

City Planning Commission Meeting
Tuesday, April 9, 2024

Public Hearing Deadline: 06/11/24
CPC Deadline: 06/11/2024
CC Deadline: None
City Council Districts: N/A

2024 RETAIL GOODS ESTABLISHMENT STUDY PRELIMINARY REPORT

To: City Planning Commission

From: Robert Rivers, Executive Director
Rachael Berg, Planning Administrator

Prepared by: Valerie McMillan & Bria Dixon

Date: April 2, 2024

I. GENERAL INFORMATION:

Applicant: City Council Motion M-24-74

Request: The motion requests the City Planning Commission to conduct a public hearing to study the impacts and recommend updated regulations of Retail Goods Establishment uses, including but not limited to tire shops, nail shops, beauty supply shops and convenience/discount stores, with an overall focus on New Orleans East.

Location: The 2024 Retail Goods Study's focus area is a part of Council District D and Council District E; however, the study will analysis these uses throughout the city.¹

Description: The Retail Goods Establishment Study directs the City Planning Commission to make recommendations on the following:

- For tire shops, beauty supply shops, nail shops and convenience/discount stores:
 - Existing state and municipal regulations and applicable licensure requirements of each use;
 - Potential conditional use requirement for each use; and
 - Potential distance limitations/requirements for each use; and

Although Motion M-24-74 does not explicitly state a timeframe in which to hold a public hearing, the City Planning Commission generally conducts a public hearing within ninety (90) days of the passage of the Motion. The Motion

¹ The study will include parts of District D that are in New Orleans East.

explicitly states to conduct a study and make recommendations within one hundred twenty (120) days of the passage of the Motion.

Why is this Public Hearing required?

City Council Motion M-24-74 does not explicitly state a timeframe in which to hold a public hearing; however, the City Planning Commission generally conducts a public hearing within 90 days of the passage of a motion to conduct a study.

II. BACKGROUND INFORMATION

A. What is the scope of work for the Retail Goods Establishment Study from City Council Motion M-24-74?

City Council Motion M-24-74 directs the City Planning Commission to determine if there is an over proliferation of certain retail good establishment uses within New Orleans East that include tire shops, nail shops, beauty supply shops and convenience/discount stores. The study will examine whether an over proliferation exists in New Orleans East, whether any oversaturation of the uses adversely impact of quality of life to residents in New Orleans East and/or limits diverse economic development in the study area.

The Retail Goods Establishment Study directs the City Planning Commission to address the following:

- For tire shops, beauty supply shops, nail shops and convenience/discount stores:
 - Potential conditional use requirement for each use
 - Potential distance limitations/requirements for each use

City Council Motion M-24-74 grants the City Planning Commission and its staff the flexibility to make all appropriate changes relative to this request to ensure consistency and continuity with the format of the Comprehensive Zoning Ordinance, to add references wherever references are customary, needed, and/or appropriate, to make appropriate adjustments to clarify any ambiguities or mistakes, and to make adjustments deemed necessary, in light of public testimony resulting from this study and review.

B. What are the current regulations for Tire Shops, Nail Shops, Beauty Supply Shops and Convenience/Discount Stores in the Comprehensive Zoning Ordinance?

1. Tire Shops

Tire shops may be classified under the Comprehensive Zoning Ordinance as a Motor Vehicle Service and Repair, Major or Motor Vehicle Service and Repair, Minor.

Permitted and Conditional Uses (Articles 7 to 17)

Below are the use tables that show the zoning districts where Motor Vehicle Service and Repair, Major or Motor Vehicle Service and Repair, Minor uses are permitted (“P”), conditional (“C”), and prohibited uses (blank space).

Article 7 – Open Space District

7.2 Uses

Table 7-1: Permitted and Conditional Uses								
Uses	District							Use Standards
	OS-N	OS-G	OS-R	NA	GPD	OS-CBD	OS-AR	
COMMERCIAL USE								
[...]								
Motor Vehicle Service and Repair, Minor					C ₂			Section 20.3.MM
Motor Vehicle Service and Repair, Major					C ₃			Section 20.3.MM
[...]								

[...]

Article 10 – Historic Core Neighborhoods Non-Residential Districts

10.2 Uses

Table 10-1: Permitted and Conditional Uses												
Uses	District										Use Standards	
	VCC-1	VCC-2	VCE	VCE-1	VCS	VCS-1	VCP	HMC-1	HMC-2	HM-MU		
COMMERCIAL USE												
[...]												
Motor Vehicle Service and Repair, Minor											P	Section 20.3.MM
[...]												

[...]

2 Subject to the use restrictions in Section 7.2.B.1

3 Subject to the use restrictions in Section 7.2.B.1

Article 12 – Historic Urban Neighborhoods Non-Residential Districts

12.2 Uses

Table 12-1: Permitted and Conditional Uses				
Uses	Districts			Use Standards
	HU-B1A	HU-B1	HU-MU	
COMMERCIAL USE				
[...]				
Motor Vehicle Service and Repair, Minor			C	Section 20.3.MM
[...]				

[...]

Article 14 – Suburban Neighborhoods Non-Residential Districts

14.2 Uses

Table 14-1: Permitted and Conditional Uses									
Uses	Districts								Use Standards
	S-B1	S-B2	S-LB1	S-LB2	S-LC	S-MU	S-LP	S-LM	
COMMERCIAL USE									
[...]									
Motor Vehicle Service and Repair, Minor	P	P	P	P	P				Section 20.3.MM
[...]									

Article 15 – Commercial Center & Institutional Campus Districts

15.2 Uses

Table 15-1: Permitted and Conditional Uses										
Uses	Districts									Use Standards
	C-1	C-2	C-3	MU-1	MU-2	EC3	MC	MS	LS	
COMMERCIAL USE										
[...]										
Motor Vehicle Service and Repair, Minor	C	P	P	P	P					Section 20.3.MM
Motor Vehicle Service and Repair, Major		C	P		C					Section 20.3.MM
[...]										

Article 16 – Centers for Industry

16.2 Uses

Table 16-1: Permitted and Conditional Uses					
Uses	Districts				Use Standards
	LI	HI	MI	BIP	
COMMERCIAL USE					
[...]					
Motor Vehicle Service and Repair, Minor	P	P			Section 20.3.MM
Motor Vehicle Service and Repair, Major	P	P			Section 20.3.MM
[...]					

[...]

Article 20 – Use Standards

The use standards for Tire Shops are found in **Article 20** and listed below.

MOTOR VEHICLE SERVICE AND REPAIR, MINOR OR MAJOR (INCLUDES TIRE RETAIL SHOPS)

1. Minor motor vehicle service and repair shops may not store the same vehicles outdoors on the site for longer than fifteen (15) days. Major motor vehicle service and repair shops may not store the same vehicles outdoors on the site for longer than thirty (30) days.
2. All driveways shall be located and designed to ensure that they will not adversely affect the safety and efficiency of traffic circulation on adjoining streets.
3. All repair operations and tire retail shops shall be fully enclosed. Wrecked or junked vehicles may not be stored on-site. Where the property abuts a residential use, the facility shall install an opaque fence at least six (6) feet high on the property line to buffer the residential use.
4. Minor motor vehicle service and repair may also include gas stations as an accessory use. All gas stations that are part of such an establishment shall comply with the regulations of this Article.
5. Virtual sales of used motor vehicles may be permitted with the following conditions:
 - a. The storage of used vehicles for sales on premise is prohibited;
 - b. Vehicles shall be located off-premise at the vehicle owner's property or at a property zoned and licensed for the storage of vehicles; and
 - c. The business shall hold a valid license with the Louisiana Use Motor Vehicle Commission.
6. No motor vehicles may be stored and no repair work may be conducted in the public right-of-way.
7. Minor motor vehicle service and repair and tire retail shops shall have a minimum lot size of five-thousand (5,000) square feet. Major motor vehicle service and repair

- shops shall have a minimum lot size of nine-thousand (9,000) square feet.
8. All tire retail shops, whether new or used tires, must be registered with an LDEQ Agency Interest number (AI#). Operators shall submit proof of compliance with all local, state and federal laws prior to the issuance of a certificate of occupancy for the site, and proof of compliance with LDEQ standards prior to the issuance of an occupational license for the site.
 9. The open storage of tires is prohibited. Covers shall be adequate to exclude water from the waste tires. All facilities shall have the means to control standing or pooling water in the containment areas.

Article 26 - Definitions

Motor Vehicle Service and Repair, Major. A business involved in engine rebuilding, major reconditioning of worn or damaged motor vehicles or trailers, towing and collision service, including body, frame or fender straightening or repair, and painting of motor vehicles. The business may also include the sale of tires, including tire installation and virtual motor vehicle sales.

Motor Vehicle Service and Repair, Minor. A business that includes, but is not limited to, minor repairs to motor vehicles, including repair or replacement of cooling, electrical, fuel and exhaust systems, brake adjustments, relining and repairs, wheel servicing, alignment and balancing, repair and replacement of shock absorbers, and replacement or adjustment of mufflers and tail pipes, hoses, belts, light bulbs, fuses, windshield wipers/wiper blades, grease retainers, wheel bearings, and the like. The business may also include the sale of tires, including tire installation and virtual motor vehicle sales.

2. Nail Shops

Nail Shops do not have a separate use designation under the Comprehensive Zoning Ordinance. They are classified under the use of a personal service establishment.

Permitted and Conditional Uses (Articles 7 to 17)

Below are the use tables that show the zoning districts where personal service establishments uses are permitted (“P”), conditional (“C”), and prohibited uses (blank space).

Article 8 – Rural Development Districts

8.2 Uses

Table 8-1: Permitted and Conditional Uses			
Uses	Districts		Use Standards
	R-RE	M-MU	
COMMERCIAL USES			
	[...]		
Personal Service Establishment		P	
	[...]		

[...]

Article 12 – Historic Urban Neighborhoods Non-Residential Districts

12.2 Uses

Table 12-1: Permitted and Conditional Uses				
Uses	Districts			Use Standards
	HU-B1A	HU-B1	HU-MU	
COMMERCIAL USE				
[...]				
Personal Service Establishment	P	P	P	
[...]				

[...]

Article 14 – Suburban Neighborhoods Non-Residential Districts

14.2 Uses

Table 14-1: Permitted and Conditional Uses									
Uses	Districts								Use Standards
	S-B1	S-B2	S-LB1	S-LB2	S-LC	S-MU	S-LP	S-LM	
COMMERCIAL USE									
[...]									
Personal Service Establishment	P	P	P	P	P	P	P	P	
[...]									

Article 15 – Commercial Center & Institutional Campus Districts

15.2 Uses

Table 15-1: Permitted and Conditional Uses										
Uses	Districts									Use Standards
	C-1	C-2	C-3	MU-1	MU-2	EC3	MC	MS	LS	
COMMERCIAL USE										
[...]										
Personal Service Establishment	P	P	P	P	P	P	P	P	p	
[...]										

Article 16 – Centers for Industry

16.2 Uses

Table 16-1: Permitted and Conditional Uses					
Uses	Districts				Use Standards
	LI	HI	MI	BIP	
COMMERCIAL USE					
[...]					
Personal Service Establishment				P	
[...]					

Article 17 – Central Business Districts

17.3 Uses

Table 17-1: Permitted and Conditional Uses								
Uses	Districts							Use Standards
	CBD-1	CBD-2	CBD-3	CBD-4	CBD-5	CBD-6	CBD-7	
COMMERCIAL USE								
[...]								
Personal Service Establishment	P	P	P	P	P	P	P	
[...]								

Article 20 – Use Standards

There are no applicable use standards for Personal Service Establishments.

Article 26 - Definitions

Personal Service Establishment

An establishment primarily engaged in the provision of frequent or recurrent services of a personal nature. Typical uses include, but are not limited to, beauty salons and spas, barbershops, tanning salons, massage establishments, tattoo parlors, commercial copy shops, animal grooming, shoe repair, personal item repair shops, laundromats, dry cleaners, and tailors. Personal service establishments do not include any adult uses.

3. Beauty Supply Shops and Convenience/Discount Stores

Beauty Supply Shops and Convenience/Discount Stores do not have a separate use designation under the Comprehensive Zoning Ordinance. They are classified under retail goods establishments or neighborhood commercial establishments.

Permitted and Conditional Uses (Articles 7 to 17)

Below are the use tables that show the zoning districts where retail good establishment and neighborhood commercial establishment uses are permitted (“P”), conditional (“C”), and prohibited uses (blank space).

Article 7 – Open Space District

7.2 Uses

Table 7-1: Permitted and Conditional Uses								
Uses	District							Use Standards
	OS-N	OS-G	OS-R	NA	GPD	OS-CBD	OS-AR	
COMMERCIAL USE								
[...]								
Retail Goods Establishment					C ₄			
[...]								

Article 8 – Rural Development Districts

8.2 Uses

Table 8-1: Permitted and Conditional Uses			
Uses	Districts		Use Standards
	R-RE	M-MU	
COMMERCIAL USES			
[...]			
Retail Goods Establishment		P	
[...]			

Article 9 – Historic Core Neighborhoods Residential Districts

9.2 Uses

Table 9-1: Permitted and Conditional Uses						
Use	District					Use Standards
	VCR-1	VCR-2	HMR-1	HMR-2	HMR-3	
COMMERCIAL USES						
[...]						
Neighborhood Commercial Establishment			C	C	C	Section 20.3.NN
[...]						

⁴ Subject to the use restrictions in Section 7.2.B.1.

Article 10 – Historic Core Neighborhoods Non-Residential Districts

10.2 Uses

Table 10-1: Permitted and Conditional Uses											
Uses	District										Use Standards
	VCC-1	VCC-2	VCE	VCE-1	VCS	VCS-1	VCP	HMC-1	HMC-2	HM-MU	
COMMERCIAL USES											
[...]											
Retail Goods Establishment	P	P	P	P	P	P		P	P	P	
[...]											

Article 11 – Historic Urban Neighborhood Residential Districts

11.2 Uses

Table 11-1: Permitted and Conditional Uses						
Uses	Districts					Use Standards
	HU-RS	HU-RD1	HU-RD2	HU-RM1	HU-RM2	
COMMERCIAL USES						
[...]						
Neighborhood Commercial Establishment	C	C	C	C	C	Section 20.3.NN
[...]						

Article 12 – Historic Urban Neighborhoods Non-Residential Districts

12.2 Uses

Table 12-1: Permitted and Conditional Uses				
Uses	Districts			Use Standards
	HU-B1A	HU-B1	HU-MU	
COMMERCIAL USES				
[...]				
Retail Goods Establishment	P	P	P	
[...]				

[...]

Article 14 – Suburban Neighborhoods Non-Residential Districts

14.2 Uses

Table 14-1: Permitted and Conditional Uses									
Uses	Districts								Use Standards
	S-B1	S-B2	S-LB1	S-LB2	S-LC	S-MU	S-LP	S-LM	
COMMERCIAL USES									
[...]									
Retail Goods Establishment	P	P	P	P	P	P	P	P	
[...]									

Article 15 – Commercial Center & Institutional Campus Districts

15.2 Uses

Table 15-1: Permitted and Conditional Uses										
Uses	Districts									Use Standards
	C-1	C-2	C-3	MU-1	MU-2	EC3	MC	MS	LS	
COMMERCIAL USES										
[...]										
Retail Goods Establishment	P	P	P	P	P	P	P	P	P	
[...]										

Article 16 – Centers for Industry

16.2 Uses

Table 16-1: Permitted and Conditional Uses					
Uses	Districts				Use Standards
	LI	HI	MI	BIP	
COMMERCIAL USES					
[...]					
Retail Goods Establishment	P	P	P	P	
[...]					

Article 17 – Central Business Districts

17.3 Uses

Table 17-1: Permitted and Conditional Uses								
Uses	Districts							Use Standards
	CBD-1	CBD-2	CBD-3	CBD-4	CBD-5	CBD-6	CBD-7	
COMMERCIAL USES								
[...]								
Retail Goods Establishment	P	P	P	P	P	P	P	
[...]								

Article 20 – Use Standards

There are no applicable use standards for Retail Good Establishments.

The use standards for Neighborhood Commercial Establishments are found in **Article 20** and listed below.

20.3.NN NEIGHBORHOOD COMMERCIAL ESTABLISHMENT

1. The existing structure is non-residential in its construction and original use.
2. The existing structure and the proposed use shall be pedestrian-oriented in design, including public entrances oriented to the street and storefront windows along the first floor.
3. Neighborhood commercial establishments are limited to the first floor of the structure and three-thousand (3,000) square feet in gross floor area.
4. The following uses are permitted within a neighborhood commercial establishment:
 - i. Art Gallery
 - ii. Arts Studio
 - iii. Child Care Center, Adult or Child
 - a. The use of a Child Care Center is exempt from the 3,000 square foot gross floor area limitation, if the existing site is able to provide the required off-street parking, per Article 22, Table 22-1 Off-Street Vehicle and Bicycle Parking Requirements, and meet the minimum square foot requirements, per Section 20.3.S.2.
 - iv. Office
 - v. Personal Services Establishment
 - vi. Restaurant, Specialty
 - vii. Retail Goods Establishment
5. The structure is limited to the existing building footprint. No increase in building footprint or intensity of use is permitted.
6. The principal entrance shall be a direct entry from the street the property abuts.
7. No off-street parking is required.
8. Drive-through facilities are prohibited.
9. Outside storage or display is prohibited. All business, servicing, processing, and storage operations shall be located within the structure.
10. Any signs are subject to the requirements of the HU-B1A District.
11. Hours of operation are limited to 6am through 10pm.

Article 26 – Definitions

Retail Goods Establishment

A business that provides physical goods, products, or merchandise directly to the consumer, where such goods are typically available for immediate purchase and removal from the premises by the purchaser. A retail goods establishment does not include any adult uses. A retail goods establishment may not sell alcoholic beverages unless retail sales of packaged alcoholic beverages is allowed within the district and a separate approval is obtained for such use. A retail goods establishment that sells food products, such as a delicatessen, bakery, or grocery, may offer ancillary seating areas for consumption of food on the premises.

Neighborhood Commercial Establishment

A commercial use within a residential neighborhood that is non-residential in its original construction and use.

C. What is the timeline for the Retail Goods Establishment Study?

City Council Motion M-24-74 requires the City Planning Commission to complete the study within 120 days of the passage of the motion. The significant dates and deadlines for the 2024 Retail Goods Establishment Study are listed below (please note that these dates are subject to change):

February 22, 2024: Motion M-24-74 was adopted by City Council

April 9, 2024: City Planning Commission Public Hearing

May 28, 2024: Draft Study will be made available to the public

June 3, 2024: Deadline for written comments

June 11, 2024: City Planning Commission consideration of the study

June 21, 2024: Deadline for the study and CPC recommendation to be forwarded to City Council

After the recommendation is forwarded to City Council, the next steps are at the discretion of City Council. Changes to the Comprehensive Zoning Ordinance (CZO) are typically proposed through a City Council motion directing the CPC to consider a text amendment to the CZO. If such a motion is passed by the City Council, the CPC will prepare a staff report, hold a public hearing, and make a recommendation to the City Council. To approve any CZO changes, the City Council will have to hold its own public hearing and approve an ordinance. Any changes to City Code will require a separate ordinance by the City Council.

III. How can the public provide input for the 2024 Retail Goods Establishment Study?

Written comments should be addressed to the Executive Director of the City Planning Commission or hand delivered to the following address:

City of New Orleans
City Planning Commission
c/o Executive Director Robert Rivers
1300 Perdido Street, 7th Floor
New Orleans, LA 70112

Comments can also be emailed to cpcinfo@nola.gov.

As deemed necessary to complete the study, the City Planning Commission staff will hold meetings with various individuals and groups to receive additional information. A list of these meetings will be included in the final Retail Goods Establishments Study. There will also be an opportunity for public comments at the Regular City Planning Commission meeting on Tuesday, April 9, 2024, at 1:30pm. The City Planning Commission will not take action on the 2024 Retail Goods Establishment Study at that meeting.

MOTION

NO. M-24-74

CITY HALL: February 22, 2024

BY: COUNCILMEMBERS THOMAS AND GREEN

WHEREAS, The City of New Orleans recognizes the need to maintain a balanced local retail landscape and ensure the accessibility of a wide range of goods and services throughout Orleans Parish; and

WHEREAS, New Orleans East has seen a proliferation of Beauty Supply Stores, Nail Salons, Tire Shops, and Convenience/Discount Stores in recent years; **NOW THEREFORE**

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the City Planning Commission, in conjunction with the City Attorney, is hereby directed to conduct a study and make recommendations, within 120 days of this Motion, regarding the over-representation of, and the implementation of distance requirements for, the following *Retail Goods Establishment* use types: Beauty Supply Stores, Nail Salons, Tire Shops, and Convenience/Discount Stores, and to make recommendations regarding potential zoning changes that would require Conditional Use Application & Approval for the aforementioned *Retail Goods Establishment* use types.

BE IT FURTHER MOVED, That in the process of studying and reviewing these changes, the City Planning Commission staff is directed and granted the flexibility to make all appropriate changes relative to this request to ensure consistency and continuity with the format of the Comprehensive Zoning Ordinance, to add references wherever references are customary, needed and/or appropriate, to make the appropriate adjustments to clarify any ambiguities or mistakes, and to make adjustments deemed necessary, in light of public testimony resulting from this study and review.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:

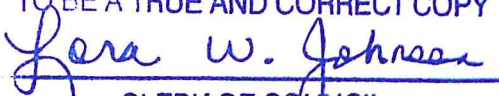
YEAS: Giarrusso, Green, Harris, King, Moreno, Morrell, Thomas - 7

NAYS: 0

ABSENT: 0

AND THE MOTION WAS ADOPTED.

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THE FOREGOING IS CERTIFIED
TO BE A TRUE AND CORRECT COPY

CLERK OF COUNCIL