

ORDINANCE

CITY OF NEW ORLEANS

CITY HALL: May 7, 2026

CALENDAR NO. 35,428

NO. _____ MAYOR COUNCIL SERIES

BY: COUNCILMEMBER HARRIS

AN ORDINANCE to establish a conditional use to permit a hotel in a CBD-3 Cultural Arts District and the Transient Lodging Interim Zoning District, on Square 137, Lot C, in the First Municipal District, bounded by Constance Street, Poeyfarre Street, John Churchill Chase Street, and Magazine Street (Municipal Address: 1039 Constance Street); and otherwise to provide with respect thereto.

WHEREAS, Zoning Docket Number 27/26 was initiated by 1039 Constance 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 March 23, 2026, presented in **Zoning Docket Number 27/26**; and

WHEREAS, the changes were deemed necessary and in the best interest of the City of New Orleans and the request was granted modified approval by the City Council, subject to two (2) provisos, as stated in Motion Number M-26-171 of the Council of the City of New Orleans on April 23, 2026.

1 **SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY**
2 **ORDAINS,** That a conditional use to permit a hotel in a CBD-3 Cultural Arts District and the Transient
3 Lodging Interim Zoning District, on Square 137, Lot C, in the First Municipal District, bounded by
4 Constance Street, Poeyfarre Street, John Churchill Chase Street, and Magazine Street (Municipal
5 Address: 1039 Constance Street); is hereby authorized and approved, subject to the following provisos,
6 as specifically set forth herein:

7 **PROVISOS:**

- 8 1. The approval of the application is limited to Transient Lodging Use, except for any type of
9 short-term rental, and any variances specifically granted as part of this application. With the
10 exception of any variances that are specifically granted as part of this approval, the Transient
11 Lodging Use shall be compliant with all relevant requirements of the zoning ordinance.
- 12 2. The Department of Safety and Permits shall issue no building permits or licenses for this
13 project until final development plans are approved by the City Planning Commission and
14 recorded with the Office of Conveyances. Failure to complete the conditional use process by
15 properly recording plans within a one-year time period or failure to request an administrative
16 extension as provided for in **Article 4, Section 4.3.H** of the Comprehensive Zoning Ordinance
17 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 subject to whatever civil liabilities, penalties, or
3 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 have
3 been completely fulfilled and complied with; and (2) all proviso(s) listed in Section 1, which impose a
4 continuing or ongoing obligation have begun to be fulfilled. Fulfillment of a continuing or ongoing
5 obligation is based on the City Planning Commission's approval of the final site plan, which shall be
6 submitted within one year of adoption of this Ordinance by the City Council, unless extended as
7 authorized by the Comprehensive Zoning Ordinance. The Executive Director of the City Planning
8 Commission shall verify that the development plan incorporate all conditions set forth in this
9 Ordinance and shall sign the plan to indicate final plan approval. The final approved plan shall be
10 recorded in the Office of the Clerk of Civil District Court for the Parish of Orleans, within 30 days of

11 the date of final approval, and evidence of such recordation shall be submitted to the City Planning
12 Commission. No use or occupancy certificates or permits, other than the building permits needed to
13 fulfill the proviso(s), shall be issued until the final approved plan is recorded and evidence of
14 recordation is submitted to the City Planning Commission. If the development plan is not approved
15 and recorded, within the timeframes provided in the Comprehensive Zoning Ordinance, then this
16 Ordinance shall be null and void with no legal force or binding effect. Furthermore, if the requirements
17 of Section 4.3.H.1 of the Comprehensive Zoning Ordinance are not satisfied within the timeframe
18 allotted by Sections 4.3.H.1 and 4.3.H.2 of the Comprehensive Zoning Ordinance, the conditional use
19 will expire, and this Ordinance will be null and void. The preceding deadlines may be extended via
20 motion in accordance with the Comprehensive Zoning Ordinance.

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-26-171

CITY HALL: April 23, 2026

BY: COUNCILMEMBER HARRIS

SECONDED BY: COUNCILMEMBER MCCARRON

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 two (2) provisos**, related to **ZONING DOCKET 27/26**, initiated by 1039 Constance LLC, requesting consideration of a conditional use to permit a hotel in a CBD-3 Cultural Arts District and the Transient Lodging Interim Zoning, on Square 137, Lot C, in the First Municipal District, bounded by Constance Street, Poeyfarre Street, John Churchill Chase Street, and Magazine Street (**Municipal Address: 1039 Constance Street**), is hereby **APPROVED AND MODIFIED** as follows:

The first proviso shall read as follows to exclude short-term rentals from "Transient Lodging Use":

1. The approval of the application is limited to Transient Lodging Use, except for any type of short-term rental, and any variances specifically granted as part of this application. With the exception of any variances that are specifically granted as part of this approval, the Transient Lodging Use shall be compliant with all relevant requirements of the zoning ordinance.

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: Green, Harris, Hughes, King, McCarron, Morrell, Willard - 7

NAYS: 0

ABSENT: 0

AND THE MOTION WAS ADOPTED.

h:\clerk_of_council\docs\joycelyn\council\motions-resolutions\2026\april 23\m-171.docx

THE FOREGOING IS CERTIFIED
TO BE A TRUE AND CORRECT COPY



CLERK OF COUNCIL

MOTION
NO. M-26-171

CITY HALL: April 23, 2026

BY: COUNCILMEMBER HARRIS

SECONDED BY: COUNCILMEMBER MCCARRON

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 two (2) provisos**, related to **ZONING DOCKET 27/26**, initiated by 1039 Constance LLC, requesting consideration of a conditional use to permit a hotel in a CBD-3 Cultural Arts District and the Transient Lodging Interim Zoning, on Square 137, Lot C, in the First Municipal District, bounded by Constance Street, Poeyfarre Street, John Churchill Chase Street, and Magazine Street (**Municipal Address: 1039 Constance Street**), is hereby **APPROVED AND MODIFIED** as follows:

The first proviso shall read as follows to exclude short-term rentals from "Transient Lodging Use":

1. The approval of the application is limited to Transient Lodging Use, except for any type of short-term rental, and any variances specifically granted as part of this application. With the exception of any variances that are specifically granted as part of this approval, the Transient Lodging Use shall be compliant with all relevant requirements of the zoning ordinance.

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: Green, Harris, Hughes, King, McCarron, Morrell, Willard - 7

NAYS: 0

ABSENT: 0

AND THE MOTION WAS ADOPTED.

h:\clerk_of_council\docs\joycelyn\council\motions-resolutions\2026\april 23\m-171.docx

THE FOREGOING IS CERTIFIED
TO BE A TRUE AND CORRECT COPY

Aisha Collier

CLERK OF COUNCIL