers, telephone pedestals, electrical isolation transformers and generators and related fuel tanks) shall be completely enclosed in a communication equipment shelter. Prefabricated communication equipment shelters that are visible from a public right-of-way are prohibited. A new structure that is compatible with the design and scale of the park atmosphere shall be required and approved pursuant to the conditional use review procedures. Communication equipment shelters that are located on the ground shall be landscaped and secured per the design standards herein.

Fencing and Landscaping

5. In those instances where fencing and landscaping of a cellular/PCS installation is required, the standards for Residential Districts (see Section 55.2 of this article) shall apply as appropriate.

(Ord. 18,384 § 1 (part), adopted 8/21/97)

ARTICLE 12 GENERAL SIGN REGULATIONS

Section 12.1. Sign Definitions.

For the purpose of this article, the following terms or words used herein shall be interpreted or defined as follows, unless the context clearly indicates otherwise:

1. Sign. Any structure, display, device or inscription which is located upon, attached to, or painted or represented on any land, on any building or structure, on the outside or inside of a window, or on an awning, canopy, marquee, or similar appendage, and which displays or includes any numeral, letter work, model, banner, emblem, insignia, symbol, device, light, trademark, or other representation used as, or in the nature of, an announcement, advertisement, attention-arrester, direction, warning or designation of any person, firm, group, organization, place, community, product, service, business, profession, enterprise, or industry.
2. Sign Area. That area within a line including the outer extremities of all letters, figures, characters, and delineations, or within a line including the outer extremities of the framework or background of the sign, whichever line includes the larger area. The support for the sign background, whether it be columns, a pylon, or a building or part thereof, shall not be included in the sign area. Only one side of a double-faced sign shall be included in a computation of sign area; for other signs with more than two faces, each side shall be included in a computation of sign area. The area of a cylindrical sign shall be computed by multiplying one-half of the circumference by the height of the sign. The area of a sign made of individually cut out letters is the sum of the area of rectangles or triangles necessary to enclose each letter.
3. Accessory Sign. A sign relating only to the main use of the premises on which the sign is located, or indicating the name and address of a building or the occupants or management of a building on the premises where the sign is located.
4. Canopy Sign. Any sign attached to or hung from the underside of a canopy or marquee.
5. Detached Sign. Any sign not attached to or painted on a building, but which is affixed to the ground. A sign attached to a flat surface such as a fence or wall of an accessory building, shall be considered a detached sign.
6. Sign Face. That particular area of the sign structure upon which a message, copy, or advertisement is displayed for viewing.
7. Flashing Sign. An illuminated sign on which the artificial or reflected light is not maintained stationary or constant in intensity or color at all times when in use and in actuality (or giving the impression of being) flashing or blinking. Rotating signs are not interpreted as being flashing signs.
8. Flat Sign. Any sign attached to, and erected parallel to the face of, or erected or painted on the outside wall of a building and supported throughout its length by such wall or building, and not extending more than eighteen (18) inches from the building wall. Flat signs shall include marquee signs for the calculation of sign area but shall not include canopy signs.
9. Outdoor General Advertising Sign, hereinafter otherwise occasionally referred to as billboard. Any type of sign that is freestanding and is either affixed to the ground or to another structure, or that is placed or painted on a vertical surface, and is used for the lease of commercial advertising display space which directs the attention of the general public to a commercial activity conducted, a service rendered, or a commodity or product sold or produced which is not the primary activity, service, commodity or product provided on the premises on which the sign is located.
10. Historic Sign. An outdoor general advertising sign that is considered to have merit either by age, location, unique design, construction technique, or association with a notable craftsman or company and has been nominated for, or is eligible for local or national landmark designation.
11. Illuminated Sign. Any sign designed to give forth artificial light or designed to reflect from one or more sources of artificial light erected for the purpose of providing light for the sign.
12. Indirectly Illuminated Sign. A sign which does not produce artificial light from within itself but which is opaque and backlighted or illuminated by spotlights or floodlights not a part of or attached to the sign itself.
13. Landmark Sign. An outdoor general advertising sign that has been designated as a local or national landmark.
14. Marquee Sign. Any sign attached to or hung from a marquee. For the purpose of this article, a marquee is a covered structure projecting from and supported by the building with independent roof and drainage provisions and which is erected over a doorway or doorways as protection against the weather.

15. Nameplate. That portion of the sign's face that identifies the individual or company who currently owns it.
16. Projecting Sign. A sign which is attached to and projects more than eighteen (18) inches from the face of a wall or building, but which does not project above the parapet or eave line of the building.
17. Rotating Sign. Any sign, illuminated or nonilluminated, supported from a pedestal, pylon or other vertical support and where the face or faces thereof slowly revolve (no more than twenty (20) revolutions per minute) and where the light source, if any, remains constant.
18. Roof Sign. A sign above the roof of a building which is fastened to and supported by the roof of a building, or a projecting sign which extends above the roofline or parapet wall of a building.
19. *Sign Permit Identification Plate*. That portion of the sign's face that identifies the permit number(s) assigned to it by the City, and where applicable, the State.

Section 12.2. General Sign Regulations.

The following regulations apply generally to all signs and are in addition to the regulations contained elsewhere in this Ordinance.

12.2.1. Permits Required.

Structural and safety features and electrical systems shall be in accordance with the requirements of the Building Code of the City of New Orleans. No sign shall be approved for use unless it has been inspected by the department issuing the permit and is found to be in compliance with all the requirements of this Ordinance and other applicable technical codes.

12.2.2. Permitted Signs.

1. Except as otherwise provided, these regulations shall be interpreted to permit one (1) sign of each permitted type, in accordance with applicable regulations, for each street frontage, for each permitted use on the premises. For the purpose of this regulation, sign types are flat, detached, projecting, canopy, marquee, and roof signs, or special purpose signs specifically listed in the district regulations.
2. Except as otherwise provided, any sign may be flat, detached, or projecting and except as otherwise provided, no detached sign may exceed a height of fifteen (15) feet.
3. Signs of permitted types and within total permitted sign area may be placed on walls of buildings other than the front except on side or rear walls facing and within 100 feet on the same side of the street of any residential zoning district.
4. Unless otherwise specified in these regulations, all signs shall comply with the yard requirements of the district in which they are located.
5. One accessory sign may occupy required yards in a district where such sign is permitted by these regulations, provided such sign meets the sign area requirements of the district in which it is located, but in no instance shall it exceed thirty (30) square feet in area nor contain flashing, moving, or intermittent illumination, and provided other requirements of these regulations are complied with.
6. Any sign may be indirectly illuminated if illumination is not otherwise limited by the provisions of these regulations.
7. Neon lighting or other tubular lighting, when used on the exterior of a building for strip lighting, to outline any portion of a building or structure other than a sign shall not be considered in computing the number of permitted signs but shall be considered as a general advertising sign and permitted only in districts where general advertising signs are permitted and shall be included in the computation of permitted sign area by multiplying the length of the tubing by six (6) inches.

12.2.3. Temporary Sign Permits.

The Director of Safety and Permits, upon application, as required in this article, may issue temporary permits for the following signs and displays for a period of not exceeding thirty (30) days, when in his/her opinion, the use of such signs and displays would be in the public interest and would not result in damage to private property:

1. Signs advertising a special civic or cultural event such as a fair or exposition, play, concert or meeting, sponsored by a government or charitable organization.
2. Special decorative displays used for holidays, public demonstrations, or promotion of nonpartisan civic purposes.
3. Special sales promotion displays in a district where such sales are permitted, including displays incidental to the opening of a new business. The temporary permits for such displays and signs may be issued for a period of thirty (30) days and may be renewable, provided the cumulative period for all temporary permits shall be limited to a maximum of ninety (90) days per year.
4. Exterior laser light promotional displays.
 - a. All such displays must be designed and maintained so as to prevent beam rays of light from being directed at any portion of the traveled ways or adjoining property, and no light shall be of such intensity or brilliance as to cause glare to or to impair the vision of pedestrians, motorists, or aircraft pilots or passengers;
 - b. All light displays must meet all federal guidelines;
 - c. Operators shall obtain a special permit prior to the presentation of this type of advertisement. For each municipal address, permits shall be issued only twice a year with a minimum sixty (60) days interval between permits, and each permit shall allow operation of these displays for a maximum of seven (7) consecutive days.

(Ord. 17,659 § 1, adopted 7/3/96)

12.2.4. Prohibited Signs.

1. Pennants, banners, streamers, and all other fluttering, spinning or similar type signs and advertising devices are prohibited except for national flags and flags of political subdivisions of the United States and except for flags of bona fide civic, charitable, fraternal, religious and welfare organizations; provided that during nationally recognized holiday periods, or during a special civic event, such as Mardi Gras, pennants, banners, streamers, and other fluttering, spinning, or similar devices pertaining to said periods or events may be displayed on a temporary basis.
2. No sign shall be constructed, erected, used, operated, or maintained which:
 - a. Displays intermittent light resembling or seeming to resemble, the flashing light customarily associated with danger or such as is customarily used by police, fire or ambulance vehicles, for navigation purposes, or similar warning devices.
 - b. Uses the word "stop" or "danger," or presents or implies the need or requirement for stopping or the existence of danger, or which is a copy or imitation of an official sign. This provision regarding the word "stop" or "danger" does not apply when they are part of attraction Titles for a broadcast, motion picture, theater event, opera, or concert, or when they are used in descriptive lines of advertising so long as they are not used to simulate, copy or imply any official warning, either for vehicles or pedestrians.
 - c. Is so located and so illuminated as to provide a background of colored lights blending with traffic signal lights to the extent of confusing a motorist when viewed from normal approaching position of a vehicle at a distance of twenty-five (25) to 300 feet.
3. No sign, portable or otherwise, is to be placed or located to conflict with the vision, clearance, or other requirements of the traffic ordinance of the City of New Orleans.
4. No sign may be a flashing sign unless it is specifically permitted.

5. No flashing signs shall be located within 100 feet of any property in a residential district. The measurement shall be taken along the street frontage.
6. No signs shall be attached to trees, utility poles, or any other unapproved supporting structures, except for official notification signs.
7. Murals shall not be permitted along either side of Convention Center Boulevard from Canal Street to Thalia Street, or on any extension thereof, or in any part of Vieux Carré.
8. Murals shall not be permitted in any residentially zoned historic district.
9. Murals shall not be permitted along either side of Convention Center Boulevard from Canal Street to Thalia Street, Canal Street within the Downtown Development District (DDD), or on any extension thereof, or in any part of the Vieux Carré.
10. Murals shall not be permitted in any residentially zoned historic district.

(Ord. 21,047 § 1, adopted 4/22/03; Ord. 20,700 § 1 (part), adopted 5/02/02)

12.2.5. Signs Over Public Streets.

Signs over public streets, sidewalks, and alleys shall be regulated as follows:

1. No signs shall be located to extend over the portion of a street used by vehicles.
2. No sign projecting over public streets or sidewalks shall extend or project nearer than twenty-four (24) inches to the curb.
3. No sign, except for signs on public transit waiting stations, on or projecting over any part of a public sidewalk, shall be erected less than nine (9) feet above part of such sidewalk. The measurement shall be taken vertically.
4. No sign projecting over an alley shall be erected less than fifteen (15) feet above the surface of the alley directly beneath such signs.

12.2.6. Signs For Nonconforming Uses.

Signs for nonconforming uses shall be limited in residential districts to a one (1) foot by one (1) foot sign. Appeals to this restriction may be appealed through the staff of the City Planning Commission requiring approval by the Executive Director of the City Planning Commission prior to the issuance of sign permits in accordance with the following guidelines:

1. The maximum number and size of signs permitted shall be one (1) attached sign limited to one (1) square foot per lineal foot of the building or tenant space width and one (1) detached sign limited to one-half square foot per lineal feet of the lot width. These widths shall be based on the portions of the property in which the use has its main address and shall not exceed the sign regulations of the district in which the use first appears as either a "permitted" or "conditional" use. No detached sign shall exceed twelve (12) feet in height and no detached sign shall be permitted for those uses with no setback or a setback of less than ten (10) feet from the property line. No waivers beyond these restrictions shall be allowed.
2. Additional criteria for review should include, but is not limited to the following:
 - a. Is the proposed signage in character with the surrounding area?
 - b. Is the attached building sign an integral part of the building?
 - c. Is there a predominate sign type found along the neighboring commercial frontages? If so, is it appropriate for this use?
 - d. Is this a nonconforming commercial corner use? If so, the signs should be limited to the corner entry.

e. Is this use located within an historic district? If so, approval of any signs must be approved by the appropriate agency prior to CPC consideration.

f. Are there any special conditions and circumstances that exist which are peculiar to the land or structures?

(Ord. 19,044 § 1, adopted 12/17/98)

12.3.1. Outdoor General Advertising and Certain Large Signs Prohibited.

Notwithstanding all other provisions of these regulations, no outdoor general advertising sign (billboard), nor any other sign exceeding 200 square feet in area shall be erected, constructed, altered, maintained, or relocated within the following area:

1. Within 200 feet of the right-of-way lines of any limited access highway, including expressways, as established by the officially adopted Major Street Plan of the City of New Orleans.
2. Within 200 feet from any portion of any grade separation, including the approaches thereto, constructed or to be constructed in conjunction with the grade separation plan of the Union Passenger Terminal Program of the City of New Orleans. Approaches to grade separations means the entire area between the end of such grade separation structure and the place where the street approach rises from or descends from the normal street grade adjacent to the separation.
3. Within 200 front feet on the same side of the street of any residential zoning district.
4. Any location within 200 feet of the right-of-way lines of, and any location east of Paris Road.
5. Within 1,000 feet of aesthetically sensitive areas or design vistas as described respectively in Article 2, Definitions.

Section 12.4. Vieux Carré Standards.

In addition to all provisions of these regulations, the following shall apply to signs within the Vieux Carré section of the City:

12.4.1. General Sign Standards.

1. No sign shall be displayed from the parapet of roofs or from any roof of any building within the Vieux Carré section of the City.
2. In addition to the prohibitions contained in this section, approval of the display of a sign in the Vieux Carré section of the City shall be granted by the Vieux Carré Commission only when such signs and the plans, therefor, so far as they relate to the appearance, color, size, position, method of attachment, texture of materials and designs, conform to the quaint and distinctive character of the Vieux Carré section or do not injuriously affect it or impair the value to the community of those buildings having architectural or historical worth.
3. Any sign displayed which no longer advertises a bona fide business conducted upon the premises shall, upon notification by the Vieux Carré Commission or its agent (who is hereby authorized to so proceed), be taken down, removed or obliterated within five (5) days after such notification. Failure to comply on the part of the owner, occupant, agent or person having the beneficial use of any building or premises upon which such sign may be found shall subject such person to the penalty provided in Section 1-6 of the City Code.
4. No sign shall be placed upon a balcony, gallery, canopy, shed, roof, door or window or placed in any manner whatsoever so as to disfigure or conceal any architectural feature or detail of any building. No sign shall be displayed from any fence, wall or open lot unless it conforms in proportions to the allowable area and does not exceed the maximum.

12.4.2. Illuminated Sign Standards.

1. In case of illuminated signs, where space must be provided between two (2) parallel faces for the installation of lighting fixtures, these faces shall not be farther apart than eighteen (18) inches and such lighting fixtures and all light sources shall be a steady light concealed: (a) Behind standard glass or other substance of equal or smaller light transmission factor; (b) by hoods; or, (c) by any acceptable method of indirect lighting approved by the Vieux Carré Commission.

2. Illuminated signs must conform to the following regulations as to wattage, so as to avoid concentration of illumination:

a. Signs measuring eighteen (18) by forty-two (42) inches must not have over 150 watts total for each sign. The wattage may be distributed evenly over the surface area of any one (1) side or over each of the two (2) sides of the sign, behind opal glass. The same wattage maximum and even light distribution is required in an indirectly lighted sign.

b. Signs measuring twenty-four (24) inches by forty-eight (48) inches must not have over 220 watts total for each sign. The wattage may be distributed evenly over the surface area of any one (1) side or over each of the two (2) sides of the sign, behind opal glass. The same wattage maximum and even light distribution is required in an indirectly lighted sign.

c. Signs smaller than eighteen (18) inches by forty-two (42) inches must not use more than seventy-five (75) watts. The wattage may be distributed evenly over the surface area of any one (1) side or each of the two (2) sides of the sign using opal glass over all light openings. In no case can a sign smaller than eighteen (18) inches by forty-two (42) inches using the maximum allowable wattage concentrate the emitted illumination through a smaller area on each side than one (1) foot square. The same wattage maximum and even light distribution must be observed in an indirectly lighted sign.

12.4.3. Sign Permits and Administration.

1. All applications for permits to display signs within the Vieux Carré section of the City shall be submitted to the Vieux Carré Commission for approval before a permit therefor may be issued.

2. Application for a permit to display signs in the Vieux Carré section of the City shall be made to the Vieux Carré Commission on forms furnished for that purpose. Such an application shall also be accompanied by sketches and drawings in triplicate showing details of construction and foundation when required by the Building Code of the City and shall delineate the size, shape, design, color, lighting and position in relation to the building from or upon which it shall be displayed.

3. Any sign or exterior illumination of walls, exteriors, roofs, or appurtenances of buildings within the Vieux Carré displayed contrary to the provisions of this section shall be removed.

4. All sign repairs, replacements and changes shall conform with this Ordinance and shall have the approval of the Vieux Carré Commission, except as exempted in Section 12.6.2 of this article, prior to the issuance of a permit by the Department of Safety and Permits.

Section 12.5. Outdoor General Advertising Sign Regulations.

The following regulations apply generally to all outdoor general advertising signs (billboards) and are in addition to the regulations contained elsewhere in this Ordinance:

12.5.1. Permits Required.

Requests for permits for construction or erection of new outdoor advertising signs or for any alteration to existing, outdoor general advertising signs shall be subject to the following requirements:

1. Before any permit is issued, an application, especially provided by the Director of the Department of Safety and Permits shall be submitted, together with:

a. Three (3) sets of drawings (one (1) to be returned to the applicant),

b. A portfolio of black and white photographs of the site and its environs, and

- c. Specifications (one (1) set to be returned to the applicant) as may be necessary to fully advise and acquaint the Director of Safety and Permits with the location, manner of construction, materials, manner of support, manner of illumination (if any), the number of sign faces and the proposed alteration.
2. All outdoor general advertising signs which are electrically illuminated by any means shall require a separate electrical permit and inspection.
 3. Each outdoor general advertising sign shall be clearly and permanently marked with the correct permit number and name of the person(s), firm(s) or owner(s) of the sign(s). Each sign face shall be required to display a nameplate and a sign permit identification plate as defined in Section 12.1 of this article.
 4. All outdoor general advertising signs shall be erected on or before the expiration of six (6) months from the date of issuance of the permit; otherwise the permit shall expire and a new permit shall be required.
 5. Notwithstanding all other provisions of these regulations, outdoor general advertising signs shall be inventoried, and monitored by the Department of Safety and Permits, in order to maintain control over such signs in New Orleans.
 6. Operating permits for outdoor general advertising signs shall be effective for a period of one (1) calendar year, renewable yearly according to the provisions of Chapter 3A of the City Code, as amended.
 7. If an existing unpermitted billboard meets the requirements of this article, an application may be submitted for issuance of a permit.

12.5.2. Wall Signs.

Signs of permitted types, and within total permitted sign area, excluding outdoor general advertising signs, may be placed on wall(s) of buildings other than front except on side or rear walls facing and within 100 feet on the same side of the street of any residential zoning district.

12.5.3. Violations.

The owner or lessee of any sign that is determined to be in violation of, or in conflict with any regulation stated herein, in the City Code or in the current New Orleans Building Code, shall be officially notified of such determination in writing by the Director of the Department of Safety and Permits.

1. Such signs, or those that constitute any public hazard or nuisance, shall be corrected or removed by their owner(s) after such official notification.
2. Those signs in violation that have not been corrected or removed within thirty (30) days of such official notification, may be removed or caused to be removed by the Director of the Department of Safety and Permits.
3. The Director of the Department of Safety and Permits may immediately remove or cause to be removed any sign which in his/her opinion constitutes a public hazard. Removal of a sign by the Director shall not affect any proceedings instituted prior to such removal by the Director.
4. Any and all costs associated with sign removal as provided for in Paragraph 2 above, shall be assessed by the Department of Safety and Permits and charged to the sign's owner(s). The sign's owner(s) may be subjected to fines in furtherance of court proceedings, and a lien shall be placed upon the property where the sign was located if he or any other violator fails to remit the costs of the sign removal incurred by the city within fourteen (14) days of official notification by the Department of Safety and Permits, or after expiration of all delays through enforcement of administrative remedies.
5. If for any reason, any sign owner does not comply with the provisions as specified herein, whose sign(s) is/are determined to be in violation of any regulations and does not correct the violation(s) or remove the sign(s) as specified, or if the owner owes fees, fines or penalties relating to sign regulation violations, he shall not be issued permits relative to alteration of any other sign(s) by the City until said sign(s) are made to comply with the applicable regulations and all fees, fines and penalties are paid.

12.5.4. Design Criteria.

1. Outdoor general advertising signs shall conform to the following support criteria:

a. Billboards shall be mounted on single support poles. The furthest horizontal extension of the sign support, structure or face shall be no closer than three (3) feet to any other building, structure, fence or property boundary.

b. Sign faces on billboards shall be attached to support structures that are designed and engineered exclusively for those sign faces, and none other.

2. All outdoor general advertising sign structures shall conform to the following sign face format criteria:

a. There shall be a maximum of three (3) separate sign faces per support structure.

b. Each singular structure shall conform to the following permitted sign face placement formats:

(1) Side-by-side.

(2) Back-to-back.

(3) V-plan, where a maximum of thirty (30) degree angle shall be permitted between the backs of the two (2) faces.

(4) Where two (2) smaller faces in a side-by-side arrangement could be placed against the back of a larger sign face without extending beyond the larger sign face's edges, they may be permitted.

3. All outdoor general advertising signs shall conform to the following sign face area criteria:

a. Have no less than a minimum sign face area of fifty-five (55) square feet, nor more than a maximum sign face area of 672 square feet.

b. Be formatted to a horizontal orientation.

c. Be permitted to have temporary cut-out extensions as follows:

(1) Temporary cut-out extensions are permitted to project five (5) feet beyond the original sign face edge or frame for a maximum total aggregate of 150 square feet surface area per sign face.

(2) Three-dimensional extensions are permitted to extend a maximum of five (5) feet beyond the front of the sign face but not into any public right-of-way, nor behind the sign face. Three-dimensional sign face elements are permitted to cover a maximum of thirty (30) percent of the total sign face area.

(3) Temporary cut-out extensions shall not exceed the overall height limits required for the subject billboards.

4. All outdoor general advertising signs shall conform to the following height criteria:

a. On-Grade Roadways: Outdoor general advertising signs adjacent to on-grade roadways shall be permitted to extend vertically upward to fifty (50) feet in height. Billboard height shall be measured from the original undisturbed ground level at the base of the proposed support pylon to the tallest projection of the entire billboard structure including the pylon, sign face and cut-out extensions.

b. Grade Separation Roadways: Outdoor general advertising signs adjacent to grade separation (elevated) roadways shall be permitted to extend vertically upward to twenty-five (25) feet in height, measured from the roadbed crown to the tallest projection of the structure or face, cut-out extensions included. The measurement shall be taken at a perpendicular angle between the grade separation roadway and the sign location.

12.5.5. Spacing Along Freeways and Interstate Highways.

1. One (1) billboard structure shall be permitted every 1,000 linear feet on either one side of the roadway or the other, but not on both sides.
2. A 1,000 linear foot separation distance is required between the nearest projections of existing billboards. In the case of any existing billboard situated to advertise toward a freeway and one situated to advertise toward a street which intersects with such freeway, measurement of the separation distance shall be taken along the closest curbline(s) or paving edge(s) of the two (2) streets that the signs are adjacent to.

12.5.6. Spacing Along Nonfreeway Roadways.

1. One (1) billboard structure shall be permitted every 500 linear feet on either one side of the roadway or the other, but not both sides.
2. A 500 linear foot separation distance is required between the nearest projections of existing billboards. In the case of an existing billboard situated to advertise toward one street and one situated to advertise toward another street which intersects with it, the measurement of the separation distance shall be taken along the closest curbline(s) or paving edge(s) of the two (2) streets that the signs are adjacent to.

12.5.7. Specific Siting of Billboard Structures.

Billboard structures or pylons shall not be placed or encroach into:

1. Legally required parking spaces,
2. Service drives or lanes,
3. Refuse storage areas.

12.5.8. Cap and Replacement Trade-Off System.

1. A cap shall be placed on the number of billboard structures and billboard faces which may be permitted to exist hereafter in the City of New Orleans, Parish of Orleans.
 - a. The maximum total number of permitted billboard structures allowed to exist in the City/Parish shall never be more than 582. (This is the total number existing as of November 19, 1992, according to the Board of Fiscal Review Inventory completed August 1992.)
 - b. The maximum total number of permitted billboard faces allowed to exist in the City/Parish shall never be more than 985. (This is the total number existing as of November 19, 1992, according to the Board of Fiscal Review Inventory completed August 1992.)
 - c. The maximum total number of permitted billboard structures and permitted billboard faces allowed to exist in the City/Parish shall be a reducing quantity based upon the total number of nonconforming billboards removed as follows: The maximum total number of billboard structures and the total number of billboard faces permitted shall each reduce by one (1) for every four (4) nonconforming billboard structures and billboard faces that are removed.
 - d. Should any Court decision affect the total number of billboard structures or billboard faces as a result of pending litigation involving the City, the maximum total number of permitted billboard structures and billboard faces allowed to exist as designated in subsections a and b above shall be adjusted accordingly.
2. Trade-off requirements shall be established in order to permit new billboards in Orleans Parish after existing nonconforming ones are removed.
 - a. Two (2) nonconforming billboard structures shall be removed before one (1) new billboard structure shall be permitted. For the purposes of this requirement, a single wall with more than one (1) billboard face mounted on it shall be counted as a single billboard structure for those faces; however, several billboard faces, each mounted on separate walls of the same building, shall be counted as separate faces on separate billboard structures.

b. A demolition permit must be obtained by the billboard owner before any billboard structure or billboard face removal can occur and such demolition shall be so noted on the official billboard inventory being maintained by the City.

c. The area of the billboard faces that are removed from existing billboard structures shall be the maximum billboard face area credited for installation on any new billboard structure. Individual billboard face area shall be expressed in square footage.

d. A maximum of three (3) faces shall be permitted on any single new billboard structure in accordance with the provisions set forth herein.

e. The lowest of the faces on the billboard structure(s) proposed to be removed shall be the maximum height permitted for the relocated billboard face(s) which replace them.

(1) The height of pole-mounted billboard faces removed shall be documented on the individual billboard credit and on the official billboard inventory being maintained by the City.

(2) The height of existing wall-mounted billboard faces which are removed shall not be considered in determining the height of the new billboard which replaces them, but the method of attachment to the structure shall be documented on the individual billboard credit and on the official billboard inventory being maintained by the City.

(3) Billboard face height shall be determined as the distance from the undisturbed ground level at the sign structure base to the topmost projection of each individual face.

(4) The height restriction of this subsection shall not apply to new billboards proposed for relocation along expressways, freeways or other grade separations if they meet all other requirements set forth in this section.

(5) In the case of the wall-mounted billboard face and a pole-mounted billboard face which are proposed as removals to be replaced by a new billboard, the height of the pole-mounted face shall be the limit on the height of such proposed new billboard face(s).

f. In the case of variance requests (beyond the maximum standards permitted in this Ordinance) that are granted, the following shall apply:

(1) Height variances shall require use of thirty (30) square feet of face area credit for each one (1) foot in height above the fifty (50) foot height limit.

(2) Face area variance shall require two (2) square feet of face area credit for each one (1) square foot increase in face above the 672 square feet limit.

12.5.9. Design Vistas and Aesthetically Sensitive Areas.

Design vistas and aesthetically sensitive areas, where outdoor general advertising signs are prohibited, shall within ninety (90) days of the effective date of this Ordinance be initially designated and adopted by motion of the City Council and maintained on the Official Maps of the City by the City Planning Commission. No permits for new billboard structures shall be issued under the provisions of this Section 12.5 until such initial designation and adoption of design vistas and aesthetically sensitive areas has been completed. Designation and adoption of additional design vistas and aesthetically sensitive areas may be made by the City Council at any time. The following is a list of adopted design vistas:

1. The Central Business District Skyline and Louisiana Superdome as seen from all grade separation roadways with vistas toward the Central Business District. Such views include, but are not limited to the following:

a. The eastbound Earhart Expressway approach between the Jefferson Parish line and the CBD.

b. The eastbound I-10 approach between the high-rise bridge and the Pontchartrain Expressway interchange.

c. The westbank approach to the Crescent City Connection and the Pontchartrain Expressway from the DeGaulle entrance ramp to the Claiborne Avenue/I-10 interchange.

- d. The eastbound Airline Highway/Tulane Avenue approach from the Jefferson Parish line and the Central Business District.
 - e. Decatur Street and Rampart Street, traveling uptown between Elysian Fields Avenue and Canal Street.
 - f. Orleans Avenue/Basin Street traveling uptown between Claiborne Avenue and Canal Street.
 - g. Tchoupitoulas Street, Camp Street, St. Charles Avenue, Carondelet Street, Oretha Castle Haley Boulevard/O'Keefe Avenue traveling downtown between Martin Luther King, Jr. Boulevard/Melpomene and Poydras Street.
 - h. Loyola Avenue traveling downtown between Simon Bolivar and Poydras Street.
 - i. Franklin Avenue southbound, at all grade separations (all views along southwestern side of roadway).
 - j. St. Claude Avenue and North Robertson Street westbound, from Deslonde Street to Poland Avenue, and Clouet Street to Franklin Avenue (all views along riverside of roadway).
 - k. South Claiborne Avenue eastbound, from Louisiana Avenue to the Pontchartrain Expressway.
 - l. Highway 407 bridge, westbound, entire grade separation, southwest side.
2. All views of the Vieux Carré and St. Louis Cathedral from both sides of the Mississippi River.
 3. Views of all city elements from the Mississippi River corridor (views from any point on the river).
 4. All views along Carrollton Avenue, between St. Charles Avenue and City Park Avenue.
 5. All views along all public roadways, railroads, waterways and rights-of-way east of and within 200 feet of the right-of-way lines of Paris Road between I-10 and the St. Bernard Parish line.

12.5.10. New Orleans Billboard Report.

In order to maintain effective control of the billboard industry within the City, the City Planning Commission shall review and report to the Select Council Committee on Billboards on the status of compliance with all regulations, monitoring and enforcement of outdoor general advertising signs, as well as equitable taxation relative to such signs, their owner(s) and the owner(s) of the property where the billboard(s) stand(s) as such compliance relates to the intent of these regulations. The Department of Safety and Permits, the Finance Department and the Board of Assessors of New Orleans, a representative of the billboard industry and a representative of New Orleans neighborhoods shall assist the City Planning Commission shall in its review.

1. This report shall be known as the New Orleans Billboard Report and Recommendations and shall be required by June 30, 1994, and every five (5) years thereafter.
2. The New Orleans Billboard Report shall recommend changes, as deemed necessary, to the City Code and the Comprehensive Zoning Ordinance to correct any problems that may have arisen since the last report.
3. The City Council shall take appropriate action, based upon the recommendations, to maintain effective regulation of the billboard industry in New Orleans.

12.5.11. Variance or Waiver of Requirements.

Applications for any variance or waiver of the requirements set forth in Section 12.3 or Section 12.5 regarding outdoor general advertising signs shall be submitted to the City Planning Commission for hearing and action in accordance with the provisions of Article 16.

1. The application shall be accompanied by:
 - a. Site plans,

- b. Black and white photographs of the site and its environs,
- c. Black and white photographs of, and the location of the billboards to be removed as required by Section 12.5.8,
- d. Drawings, and
- e. Any other data, either written or graphic, as required by the City Planning Commission and City Council to aid in their decision process.

2. For the purpose of considering a request for a variance from these regulations the City Planning Commission and City Council shall consider the following criteria:

a. The granting of the variance is consistent with the general provisions, intent and design requirements set forth herein.

b. Harmony and compatibility with adjacent land uses or views will not be adversely affected.

c. Special conditions and circumstances exist which are peculiar to the land, structures, buildings or views and which are not applicable to other land, structures, buildings or views in the same district.

3. The City Planning Commission, within forty-five (45) days from receipt of a request for a variance or waiver, shall forward its recommendations to the City Council for a decision.

4. The City Council shall advertise the request for the variance or waiver and shall allow discussion on the variance or waiver prior to making a decision.

5. The City Council shall approve or deny the request within forty-five (45) days from the date it was received by the City Planning Commission.

6. Approval or denial can be accomplished by City Council Motion, but failure of the City Council to act within the forty-five (45) day period shall be deemed a denial of the variance or waiver request.

(Ord. 18,077 § 1, adopted 2/20/97)

Section 12.6. Exemptions.

The following signs are exempted from the provisions of these regulations and may be erected or constructed without a permit but in accordance with the structural and safety requirements of the Building Code:

1. Official traffic signs or sign structures and provisional warning signs or sign structures, when erected or required to be erected by a governmental agency, and temporary signs indicating danger.
2. Changing of copy on a bulletin board, poster board, display encasement, or marquee and the painting and routine maintenance of sign structures and supports, if the sign area is not increased nor are any structural improvements, alterations or replacements made.
3. Except in the Vieux Carré, temporary nonilluminated signs, located on the premises, not more than six (6) square feet in area, and advertising real estate for sale or lease or announcing contemplated improvements of real estate. One (1) such sign is allowed for each street frontage.
4. Except in the Vieux Carré or residential districts, temporary nonilluminated signs not more than 100 square feet in area erected in connection with new construction work and displayed on the premises during such time as the actual construction work is in progress. One (1) such sign is allowed for each street-frontage.
5. Except in the Vieux Carré, nonilluminated signs, not exceeding ten (10) square feet in area with letters not exceeding one (1) foot in height, painted, stamped, perforated, or stitched on the surface area of an awning, canopy, roller curtain, or umbrella.
6. Cornerstone or tablet of bronze, brass or other noncombustible material when built into or attached to the wall of a building or structure, which states only the name of the building or structure, its use, the date of

erection, names of owner, architect, municipal number, public officials or which gives information commemorating a person or event.

7. Sign on a truck, bus, or other vehicle, while in use in the normal course of business. This section should not be interpreted to permit parking for display purposes of a vehicle to which signs are attached in a district where such signs are not permitted.

8. For signs necessary for the identification, location or content on appurtenant structures and equipment, such signs shall be permitted when attached flat against such structures and equipment but shall not exceed one (1) square foot in area.

12.7.1. Permits Required.

No sign unless herein excepted, shall be erected, constructed, posted, painted, altered, maintained, or relocated except as provided in this article and in these regulations, until a permit has been issued by the Director of Safety and Permits. Before any permit is issued, an application, especially provided by the Director shall be filed, together with three (3) sets of drawings, and/or specifications (one (1) to be returned to the applicant) as may be necessary to fully advise and acquaint the Director with the location, construction, materials, manner of illumination, and/or securing or fastening, the number of signs applied for, and the wording of the sign or advertisement to be carried on the sign, except in the case of general advertising signs or accessory signs where the copy or advertising is anticipated to be changed periodically and where such wording or advertising is not needed in computing the area of the sign. All signs which are electrically illuminated by neon or by any other means shall require a separate electrical permit and inspection. All signs shall be erected on or before the expiration of six (6) months from the date of issuance of the permit; otherwise the permit shall become null and void and a new permit shall be required. Each sign requiring a permit shall be clearly marked with the permit number and name of the person or firm placing the sign on the premises. Fees for sign permits shall be in accordance with the schedule adopted by ordinance, a copy of which is maintained in the offices of the Department of Safety and Permits.

12.7.2. Interpretation.

Application for unusual signs or displays which give rise to question of interpretation of these regulations may be referred by the Director of Safety and Permits to the Board of Zoning Adjustments for the purpose of interpretation by the Board and recommendation for action on the application by the Director. If, in the opinion of the Board, the application is not adequately covered by these regulations, the Board may make recommendations for amending these regulations to the City Council.

12.8.1. Violations.

The owner and/or tenant of the premises and the owner and/or erector of the sign shall be held responsible for any violations of these regulations. Where a sign has been erected in accordance with these regulations, the sign company shall be relieved of further responsibility under these regulations after final approval of the sign by the Director of Safety and Permits.

12.8.2. Sign Maintenance.

All signs shall be maintained in good condition and appearance. The Director of Safety and Permits may cause to be removed any sign which shows gross neglect or becomes dilapidated or where the area immediately around such sign is not well maintained after due notice has been given as provided below.

12.8.3. Removal of Signs.

The Director of Safety and Permits shall remove or cause to be removed any sign erected or maintained in conflict with these regulations if the owner or lessee of either the site or the sign fails to correct the violation within thirty (30) days after receiving written notice of violation from the Director. The Director may immediately remove or cause to be removed any sign which in his/her opinion constitutes a public hazard. Removal of a sign by the Director shall not affect any proceedings instituted prior to removal of such sign.

ARTICLE 14 BOARD OF ZONING ADJUSTMENTS

Section 14.6. Variances.

14.6.1. Purpose and Intent.

The purpose of the variance procedure is to afford an applicant relief from the requirements of the letter of the Zoning Ordinance when unnecessary hardship or practical difficulty exists. The Board of Zoning Adjustments shall authorize variances in harmony with the general purpose and intent of this Ordinance and in accordance with the standards hereafter prescribed.

14.6.2. Authority to Grant Variances.

Variances from this Ordinance shall be in accordance with the standards and conditions of this section, and may be granted only in the following instances:

1. To permit any yard, lot width or frontage less than the yard, lot width or frontage required.
2. To reduce the requirement for lot area per family.
3. To allow a Floor Area Ratio greater than that permitted, except in the CBD Districts.
4. To reduce off-street parking or loading requirements; except, however, the Board may not grant a variance increasing the maximum number of off-street parking spaces permitted in the CBD Districts.
5. To reduce the requirements for space between buildings.
6. To allow a smaller Open Space Ratio than is required for the use.

14.6.3. Limitations on Authority to Grant Variance.

1. None of the provisions of the preceding paragraphs shall be construed as permitting a variance of any standards and conditions governing establishment of open parking lots in residential districts as set forth in Section 14.10.
2. The authority of the Board of Zoning Adjustments to waive lot area and off-street parking requirements for churches shall be limited such that no such waiver shall exceed thirty (30) percent of applicable lot area and off-street parking requirements. Should it be necessary for the applicant to seek a waiver larger than thirty (30) percent, the application shall be presented to the City Council, together with any other requests for variances, and shall be scheduled for public hearing as provided in Section 16.9.

14.6.4. Standards for Variances.

The Board of Zoning Adjustments shall not authorize a variance from the requirements of this Ordinance unless it shall make findings based upon the evidence presented to it that each special case shall indicate all of the following:

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.
2. Literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
3. The special conditions and circumstances do not result from the actions of the applicant or any other person who may have or had interest in the property.

4. Granting the variance requested will not confer on the applicant any special privilege which is denied by this Ordinance to other lands, structures, or buildings in the same district or similarly situated.
5. The variance, if granted, will not alter the essential character of the locality.
6. Strict adherence to the regulation for the property would result in a demonstrable hardship upon the owner, as distinguished from mere inconvenience.
7. The purpose of the variance is not based exclusively upon a desire to serve the convenience or profit of the property owner or other interested party(s).
8. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
9. The proposed variance will not impair an adequate supply of light and air to adjacent property, or increase substantially the congestion in the public street, or increase the danger of fire, or endanger the public safety.

14.7.1. Purpose and Intent.

In order to provide for adjustments in the relative locations of uses and buildings of the same or of different classifications, to promote the usefulness of these regulations as instruments for fact finding, interpretation, application and adjustment, and to supply the necessary elasticity to their efficient operation, the Board of Zoning Adjustments is authorized to grant those special use exceptions and special yard, height, and floor area exceptions specifically enumerated in this section, and only such exceptions.

14.7.2. Criteria.

The Board may grant a special exception upon finding that, in its opinion, such exception will not substantially affect adversely the use of adjacent or neighboring property permitted in this Ordinance, and that such exception meets all standards for such exception listed in this section.

ARTICLE 15 SUPPLEMENTAL REGULATIONS

15.2.12. Parking Regulations for Truck Terminals and Truck Stops.

Accessory off-street parking for truck terminals and truck stops shall be provided in accordance with the following guidelines, in addition to those found in Section 15.2.5:

1. Class I truck terminals without a container storage yard shall provide storage parking for trucks at the rate of six (6) spaces per acre of the site.
2. Class I truck terminals with a container storage yard shall provide storage parking for trucks at the rate of two (2) spaces per acre of the site.
3. Parking for trucks, truck trailer, or truck tractor storage at Class II truck terminals shall be provided at a rate of twenty-four (24) spaces for truck tractors with attached trailers per acre of land used for parking and circulation.
4. Employee parking shall be provided for Class I and II truck terminals at the rate of one (1) space per two (2) employees in addition to the parking for truck storage.
5. Parking for trucks at truck stops shall be provided at fifty (50) spaces or equaling the sum of the following rates, but in no event less than fifty (50) spaces:
 - a. Ten (10) spaces per 100,000 gallons of diesel fuel sold per month;
 - b. Two (2) additional spaces per five (5) motel rooms;

- c. One (1) additional space per ten (10) seats over fifty-four (54) in a restaurant;
 - d. One (1) additional space per ten (10) video poker machines provided.
6. Parking for cars at track stops shall be provided at the following rate:
- a. One (1) space per five (5) video poker machines;
 - b. One (1) additional space per four (4) seats over fifty-four (54) in a restaurant;
 - c. Two (2) additional spaces per five (5) hotel rooms;
 - d. One (1) additional space per two (2) employees.

(Ord. 18,362 § 9, adopted 8/12/97)

ARTICLE 16 ADMINISTRATIVE PROVISIONS

Section 16.6. Conditional Use Permits.

16.6.1. Purpose and Intent.

1. Nature of Conditional Use.

A conditional use is a land use which because of its unique nature is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of standards and conditions. This section sets forth the standards used to evaluate proposed conditional uses and the procedures for approving conditional use permit applications.

2. Permit Required.

No conditional use shall be established and no building permit shall be issued for any use designated as a conditional use within a zoning district until a conditional use permit is issued in accordance with the provisions of this article. An application for a conditional use permit shall be accompanied by a site plan prepared in the manner described in Section 16.7. The site plan shall illustrate the proposed use to be established, its relationship to adjoining properties and how it meets the approval standards set forth in Section 16.6.5.

16.6.2. Status of Conditionally Permitted Uses.

The following general rules apply to all conditional uses:

1. The designation of a use in a zoning district as a conditional use does not constitute an authorization or assurance that such use will be approved.
2. Approval of a conditional use permit shall authorize only the particular use for which the permit is issued.
3. No use authorized by a conditional use permit shall be enlarged, extended, or relocated, nor may the number of dwelling units be increased, unless an application is made for approval of a new conditional use permit in accordance with the procedures set forth in this section.
4. Development of the use shall not be carried out until the applicant has secured all the permits and approvals required by these zoning regulations, the City Code, or any permits required by regional, State and Federal agencies.

16.6.3. Application for Conditional Use Permit.

1. Application Requirements.

An application for a conditional use permit may be submitted by the property owner or by the property owner's designated representative to the Executive Director. The application shall be accompanied by a site plan prepared in accordance with the requirements of Section 16.7. If a zoning amendment is required or requested, such application shall accompany the application for a conditional use permit.

2. Subdivision Approval.

If the proposed use requires a division of land, an application for subdivision approval shall be submitted in conjunction with the application for a conditional use permit. Approval of the conditional use permit shall not become effective until final approval of the subdivision application; provided, that if the land is to be divided in phases, the approval of the conditional use permit shall take effect upon final approval of the phase of the subdivision containing the property on which the conditional use is to be located.

16.6.4. Procedures for Conditional Use Permits.

1. Planning Commission Recommendation.

Upon receipt of the recommendation from the Executive Director, the City Planning Commission shall conduct a public hearing in order to formulate its recommendations to the City Council on the conditional use permit application. Following the public hearing, the Commission shall recommend approval, approval subject to modification, or denial of the proposal to the City Council in accordance with Section 16.9.5. If the appropriateness of the use cannot be assured at the location, the Commission shall recommend denial of the application as being incompatible with existing uses or uses permitted by right in the district.

2. City Council Action.

The City Council shall be the final decision-maker on applications for conditional use permits. Following a public hearing and in consideration of the Planning Commission's recommendations, the City Council shall approve, modify or deny the proposal for a conditional use permit in accordance with Section 16.9.6. If the appropriateness of the use cannot be assured at the location, the application for conditional use permit shall be denied as being incompatible with existing uses or uses permitted by right in the district.

16.6.5. Standards.

1. Factors for Consideration.

When considering applications for a conditional use permit, the City Planning Commission in making its recommendation and the City Council in rendering its decision on the application shall, on the basis of the site plan and other information submitted, evaluate the impact of the conditional use on, and the compatibility of the use with, surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. The Commission and the City Council shall specifically consider the extent to which:

- a. The proposed use at the specified location is consistent with the policies embodied in the adopted Master Plan;
- b. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
- c. The proposed use meets all standards specifically applicable to the use as set forth in Article 11;
- d. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and, as required by the particular circumstances, includes improvements or modifications either on-site or within the public rights-of-way to mitigate development-related adverse impacts, including but not limited to:
 - (1) Adequate ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, and access in case of fire;
 - (2) Off-street parking and loading areas;

- (3) Refuse and service areas;
 - (4) Utilities with reference to location, availability, and compatibility;
 - (5) Screening and buffering, features to minimize visual impacts, and/or set-backs from adjacent uses;
 - (6) Control of signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
 - (7) Required yards and open space;
 - (8) Height and bulk of structures;
 - (9) Hours of operation; and
 - (10) Roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets.
- e. The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.

2. Conditions.

In approving the application, the Planning Commission may recommend and the City Council shall impose such conditions as are reasonably necessary to assure compliance with these standards and the purpose and intent of this section, in accordance with the procedures in Section 16.9.7. Any conditions imposed shall be set forth in the ordinance approving the conditional use and shall be incorporated into or noted on the site plan for final approval. The Executive Director or her agent shall verify that the plan incorporates all conditions set forth in the ordinance authorizing the conditional use, and shall sign the plan to indicate final approval. The applicant shall have the signed site plan recorded in the Conveyance Office of Orleans Parish not later than thirty (30) days following the date of final approval, or the Ordinance approving the conditional use shall be deemed null. The City Planning Commission shall maintain a record of such approved conditional uses and the site plans and conditions attached thereto.

3. Prohibition on Waivers and Variances.

The foregoing standards of development shall not be subject to waivers or variances that otherwise could be granted under Article 14, Board of Zoning Adjustments, nor may conditions imposed by the City Council subsequently be waived or varied by the Board. In conformity with the authority of the City Council to authorize conditional uses, the Council may waive or modify specific standards otherwise made applicable to the use by this Ordinance, to secure the general objectives of this section; provided, however, that the Council shall not waive or modify any approval factor set forth in subsection 1 of this section.

16.6.6. Expiration and Extension.

Termination of approval of a conditional use for failure to commence development and extension of the time for performance for a conditional use permit shall be governed by Section 16.9.11.

16.9.11. Termination of Approval for Undeveloped Land.

1. Termination for Failure to Commence Development.

If substantial construction has not been commenced pursuant to an approved development plan, conditional use permit, or permit for transfer of development rights within three (3) years from the date of such approval by the City Council, and no request for extension is pending, the City Council shall authorize the City Planning Commission to recommend whether the approval should be terminated or extended. The applicant, the record property owner, and other interested parties shall be notified of a public hearing to be conducted by the Commission in accordance with Section 16.9. Following the public hearing, the Commission shall deliver its recommendation to the City Council. The Commission in making its recommendation and the Council in

rendering its decision whether to terminate or extend approval shall take into account hardship to the applicant or property owner, changes in surrounding circumstances that have occurred since the original approval, and the likelihood that substantial construction will occur during any period of extension. Following termination of a concept plan associated with a planned development district, the City Council shall, by ordinance, rescind the ordinance establishing the planned development district.

2. Extension Procedures.

Unless otherwise prohibited by law or this Ordinance, the Executive Director may extend the time for expiration of an approved development plan, or conditional use permit, or permit for the transfer of development rights, for a period not to exceed one (1) year upon a showing of good cause by the applicant, if request for extension is made in writing within the original period of validity. An extension for a period in excess of one (1) year shall be granted only by the original final decision-maker, but not for a period to exceed one (1) additional year. A determination by the final decision-maker on whether to extend such approval for a period exceeding one (1) year shall be made in accordance with procedures set forth in this Ordinance for the original approval for which extension is requested.