

ORDINANCE

JUL 5 '05 AM 11:57

CITY OF NEW ORLEANS

CITY HALL: May 5, 2005

CALENDAR NO: 25,741

021975

NO: \_\_\_\_\_ MAYOR COUNCIL SERIES

BY: COUNCILMEMBER BATT

AN ORDINANCE to amend and reordain Ordinance No. 4264 M.C.S., as amended by Ordinance No. 16,976 M.C.S., the Comprehensive Zoning Ordinance of the City of New Orleans, to amend Article 18, to establish the "Lakeview Subdistrict Interim Zoning District" for the RD-2 Two Family Residential District zoned parcels, on multiple squares, multiple lots, bounded by Orleans/Hammond Highway, both sides of West Robert E. Lee Boulevard, and the south side of Robert E. Lee Boulevard on the north, Orleans Avenue Canal on the east, City Park Avenue, I-10 and Veterans Boulevard on the south and the Metairie Outfall Canal on the west; and otherwise to provide with respect thereto.

WHEREAS, Zoning Docket Number 14/05 was initiated by City Council Motion M-04-857 and referred to the City Planning Commission; and

WHEREAS, the City Planning Commission held a public hearing on this zoning petition and recommended modified approval of Zoning Docket Number 14/05, in its report dated February 28, 2005, to the City Council; and

WHEREAS, the recommendation of the City Planning Commission was upheld, and the changes were deemed to be advisable and necessary and in the best interest of the City and were approved by Motion Number M-05-243 of the Council of the City of New Orleans on April 7, 2005.

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

2   **ORDAINS** that Article 18 of Ordinance No. 4264 M.C.S., as amended by Ordinance No. 16,976  
3   M.C.S., the Comprehensive Zoning Ordinance of the City of New Orleans, be and is hereby  
4   amended and reordained to add the following:

5                           **ARTICLE 18. INTERIM ZONING DISTRICTS**

6   \* \* \*

7   **Article 18. \_\_. Lakeview Subdistrict Interim Zoning District**

8   *Section 18. \_\_.1       Purpose of the Subdistrict*

9           The purpose of this subdistrict is to preserve the distinctive character of the Lakeview  
10   Area by maintaining existing residential densities while providing opportunities for managed  
11   compatible residential growth.

12   *Section 18. \_\_.2       Area of Applicability*

13           Those properties zoned RD-2 Two-Family Residential District generally bounded by both  
14   sides of Orleans/Hammond Highway, both sides of West Robert E. Lee Boulevard, and the south  
15   side of Robert E. Lee Boulevard on the north, Orleans Avenue Canal on the east, City Park  
16   Avenue, Interstate 10 and Veterans Boulevard on the south and the Metairie Outfall Canal on the  
17   west.

18   *Section 18. \_\_.3       Permitted Uses*

19           The following uses of land are authorized as permitted uses in the Lakeview Subdistrict  
20   Interim Zoning District:

- 21           1.   Any permitted use authorized in the RS-1 Single Family Residential District is  
22                authorized in the Lakeview Subdistrict Interim District.

2. Two-Family Dwellings as described below:

a. Legally non-conforming two-family residential structures and or two-family residential structures that have lost their legal-conforming status shall be permitted to be re-established, structurally altered, and additional floor area may be added to the structures, provided that no additional dwelling units shall be permitted.

b. Two-family residential structures described above may be demolished and rebuilt in compliance with the RD-2 Two-Family Residential District standards, provided that they obtain a building permit for construction within one (1) year of the issuance of a demolition and complete construction and obtain a Certificate of Occupancy from the Department of Safety and Permits within one (1) year of the issuance of the building permit.

Section 18.4 Accessory Uses

The following uses of land are authorized uses within the *Lakeview Subdistrict Interim*

*Zoning District:*

- Boat docks and boat moorings.
- Domestic Storage including automobiles in a main building or accessory building.
- Gardens for vegetables, fruits, flowers, and trees, not as a business.
- Barbecue grills.
- Playhouses.
- Swimming pools and game courts.

- Private garages.
- 46 • Servants' quarters without culinary facilities but only within the lot's buildable  
47 area.
- 48 • Storage of a boat trailer, boat or unoccupied camp trailer, not exceeding twenty-  
49 five feet in length, but not in a required front yard.
- 50 • Accessory off-street parking and loading spaces. Open or enclosed space for  
51 • parking one (1) commercial vehicle of not more than one (1) ton capacity when  
52 used by the occupant of a dwelling.
- 53 • Gas mains, service piping, service regulators, meters, gas regulator stations, and  
54 related appurtenances.
- 55 • Electric utility distribution lines, meters, service lines, distribution transformers  
56 and related appurtenances, but not including transmission facilities.
- 57 • Noncommercial radio and television receiving antenna and noncommercial radio  
58 transmitting antennae limited in height to that of the district or sixty (60) feet,  
59 whichever is greater.
- 60 • Small telephone repeater structures when located in public right-of-way, utility  
61 easement or buildable area or in a required side or rear yard of a lot.
- 62 • Telephone and communication lines and related facilities, but excluding telephone  
63 exchanges.
- 64 • Cable communication system cables, amplifiers and related facilities, but  
65 excluding distribution or switching centers and cablecasting studios.
- 66 • Curb cuts and/or driveways.

- o7 • Satellite dish antenna.\* (See Section 11.35)
- 68 • Cinerarium and columbarium as accessory to churches located on a lot not less
- 69 than 20,000 square feet in area; waiver of the minimum lot area shall not be
- 70 allowed for churches which provide such accessory uses.

71 *Section 18.5 Conditional Uses*

72 The following uses of land are authorized as conditional uses within the *Lakeview*  
73 *Subdistrict Interim Zoning District* upon approval of a conditional use permit under the standards  
74 and procedures contained in Section 16.6 of these zoning regulations:

- 75 • Convents and monasteries.
- 76 • Public and government buildings limited to police stations, fire stations,
- 77 community health centers, neighborhood centers, libraries, branch postal station
- 78 and branch administration offices.
- 79 • Public and private primary, high and college or vocational schools.
- 80 • Sewerage treatment plants (public or private) provided such facilities are setback
- 81 a minimum of fifty (50) feet from any adjoining residential property line and are
- 82 screened from view of any residential property.
- 83 • Water towers and aboveground storage tanks when setback a minimum of twenty
- 84 (20) feet from all property lines in all residential districts and setback in accord
- 85 with applicable district regulations in all other districts.
- 86 • One (1) flat, double-faced general advertising sign, illuminated or non-
- 87 illuminated, limited in area to thirty (30) square feet shall be permitted on public
- 88 transit waiting stations, and other transit amenities (benches, kiosks, public

information signs, etc.), provided that no such advertising sign shall be placed higher than nine (9) feet or to the roof of the public transit waiting station, whichever is lower, and provided that no advertising signs on bus shelters shall be constructed in any historic district in the City of New Orleans without the prior approval of the appropriate Historic District Commission.

- A parking lot to provide off-street parking for a main use located within 300 feet of said lot. The design standards included in Section 15.2 of this Ordinance shall apply. Landscaping shall be required in accordance with Section 15.2.5, regardless of the zoning district in which the property is located.
- Personal wireless communication facilities consisting of (a) standard and nonstandard monopole installations and (b) mast-mounted and facade-mounted tower installations which do not satisfy the requirements for such installations as permitted uses under Section 11.55 of these regulations.\* (See Section 11.55)

*Section 18. \_\_.6 Permitted Signs*

Subject to the general sign regulations of Article 12, the permitted signs are the accessory signs authorized in the RS-1 Single Family Residential District.

*Section 18. \_\_.7 Height, Area, and Yard Requirements*

**Table 18. \_\_.7a**

**Area Regulations for the Lakeview Subdistrict Interim Zoning District**

	Single-Family	Two-Family	Non-Residential
Minimum lot area per family	5,000 sq ft.	2,500 sq. ft.	20,000 sq. ft.
Minimum lot width	40 ft.	50 ft.	100 ft.

111	Minimum lot depth	90 ft.	90 ft.	100 ft.
112	Maximum height	35 ft.	35 ft.	35 ft.
113	Minimum depth of front yard	20 ft.	20 ft.	20 ft.
114	Minimum aggregate width of side yards	20%	20%	20%
115	(Percent of actual lot width)			
116	Minimum width of each side yard	4 ft.	4 ft.	10 ft.
117	Maximum required aggregate	12 ft.	2 ft.	20 ft.
118	width of side yards			
119	Minimum depth of rear yard	20 ft.	20 ft.	20 ft.

120 *Section 18.8 Parking and Driveway Requirements*

121 For single family residences having no service alley access, only one (1) off-site parking  
 122 space shall be required. All other residences shall require two (2) parking spaces as set forth in  
 123 the RS-2 Residential Zoning District. Additionally, no parking shall be allowed in the front yard  
 124 setback. Curved or square driveways in the front yard setback area shall be prohibited.  
 125 Driveways that cross the front yard setback shall be used to cross to on-site parking in the rear or  
 126 on the side of the property only and shall be restricted to twenty feet in width.

1 **SECTION 2.** Whoever does anything prohibited by this Ordinance or fails to do  
 2 anything required to be done by this Ordinance shall be guilty of a misdemeanor and upon  
 3 conviction shall be subject to a fine or to imprisonment or both, such fine and/or imprisonment  
 4 set by Section 1-13 of the 1995 Code of the City of New Orleans, or shall alternatively be subject

5 to whatever civil liabilities, penalties or remedies the law may prescribe. Conviction shall be the  
6 cause for the immediate cancellation of the Use and Occupancy permit of the premises.

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS JUN - 2 2005

Oliver M. Thomas Jr.

PRESIDENT OF COUNCIL

DELIVERED TO THE MAYOR ON JUN - 3 2005

APPROVED:

JUN - 7 2005

C. RAY NAGIN

MAYOR

RETURNED BY THE MAYOR ON JUN 8 2005 AT 2:00 PM

PEGGY LEWIS

CLERK OF COUNCIL

YEAS: Batt, Clarkson, Gill Pratt, Hedge-Morrell, Sapir, Thomas, Willard-Lewis - 7

NAYS: 0

ABSENT: 0