**ORDINANCE**

**CITY OF NEW ORLEANS**

 **CITY HALL**: January 6, 2011

 **CALENDAR NO.** 28,291

# NO. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ MAYOR COUNCIL SERIES

**BY: COUNCILMEMBER HEAD (BY REQUEST)**

 **AN ORDINANCE** to provide for the establishment of a conditional use to permit a prison and related uses in an HI Heavy Industrial District, on Square 600, all Lots (excluding Lots 28 through 31), Square 615, all lots, Square 624, all lots, Square 624-A, all lots, Square 666, all lots, and Square 675, all lots, in the First Municipal District, bounded by Interstate Highway 10, South Broad Street, Perdido Street, and South Jefferson Davis Parkway; and the rescission of Conditional Use Ordinances 10,428 M.C.S., 14,505 M.C.S., 14,648 M.C.S., 14,762 M.C.S., 17,274 M.C.S., and 20,101 M.C.S. (Multiple Municipal Addresses); and otherwise to provide with respect thereto.

 **WHEREAS, Zoning Docket Number 30/10** was initiated by City of New Orleans, Criminal Sheriff of Parish of Orleans and Law Enforcement District of the Parish of 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 to the City Council dated April 29, 2010 of the conditional use and the rescission of Conditional Use Ordinances 10,428 M.C.S., 14,505 M.C.S., 14,648 M.C.S., 14,762 M.C.S., 17,274 M.C.S., and 20,101 M.C.S. presented in **Zoning Docket Number 30/10**; and

 **WHEREAS,** the recommendation of the City Planning Commission was upheld and the changes were deemed necessary and in the best interest of the City of New Orleans and were granted approval, subject to subject to one (1) waiver and twenty-four (24) provisos, in Motion Number M-10-295 of the Council of the City of New Orleans on July 1, 2010; and

 **WHEREAS,** the Criminal Justice Working Group, established by Executive Order 10-06, has recommended taking the following preliminary actions in an ongoing process to determine the appropriate size of the entire Orleans Parish jail facility.

 **SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS** that conditional use Ordinance Numbers 10,428 M.C.S., 14,505 M.C.S., 14,648 M.C.S., 14,762 M.C.S., 17,274 M.C.S., and 20,101 M.C.S. are hereby rescinded.

 **SECTION 2. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS** that a conditional use to permit a prison and related uses in an HI Heavy Industrial District, on Square 600, all Lots (excluding Lots 28 through 31), Square 615, all lots, Square 624, all lots, Square 624-A, all lots, Square 666, all lots, and Square 675, all lots, in the First Municipal District, bounded by Interstate Highway 10, South Broad Street, Perdido Street, and South Jefferson Davis Parkway (Multiple Municipal Addresses); is hereby authorized and approved, subject to the following waiver and provisos, as specifically set forth herein:

**WAIVER:**

1. The applicant shall be granted a waiver of Article 15, Section 15.2.1.*Off-Street Parking Regulations for All Districts, Except the CBD Districts and the Vieux Carré Districts* of the Comprehensive Zoning Ordinance, which requires the provision of two hundred six (206) off-street parking spaces, to permit the provision of zero (0) off-street parking spaces, subject to the requirements indicated in the related condition (see proviso 21) pertaining to the future provision of off-street parking on the site.

**PROVISOS:**

No person shall use any of the properties described herein or permit another to use any of those properties described herein for the use authorized by this ordinance, unless the following requirements are met and continue to be met:

1. The applicant shall resubdivide the petitioned lots into one lot of record.

2. The applicant shall submit revised site plans demonstrating that no permanent structure encroaches upon the Poydras Street right-of-way, absent an agreement from the City.

3. The surface parking lot shall be enclosed with perimeter fencing – such as a low masonry chain wall with half metal picket fence above – in order to create a street edge along Perdido Street and the curvilinear South Broad Street/Poydras Service Drive.

4. The applicant shall alter the sallyport window openings at street-level on Perdido Street so that the scale appears larger, as long as security is not compromised.

5. In order for the applicant to add additional properties and to add the Templeman I and II facility, the applicant shall be required to amend this Conditional Use ordinance through the City Planning Commission, with Council approval, in accordance with the full Conditional Use process.

6. The applicant shall secure a long-term lease of servitude for existing improvements made upon the Poydras Street right-of-way, including but not limited to the 12-foot concrete security wall between South White and South Lopez Streets, and the paved storage yard area between South Rendon Street and South Jefferson Davis Parkway.

7. The applicant shall include a note on amended site plans stating that all temporary inmate housing, including tent city, but excluding current 400 bed modular units under construction, will be removed and/or closed upon completion of the 1,438 bed facility at the Templeman III & IV site.

* 1. The applicant shall ensure that upon completion, the 1,438 bed facility at the Templeman III & IV site is designed to accommodate any type of prisoner under any jurisdiction. This includes, but is not limited to, state and federal prisoners, inmates that need substance abuse and mental health treatment (except inmates that require acute mental health treatment), female inmates, and prisoners participating in a re-entry program and that the facility is able to provide a variety of programming aimed at reducing recidivism including, but not limited to, medical care, educational services, including GED preparation, vocational and job training.
	2. The applicant shall decommission or demolish the following Orleans Parish Prison facilities upon completion of the 1,438 bed facility at the Templeman III & IV site, unless other appropriate action is taken by the Mayor and/or City Council that is consistent with their authority – House of Detention, Community Correctional Center, Conchetta, South White Street, Templeman V, and the original Temporary Housing Units (Tents). Orleans Parish Prison (OPP) shall only be used as a holding facility to transfer inmates to and from court. The Broad Street facility shall only be used as a work-release facility and shall not contain any additional beds above the 1,438 beds located in the Templeman III & IV facility.
	3. The 400-bed modular units currently being constructed shall be decommissioned or demolished no later than 18 months from the date of issuance of a certificate of use and occupancy for the new Templeman III & IV facility.

8. The applicant shall remove all obstructions to automotive and pedestrian traffic, and restore the public right-of-way on Perdido and South White Streets prior to receiving a certificate of use and occupancy for the new Templeman III & IV facility from the Department of Safety and Permits. This proviso may be amended upon written recommendation by the Mayor after meeting with stakeholders and experts.

9. The applicant shall submit a phasing plan illustrating the extent of ultimate wall construction and secure perimeters, which shall contain materials and assembly that are consistent with the wall currently being installed along the Perdido Street side. Said wall(s) shall be opaque, twelve (12) feet in height, and match the dimensions and style of existing walls.

10. The applicant shall secure approval of revised site plans by the Fire Marshall and abide by applicable Fire Code.

11.The applicant shall submit detailed landscape plans prepared by a licensed Louisiana landscape architect indicating the items listed below. The landscape plan shall be subject to final approval by City Planning Commission staff and by the Department of Parks and Parkways for any proposed planting within a public right-of-way.

a. Landscaping improvements within the proposed parking lot, on islands, medians and along perimeter ground not improved with asphalt paving.

b. Shade-plantings along the Perdido Street side of the Intake and Processing Center sallyport, between the building and the sidewalk as space permits, providing a planting bed of not less than two (2) feet.

c. The genus, species, size, location, quantity and irrigation of all proposed plant materials within both the common areas and the street rights-of-way within the site, with applicable remarks and details.

d. There shall be aesthetic landscaping, subject to the approval of the Department of Parks and Parkways, along Broad Street between the overpass and the security gate.

12. The applicant shall submit a revised site plan showing additional green space of a sizable concentration within the Correctional Complex that can be used as an outdoor recreation area for inmates, to the extent possible. (Note: “Original” Proviso thirteen was deleted as it was incorp. into proviso 9)

13. The applicant shall either modify the location of dumpster berths or provide visual screening as part of the site design so that the Trash Dock at the rear of the Kitchen/Warehouse/Plant will not be visible from the public right-of-way.

14. The applicant shall provide to the City Planning Commission a litter abatement program letter, inclusive of the stated location of litter storage, the type and quantity of trash receptacles, the frequency of litter pickup by the Department of Sanitation or a contracted trash removal company, and the clearing of all litter from the sidewalks and street rights-of-way. The name and phone number of the owner/operator of the development shall be included in this letter to be kept on file in case of any violation.

15. The applicant shall submit a detailed signage plan indicating:

a. The location, text and dimension of all signs posted around the perimeter of the petitioned site or which are visible to the public.

b. Which signs will be illuminated and specifications for said signs.

16. The applicant shall submit a lighting plan for the petitioned site for review and approval by the staff of the City Planning Commission and the Department of Public Works.

17. All proposed curb cuts shall require the approval of the Department of Public Works. All curbs and sidewalks along the Perdido Street frontage shall be replaced and any existing and unused curb cuts along either street frontage shall be restored.  Approval of plans for such reconstruction shall be secured from the Department of Public Works.

18. The Sheriff’s department shall restrict loading dock activity at night, so that no truck deliveries or trash collection occurs between the hours of 10:00 p.m. and 6:00 a.m.

19. The applicant shall secure the approval of the Department of Public Works for the following:

a. the location and construction of all proposed curb cuts and the restoration of any existing curb cuts that are not to be utilized as part of the development;

b. the replacement or restoration of all sidewalks adjacent to and across a street from the site as deemed necessary;

c. the installation of vertical curbs along all street frontages adjacent to the site;

d. the installation of all subsurface drainage for the proposed development; and

e. a traffic impact analysis for the proposed development, including any mitigation measures deemed necessary should significant adverse impact to the transportation system be determined by the Department of Public Works to be likely to occur as a result of the proposed development.

20. Upon the issuance of a certificate of use and occupancy by the City of New Orleans for the new Inmate Process Center and Housing Units building, the applicant shall demolish the eight existing tent prison structures within six months and shall restore the existing off-street parking lot upon which they are located to use as one hundred forty-seven (147) parking spaces.

21. The applicant shall work with the Sewerage and Water Board as necessary for the retention or relocation of any sewer or water lines affected by the proposed development.

22. The Mayor may provide a written recommendation to the City Council after convening meetings with stakeholders and experts.

 **SECTION 3.** Whoever does anything prohibited by this Ordinance or fails to do anything required to be done by this Ordinance shall be guilty of a misdemeanor and upon conviction shall be subject to a fine or to imprisonment or both, such fine and/or imprisonment set by Section 1-13 of the 1995 Code of the City of New Orleans, or should alternatively be subject to whatever civil liabilities, penalties or remedies the law may prescribe. Conviction shall be cause for the immediate cancellation of the Use and Occupancy permit of the premises.

 **SECTION 4**. This ordinance shall have the legal force and effect of authorizing this conditional use only after all the provisos listed in Section 1 of this Ordinance which impose a one-time obligation have been completely fulfilled and complied with, and only after all the provisos listed in Section 1 which impose a continuing or on-going obligation shall have begun to be fulfilled, as evidenced by the Planning Commission’s approval of a final site plan, on or before one year from the date of adoption of this ordinance, (which shall be incorporated into this ordinance by reference) and its subsequent recordation, and no use or occupancy certificates or permits (other than the building permits needed to fulfill the provisos) shall be issued until all the provisos which impose a one-time obligation have been completely fulfilled and complied with, and only after all the provisos listed in Section 1 which impose a continuing or ongoing obligation shall have begun to be fulfilled, as evidenced by the Planning Commission’s approval of a final site plan (which shall be incorporated into this ordinance by reference) and its subsequent recordation.

**ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

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**PRESIDENT OF THE COUNCIL**

**DELIVERED TO THE MAYOR ON\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**APPROVED:**

**DISAPPROVED:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

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**MAYOR**

**RETURNED BY THE MAYOR ON \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ AT \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

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**CLERK OF COUNCIL**

**ROLL CALL VOTE:**

**YEAS:**

**NAYS:**

**ABSENT:**

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