

**ORDINANCE**

**CITY OF NEW ORLEANS**

**CITY HALL: September 11, 2025**

**CALENDAR NO. 35,231**

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

**BY: COUNCILMEMBER HARRIS**

**AN ORDINANCE** to establish a conditional use to permit a bar in a CBD-6 Urban Core Neighborhood Intensity Mixed-Use District, on Lot 35 or 48, Square 51, in the First Municipal District, bounded by Andrew Higgins Drive, South Diamond Street, South Peters Street, and Tchoupitoulas Street (Municipal Address: 325 Andrew Higgins Drive); and otherwise to provide with respect thereto.

**WHEREAS, Zoning Docket Number 33/25** was initiated by Ombra NOLA, 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 July 18, 2025, presented in **Zoning Docket Number 33/25**; 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 three (3) provisos, as stated in Motion Number M-25-444 of the Council of the City of New Orleans on August 21, 2025.

1           **SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS,**  
2           That a conditional use to permit a bar in a CBD-6 Urban Core Neighborhood Intensity Mixed-Use District,  
3           on Lot 35 or 48, Square 51, in the First Municipal District, bounded by Andrew Higgins Drive, South  
4           Diamond Street, South Peters Street, and Tchoupitoulas Street (Municipal Address: 325 Andrew Higgins  
5           Drive); is hereby authorized and approved, subject to the following provisos, as specifically set forth  
6           herein:

7 **PROVISOS:**

8 1. In Accordance with **Article 20, Section 20.3.G** of the Comprehensive Zoning Ordinance, the  
9 developer shall meet the following standards:

10 1. A bar shall submit a security and operation plan, to be reviewed by the Director of Safety  
11 and Permits, and all other relevant City agencies, with the following:

12 a. For bars with an outdoor component, the plan shall include provisions regarding  
13 how the facility will control the sales of alcoholic beverages to ensure  
14 consumption on premises.

15 b. The bar shall provide exterior security cameras, the location of which shall be  
16 indicated in the plan.

17 2. A bar shall submit a noise abatement plan, to be reviewed by the Director of Safety and  
18 Permits, and all other relevant City agencies.

19 3. On-site winery, micro-brewing and micro-distillery facilities are allowed in bars. If a bar  
20 contains a winery, brewery or distilling facility on-site, a floor plan indicating the area  
21 reserved for wine making, brewing or distilling shall be submitted along with a description  
22 of the facility and capacity.

23 4. Bars shall submit a summary of the number and location of places of worship, educational  
24 facilities, and parks and playgrounds within three-hundred (300) feet of the proposed  
25 location.

26 5. Unless otherwise permitted by law, retail sales of packaged alcoholic beverages for  
27 consumption off the premises are prohibited.

28 6. Bars with live entertainment are also subject to the standards of this Article. Live  
29 entertainment is a separate principal use and subject to separate approval.

- 30 7. If the bar plans an increase in intensity, such as an expansion of floor area or increase in  
31 permitted occupancy, the security and operation plans shall be updated and resubmitted  
32 for approval. The revised security and operation plans shall be approved prior to the  
33 issuance of any permits.
- 34 8. Security and operation plans may be revised by the property owner or licensed operator.  
35 New plans shall be resubmitted for approval.
- 36 2. In Accordance with **Article 21, Section 21.6.O** of the Comprehensive Zoning Ordinance, the  
37 developer shall meet the following standards:
- 38 1. Accessory rooftop features of a flat roof, such as green roofs, rooftop decks, rooftop pools,  
39 rooftop gardens, and stormwater detention systems are permitted below the parapet of any  
40 flat roof building or flat roof portion of a building, and are excluded from the calculation  
41 of height and gross floor area, provided that the following standards are met:
- 42 a. Documentation shall be submitted demonstrating that the roof can support the  
43 additional load of plants, soil, and retained water, and that an adequate soil depth  
44 will be provided for plants to survive.
- 45 All planting materials and soils shall be of good quality and meet the American  
46 Standard for Nursery Stock (ASNS), latest edition, or equivalent for minimum  
47 acceptable form, quality and size for species selected. Vegetation shall be  
48 maintained in good condition, present a healthy, neat and orderly appearance, and  
49 be kept free of weeds, refuse and debris for the life of the building. Irrigation  
50 systems, when provided, shall be maintained in good operating conditions to  
51 promote the health of the plant material and the conservation of water.
- 52 b. The roof contains sufficient space for future installations, such as mechanical  
53 equipment, that will prevent adverse impacts.

- 54 c. Rooftop decks or patios shall be set back five (5) feet from all building edges.
- 55 d. Guardrails shall be set back at least five (5) feet from the building edge.
- 56 2. Within the CBD Districts and the RIV-3 Bywater and RIV-4 Riverfront Overlay Sub-
- 57 Districts, in addition to the accessory flat roof features provided above, elevator machine
- 58 rooms, bathroom facilities, stair bulkheads, and elevator lobbies are permitted on any flat
- 59 roof building or flat roof portion of a building, and are excluded from the calculation of
- 60 height, stories and gross floor area, provided that the following standards are met:
- 61 a. Elevator machine rooms shall not exceed the minimum size necessary to house
- 62 and service the equipment as specified by the equipment manufacturer. Elevator
- 63 lobbies shall be limited to thirty-six (36) square feet in area per elevator opening.
- 64 Collectively, elevator machine rooms, stair bulkheads, elevator lobbies and
- 65 bathroom facilities shall not exceed fifteen percent (15%) of the area of the flat
- 66 roof on which they are located.
- 67 b. Elevator machine rooms and elevator lobbies shall be limited to a height of
- 68 fourteen (14) feet as measured from the roof surface.
- 69 c. Elevator machine rooms and elevator lobbies shall be set back from any building
- 70 edge, fronting an adjacent street by a distance not less than their respective heights.
- 71 3. Any of the following, if located on a rooftop, shall be included in the calculation of
- 72 building height and number of stories:
- 73 a. Enclosed habitable space
- 74 b. Awnings
- 75 c. Pergolas
- 76 d. Trellises
- 77 e. Shade structures.

78 3. The Department of Safety and Permits shall issue no building permits or licenses for this project  
79 until final development plans are approved by the City Planning Commission and recorded with  
80 the Office of Conveyances. Failure to complete the conditional use process by properly recording  
81 plans within a one-year time period or failure to request an administrative extension as provided  
82 for in **Article 4, Section 4.3.H** of the Comprehensive Zoning Ordinance will void the conditional  
83 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,  
3 the individual shall be subject to a fine, imprisonment, or both, in accordance with Section 1-13 of the  
4 Code of the City of New Orleans. Such a conviction shall be cause for immediate cancellation of the Use  
5 and Occupancy Permit for the premises. Alternatively, the individual shall be subject to whatever civil  
6 liabilities, penalties, or remedies the law prescribes.

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

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

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

**ROLL CALL VOTE:**  
**YEAS:**  
**NAYS:**  
**ABSENT:**  
**RECUSED:**

**MOTION  
NO. M-25-444**

**CITY HALL: August 21, 2025**

**BY: COUNCILMEMBER HARRIS**

**SECONDED BY: COUNCILMEMBER GIARRUSSO**

**BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS,** That the City Planning Commission's report and recommendation of **approval** subject to 3 provisos, related to **ZONING DOCKET 033/25** related to property located on Lots 35 or 48 on Square 51, in the First Municipal District, bounded by Andrew Higgins Drive, South Diamond Street, South Peters Street, and Tchoupitoulas Street, bearing municipal address 325 Andrew Higgins Drive, initiated by Ombra NOLA, LLC to permit a conditional use for a bar in a CBD-6 Urban Core Neighborhood Intensity Mixed Use District, is received and the request is hereby **APPROVED**.

**BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS,** That the Clerk of Council is directed to forward copies of this motion to the Law Department, which is directed to prepare an ordinance to effectuate this motion and is granted 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, Green, Harris, Morrell, Thomas - 5**

**NAYS: 0**

**ABSENT: King, Moreno - 2**

**AND THE MOTION WAS ADOPTED.**

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**THIS DOCUMENT IS CERTIFIED  
TO BE A TRUE AND CORRECT COPY**

*Aisha Collier*

**ASSISTANT CLERK OF COUNCIL**