

**ORDINANCE**

**CITY OF NEW ORLEANS**

**CITY HALL: October 23, 2025**

**CALENDAR NO. 35,277**

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

**BY: COUNCILMEMBER GIARRUSSO**

**AN ORDINANCE** to establish a conditional use to permit the retail sale of packaged alcoholic beverages in an HU-MU Historic Urban Neighborhood Mixed-Use District, on Square 458, Lot A, in the Second Municipal District, bounded by Hagan Street, Moss Street, and Toulouse Street (Municipal Addresses: 501-519 Hagan Street); and otherwise to provide with respect thereto.

**WHEREAS, Zoning Docket Number 46/25** was initiated by R & S Auto Service, Inc. 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 September 18, 2025, presented in **Zoning Docket Number 46/25**; 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 two (2) provisos, as stated in Motion Number M-25-525 of the Council of the City of New Orleans on October 9, 2025.

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

2           That a conditional use to permit the retail sale of packaged alcoholic beverages in an HU-MU Historic  
3           Urban Neighborhood Mixed-Use District, on Square 458, Lot A, in the Second Municipal District, bounded  
4           by Hagan Street, Moss Street, and Toulouse Street (Municipal Addresses: 501-519 Hagan Street); is hereby  
5           authorized and approved, subject to the following provisos, as specifically set forth herein:

6           **PROVISOS:**

7           1.       In accordance with **Section 10-237** of the City Code, the wholesale cost of package liquor stocked  
8           and displayed shall not exceed fifteen (15) percent of the wholesale cost of other merchandise

9 stocked and displayed and the display of packaged alcoholic beverages shall not constitute more  
10 than ten (10) percent of all display area. Package liquor shall not be advertised outside or off the  
11 premises.

12 2. No City department shall issue alcoholic beverage outlet licenses for this project until final  
13 development plans are approved by the City Planning Commission and recorded with the Office of  
14 Conveyances. Failure to complete the conditional use process by properly recording plans within a  
15 one-year time period or failure to request an administrative extension as provided for in **Article 4,**  
16 **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,  
3 the individual shall be subject to a fine, imprisonment, or both, in accordance with Section 1-13 of the Code  
4 of 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  
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 City  
5 Planning Commission's approval of the final site plan, which shall be submitted within one year of the  
6 effective date of this Ordinance, unless extended as authorized by the Comprehensive Zoning Ordinance.  
7 The Executive Director of the City Planning Commission shall verify that the development plan  
8 incorporates all conditions set forth in this Ordinance and shall sign the plan to indicate final plan approval.  
9 The final approved plan shall be recorded in the Office of the Clerk of Civil District Court for the Parish of  
10 Orleans, within 30 days of the date of final approval, and evidence of such recordation shall be submitted  
11 to the City Planning Commission. No use or occupancy certificates or permits, other than the building

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