

ORDINANCE

CITY OF NEW ORLEANS

CITY HALL: July 24, 2025

CALENDAR NO. 35,175

NO. _____ MAYOR COUNCIL SERIES

BY: COUNCILMEMBER GREEN

AN ORDINANCE to establish a conditional use to permit the retail sale of packaged alcoholic beverages in a BIP Business-Industrial Park District, on Lot B-1, Section 42, T12S, R12E, in the Third Municipal District, bounded by Chef Menteur Highway, the L&N Railroad right-of-way, Old Gentilly Road, and Wilson Avenue (Municipal Addresses: 8400-8436 Chef Menteur Highway); and otherwise to provide with respect thereto.

WHEREAS, Zoning Docket Number 28/25 was initiated by Infinity Fuel, LLC and referred to the City Planning Commission; and

WHEREAS, the City Planning Commission held a public hearing on this zoning petition and recommended approval of a conditional use in its report to the City Council dated June 9, 2025, presented in **Zoning Docket Number 28/25;** and

WHEREAS, the changes were deemed necessary and in the best interest of the City of New Orleans and were granted approval, subject to one (1) proviso, as stated in Motion Number M-25-382 of the Council of the City of New Orleans on July 10, 2025.

1 **SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS,** That
2 a conditional use to permit the retail sale of packaged alcoholic beverages in a BIP Business-Industrial Park
3 District, on Lot B-1, Section 42, T12S, R12E, in the Third Municipal District, bounded by Chef Menteur
4 Highway, the L&N Railroad right-of-way, Old Gentilly Road, and Wilson Avenue (Municipal Addresses:
5 8400-8436 Chef Menteur Highway); is hereby authorized and approved, subject to the following proviso, as
6 specifically set forth herein:

7 **PROVISO:**

8 1. No City department shall issue alcoholic beverage outlet licenses for this project until final
9 development plans are approved by the City Planning Commission and recorded with the Office of
10 Conveyances. Failure to complete the conditional use process by properly recording plans within a
11 one-year time period or failure to request an administrative extension as provided for in **Article 4,**
12 **Section 4.3.H.2** of the Comprehensive Zoning Ordinance will void the conditional use approval.

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

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

13 is submitted to the City Planning Commission. If the development plan is not approved and recorded, within
14 the timeframes provided in the Comprehensive Zoning Ordinance, then this Ordinance shall be null and void
15 with no legal force or binding effect. Furthermore, if the requirements of Section 4.3.H.1 of the
16 Comprehensive Zoning Ordinance are not satisfied within the timeframe allotted by Sections 4.3.H.1 and
17 4.3.H.2 of the Comprehensive Zoning Ordinance, the conditional use will expire, and this Ordinance will be
18 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** _____

ASSISTANT CLERK OF COUNCIL

ROLL CALL VOTE:

YEAS:

NAYS:

ABSENT:

RECUSED: