

ORDINANCE
(AS AMENDED)
CITY OF NEW ORLEANS

CITY HALL: JUNE 21, 1984

CALENDAR NO. 11,869

NO. 10026 MAYOR COUNCIL SERIES

BY COUNCILMAN EARLY

An Ordinance to amend Ordinance Number 4264 M.C.S., as amended, the Comprehensive Zoning Law of the City of New Orleans, by amending Section 4.7 of Article II by adding a new Paragraph 7A concerning operation of a horse or dog race track in conjunction with parimutuel wagering between the hours of 6:30 P.M. and 8:30 P.M., to provide for such operation as a conditional use, to provide for certain requirements for operation; and to otherwise provide with respect thereto.

WHEREAS, the City Planning Commission acting on City Council Motion M-84-32 further identified as City Planning Commission Zoning Docket No. 10/84 held a public hearing on the text change set forth in said City Council Motion; and

WHEREAS, the City Planning Commission recommended modified approval of the text change to the City Council in its report dated May 1, 1984, on this zoning docket; and

WHEREAS, this amendment to the text of the Comprehensive Zoning Ordinance as modified by the City Planning Commission and as further modified by the Council is deemed to be advisable and necessary and in the best interest of the City and was approved by Motion M-83-159 of the Council of the City of New Orleans on May 17, 1984.

1. SECTION 1. THE COUNCIL OF THE CITY OF NEW
2. ORLEANS HEREBY ORDAINS, That Paragraph 7A of Section
3. 4.7 of Article II of Ordinance Number 4264 M.C.S., as

4. amended, the Comprehensive Zoning Law of the City of
5. New Orleans, be and the same is hereby ordained to
6. read as follows:

7. "Section 4. Existing Commercial Amusement or
8. Recreational Development.

9. An existing commercial amusement or recreational
10. development, including but without limiting the generality
11. of the foregoing, amusement park, pistol or rifle range,
12. race course, fairground or sport field, when located in
13. a residential district and containing not less than 10
14. acres, may be maintained, buildings structurally altered
15. or extended, new buildings constructed, parking areas
16. extended, and new parking areas created within the
17. boundaries of the development, without a change of use,
18. provided that any extension, structural alteration, new
19. structure, new parking area or parking area extension
20. does not further encroach on any required yard area or
21. offstreet parking area and provided further that the
22. following conditions are complied with:

23. * * *

24. "7A. A horse or dog race track may be operated in
25. conjunction with parimutuel wagering between the hours
26. of 6:30 P.M. and 8:30 P.M. when approved as a Conditional
27. Use, subject to the following provisos:

28. a. Before any Conditional Use may be granted
29. for operation of a horse or dog track in
30. conjunction with parimutuel wagering between
31. the hours of 6:30 P.M. and 8:30 P.M., the
32. horse or dog track for which such Conditional
33. Use is applied shall show compliance with all
34. City Ordinances governing and/or prescribing
35. the following:

36. 1. Proper set-backs for lighting
37. systems, including without

38. limitation all parking lot
39. lighting and security light
40. systems, and racing lights;
41. 2. Landscaping, drainage, fence
42. placement, and fence design;
43. 3. Size and height and location
44. of structures, including
45. without limitation stables,
46. barns, grandstands, parking
47. garages, office structures
48. and lighting standards;

49. b. The horse or dog track for which the Conditional
50. Use is applied shall present binding assurances
51. to the City Council, that prior to commencement
52. of operation within the hours of 6:30 P.M. and
53. 8:30 P.M., all applicable State laws shall be
54. complied with including approval by the Louisiana
55. State Racing Commission.

56. c. The horse or dog track for which the Conditional
57. Use is applied shall show compliance with any
58. and all other Ordinances and legal requirements
59. governing and providing for land use and develop-
60. ment.

61. d. All field lights and race course illumination
62. systems shall be directed and placed so as to
63. minimize the effects of these lighting systems
64. on neighboring residential properties. Further,
65. such systems shall not employ candle power in
66. excess of the minimum actually required for the
67. horse or dog racing events. However, no entity
68. covered by this Ordinance shall be compared in
69. this respect to Jefferson Downs. The Council

70. shall cause an expert of is selection to
71. examine and inspect any such lighting
72. system so as to insure compliance with
73. this proviso; the cost for retention of
74. the expert shall be paid by the applicant.
75. The report and recommendations of an expert
76. employed by the Council for this purpose
77. shall be the determining factor regarding
78. whether or not there has been compliance
79. with this particular proviso. A plan for
80. all lighting systems shall be formulated,
81. submitted, and approved with the application
82. for Conditional Use.

83. It is recognized that emergencies can occur
84. such as a horse or jockey injury, and, in
85. such cases, there will be an automatic
86. exception to the provisions of this Section.
87. However, it is specifically recognized that
88. the inability of track patrons to exit the
89. parking lot by 8:45 P.M. because of excessive
90. traffic will not constitute an "emergency"
91. within the meaning of this section.

92. e. All field lights and race course illumination
93. systems shall be turned off no later than 8:30
94. P.M. on any evening during which night or
95. twilight racing events are held. Such lighting
96. systems shall otherwise be turned off by 6:30
97. P.M. except when night repair work is essential
98. and prior approval of the Director of Safety
99. and Permits has been obtained.

100. f. All parking light systems shall be turned off
101. no later than 8:45 P.M. on any evening during
102. which night or twilight racing events are
103. held. Such lighting systems shall otherwise

104. be turned off by 6:30 P.M. except when
105. night repair work is essential and prior
106. approval of the Director of Safety and
107. Permits has been obtained. The emergency
108. exceptions outlined in Section No. 7A. d
109. above shall also apply in this subsection.
110. g. The horse or dog track for which the
111. Conditional Use is applied shall implement
112. a plan of ingress to and egress from its
113. facilities prescribed by the Council. Said
114. plan shall minimize the impact of vehicular
115. and pedestrian traffic in surrounding
116. neighborhoods. All vehicular and pedestrian
117. gates, driveways, or walkways shall be closed
118. to the general public during all hours of
119. operation on any day in which race events
120. will be held after 6:30 P.M. except gates
121. on a major street. The preceding sentence
122. shall not apply to any horse or dog track
123. that has been in existence for three years
124. or longer at the time of the passage of
125. this Ordinance. The horse or dog track
126. for which the Conditional Use is applied
127. shall also provide, at its expense, for
128. personnel to control traffic as it enters
129. and exits the major street gates, driveways
130. or walkways.
131. h. The horse or dog track for which the
132. Conditional Use is applied shall take all
133. necessary steps to control litter along
134. the perimeter of its property. A plan for
135. litter control shall be formulated, submitted
136. and approved with the application for Conditional
137. Use.

138. i. Night or twilight racing shall not be
139. conducted in excess of two evenings per
140. week.
141. j. In the event the Conditional Use is granted
142. and in the further event that all provisos
143. accompanying such Conditional Use, once the
144. same is granted, are not complied with in
145. every respect, then the Council, on its own
146. motion or on the petition of any interested
147. or affected person, shall undertake to
148. immediately revoke said Conditional Use
149. provided such revocation is not imposed
150. without first affording the person granted
151. the Conditional Use or its successor notice
152. and an opportunity for hearing and an
153. opportunity to correct the violation or
154. violations.

155. * * *

1. SECTION 2. That Ordinance Number 4264 M.C.S.,
2. as amended, the Comprehensive Zoning Law of the City
3. of New Orleans, be and the same is hereby amended as
4. hereinabove described and no further.

1. SECTION 3. That if any portion of the
2. Ordinance be held unconstitutional or invalid by a
3. Court of competent jurisdiction, such holding shall
4. not affect the validity of the remaining portion of
5. the Ordinance, but such remaining portion shall be
6. and remain in full force and effect.

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS SEPT. 6, 1984

SIDNEY J. BARTHELEMY

PRESIDENT OF COUNCIL

Delivered to the Mayor on SEPT. 6, 1984

Approved:

~~XXXXXXXXXXXX~~ SEPT. 14, 1984

ERNEST N. MORIAL

MAYOR

Returned by the Mayor on SEPT. 14, 1984 at 10:55 A.M.

LEATRICE S. SIEGEL

CLERK OF COUNCIL

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THE FOREGOING IS CERTIFIED
TO BE A TRUE AND CORRECT COPY

Peggy Davis
CLERK OF COUNCIL