

VERIFIED

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*3/19/92*

**"RECORD IN FULL"**

**BUILDING RESTRICTIONS**

**FOR**

**LAKESHORE SUBDIVISION**

2250071111302

These restrictions apply to all Squares in "LAKESHORE SUBDIVISION", which is Zone One of the Lakefront Development of The Board of Levee Commissioners of the Orleans Levee District, in the City of New Orleans, Louisiana. Said subdivision is bounded by Lake Pontchartrain on the north, Orleans Canal on the east, Robert E. Lee Boulevard on the south and the New Basin Canal on the west.

**SECTION I**

**DEFINITIONS**

**MAP:**

Where reference is made to the Maps of "LAKESHORE", it refers to the Map entitled "LAKESHORE ON LAKE PONTCHARTRAIN, NEW ORLEANS, LOUISIANA BOARD OF LEVEE COMMISSIONERS OF THE ORLEANS LEVEE DISTRICT", dated May 3, 1951, File No. L.D. 2932, signed by A. L. Willoz, C.E., Registration No. 73 and to the Map entitled "LAKESHORE (EAST HALF) ON LAKE PONTCHARTRAIN, NEW ORLEANS, LOUISIANA, BOARD OF LEVEE COMMISSIONERS OF THE ORLEANS LEVEE DISTRICT," dated April 18, 1955, File No. L.D. 3054 signed by A. L. Willoz, C.E., Registration No. 73.

**ORLEANS LEVEE BOARD:**

Where the name "Orleans Levee Board" appears it shall mean "The Board of Levee Commissioners of the Orleans Levee District."

**MAIN BUILDING:**

The building that will be habitated, containing rooms, such as Living Room, Kitchen, Dining Room, Parlor, Bedroom, Library, etc.

**ACCESSORY BUILDING:**

A subordinate building, attached to or detached from the main building, the use of which is incidental to that of the main building and not used as a place of habitation or a living room, kitchen, dining room, parlor, bedroom, library.

**BASEMENT:**

A basement is that portion of a building below the first story

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of a residence or apartment and may be above or below grade and used for storage, garages for use of occupants of the building, or other utilities (exclusive of room of habitation or assembly) common for the rest of the building. A basement used for the above purposes shall not be counted as a story.

**HEIGHT OF BUILDING:**

The height of a building is the perpendicular distance measured in a straight line from the top of the highest point of the roof beams in the case of flat roofs, and from the average height of the gable in case of a roof having a pitch of more than twenty degrees with a horizontal plane, downward to the established grade in the center of the front of the building.

**SECTION II**

**APPROVAL OF BUILDING PLANS:**

Prior to beginning the construction of a residence, garage, swimming pool, fence, or other structure, the owner shall submit reproduced copies of detailed plans and specifications of the proposed building or structure to the Orleans Levee Board. With plans the owner shall have to furnish an affidavit, certifying that the value of the house shall be equal or above the minimum in Section XIV. No work shall be permitted on the building until such written approval is received and building permit obtained from the City of New Orleans.

Except with respect to Article XIV, the approval of all structures by the Orleans Levee Board shall be based on the requirements of these restrictions. With respect to Article XIV, such approval shall be based solely on receipt of the affidavit described in the above paragraph.

Owners are cautioned that all structures erected on any parcel of ground in Lakeshore must comply to Zoning Ordinances of the City of New Orleans. There may be cases where the City Ordinances are more restrictive than these title restrictions, in which case the former will govern.

The above paragraphs of this Section notwithstanding, the approval of the Orleans Levee Board set forth above will not be required if, and as long as, the Department of Safety and Permits of the City of New Orleans has a policy or procedure in operation whereby (1) it reviews plans for construction in the Lakeshore Subdivision for compliance with these Building Restrictions and does not issue a permit for such construction if the construction would be in violation of such Restrictions and (2) it does not allow such construction to continue or to remain in place if it is

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not in accordance with approved plans.

The ultimate responsibility for compliance with these restrictions is on the property owner. Approval of plans and/or issuance of a permit does not satisfy compliance with the title restrictions if, in fact, the construction, whether or not in accordance with approved plans, is in violation of these restrictions.

### SECTION III

#### SQUARE NO. 1:

Square No. 1 is designated for commercial uses, including only the following: Banks; Medical Clinics; Offices; Public Halls; Picture Shows; Agencies; Shops for Beauticians and/or Barbers; Dressmaking and/or Tailoring; Florist Shops; Shops for groceries, fruits and vegetables, poultry, meat, fish and other seafood; Restaurants; Soft Drinks; Spirituous Liquors; Delicatessen Shops; Confectionery Shops; Drugstores; Drygoods; Furniture; Millinery, and Notion or Gift Shops; Shoe Repair Shops; Hemstitching Parlors; Book Stores and/or Book Lending Libraries; Hardware Stores for light stock and with limited paint and inflammable storage; Post Office Sub-Station; Agencies for delivering and receiving packages for Laundry, Cleaning and Pressing Shops; Oil Stations; Car washing and greasing and general servicing and all other allied lines incidental thereto in a community center or such operation.

The stores in the commercial section of Square No. 1 shall not exceed three stories in height and may face any of the various streets along the perimeter of said square. The total height of the three stories shall not exceed forty-eight (48) feet.

Any penthouse or equipment over the main roof shall not be considered as a story and shall not be included in determining the story height.

#### PUBLIC PARKING ADJOINING SQUARE NO. 1:

All of the parking areas surrounding and adjoining Square No. 1 are designated for the specific use of the public for parking and of the owners of the commercial property known as Square No. 1. The areas referred to are that between Square No. 1 and Robert E. Lee Blvd., and the other between Sapphire Street and Opal Street. In consideration for this dedication, the owners of the Commercial property, known as Square No. 1, will keep the improvements in these parking areas in repair and this dedication shall run under covenant with the ownership title of Square No. 1.

**SQUARE NO. 2:**

The maximum usage in Square No. 2 shall be limited to apartments and apartment hotels with a maximum story height of eight stories not to exceed 108 feet.

With respect to buildings constructed on Squares No. 2, penthouses or equipment above main roof will not be considered as a story and shall not be included in determining story height.

Owners of Squares No. 2 have the unrestricted right to subdivide each square.

**SQUARE NO. 21, LOT 12:**

Lot 12 in Square No. 21 is reserved for a Firehouse site. Should said use not be made of this lot, then the lot shall be devoted to a single family dwelling and its use shall be subject to all the provisions of these Restrictions as other lots in Square 21.

**PUBLIC PARKS:**

Each of the following areas shall be used as a public park area exclusively and no other use of said property shall be permitted:

Square No. 9, except for lots 1 through 15  
Square No. 12  
Square No. 18  
Square No. 24

The area bounded by Robert E. Lee Boulevard, Lakeshore Drive, West End Boulevard-Lakeshore Parkway, Amethyst Street from Onyx Street to Canal Boulevard, and Canal Boulevard.

All other areas designated as parks by the Maps of Lakeshore.

**OTHER LOTS:**

All lots in Square Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15 (hereinafter sometimes referred to collectively as "West Lots") and in Squares 16, 17, 19, 20, 21 (except for Lot 12), 22, 23, 25, 26, 27, 28, 29, 30, and 31 shall be devoted to single family dwellings. On these lots the following uses, whether or not normally allowed to private homes, will not be permitted: (1) Use as a professional office if such use includes offices or working space for anyone other than the resident(s) of the home; regular visits to the home by employees or associates; visits by patients, clients, customers, etc.; or shipments from the home; (2) bed and breakfast operations; (3) garage sales; (4) yard sales.

*Per [Signature]*

#### SECTION IV

##### FRONTAGE:

No residence shall be built on less than one lot as shown on Maps of "LAKESHORE", except, however, that when any purchaser wishes to buy more than one site in order to erect a larger permitted residential building, this may be done provided that said lots or fractional lots are treated as one and the restrictions applying to a single lot are adhered to and no resubdivision of lots shall be done which would leave remaining on the square a lot of an area or width below the average standard for said square, as indicated on the Maps of "LAKESHORE". No lot shall be shifted as to frontage. No lot shall be renumbered or lose its identity even when subdivided. No lot shall be re-subdivided for private sale or otherwise unless first approved by the Orleans Levee Board.

##### HEIGHT:

Residences shall not exceed thirty-five (35) feet in height except on lots facing Canal Boulevard and Lakeshore Park, where the permitted height shall not exceed forty-five (45) feet. No residence shall contain more than three stories irrespective of its height.

#### SECTION V

##### MINIMUM FRONT, SIDE AND REAR YARDS:

- (A) No part of the main building of a residence shall be built closer than 25 feet (20 feet for West lots) minimum distance from the front property line of the lot, nor closer to either side property line of the lot than 6 feet minimum distance; however, the combined width of both side yards shall be a minimum of twenty-four per cent (24%) of the width of the lot, but need not exceed twenty-one (21) feet. No detached garage shall be constructed closer than 60 feet from the front property line and when outside the required rear yard area shall not project into the side yards.

An attached or detached carport may be constructed in the side yard area, provided its columns or wall are not closer than six (6) feet from the side property line, the roof may project two (2) feet into six (6) foot areas. An attached or detached carport shall be considered a building for storing automobiles and having no more than one side enclosed. The other three sides must be completely open. Storage areas, utility rooms, tool rooms, etc., in such carports will not be permitted

within the side yard area. Cooling towers and condensers must be erected in the rear of the main building and not project into side yard area. Whenever lots run through the block and have frontage on two streets, no accessory buildings detached from the house will be permitted and no part of the main building or attached accessory buildings shall be closer than twenty-five (25) feet (twenty (20) feet for West lots) from either street property line. On corner lots no part of the main building or attached accessory building shall be closer than twenty-five (25) feet (twenty (20) feet for West lots) from either street property line and any detached accessory building shall be no closer than sixty (60) feet from either street property line. When an accessory building is outside the required rear yard area it shall not project into the side yards. Clothes lines shall be in the rear of main building and shall not project beyond the side building lines. In the case of through lots, clothes lines shall, in addition, not be closer than twenty-five (25) feet from the street property lines.

- (B) Bay or bow oriel, dormer and other projecting windows, stairways, landings or other structural parts shall not project beyond the front and side building lines.
- (C) Cornices, spouting, chimneys, brackets, pilasters, grill work, trellises, and other similar projections and any projections for purely ornamental purposes may project beyond the front and side building lines, however, not exceeding two (2) feet.
- (D) Unenclosed, uncovered or covered porches, balconies and steps, shall not project beyond the front or side building lines.
- (E) The rear yard measured from the furthestmost back projection of the principal building to the rear property line shall be not less than twenty per cent (20%) (sixteen per cent (16%) for West lots) of the depth of the lot, except that in deep lots said yard need not exceed, at any point, a maximum of twenty-five (25) feet (twenty (20) feet for West lots) and on shallow lots no rear yard shall be less, at any one point, than a minimum of fifteen (15) feet.

#### SECTION VI

#### VEHICLES:

No trucks, trailers, automobiles or other commercial vehicles

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bearing advertisements are to be stored or parked on residential property or on streets, except when making deliveries. Passenger vehicles, owned by a resident, shall be stored on the resident's ground and not on the street.

#### SECTION VII

##### SERVICES:

All services, such a gas, telephone, electric power, sewers, drains and water pipes shall be placed underground from the property line to the building.

Relative to electric service, the owner shall lay, or have laid, a cable underground, from his meter to the utility company's manhole on a street adjoining his lot.

Relative to telephone, cable and/or similar service, the owner shall provide, at his own risk and expense, an open trench not less than fifteen (15) inches in depth from his house to a terminal box on the street adjoining his property. Location of this trench is to be designated by the utility company which will then lay the necessary cable in this trench and the owner, after the cable is laid, will then backfill this trench at his own expense.

#### SECTION VIII

##### TRANSFORMER VAULTS AND EASEMENTS:

To serve the sites in the Lakeshore Subdivision with an electrical underground system, Transformer Vaults will be erected in the interior of certain Squares, as indicated on the Maps of Lakeshore

These vaults will be constructed of brick and concrete. All vaults will have a base measuring 16'-4" square and a height above the ground not exceeding 8'-0".

To provide access to these vaults for maintenance purposes, 12 foot driveways will be provided for the use of the electric utility company, as indicated on the Maps of Lakeshore. The areas on which these driveways and transformer vaults rest will be owned by the Orleans Levee Board, except where public walks are provided to conform to the regulations of the City Planning and Zoning Commission in which case the walks will be widened to 12 feet to permit their use by the electric utility company. In these cases, the driveways are public property and will be dedicated to the City of New Orleans.

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All of these driveways will be paved with concrete and are not to be used by vehicles, except those of the electric utility company in its maintenance of the equipment in the transformer vaults.

On the lots listed below there are indicated on the plan of Lakeshore Subdivision four (4) foot easements, which are reserved for underground electric conduits and cables, to be installed and maintained by the electric utility company as part of the Electrical Distribution System serving the residences of Lakeshore Subdivision. The conduits will be encased in concrete and will be a least three (3) feet below ground surface which will permit landscape plantings and erection of permissible structures under Section V.

Sq. 25 Lot 13  
Sq. 30 Lot 13

Although the probability is remote, repairs to the conduits may become necessary, and in such event, the electrical utility company has the right to enter these easements to make the necessary repairs.

When such repairs have been completed, the electric utility company will be responsible to restore the surfaces of the easements to their original condition upon completion of said work.

#### SECTION IX

##### SWIMMING POOLS:

Swimming pools, if and when erected, are subject to approval provided they are properly constructed, and will only be permitted when they are entirely surrounded by a fence not less than 36" in height and shall conform to all fence requirements recited in Section XI. No part of the completed installation shall be built closer than 4 feet to either side property line, closer than 30 feet to the front property line, or closer than 4 feet to the rear property line. The finished top-side or surface deck, shall not be constructed higher in elevation than two feet above the established site grade of the residence. Equipment such as diving boards, etc., shall not be higher than five feet above site grade of the residence.

#### SECTION X

##### PARKS:



Lakeshore Park is a public park, owned by the Orleans Levee Board, and is for use of the General Public of the City of New Orleans. This Park will be maintained by the Orleans Levee Board.

Interior Parks are owned and to be maintained by the Orleans Levee Board. Nothing shall be placed thereon, or no use shall be made thereof, to the detriment, inconvenience, or annoyance of the resident or owner of any part or portion of ground adjacent thereto.

No equipment or improvements of any kind may be placed on or in any park in Lakeshore without prior approval of the Levee Board, which, in its sole discretion, may approve or disapprove the placement of such equipment or improvements and may rescind any permission or approval previously granted therefor.

#### SECTION XI

##### FENCES:

Fences will be permitted as noted below:

Front yard fences, if and when erected, shall not exceed eighteen (18) inches in height and shall be of neat and substantial construction.

Side fences, when erected between the front building line and front property line, shall not exceed eighteen (18) inches in height.

Side and rear yard fences, if and when erected between front building line and rear property line, shall not exceed seven (7) feet, in height and must be of neat and substantial construction.

On corner lots and on through lots fences shall not be erected closer than twenty-five (25) feet (twenty (20) feet for West lots) from any street or park property line.

Plans showing location and details of fences must be submitted for approval to the Orleans Levee Board before they are erected.

#### SECTION XII

##### GRADE OF SITE:

The established grade of lots is not to be raised by any individual owner so as to adversely affect an adjacent property

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owner or owners in the same square.

#### SECTION XIII

##### PLANTING:

Hedges and shrubbery may be grown along property lines, but shall be restricted to a height of two (2) feet along the front yard property line, and shall be restricted to a height of seven (7) feet on side and rear property lines.

Trees planted in the required side yards of one lot may not project into the required side yard of adjacent owners, except upon agreement between the affected owners that said projection is not objectionable.

All trees, shrubbery, flowers, lawns or other vegetation on private residential lots shall be kept in good order by the owners and/or their tenants.

#### SECTION XIV

The main building of any residence erected in the Lakeshore Subdivision shall have a minimum cost of \$100,000.00. This cost shall be adjusted annually, as set forth below, beginning January 1, 1991, and the first day of each year thereafter for construction commencing on or after the effective date of the adjustment.

The adjusted minimum shall be based on the latest available Consumers' Price Index - All Urban Consumers (CPI-U) and shall be calculated as follows: \$100,000 times a fraction, the numerator of which is the latest available (CPI-U) on the December 31 prior to the effective date of the adjustment and the denominator of which is the latest available (CPI-U) on December 31, 1989.

If the Federal government changes the base of the (CPI-U), after December 31, 1989, the denominator referred to above shall be converted to be accord with the new base. If the Federal government stops publishing the (CPI-U), an index which is indicative of new housing construction price changes shall be adopted in its place and the denominator referred to in the paragraph above shall be converted to be in accord with the newly adopted index.

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