

ORDINANCE
(AS AMENDED)
CITY OF NEW ORLEANS

CITY HALL: FEBRUARY 7, 1985

CALENDAR NO. 12,334

NO. 10406 MAYOR COUNCIL SERIES

BY: COUNCILMEN EARLY, BABOVICH, BARTHELEMY, BOISSIERE, GIARRUSSO
SINGLETON AND WAGNER

An Ordinance to provide for certain uses which, because of their unique characteristics, cannot be classified properly in any particular district or districts without special consideration in each case of the impact of those uses upon neighboring lands and of the public need for the particular use at the particular location, and to authorize in accordance with the provisions of Article 15, Section 2.6 of Ordinance No. 4264 M.C.S., the Comprehensive Zoning Law of the City of New Orleans, the establishment of a Conditional Use in order to permit twilight racing in an "RD-2, Two Family Residential District" for those properties which are owned and/or to be acquired by Fair Grounds, Inc., in accordance with Motion M-84-450 of the Council of the City of New Orleans adopted on November 29, 1984 together with and being subject to the provisos herein contained; and otherwise to provide with respect thereto.

WHEREAS, Zoning Docket Number 76/84 was initiated by petition of Fair Grounds, Inc. and the City of New Orleans and referred to the City Planning Commission; and

WHEREAS, the City Planning Commission held a public hearing on this Zoning Petition and recommended approval in its report dated November 7, 1984, to the City Council on the Conditional Use presented in Zoning Docket Number 76/84; and

WHEREAS, the recommendation of the City Planning Commission is approved and the changes are deemed to be advisable and necessary and in the best interest of the City and were approved by Motion M-84-450 of the Council of the City of New Orleans on November 29, 1984 subject to four (4) provisos; and

WHEREAS, the Council desires to approve this Conditional Use subject to additional provisos to further protect the public interest; now therefore

1. SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS

2. HEREBY ORDAINS, That a Conditional Use, to permit twilight
3. racing in an "RD-2, Two Family Residential District" in
4. those properties which are owned and/or to be acquired by
5. Fair Grounds, Inc., as presented in Zoning Docket Number
6. 76/84, be and it is hereby authorized and approved subject
7. to six (6) provisos as follows:

8. 1. The hiring of a lighting expert by
9. the City Council (at the expense of
10. Fair Grounds, Inc., which expert shall
11. examine and inspect all lighting
12. systems on the Fair Grounds property
13. for compliance with the Ordinance
14. governing the "twilight racing". He
15. shall review and approve the lighting
16. plan for all lighting systems in
17. accordance with the Ordinance.
18. 2. Note on the plan the Fair Grounds, Inc.,
19. shall provide for traffic control and
20. litter control in accordance with
21. Ordinance No. 10026 M.C.S.
22. 3. Indication on the plan of height of
23. fences (new and existing).
24. 4. Note on the plan indicating number of
25. days of "twilight" racing and times when
26. lights must be turned off.
27. 5. On any day on which twilight or night
28. racing is conducted, all gates along
29. Fortin Street providing ingress and
30. egress to and from the Fairgrounds
31. shall be closed except to Mystery Street
32. gate which may be open to vehicular
33. traffic only; provided that one other
34. gate along Fortin Street providing
35. ingress and egress to and from the
36. Fairgrounds may be open to vehicular
37. traffic on a temporary basis if the
38. Mystery Street gate is closed because
39. of a temporary condition which renders
40. the Mystery Street gate inoperable.
41. If the Mystery Street gate is inoperable,
42. the operators of the Fair Grounds Race
43. Track shall immediately notify the
44. Director of Safety and Permits and shall
45. cause immediate repairs to the gate to
46. be made. All gates along Fortin Street
47. shall be closed to pedestrian traffic
48. on any day on which twilight or night
49. racing is conducted.

50. 6. Twilight or night racing shall be
51. conducted on no more than 36 days in
52. any one calendar year.

1. SECTION 2. That the provisions of Section 1 of this
2. Ordinance shall not be effective, nor shall they have legal
3. force and effect, nor shall any building permit be issued
4. pursuant to the provisions thereof, unless and until the
5. provisos set forth in Section 1 hereof have been fully
6. fulfilled and complied with. If the development or
7. construction of the Conditional Use authorized herein is
8. not commenced within one year from the effective date of
9. this Ordinance, this Ordinance shall be null, void and of
10. no legal force and effect.

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

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS MARCH 21, 1985

JOSEPH I. GIARRUSSO
PRESIDENT OF COUNCIL

Delivered to the Mayor on MARCH 21, 1985

Approved: MARCH 29, 1985

ERNEST N. MORIAL
MAYOR

Returned by the Mayor on MARCH 29, 1985 at 3:20 P.M.

LEATRICE S. SIEGEL
CLERK OF COUNCIL

THE FOREGOING IS CERTIFIED
TO BE A TRUE AND CORRECT COPY

Peggy Lewis, Clerk
CLERK OF COUNCIL