

**ORDINANCE**

**CITY OF NEW ORLEANS**

**CITY HALL: November 20, 2025**

**CALENDAR NO. 35,309**

**NO. \_\_\_\_\_ MAYOR COUNCIL SERIES**

**BY: COUNCILMEMBER GIARRUSSO**

**AN ORDINANCE** to establish a conditional use to permit a gas station in a HU-B1 Historic Urban Neighborhood Business District, on Square 460, Plot A, in the Second Municipal District, bounded by Orleans Avenue, Moss Street, Saint Peter Street, and Hagan Street (Municipal Address: 3340 Orleans Avenue); and otherwise to provide with respect thereto.

**WHEREAS, Zoning Docket Number 57/25** was initiated by El Cortez Foods, LLC and referred to the City Planning Commission; and

**WHEREAS,** the City Planning Commission held a public hearing on this zoning petition and recommended approval of the requested conditional use in its report to the City Council dated October 20, 2025, presented in **Zoning Docket Number 57/25**; and

**WHEREAS,** the changes were deemed necessary and in the best interest of the City of New Orleans and the request was approved by the City Council, subject to seven (7) provisos, as stated in Motion Number M-25-562 of the Council of the City of New Orleans on November 6, 2025.

1           **SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY**  
2   **ORDAINS,** That a conditional use to permit a gas station in a HU-B1 Historic Urban  
3   Neighborhood Business District, on Square 460, Plot A, in the Second Municipal District, bounded  
4   by Orleans Avenue, Moss Street, Saint Peter Street, and Hagan Street (Municipal Address: 3340

5 Orleans Avenue); is hereby authorized and approved, subject to the following provisos, as  
6 specifically set forth herein:

7 **PROVISOS:**

8 1. The developer shall update the proposed elevations of the convenience store to include a  
9 more unifying or flushed roof pitch along the site.

10 2. In Accordance with **Article 20, Section 20.3.EE** of the Comprehensive Zoning Ordinance,  
11 the developer shall meet the following standards:

12 a. Gas station canopies shall be designed with lighting recessed under the canopy to  
13 minimize light pollution.

14 b. All gas station driveways shall be located and designed to ensure that they will not  
15 adversely affect the safety and efficiency of traffic circulation on adjoining streets.  
16 Gas stations are limited to two (2) curb cuts. For a corner lot, curb cuts are restricted  
17 to one (1) curb cut on each street.

18 c. Gas stations may offer convenience items for sale. Retail sales of alcoholic  
19 beverages is a separate principal use and is only permitted when allowed in the  
20 zoning district.

21 d. All structures shall comply with the building design standards of the zoning  
22 district. Public entrances shall face the street. Attendant structures shall include  
23 windows to allow visibility to all parts of the site.

24 e. Gas stations shall be effectively screened from view at the edges of sites adjacent  
25 to residential properties in order to minimize the impact of exterior site lighting and  
26 headlight glare. Such screening shall consist of a masonry wall, a solid fence, or

27 dense evergreen hedge at least six (6) feet in height. Plant materials shall be  
28 installed along the fence or wall to provide a softening effect.

29 f. Gas stations may also include an automatic car wash with one (1) bay.

30 g. In addition, gas stations may be included accessory to a “Minor Motor Vehicle  
31 Repair and Service” establishment. However, “Minor Motor Vehicle Repair and  
32 Service” areas are subject to the provisions of this Article.

33 h. A minimum five (5) foot front landscape yard shall be provided along a public  
34 right-of-way. The site shall meet all applicable requirements of Article 23.

35 i. The volume on any audio component shall be maintained at a level so as not to be  
36 audible in adjoining residential districts. The volume on any audio component shall  
37 comply with all local noise regulations.

38 j. Gas stations are comprised of three (3) main areas: the main structure including  
39 parking area, the fuel pump island(s), and the fuel tank “tank farm” area. All  
40 development plans for gas stations shall indicate each of these three (3) areas. The  
41 fuel tank “tank farm” area shall include the following information: the number, size,  
42 and configuration of all underground storage tanks.

43 k. All underground storage tanks and fuel delivery systems shall meet or exceed  
44 minimum requirements, as regulated by EPA and DOT, for leak detection and  
45 preventative measures.

46 l. All stormwater runoff from site operations shall be discharged into the Municipal  
47 Separate Storm Sewer System (MS4), subject to the following:

48 i. Stormwater from the main structure area is not permitted to run off into the  
49 fuel pump island(s) and the fuel tank “tank farm” areas.

- 50           ii.     The fuel pump island(s) and the fuel tank “tank farm” areas shall be sloped  
51                     in such a way as to funnel stormwater into grass or vegetative strips  
52                     contained within the site.
- 53           iii.     The fuel pump island(s) and the fuel tank “tank farm” areas shall be  
54                     constructed as a spill containment pad to prevent stormwater run-off onto  
55                     the adjacent main structure areas and all other areas not protected by a grass  
56                     of vegetative strip.
- 57 3.     The developer shall update the proposed site plan to include the removal of the two parking  
58             spaces at the corner of Orleans Ave. and Moss St. and replace the last parking space of  
59             each row of parking with a landscape island, subject to the standards of **Article 23, Section**  
60             **23.7.C.2.**
- 61 4.     The developer shall provide updated plans which comply with the standards of **Article 23,**  
62             **Section 23.7.B Perimeter Parking Lot Landscape** and **Article 23, Section 23.7.C**  
63             **Interior Parking Lot Landscape.**
- 64 5.     The developer shall update the site plan to show compliance with the screening standards  
65             of **Article 23, Section 23.13.A.**
- 66 6.     The developer shall update the site plan to include a clearly identified pedestrian entrance  
67             at the site.
- 68 7.     The Department of Safety and Permits shall issue no building permits or licenses for this  
69             project until final development plans are approved by the City Planning Commission and  
70             recorded with the Office of Conveyances. Failure to complete the conditional use process  
71             by properly recording plans within a one-year time period or failure to request an

72 administrative extension as provided for in **Article 4, Section 4.3.H** of the Comprehensive  
73 Zoning Ordinance will void the conditional use approval.

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

1 **SECTION 3.** This Ordinance shall have the legal force and effect of authorizing this  
2 conditional use after: (1) all proviso(s) listed in Section 1, which impose a one-time obligation  
3 have been completely fulfilled and complied with and (2) all proviso(s) listed in Section 1, which  
4 impose a continuing or ongoing obligation have begun to be fulfilled. Fulfilment of a continuing  
5 or ongoing obligation is based on the City Planning Commission's approval of the final site plan,  
6 which shall be submitted within one year of the effective date of this Ordinance, unless extended  
7 as authorized by the Comprehensive Zoning Ordinance. The Executive Director of the City  
8 Planning Commission shall verify that the development plan incorporates all conditions set forth  
9 in this Ordinance and shall sign the plan to indicate final plan approval. The final approved plan  
10 shall be recorded in the Office of the Clerk of Civil District Court for the Parish of Orleans, within  
11 30 days of the date of final approval, and evidence of such recordation shall be submitted to the  
12 City Planning Commission. No use or occupancy certificates or permits, other than the building  
13 permits needed to fulfill the proviso(s), shall be issued until the final approved plan is recorded  
14 and evidence of recordation is submitted to the City Planning Commission. If the development  
15 plan is not approved and recorded, within the timeframes provided in the Comprehensive Zoning

16 Ordinance, then this Ordinance shall be null and void with no legal force or binding effect.  
17 Furthermore, if the requirements of Section 4.3.H.1 of the Comprehensive Zoning Ordinance are  
18 not satisfied within the timeframe allotted by Sections 4.3.H.1 and 4.3.H.2 of the Comprehensive  
19 Zoning Ordinance, the conditional use will expire, and this Ordinance will be null and void.

**ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS** \_\_\_\_\_

\_\_\_\_\_  
**PRESIDENT OF THE COUNCIL**

**DELIVERED TO THE MAYOR ON** \_\_\_\_\_

**APPROVED:**  
**DISAPPROVED:** \_\_\_\_\_

\_\_\_\_\_  
**MAYOR**

**RETURNED BY THE MAYOR ON** \_\_\_\_\_ **AT** \_\_\_\_\_

\_\_\_\_\_  
**CLERK OF COUNCIL**

**ROLL CALL VOTE:**  
**YEAS:**

**NAYS:**

**ABSENT:**

**RECUSED:**

**MOTION**

**NO. M-25-562**

**CITY HALL: November 6, 2025**

**BY: COUNCILMEMBER GIARRUSSO**

**SECONDED BY: COUNCILMEMBER MORRELL**

**BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS**, That the City Planning Commission's report and **favorable recommendation**, subject to two provisos, for **ZONING DOCKET 57/25 – El Cortez Foods, LLC**, requesting a Conditional Use to permit the expansion of a gas station in an HU-B1 Historic Urban Neighborhood Business District, on Square 460, Plot A, in the Second Municipal District, bounded by Orleans Avenue, Moss Street, Saint Peter Street, and Hagan Street (Municipal Address: **3340 Orleans Avenue**), is approved and the request is **granted** subject to the seven provisos within the City Planning Commission report.

**BE IT FURTHER MOVED**, That the Clerk of Council shall forward copies of this motion to the Council Land Use Officer, who is directed to prepare an ordinance to effectuate this motion and is granted the flexibility to make any changes necessary to achieve the will of the Council as set forth in this motion.

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

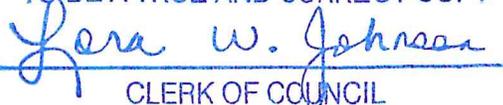
**YEAS: Giarrusso, Harris, King, Moreno, Morrell, Thomas - 6**

**NAYS: 0**

**ABSENT: Green - 1**

**RECUSED: 0**

**AND THE MOTION WAS ADOPTED.**

THE FOREGOING IS CERTIFIED  
TO BE A TRUE AND CORRECT COPY  
  
CLERK OF COUNCIL