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Section 5.5. B-1A Neighborhood Business District.

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5.5.1. Purpose of the District.

The purpose of this district is to provide primarily for convenient retail uses, selected personal uses, and professional offices to serve the needs of surrounding residential areas. The district is intended for application in the older developed areas where there exists a grouping of commercial uses within the district and where residential areas are in close proximity. The district regulations are designed to encourage compatibility with adjacent or nearby land uses and the general character of the area. In addition to being appropriate for older areas that justifiably possess characteristics of a neighborhood business district, the B-1A District is capable of replacing some of the existing B-1 and B-2 Neighborhood Business Districts in the inner City.

5.5.2. Uses Authorized in the District.

Only those uses of land listed under permitted use, accessory use or conditional use provisions of this section are authorized within this zoning district. Supplementary use standards, which are set forth in Article 11, apply to any permitted, accessory or conditional use designated with an asterisk (*) in the use lists appearing in this section. Special regulations relating to off-street parking and loading, and to corner lots, are set forth in Section 5.5.8 of this article.

5.5.3. Permitted Uses.

The following uses of land are authorized as permitted uses within the B-1A Neighborhood Business District subject to the performance standards of Section 7.5, provided that no use shall exceed 5,000 square feet of floor area, and further provided that timeshare buildings, transient vacation rentals and uses which sell alcohol for consumption on the premises or for consumption off the premises occupying 5,000 square feet or less are specifically prohibited:

1. Any use permitted in the RM-2 Multiple-Family Residential District except rooming and boardinghouses.
2. Bakeries, provided all bakery products produced on the premises shall be sold at retail on the premises.
3. Custom dressmaking, millinery, tailoring or similar retail trades.
4. Dry cleaning shops.
5. Laundromats.
6. Shoe repair shops.
7. Shops for the repair of electrical, radio and television equipment.
8. Barbershops, beauty shops.
9. Plumbing shops.
10. Hardware stores.
11. Banks, loan companies, or other financial institutions, provided said facilities do not contain drive-up windows.
12. Bicycle and moped sales, service and rental in an enclosed building.
13. Bookstores.
14. Medical or dental offices, clinics and laboratories. Clinics shall be medical or dental for human patients only, shall have less than 2,500 square feet of floor area, and no more than three (3) practitioners. (These requirements are not subject to waiver by the Board of Zoning Adjustments.)
15. Messenger and telegraph service stations.

16. Florist shops.
17. Locksmith shops.
18. Musical instrument sales, service and rental.
19. Offices, general business and professional.
20. Photographers' studios.
21. Meeting halls.
22. Health or athletic club or studio.
23. Printing shops.
24. Dance studios.
25. Standard restaurants.
26. Pet shops.
27. Business machine, retail sales and service.
28. Catering and delicatessen business.
29. Hospital or clinic for small animals provided that such hospitals or clinics and any treatment rooms, cages, pens or kennels be maintained within a completely enclosed soundproofed building, and that such hospital or clinic be operated in such a way as to produce no objectionable noise or odors outside its walls.
30. Antique stores.
31. General retail, service and repair establishments similar in character to those enumerated in this section, excepting automobile vehicular parts sales/non-service, which is a permitted conditional use, and pawnshops, but occupying not more than 5,000 square feet of floor area.
32. Existing funeral homes.
33. Child care facilities.* (See Section 11.15)
34. Adult day care centers.* (See Section 11.14)
35. Jewelry assembly and studio. Design, assembly, repair and service of jewelry, watches and fine instruments, and similar products where the ratio of value to weight is high but where only light soldering is involved, with no smelting, castings, or other use of molten metals or glass. The use may not create any danger to health and safety in surrounding areas through any offensive noise, vibration, smoke, dust, lint, odor, heat or glare.
36. Light manufacturing of foods in existing buildings of 3,000 square feet or less.
37. Bed and breakfast family homes, bed and breakfast guest homes, bed and breakfast historic homes, and bed and breakfast inns.* (See Sections 11.6, 11.7, 11.8, 11.9)
38. Reception facility within a completely enclosed building.* (See Section 11.63)

(Ord. 23,087 § 1 (part), adopted 5/1/08; Ord. 22,789 § 1 (part), adopted 9/6/07; Ord. 19,886 § 1, adopted 11/2/00; Ord. 18,762 § 3 (part), adopted 6/18/98; Ord. 18,229 § 8, adopted 5/15/97; Ord. 17,901 § 1, adopted 12/5/96; Ord. 17,658 § 1, adopted 7/3/96)

5.5.4. Accessory Uses.

The following uses of land are authorized as accessory uses within the B-1A Neighborhood Business District:

1. Any accessory use allowed in the RM-2 Multiple-Family Residential District.
2. Storage in connection with a permitted use where storage is incidental to the approved occupancy of the building, provided all products and material used or stored are in a completely enclosed building or enclosed by a masonry wall, screening fence, or hedge, not less than six (6) feet in height. Storage of all materials and equipment shall not exceed the height of the wall. Storage of cars or trucks used in connection with the permitted trade or business is permitted within the walled or screened area, but not including storage of heavy equipment, such as road-building or excavating equipment and provided the aggregate amount of such storage space does not exceed thirty (30) percent of the gross floor area of the main structure.
3. Ice storage machines may be located on the exterior of small convenience stores which occupy not more than 2,500 square feet of floor area. They shall be placed against the building and shall not protrude into any public rights-of-way or into any required front or side yards. The ice storage machines shall be placed so that customers accessing these units shall not have to block the public right-of-way. The following additional conditions apply:
 - a. Such ice storage units shall not exceed seventy-eight (78) inches in height, forty (40) inches in depth and seventy-eight (78) inches in width.
 - b. The only signage to be permitted on these storage units shall be the word "ICE." The size of the sign shall not exceed one (1) foot by one (1) foot or one (1) foot square. The size of this sign shall not be subtracted from the size of the permitted sign for the main use.
 - c. The color of these units shall be unobtrusive. They may be steel gray, or neutral tones only.

5.5.5. Conditional Uses.

The following uses of land are authorized as conditional uses within the B-1A Neighborhood Business District upon approval of a conditional use permit under the standards and procedures contained in Section 16.6 of these zoning

regulations, provided that no use shall exceed 10,000 square feet of floor area.

1. Any conditional use allowed in the RM-2 Multiple Family Residential District, subject to the height, area and bulk regulations of the B-1A District.
2. With the exception of clinics, any permitted use in the B-1A Neighborhood Business District (see Section 5.5.3) which exceeds 5,000 square feet of floor area, up to 10,000 square feet of floor area.
3. Rooming and boarding houses.
4. Cocktail lounges or bars provided there is no more than one (1) such use per block face.
5. Gasoline service stations provided there is no more than one (1) such use per block face.
6. Banks, loan companies or other financial institutions containing drive-up windows.
7. Nonaccessory parking lots.
8. Fast food or drive-in restaurants.
9. Public and governmental buildings including but not limited to police stations, fire stations, community health centers, neighborhood centers, libraries, branch postal stations and branch administrative offices.
10. Automobile service centers.* (See Section 11.3)
11. Automobile/vehicular parts sale/non-service.
12. Fraternities, sororities, private clubs and lodges, excepting those the activity of which is a service customarily carried on as a business.* (See Section 11.18)
13. (Repealed)
14. (Repealed)
15. (Repealed)
16. (Repealed)
17. Flea market.* (See Section 11.17)
18. Clinics (medical or dental for human patients only) having between 2,500 and 5,000 square feet of floor area, or having four (4) practitioners.
19. Clinics that are licensed as substance abuse treatment centers or psychiatric counseling facilities, regardless of size or number of practitioners, subject to the overall 5,000 square feet of floor area and four (4) practitioner limitations.
20. Any permitted use allowed in the B-1A Neighborhood Business District which sells alcohol for consumption on the premises or for consumption off the premises occupying less than 5,000.* (See Section 11.13)
21. Personal wireless communication facilities consisting of (a) standard and nonstandard monopole installations and (b) mast-mounted and facade-mounted installations which do not satisfy the requirements for such installations as permitted uses under Section 11.55 of these regulations.* (See Section 11.55)
22. Cafeteria restaurants.

(Ord. 23,087 § 1 (part), adopted 5/1/08; Ord. 18,762 § 3 (part), adopted 6/18/98; Ord. 18,384 § 1 (part), adopted 8/21/97; Ord. 18,229 § 7, adopted 5/15/97)

5.5.6. Permitted Signs.

Subject to the general regulations of Article 12, the following illuminated or nonilluminated accessory signs shall be permitted in the B-1A Neighborhood Business District:

1. One (1) flat sign limited to twenty-five (25) square feet per business or .75 square feet per lineal foot of street frontage, whichever is the greater; or
 2. One (1) double-faced projecting sign limited to sixteen (16) square feet per business and not more than fifteen (15) feet to the top of the sign above the ground level; or
 3. One (1) canopy sign with sign area limited to three (3) square feet per business;
 4. Directional signs;
 5. Temporary signs;
 6. One (1) flat double-faced general advertising sign on public transit waiting stations. HDLC approval required in Historic Districts;
 7. In any commercial center where the commercial uses are linked as a unit, including but not limited to, sharing parking or loading areas, signs shall be unified at a single location in an architecturally integrated and compatible manner.
- 5.5.7. Height, Area and Bulk Requirements.

Minimum requirements for lot area, yards and open space, and maximum height and Floor Area Ratio in the B-1A Neighborhood Business District are contained in Table 5.E. These standards for nonresidential uses and for residential uses apply to all permitted and accessory uses, unless a variance is granted by the Board of Zoning Adjustments under Section 14.6, and to all conditional uses unless modified by the City Council in conjunction with approval of a conditional use permit under Section 16.6.

Table 5.E

Area Regulations for the B-1A Neighborhood Business District

Requirements Standards	
Maximum height	45 ft
Minimum depth of front yard	none-1
Maximum front yard	20 ft.-2
Maximum front yard paving	40%-3
Minimum side yard	none-4
Minimum rear yard	none-5
Maximum depth of front and side yards on corner lots	5 ft.
Maximum Floor Area Ratio	
	- nonresidential 1.5
	- residential or mixed use with at least 50% of floor area used for residential 2.0

Table 5.E Notes:

- 1 Minimum Front Yard Required. No minimum front yard is required except where a lot abuts a residential district (applies to an interior lot or corner lot) in which instance a front yard shall be provided in accordance with the requirements of the residential district or in conformance with the adjacent residential structure, whichever is lesser.
- 2 Maximum Front Yard Permitted. Where a lot or site (meaning a lot or lots considered as a unit for development purposes) is situated between two (2) developed sites, the maximum front yard permitted shall not exceed the average of the front yards provided by the main buildings on the two (2) adjacent sites. Where a lot adjoins only one (1) developed site, the maximum front yard permitted shall not exceed the front yard established by the main building on that adjacent lot. In no instance shall a front yard exceed twenty (20) feet.
- 3 Maximum Front Yard Paving Permitted. Where a front yard is provided, no more than forty (40) percent of the front yard shall be paved with a hard surface. Said hard surface shall be used for pedestrian access to the building or vehicular access to a parking area. The remaining sixty (60) percent of the front yard shall be maintained as either a lawn area or an area containing ornamental landscaping.
- 4 Side Yard. A side yard is not required except on the interior lot abutting on a residential district in which instance there shall be a minimum side yard of five (5) feet. Where a side yard is provided, but not required, such side yard shall not be less than three (3) feet in width.
- 5 Rear Yard. A rear yard is not required except where a lot abuts on a residential district, in which case, there shall be a rear yard of not less than twenty (20) feet in depth. Where a rear yard is provided, but not required, such rear yard shall not be less than three (3) feet in depth.

5.5.8. Special Regulations.

1. Off-Street Parking Regulations

- a. No minimum off-street parking is required for commercial uses under 5,000 square feet. Multiple-family uses require one (1) parking space for each dwelling unit.
- b. The maximum number of off-street parking spaces permitted for uses under 5,000 square feet shall not exceed the standards which are required for uses in the low and medium density commercial districts as described in Section 15.2.
- c. For uses greater than 5,000 square feet, parking spaces are required according to the standards of the low and medium density commercial districts as described in Section 15.2. Said standards may be modified under the conditional use process.
- d. Parking in the front yard is prohibited.
- e. All off-street parking shall be subject to the following conditions:
 - (1) Minimum Area. For the purpose of these regulations, an off-street parking space is a paved area not in a street or alley, permanently reserved for the temporary storage of one (1) vehicle and connected with a street or alley by a paved driveway which affords ingress and egress for an automobile without requiring another automobile to be moved; provided, however, that the paving requirements shall not apply to a single-family or two-family dwelling. The size of a small car off-street parking space must be a minimum of seven (7) feet six (6) inches in width and a minimum of sixteen (16) feet in length (120 square feet) exclusive of driveways; not more than forty (40) percent of the spaces in any parking facility may be designated and labeled as small car spaces. The size of a large car off-street parking space must be a minimum of eight (8) feet six (6) inches in width and a minimum of eighteen (18) feet in length (153 square feet) exclusive of driveways. The size of a handicapped off-street parking space must be a minimum of ten (10)

feet in width and a minimum of eighteen (18) feet in length (180 square feet) exclusive of driveways.

(2) Drainage and Maintenance. Off-street parking facilities shall be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys and surfaced with erosion-resistant material in accordance with applicable City specifications. Off-street parking areas shall be maintained in a clean, orderly and dust-free condition at the expense of the owner or lessee and not used for the sale, repair, or dismantling or servicing of any vehicles, equipment, materials or supplies.

(3) Prohibition of Extended Storage. All motor vehicles incapable of movement under their own power, other than in cases of emergency, shall not be stored in such off-street parking facilities for a continuous period of time in excess of forty-eight (48) hours.

(4) Landscaping Maintenance. All planting areas shall be maintained in perpetuity and may be inspected periodically by the Department of Safety and Permits and Park and Parkway Commission for compliance with regulations provided herein.

(5) Separation from Walkways and Streets (Spaces). Off-street parking spaces shall be separated from walkways, sidewalks, streets, or alleys by a wall, fence, or curbing or other approved protective device, or by distance so that vehicles cannot protrude over publicly owned areas.

(6) Separation from Walkways and Streets (Lots). Off-street parking areas shall be separated from vacant lots; public walkways, sidewalks, streets, or alleys by an opaque wall, fence, or a continuous opaque evergreen vegetated screen a minimum of four (4) feet in height.

(7) Entrances and Exits. Location and design of entrances and exits shall be in accord with the requirements of applicable City traffic regulations and standards. Landscaping, curbing or approved barriers shall be provided along lot boundaries to control entrance and exit of vehicles or pedestrians.

(8) Interior Drives. Interior drives shall be of adequate width to serve a particular design arrangement of parking spaces.

(9) Marking. Parking spaces in lots of more than ten (10) spaces shall be marked by painted lines or curbs or other means to indicate individual spaces. Signs or markers shall be used as necessary to insure efficient traffic operation of the lot.

(10) Lighting. Adequate lighting shall be provided if off-street parking spaces are to be used at night. The lighting shall be arranged to eliminate glare on residential property by location of light fixtures or uses of fixtures designed to eliminate direct view of luminaries in fixture from residential property.

(11) Residential Screening. When surface off-street parking areas are located adjacent to any lot upon which there is a dwelling as a permitted use under these regulations, there shall be provided along the side lot line a continuous visual screen with a minimum height of six (6) feet. Such screen may consist of a compact evergreen hedge or foliage screening, or an opaque wall or fence.

(12) Residential District Screening. When surface off-street parking areas are located adjacent to a residentially zoned district, there shall be provided along the district line a continuous evergreen hedge and a six (6) foot opaque wall or fence. Curb and wheel stops shall be located a minimum of five (5) feet from the property line.

(13) Commercial Screening. When surface off-street parking areas are located adjacent to a commercial use, no fence is required. There shall be a landscaped border consisting of a continuous, opaque, evergreen hedge a minimum of four (4) feet in height.

(14) Sight Triangle. At all points of ingress and egress, a sight-distance triangle shall be provided. The triangle shall be measured from the points where each side of the driveway intersect the inside of the sidewalk or property line whichever is the greatest distance from the street. At ten (10) feet from the points of intersection along each side of the driveway and the property line, a line shall be drawn to connect the ten (10) foot distances to form a triangle. No parking, fencing, planting material larger than one (1) foot in height, or other obstructions to the view of the driver entering or exiting the premises shall be allowed.

(15) Entrances and Exits. Entrances and exits shall be required to be of porous material when necessary to protect City-owned trees when deemed necessary by Park and Parkway Commission.

(16) The Department of Safety and Permits shall adopt plans and outline specifications clearly indicating the acceptable design and minimum construction standards for surface off-street parking facilities. Such standards shall be revised from time to time to be in conformity with acceptable current practices and shall be available for public study and consideration.

2. Off-Street Loading Regulations.

a. No minimum off-street loading is required for uses under 5,000 square feet.

b. The maximum number of off-street loading spaces for uses under 5,000 square feet are two (2).

c. One (1) off-street loading space is required for uses greater than 5,000 square feet. Said standards may be modified under the conditional use process.

3. Special Regulations Applicable to Corner Lots.

a. On corner lots, the main building shall be constructed so that two (2) of its perimeter walls are located within five (5) feet of adjacent public rights-of-way.

b. At least one (1) principal entrance to the building shall open directly to one (1) of the adjacent rights-of-way.

5.5.9. Subdistrict Standards.

Business engaging in the retail sale of alcoholic beverages along the section of Magazine Street between Philip and Melpomene Street zoned B-1A Neighborhood Business are required to have a minimum of 5,000 square feet interior floor area. (Ord. 18,502 § 8, adopted 11/6/97)