

CITY PLANNING COMMISSION
CITY OF NEW ORLEANS

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MAYOR

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EXECUTIVE DIRECTOR

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DEPUTY DIRECTOR

City Planning Commission Staff Report

Executive Summary

Zoning Docket 030-22

Applicant: City Council Motion M-22-111

Request: Amendment to the text of the Comprehensive Zoning Ordinance to incorporate the Phase 1 proposals outlined by the City Planning Commission staff in Section VII Recommended Amendments to the Comprehensive Zoning Ordinance of its Outdoor Live Entertainment Study (pages 73-81); including, but not limited to expanding the allowed number of temporary outdoor entertainment events; expanding the zoning districts in which outdoor amphitheaters may operate; authorizing outdoor live entertainment as an ancillary use for Outdoor Amusement Facilities; clarifying and revising the use standards and use charts for Live Entertainment - Secondary Use; changing the definition of live entertainment - secondary use to include periodic entertainment such as "spiritual events" and "incidental" outdoor live entertainment (e.g., brass band and second line stops on private property along its route); changing use standards for size compatibility applicable to Public Markets to assure the market is the main use when adding live entertainment; expanding Live Entertainment - Secondary Use within Arts & Cultural (AC) Overlay Districts; and expanding ancillary uses of hotel operations to include outdoor live entertainment.

Location: The proposed text amendments would have a citywide impact.

Summary of Proposal:

The proposed text amendments would implement recommendations of the City Planning Commission's Outdoor Live Entertainment Study which was adopted in January 2021. With the need to recommend exact language for the text of the Comprehensive Zoning Ordinance and the complexity of considering the numerous alternatives for providing outdoor live entertainment in a manner compatible with nearby uses, the staff has refined the recommendations from the Outdoor Live Entertainment Study. The modifications from the Outdoor Live Entertainment Study proposals mainly include four changes (1) a requirement of a greater distance between the outdoor live entertainment area and residential districts to be authorized as permitted rather than conditional; (2) limitations

of the number of days per week based on distance between the outdoor live entertainment area and residential districts; (3) cultural facilities in residential areas limited to one day of outdoor live entertainment per week; and (4) a new temporary use allowance for indoor or outdoor live entertainment ancillary to establishments that serve food and beverages for consumption on premises with a limitation of one day per week unless located in an Arts & Cultural Overlay District, which would be allowed two days per week.

Master Plan: The proposals are consistent with the Master Plan.

Recommendation: The staff recommends **MODIFIED APPROVAL** of Zoning Docket 030-22

Reasons for Recommendation:

1. The request is consistent with the Master Plan.
2. The amendments implement recommendations of the Outdoor Live Entertainment Study while taking into account new considerations.
3. The recommended text amendments build upon one New Orleans' greatest strengths – its culture and music.

City Planning Commission Meeting
Tuesday, May 24, 2022

CPC Deadline: 6/9/2022
CC Deadline: 60 days from receipt
City Council District: All

PRELIMINARY STAFF REPORT

Zoning Docket 030-22

To: City Planning Commission

From: Robert Rivers, Executive Director
Paul Cramer, Planning Administrator

Prepared by: Paul Cramer and Sabine Labailleux

Date: May 16, 2022

I. GENERAL INFORMATION

Applicant: City Council Motion M-22-111

Request: Amendment to the text of the Comprehensive Zoning Ordinance to incorporate the Phase 1 proposals outlined by the City Planning Commission staff in Section VII Recommended Amendments to the Comprehensive Zoning Ordinance of its Outdoor Live Entertainment Study (pages 73-81); including, but not limited to expanding the allowed number of temporary outdoor entertainment events; expanding the zoning districts in which outdoor amphitheaters may operate; authorizing outdoor live entertainment as an ancillary use for Outdoor Amusement Facilities; clarifying and revising the use standards and use charts for Live Entertainment - Secondary Use; changing the definition of live entertainment - secondary use to include periodic entertainment such as "spiritual events" and "incidental" outdoor live entertainment (e.g., brass band and second line stops on private property along its route); changing use standards for size compatibility applicable to Public Markets to assure the market is the main use when adding live entertainment; expanding Live Entertainment - Secondary Use within Arts & Cultural (AC) Overlay Districts; and expanding ancillary uses of hotel operations to include outdoor live entertainment.

Location: The proposed text amendment would have citywide impact.

Description: The proposed text amendments would implement recommendations of the City Planning Commission's Outdoor Live Entertainment Study which was adopted in January 2021.

Why is City Planning Commission action required?

The City Planning Commission is required to make a recommendation on all

amendments to the text of the Comprehensive Zoning Ordinance prior to City Council action, in accordance with **Article 4, Section 4.2.D.3 – Action by the City Planning Commission** of the Comprehensive Zoning Ordinance. In making their recommendation and decision, the City Planning Commission and the City Council consider the standards in **Article 4, Section 4.2.E (Table 4-1) – Approval Standards** of the CZO, which are addressed in this report.

II. ANALYSIS

A. What is the reason for the text amendment? What area would be affected by the text amendment?

Reason for text amendment

The text amendment proposal follows the City Planning Commission’s Outdoor Live Entertainment Study which was requested by the City Council. Below is an excerpt from the Study that explains its purpose.

City Council Motion M-20-5 requests that the City Planning Commission study Outdoor Live Entertainment regulations in the Comprehensive Zoning Ordinance, and any correlating requirements in the City Code, to determine if modifications are warranted. In the course of the study and review, the CPC will analyze similarly situated cities’ regulations, as well as New Orleans’ existing infrastructure – including permitted venues, zoning and overlay districts, temporary permitting structures, both citywide and by neighborhood and study the City’s existing codes to prepare recommendations if any amendments to these codes are needed. This includes, but is not limited to: a review of the history of uses, interpretations, and applications of regulations related to outdoor live entertainment; the addition of definitions and use standards and revisions to existing definitions; revisions to permissible and prohibited zoning categories; updates to fee structures; possible remedies to illegal uses; enforcement mechanisms; clarification on existing non-conforming uses; mitigation measures that would promote responsible uses, minimizing nuisances; fostering strong relationships among residents, city agencies, and existing and potential venues; distance limitations; addressing the vesting of land use rights; and ensuring that all regulations encourage and allow for full compliance, promoting opportunities for responsible parties who wish to engage in and benefit from the City’s cultural economy.

Study Goals Developed by City Planning Staff:

- 1. Preserve New Orleans’ rich musical heritage through appropriate regulations.*
- 2. Clarify regulations that define, provide use standards and determine appropriate and compatible context for outdoor live entertainment.*
- 3. Resolve contradictions for “Live Entertainment – Secondary Use” and “Reception Facility” relating to the closed door and window policy and distance from residential districts.*
- 4. Explore temporary outdoor live entertainment event permitting regulations and procedures.*

5. *Reduce any unintended secondary effects of outdoor live entertainment relative to the cultural and residential fabric of the city.*
6. *Consider how COVID-19 may temporarily or permanently change the way events operate.*

Affected area

The text amendments would affect regulations for uses found throughout the city.

B. What is the existing language of the Comprehensive Zoning Ordinance?

Article 26, Section 26.6 Definitions

Outdoor Amphitheater. *An outdoor structure that accommodates an audience for concerts, public speaking, or other live entertainment, which is open to the general public, with or without an admission charge. An outdoor amphitheater includes band shell structures.*

Reception Facility. *An establishment that functions as a hosting and rental facility or banquet hall for private events including, but not limited to, wedding receptions, holiday parties, and fundraisers, with food and beverages that are prepared and served on site or by a caterer to invited guests during intermittent dates and hours of operation. A reception facility is not operated as any kind of restaurant or bar with regular hours of operation. Live entertainment, excluding adult uses, may be included as an ancillary use of the private event and is not subject to a separate approval. Any business operating as a designated reception facility is not considered casual, temporary, or illegal due to the nature of the business operating intermittently for scheduled events with food and beverage service at the request of clients. Events scheduled by non-owners and/or operators shall be held a minimum of fifteen (15) times per year to uphold a legal operating status as a reception facility.*

Outdoor Amusement Facility. *Participatory and spectator uses conducted outdoors, which may include partially enclosed facilities. Typical uses include, but are not limited to, miniature golf courses, batting cages, archery ranges, outdoor racetracks, theme parks, and amusement parks. An outdoor amusement facility includes ancillary uses, such as food stands, snack bars, or restaurants for the use of patrons, but do not serve alcoholic beverages.*

Live Entertainment – Secondary Use. *Any one (1) or more of any of the following live performances, performed live by one (1) or more persons, whether or not done for compensation and whether or not admission is charged: musical act, theatrical play or act, including stand-up comedy, magic, dance clubs, and disc jockey performances using vinyl records, compact discs, computers, or digital music players when the disc jockey is in verbal communication with the clientele of the establishment. Live entertainment - secondary use shall be part of a standard restaurant, specialty restaurant, indoor amusement facility, bar, or brewery, and shall be approved separately. A standard*

restaurant, specialty restaurant, indoor amusement facility, or bar may be open to the public when no live performances are scheduled. Live entertainment - secondary use does not include:

A. Any such activity performed for the practice or private enjoyment of the residents of a dwelling and their guests.

B. Any adult uses.

C. Periodic entertainment at educational facilities or places of worship, performances at cultural facilities, performances at reception facilities, performances at weddings or similar religious events, the playing of recorded music over speakers without a disc jockey, poetry readings, or spoken word performances.

D. Musical accompaniment for patrons at a restaurant (standard or specialty), in conformance with the following use standards:

1. During the performance of any musical accompaniment, all doors and windows in the restaurant shall remain closed. Any amplification used in support of a musical accompaniment shall be directed towards the patrons of the restaurant, and not toward any door, window or outdoor space.

2. No cover charge shall be charged for any performance of any musical accompaniment.

3. Full restaurant service shall continue during the performance of any musical accompaniment.

4. No more than ten percent (10%) of a restaurant's seating area may be dedicated to a staging area for any performance of musical accompaniment.

5. Aside from the portion of the restaurant seating area dedicated to the staging of the musical accompaniment, no restaurant seating may be removed or relocated during the performance in order to accommodate an audience and/or dance area.

6. Performance of the musical accompaniment shall not be permitted beyond 10:00 p.m. on Sundays through Wednesdays, or beyond midnight on Thursdays through Saturdays.

7. Musical accompaniment shall only be performed in the interior of a restaurant; outdoor musical accompaniment shall be subject to the general Live Entertainment – Secondary Use regulations, as applicable.

E. Outdoor musical accompaniment accessory to a public market during its hours of operation.

Any musical accompaniment for patrons at a restaurant that is not in conformance with the above standards shall be included within the definition of Live entertainment – Secondary Use above, and shall be subject to the applicable regulations. Notwithstanding anything herein to the contrary, any musical accompaniment for patrons at a restaurant within any Vieux Carré District shall be included within the definition of Live Entertainment – Secondary Use.

Public Market. A recurring assembly of multiple vendors selling art, crafts, edible items, packaged food or beverages, produce, and/or other similar merchandise directly to retail customers in a covered or uncovered open-air setting.

Cultural Facility. A use that is open to the public and provides cultural services and facilities including, but not limited to, libraries, museums, aquariums, zoos, botanical gardens, and historical societies. A cultural facility may have ancillary retail uses, that offers items related to the facility for sale, and ancillary restaurants, which are only open during the hours of operation of the facility. A cultural facility may hold special events and receptions on-site, including events that take place after closing hours.

Hotel/Motel. An establishment providing a room for sleeping accommodations for a fee with private bathroom facilities and customary lodging services. Related ancillary uses may include, but are not limited to conference and meeting rooms, restaurants, sale of convenience items, bars, and recreational facilities. Hotels shall be permitted to include units for sale designed or used exclusively for permanent residential use in all districts except in Light Industrial (LI), Heavy Industrial (HI), and Business Industrial Park (BIP) districts.

Articles 7 through 17 Zoning District Use Tables

Open Space Districts

Tables 7-1: Permitted and Conditional Uses						
Uses	Districts					
	OS-N	OS-G	OS-R	NA	GPD	OS-CBD

COMMERCIAL USE						
Amusement Facility, Outdoor		C	P		C ⁵	

Outdoor Amphitheater		C	P			P ⁷

Public Market		P	P			P ⁸

Reception Facility			P			

INSTITUTIONAL USE						

Cultural Facility		C	P		C ⁶	P

⁵ Subject to the use restrictions in Section 7.2.B.1.

⁶ Subject to the use restrictions in Section 7.2.B.2.

⁷ Subject to the use restrictions in Section 7.2.B.3.

⁸ Subject to the use restrictions in Section 7.2.B.4.

7.2.B.1 USES IN THE GPD DISTRICTS

In the portions of the GPD District in Planning District 9 and 10, certain uses shall be conditional uses, subject to the following limitations:

- a. Any proposed development site that meets, or met at the time of this ordinance, the minimum size standards for a planned development in Article 5, Section 5.2.C shall be considered under the planned development process and is not eligible for consideration as a conditional use.
- b. Only properties located in Planning District 9 and 10 are eligible for conditional use consideration.
- c. A conditional use may be granted if the City Council finds that the proposed uses are compatible with uses existing or anticipated to occur upon the adjacent sites and will be properly screened or buffered from adjacent properties as needed to minimize potential negative impacts.
- d. The proposed development shall comply with the development regulations, design standards, and required protection requirements found in Article 5, Section 5.4.

7.2.B.2 S-RS DISTRICT USES IN THE GPD DISTRICTS

In the portions of the GPD District in Planning Districts 12 and 13, certain uses in the S-RS District shall be conditional uses, subject to the following limitations:

- a. Any proposed development site that meets, or met at the time of this ordinance, the minimum size standards for a planned development in [Article 5, Section 5.2.C](#) shall be considered under the planned development process and is not eligible for consideration as a conditional use.
- b. Only properties located in Planning Districts 12 and 13 are eligible for conditional use consideration.
- c. A conditional use may be granted if the City Council finds that the proposed uses are compatible with uses existing or anticipated to occur upon the adjacent sites and will be properly screened or buffered from adjacent properties as needed to minimize potential negative impacts.
- d. The proposed development shall comply with the S-RS District Site Design Standards found in [Article 13, Section 13.3](#).

7.2.B.3 OUTDOOR AMPHITHEATER USES IN THE OS-CBD DISTRICTS

In the OS-CBD Districts, outdoor amphitheater is a permitted use subject to the following standards:

- a. Outdoor amphitheater uses are permitted in the OS-CBD a maximum of three (3) times per week. Uses exceeding three (3) times per week shall obtain special event permits or shall require a conditional use.
- b. Hours of operation are restricted to the following:
 - i. Monday through Sunday from 10:00 a.m. to 10:00 p.m.
- c. Outdoor amphitheater shall be oriented away from residences to the greatest extent feasible.

7.2.B.4 PUBLIC MARKET USES IN THE OS-CBD DISTRICTS

In the OS-CBD Districts, public markets are permitted but subject to the following use standards in addition to those found in Article 20, Section 20.3.TT:

- a. Public markets are permitted in the OS-CBD District, with a maximum of one operator each day.
- b. Live musical accompaniment is allowed as ancillary to the public market only during its authorized hours of operation.

Rural Development Districts

Tables 8-1: Permitted and Conditional Uses		
Uses	Districts	
	R-RE	M-MU

INSTITUTIONAL USE		

Cultural Facility	C	C

Historic Core Neighborhoods Residential Districts

Tables 9-1: Permitted and Conditional Uses					
Uses	Districts				
	VCR-1	VCR-2	HMR-1	HMR-2	HMR-3

INSTITUTIONAL USE					

Cultural Facility	C	C	C	C	P

Historic Core Neighborhoods Non-Residential Districts

Tables 10-1: Permitted and Conditional Uses										
Uses	Districts									
	VCC-1	VCC-2	VCE	VCE-1	VCS	VCS-1	VCP	HMC-1	HMC-2	HM-MU

COMMERCIAL USE										

Hotel/Motel									P	C

Live Entertainment - Secondary Use			P	P					C ²	C

Public Market		P			P	P		P	P	P

Reception Facility									C	

INSTITUTIONAL USE										

Cultural Facility	C	P	C	C	P	P	C	P	P	P

² Subject to the use restrictions in Section 10.2.B.7.

10.2.B.7 HMC-2 DISTRICT LIVE ENTERTAINMENT LIMITATION

In the HMC-2 District, a live performance venue and/or live entertainment – secondary use is limited to one (1) per blockface.

Historic Urban Neighborhoods Residential Districts

Tables 11-1: Permitted and Conditional Uses					
Uses	Districts				
	HU-RS	HU-RD1	HU-RD2	HU-RM1	HU-RM2

INSTITUTIONAL USE					

Cultural Facility	C	C	C	C	C

Historic Urban Neighborhoods Residential Districts

Tables 12-1: Permitted and Conditional Uses			
Uses	Districts		
	HU-B1A	HU-B1	HU-MU

COMMERCIAL USE			

Hotel/Motel			C
Live Entertainment – Secondary Use			C

Public Market		P	P

Reception Facility		C	C

INSTITUTIONAL USE			

Cultural Facility	C	C	C

Suburban Neighborhoods Residential Districts

Tables 13-1: Permitted and Conditional Uses				
Uses	Districts			
	S-RS	S-RD	S-RM1	S-RM2

INSTITUTIONAL USE				

Cultural Facility	C	C	C	C

Suburban Neighborhoods Non-Residential Districts

Tables 14-1: Permitted and Conditional Uses								
Uses	Districts							
	S-B1	S-B2	S-LB1	S-LB2	S-LC	S-MU	S-LP	S-LM

COMMERCIAL USE								

Hotel/Motel					C			C

Live Entertainment -Secondary Use	C	C	C	C	C	C		

Public Market	P	P	P	P	P	P		P

INSTITUTIONAL USE								

Cultural Facility	C	C	C	C	C	C		

Commercial Center and Institutional Campus Districts

Tables 15-1: Permitted and Conditional Uses									
Uses	Districts								
	C-1	C-2	C-3	MU-1	MU-2	EC	MC	MS	LS

COMMERCIAL USE									

Amusement Facility, Outdoor		C	P	C	P	C			

Hotel/Motel	P	P	P	P	P	P	P	P	P

Live Entertainment – Secondary Use	C	P ⁹	C	C	P ⁹				

Public Market	P	P	P	P	P	P			

Reception Facility	C	P	P	P	P				

INSTITUTIONAL USE									

Cultural Facility	P	P	P	P	P	P	P		

⁹ Classified as a Conditional Use in Breweries.

Centers for Industry

Tables 16-1: Permitted and Conditional Uses				
Uses	Districts			
	LI	HI	MI	BIP

COMMERCIAL USE				

Hotel/Motel	P	C	P	P

Reception Facility	P			

Central Business Districts

Tables 17-1: Permitted and Conditional Uses							
Uses	Districts						
	CBD-1	CBD-2	CBD-3	CBD-4	CBD-5	CBD-6	CBD-7

COMMERCIAL USE							

Amusement Facility, Outdoor				P			

Hotel/Motel	P	P	P	P	C	P	P

Live Entertainment -Secondary Use	P	P ⁶	P	P	C	C	P ⁶

Outdoor Amphitheater				C			

Public Market	C	C	C	C	P	P	C

Reception Facility	P	P	P	P	C	P	P

INSTITUTIONAL USE							

Cultural Facility	P	P	P	P	P	P	

⁶ Classified as a Conditional Use in Breweries.

Article 21, Section 21.8 Temporary Uses

<i>Table 21-3: Permitted Temporary Uses</i>				
PERMITTED TEMPORARY USE	DISTRICT	TIMEFRAME	HOURS OF OPERATIONS	TEMPORARY USE STANDARDS
<i>Carnival/Circus</i>	<i>Non- Residential</i>			<i>Section 21.8.C.1</i>

<i>Table 21-3: Permitted Temporary Uses</i>				
PERMITTED TEMPORARY USE	DISTRICT	TIMEFRAME	HOURS OF OPERATIONS	TEMPORARY USE STANDARDS
<i>Contractor Trailers, Construction Refuse Containers, and Real Estate Model Units (Temporary)</i>	<i>Permitted in any Zoning District when used in conjunction with construction operations on the same site where building permit is valid</i>			<i>Section 21.8.C.9</i>
<i>Farmers Markets (Temporary)</i>	<i>Any Zoning District</i>	<i>Maximum of one (1) event per week per premise</i>	<i>7:00 a.m. to 8:00 p.m.</i>	<i>Section 21.8.C.3</i>
<i>Garage/ Yard Sales</i>	<i>Any Zoning District</i>	<i>Maximum of three (3) consecutive days, with no more than three (3) consecutive sales events in any twelve (12) month period.</i>		<i>Section 21.8.C.5</i>
<i>Holiday Sales Lots (Temporary)</i>	<i>Any Zoning District</i>	<i>Maximum of forty five (45) days</i>		<i>Section 21.8.C.2</i>
<i>Mobile Food Trucks</i>	<i>Non- Residential</i>		<i>Sunday through Thursday: 6:00 a.m. to 10:00 p.m.; Friday and Saturday: 6:00 a.m. to 12:00 a.m.</i>	<i>Section 21.8.C.4</i>
<i>Outdoor Entertainment Events (Temporary)</i>	<i>Outdoor Space – Public or Private property</i>	<i>Maximum of three (3) consecutive days per event, max of eight (8) events per calendar year</i>		<i>Section 21.8.C.7</i>

21.8.C.7 TEMPORARY OUTDOOR ENTERTAINMENT EVENTS

A temporary live entertainment event, such as the performance of live music, revue, or play within outdoor space may be allowed on public or private property. The following standards apply to this temporary use. This does not include temporary reviewing stands, which are regulated separately.

- a. A management plan is required for review by the Director of Safety & Permits as part of the temporary use permit application that demonstrates the following:*

- i. The on-site presence of a manager during the event.*
 - ii. General layout of performance areas, visitor facilities, such as seating areas and restrooms, and all ingress and egress points to the site.*
 - iii. Provision for recycling and waste removal.*
 - iv. The days and hours of operation, including set-up and take-down times.*
 - v. A description of crowd control and security measures.*
- b. Temporary outdoor entertainment events are limited to eight (8) events per calendar year and a maximum duration of three (3) days per event.*

Article 20, Section 20.3 Use Standards

20.3.WW RECEPTION FACILITY

- 1. A general admission fee or any other monetary donations (payment at the door to the general public) for entrance is prohibited, with the exception of fundraisers or events for bona fide non-profit organizations, places of worship or educational facilities.*
- 2. All events shall be held within a completely enclosed building. Live entertainment, if permitted as part of scheduled events, is subject to a closed doors and windows policy and compliance with the City of New Orleans Noise Ordinance. Music of any kind is prohibited outside the building, unless approved through the conditional use process.*
- 3. Outdoor lighting shall be directed away from adjacent residentially zoned property.*
- 4. Hours of operation are restricted to 10:00 a.m. and 12:00 midnight Sunday through Thursday. Hours of operation are restricted to 10:00 a.m. and 4:00 a.m. Friday through Saturday.*
- 5. A minimum distance of two-hundred (200) feet is required between any new reception facility and the nearest residential district.*

20.3.JJ LIVE ENTERTAINMENT – SECONDARY USE AND LIVE PERFORMANCE VENUE

- 1. Live entertainment - secondary may only be established when allowed within a zoning district and in conjunction with a bar, standard restaurant, indoor amusement facility, or brewery.*
- 2. Live entertainment – secondary use and live performance venues shall submit a noise abatement plan, to be reviewed by the Director of Safety and Permits, and all other appropriate City agencies, which shall address the intended use of amplification, noise levels, and need for soundproofing. Outdoor live entertainment areas located within thirty (30) feet of a residential district shall be a conditional use.*
- 3. Live entertainment - secondary use and live performance venues shall submit a security and operation plan, with the following added:*

- a. *For live entertainment – secondary use, the days and hours of operation for the establishment’s general operations as a standard restaurant or bar, and the days and hours of operation for the live entertainment component.*
 - b. *The configuration of the live entertainment area within the establishment.*
 - c. *Loading areas.*
 - d. *All live entertainment – secondary use and live performance shall provide exterior security cameras.*
4. *Live entertainment – secondary use and live performance venues shall submit a summary of the number and location of places of worship, educational facilities, and parks and playgrounds within three-hundred (300) feet of the proposed location.*
 5. *Windows and doors shall be closed during live entertainment performances and compliance with the City of New Orleans Noise Ordinance is required. In the Vieux Carré Districts, music of any kind is prohibited outside the building, unless authorized through the conditional use process.*
 6. *If the live entertainment - secondary use and live performance venues use plans an increase in intensity, such as an expansion of floor area, increase in live performance area or increase in permitted occupancy, a security and operation plan shall be updated and resubmitted for approval. Revised security and operation plans shall be approved prior to the issuance of any permits.*
 7. *Security and operation plans may be revised by the property owner or person authorized in writing by the owner. New plans shall be resubmitted for approval.*
 8. *Because live entertainment – secondary use is only allowed with a bar, standard restaurant, indoor amusement facility, or brewery, when the submittal requirements of live entertainment – secondary use and standard restaurant or bar are duplicated, only one (1) set of submittal requirements is required to be submitted and updated.*

20.3.TT PUBLIC MARKET

1. *Hours of operation are limited to 7:00 a.m. to 8:00 p.m., unless otherwise extended by the provisions of an overlay zoning district.*
2. *All size restrictions shall be consistent with the retail sales size restrictions in the zoning district, if applicable.*
3. *No portion of a public market may encroach onto the public right-of-way or be placed in such a way that requires customers to occupy the sidewalk or the public right-of-way.*
4. *The sale of food for consumption on or off the premises requires licensing by the City and approval by the Department of Health.*
5. *The sale of firearms, adult retail goods, and sexually-oriented devices is prohibited.*
6. *The retail sale of packaged alcoholic beverages is only allowed where such use is allowed as a permitted use in the zoning district in which the public market is located, or when approved*

through the conditional use process where such use is a conditional use in the zoning district where the public market is located.

7. In all districts except the Historic Core and Open Space Districts, fencing and landscaping shall be provided along all interior side and rear property lines of a site on which a public market is located. A fencing and landscaping plan shall be submitted for the review and approval of the Executive Director of the City Planning Commission.

20.3.R CULTURAL FACILITY

Where located in any residential district, hours of operation for events at cultural facilities are limited to 8:00am to 10:00pm on Mondays through Thursdays, and 8:00am to 12:00 midnight on Fridays, Saturdays, and Sundays.

Article 18 Overlay Zoning Districts

18.9 AC-1 ARTS AND CULTURE DIVERSITY OVERLAY DISTRICT

18.9.A APPLICABILITY

The AC-1 Overlay District is intended as an overlay district to base commercial districts that creates a commercial environment with additional permissions for live entertainment. An AC-1 Overlay District shall encompass an area zoned commercially with a minimum size of two (2) contiguous blocks. The AC-1 Overlay District applies to the following areas:

- 1. All lots fronting Frenchmen Street between Royal Street and Esplanade Avenue, the lots fronting Decatur Street between Frenchmen Street and Esplanade Avenue, and the lots fronting the downriver side of Esplanade Avenue between North Peters Street and Decatur Street.*
- 2. All lots in non-residential districts with frontage on Saint Bernard Avenue between North Rampart Street/McShane Place and North Roman Street.*
- 3. All lots in non-residential districts with frontage on Broad Street between Interstate 10/Pontchartrain Expressway and Columbus Street, as well as those lots in non-residential districts with frontage on Columbus Street between North Broad Street and North Dorgenois Street.*

18.9.B USES

18.9.B.1 PERMITTED USES

In addition to all uses authorized in the base district, the following uses are allowed as permitted uses subject to the use standards of Article 20 and Paragraphs C below.

- a. Art Gallery*
- b. Cultural Facility*
- c. Indoor Amusement Facility up to a maximum of six-thousand (6,000) square feet of gross floor area*

- d. Live Entertainment – Secondary Use (indoors only)*
 - e. Live Performance Venue*
 - f. Restaurant, Standard, which may sell alcoholic beverages for consumption on premises in conjunction with meals*
- Adopted by Ord 28933 MCS 2-3-22, ZD 105/21*

18.9.B.2 CONDITIONAL USES

In addition to all uses authorized in the base district, the following uses are allowed as conditional uses subject to the use standards of Article 20 and Paragraphs C below. The authorization of Live Entertainment - Secondary Use (outdoors) shall supercede the use standards of Article 20 concerning closed doors and windows.

- a. Bar, limited to two (2) Bars per blockface*
- b. Indoor Amusement Facility over six-thousand (6,000) square feet in floor area*
- c. Live Entertainment - Secondary Use (outdoors) only in the areas described in Sections 18.9.A.2 and 18.9.A.3:*
 - All lots in non-residential districts with frontage on Saint Bernard Avenue between North Rampart Street/McShane Place and North Roman Street.*
 - All lots in non-residential districts with frontage on Broad Street between Interstate 10/Pontchartrain Expressway and Columbus Street, as well as those lots in non-residential districts with frontage on Columbus Street between North Broad Street and North Dorgenois Street.*

18.9.C USE STANDARDS

18.9.C.1 LIVE PERFORMANCE VENUE

- a. A Live Performance Venue is limited to plays and musicals.*
- b. A Live Performance Venue is permitted to sell alcoholic beverages for consumption on-site only one (1) hour prior to and during performances.*

18.9.C.2 LIVE ENTERTAINMENT – SECONDARY USE

- a. All establishments providing live entertainment shall hold the appropriate Live Entertainment Permit.*
- b. All establishments providing indoor live entertainment are subject to a closed doors and windows policy during any performance.*
- c. All establishments providing live entertainment are subject to the applicable noise, litter, and other laws of the City, including the Comprehensive Zoning Ordinance, Building Code, City Code, and Life Safety Code.*
- d. A Bar may provide live entertainment, including a permanent area for dancing, but adult uses and karaoke are prohibited. All bars providing live entertainment shall hold a Class A General ABO Permit and the appropriate Live Entertainment Permit.*
- e. Hours of operation for outdoor live entertainment shall be 12pm to 10pm Monday thru Friday and 11am to 10pm Saturday and Sunday.*

18.9.C.3 RESTAURANT

a. Musical accompaniment for patrons at a restaurant (standard or specialty), in conformance with the following use standards:

- 1. During the performance of any musical accompaniment, all doors and windows in the restaurant shall remain closed. Any amplification used in support of a musical accompaniment shall be directed towards the patrons of the restaurant, and not toward any door, window or outdoor space.*
- 2. No cover charge shall be charged for any performance of any musical accompaniment.*
- 3. Full restaurant service shall continue during the performance of any musical accompaniment.*
- 4. No more than ten percent (10%) of a restaurant's seating area may be dedicated to a staging area for any performance of musical accompaniment.*
- 5. Aside from the portion of the restaurant seating area dedicated to the staging of the musical accompaniment, no restaurant seating may be removed or relocated during the performance in order to accommodate an audience and/or dance area.*
- 6. Performance of the musical accompaniment shall not be permitted beyond 10:00 p.m. on Sundays through Wednesdays, or beyond midnight on Thursdays through Saturdays.*
- 7. Musical accompaniment shall only be performed in the interior of a restaurant; outdoor musical accompaniment shall be subject to the general Live Entertainment – Secondary Use regulations, as applicable.*

Any musical accompaniment for patrons at a restaurant that is not in conformance with the above standards shall be subject to general Live Entertainment – Secondary Use regulations, as applicable.

b. A Special Event Permit may temporarily relieve a restaurant from standards of this section. Special Event Permits are limited to no more than ten (10) times a year for a total of thirty (30) days per year. Performances permitted by a Special Event Permit shall be a minimum of fourteen (14) days apart.

18.9.C.4 BAR

Bars shall mitigate noise to those levels specified in the Noise Ordinance by soundproofing the live entertainment area.

18.10 AC-2 ARTS AND CULTURE DIVERSITY OVERLAY DISTRICT

18.10.A APPLICABILITY

The AC-2 Overlay District is intended as an overlay district for base commercial districts to create a commercial environment with additional permissions for live entertainment. An AC-2 Overlay District shall encompass an area zoned commercially with a minimum size of two (2) contiguous blocks. The AC-2 Overlay District applies to the following areas:

- i. All lots in non-residential districts with frontage on Freret Street between Napoleon and Jefferson Avenues.*
- ii. All lots in non-residential districts with frontage on Newton Street between Teche Street and Behrman Avenue.*
- iii. All lots in non-residential districts with frontage on Teche Street, from Opelousas Avenue to the Jefferson Parish Line.*

18.10.B USES

18.10.B.1 PERMITTED USES

In addition to all uses authorized in the base district, the following uses are allowed as permitted uses subject to the use standards of Article 20 and Paragraphs C below.

- a. Art Gallery*
- b. Community Center*
- c. Cultural Facility*
- d. Public Market*
- e. Indoor Amusement Facilities up to a maximum of five-thousand (5,000) square feet of gross floor area*
- f. Live Entertainment – Secondary Use*
- g. Live Performance Venue*
- h. Restaurant, Standard, which may sell alcoholic beverages for consumption on premises in conjunction with meals*

18.10.B.2 CONDITIONAL USES

In addition to all uses authorized in the base district, the following uses are allowed as conditional uses subject to the use standards of Article 20 and Paragraphs C below.

- a. Bar, limited to two (2) bars per blockface.*
- b. Indoor Amusement Facilities above five-thousand (5,000) square feet of gross floor area. However, indoor amusement facilities shall not exceed ten thousand (10,000) square feet of gross floor area.*

18.10.C USE STANDARDS

18.10.C.1 LIVE PERFORMANCE VENUE

- a. A Live Performance Venue is limited to plays and musicals.*
- b. A Live Performance Venue is permitted to sell alcoholic beverages for consumption on-site only one (1) hour prior to and during performances.*
- c. Ticket sales are limited to the number of seats provided for the performance or the lowest rated capacity of the bar.*
- d. Standing room only performances are prohibited.*

18.10.C.2 LIVE ENTERTAINMENT – SECONDARY USE

- a. All establishments providing live entertainment shall hold the appropriate Live Entertainment Permit.*
- b. All establishments providing live entertainment are subject to a closed doors and windows policy during any performance.*
- c. All establishments providing live entertainment are subject to the applicable noise, litter, and other laws of the City, including the Comprehensive Zoning Ordinance, Building Code, City Code, and Life Safety Code.*
- d. A bar may provide live entertainment, including a permanent area for dancing, but adult uses*

and karaoke are prohibited. All bars providing live entertainment shall hold a Class A General ABO Permit and the appropriate Live Entertainment Permit.

18.10.C.3 RESTAURANT

a. Musical accompaniment for patrons at a restaurant (standard or specialty), in conformance with the following use standards:

- 1. During the performance of any musical accompaniment, all doors and windows in the restaurant shall remain closed. Any amplification used in support of a musical accompaniment shall be directed towards the patrons of the restaurant, and not toward any door, window or outdoor space.*
- 2. No cover charge shall be charged for any performance of any musical accompaniment.*
- 3. Full restaurant service shall continue during the performance of any musical accompaniment.*
- 4. No more than ten percent (10%) of a restaurant's seating area may be dedicated to a staging area for any performance of musical accompaniment.*
- 5. Aside from the portion of the restaurant seating area dedicated to the staging of the musical accompaniment, no restaurant seating may be removed or relocated during the performance in order to accommodate an audience and/or dance area.*
- 6. Performance of the musical accompaniment shall not be permitted beyond 10:00 p.m. on Sundays through Wednesdays, or beyond midnight on Thursdays through Saturdays.*
- 7. Musical accompaniment shall only be performed in the interior of a restaurant; outdoor musical accompaniment shall be subject to the general Live Entertainment – Secondary Use regulations, as applicable.*

Any musical accompaniment for patrons at a restaurant that is not in conformance with the above standards shall be subject to general Live Entertainment – Secondary Use regulations, as applicable.

b. A Special Event Permit may temporarily relieve a restaurant from standards of this section. Special Event Permits are limited to no more than ten (10) times a year for a total of thirty (30) days per year. Performances permitted by a Special Event Permit shall be a minimum of fourteen (14) days apart.

18.10.C.4 BAR

a. Hours of operation for bars are restricted to between 10:00 a.m. and 12:00 Midnight on Sunday through Thursday, and between 10:00 a.m. and 2:00 a.m. on Friday and Saturday.

b. Bars shall mitigate noise to those levels specified in the Noise Ordinance by soundproofing the live entertainment area.

18.11 AC-3 ARTS AND CULTURE DIVERSITY OVERLAY DISTRICT

18.11.A APPLICABILITY

The AC-3 Overlay District is intended as an overlay district for base commercial districts to create a commercial environment with additional permissions for live entertainment. An AC-3 Overlay District shall encompass an area zoned commercially with a minimum size of two (2) contiguous blocks. The AC-3 Overlay District applies to the following areas:

- 1. All lots in non-residential districts with frontage on St. Claude Avenue between Press Street and Poland Avenue.*

18.11.B USES

18.11.B.1 PERMITTED USES

In addition to all uses authorized in the base district, the following uses are allowed as permitted uses subject to the use standards of Article 20 and Paragraphs C below.

- a. Art Galleries and Arts Studios, without limitations as to size*
- b. Community Center*
- c. Cultural Facility*
- d. Public Market*
- e. Indoor Amusement Facilities, limited to movie theaters, up to a maximum of five-thousand (5,000) square feet of gross floor area*
- f. Live Entertainment – Secondary Use*
- g. Live Performance Venue up to a maximum of five-thousand (5,000) square feet of gross floor area*
- h. Standard Restaurant with a maximum of 5,000 square feet of gross floor area, which may sell alcoholic beverages for consumption on premises in conjunction with meals*
- i. Artist studios*

18.11.B.2 CONDITIONAL USES

In addition to all uses authorized in the base district, the following uses are allowed as conditional uses subject to the use standards of Article 20 and Paragraphs C below.

- a. Bars.*
- b. Indoor Amusement Facilities, limited to movie theaters, above five-thousand (5,000) square feet of gross floor area. However, indoor amusement facilities shall not exceed ten thousand (10,000) square feet of gross floor area.*
- c. Live Performance Venues above five-thousand (5,000) square feet of gross floor area.*
- d. Micro-Breweries*
- e. Micro-Distilleries*
- f. Wine shops*
- g. Wineries*

18.11.C USE STANDARDS

18.11.C.1 LIVE PERFORMANCE VENUE

- a. A Live Performance Venue is permitted to sell alcoholic beverages for consumption on-site only one (1) hour prior to, during and one (1) hour after performances.*
- b. The provisions of Section 10.2.B.9., restricting the number of live performance venues per blockface, shall not apply within the AC-3 Arts & Cultural Overlay District.*

18.11.C.2 LIVE ENTERTAINMENT – SECONDARY USE

- a. All establishments providing live entertainment shall hold the appropriate Live Entertainment Permit.*

- b. All establishments providing live entertainment are subject to a closed doors and windows policy during any performance.*
- c. All establishments providing live entertainment are subject to the applicable noise, litter, and other laws of the City, including the Comprehensive Zoning Ordinance, Building Code, City Code, and Life Safety Code.*
- d. A Bar may provide live entertainment, including a permanent area for dancing, but adult uses are prohibited. All bars providing live entertainment shall hold a Class A General ABO Permit and the appropriate Live Entertainment Permit.*
- e. The provisions of Section 10.2.B.7., restricting the number of live entertainment, secondary uses per blockface, shall not apply within the AC-3 Arts & Cultural Overlay District.*

18.11.C.3 RESTAURANT

- a. Musical accompaniment for patrons at any restaurant (standard or specialty), shall be permitted in conformance with the following standards:*
 - i. During the performance of any musical accompaniment, all doors and windows in the restaurant shall remain closed. Any amplification used in support of a musical accompaniment shall be directed toward the patrons of the restaurant, and not toward any door, window, or outdoor space.*
 - ii. No cover charge shall be charged for any performance of musical accompaniment.*
 - iii. Full restaurant service shall continue during the performance of any musical accompaniment.*
 - iv. No more than ten percent (10%) of a restaurant's seating area may be dedicated to a staging area for any performance of musical accompaniment.*
 - v. Aside from the portion of the restaurant seating area dedicated to staging of the musical accompaniment, no restaurant seating area may be removed or relocated during the performance in order to accommodate an audience and/or dance area.*
 - vi. Performance of the musical accompaniment shall not be permitted beyond 10:00p.m. on Sundays through Wednesdays, or beyond midnight on Thursdays through Saturdays.*
 - vii. Musical accompaniment shall only be performed in the interior of the restaurant; outdoor musical accompaniment shall be subject to the general Live Entertainment – Secondary Use regulations, as applicable.*
- Any musical accompaniment for patrons at a restaurant that is not in conformance with the above standards shall be subject to general Live Entertainment – Secondary Use regulations, as applicable.*
- b. A Special Event Permit may temporarily relieve a restaurant from standards of this section. Special Event Permits are limited to no more than ten (10) times a year for a total of thirty (30) days per year. Performances permitted by a Special Event Permit shall be a minimum of fourteen (14) days apart.*
- c. Restaurants are limited to a maximum of five-thousand (5,000) square feet of gross floor area.*
- d. Restaurants shall close by 11:00 p.m. on Sunday through Thursday, or by 1:00a.m. on Friday and Saturday.*

18.11.C.4 BAR

- a. Bars shall mitigate noise to those levels specified in the Noise Ordinance by soundproofing*

the live entertainment area.

18.11.C.5 INDOOR AMUSEMENT FACILITY

a. An Indoor Amusement Facility is permitted to sell alcoholic beverages for consumption on-site only one (1) hour prior to and one (1) hour after movie showings or other events.

18.11.C.6 COMMUNITY CENTER, CULTURAL FACILITY, MICRO-BREWERY, MICRO-DISTILLERY OR WINE SHOP

a. Musical accompaniment for patrons at a community center, cultural facility, micro-brewery, micro-distillery, wine shop, or winery shall be permitted in conformance with the following standards:

i. During the performance of any musical accompaniment, all doors and windows in the establishment shall remain closed. Any amplification used in support of a musical accompaniment shall be directed toward the patrons of the restaurant, and not toward any door, window, or outdoor space.

ii. No cover charge shall be charged for any performance of any musical accompaniment.

iii. No more than ten percent (10%) of seating area may be dedicated to a staging area for any performance of musical accompaniment.

iv. Aside from the portion of the seating area dedicated to staging of the musical accompaniment, no seating area may be removed or relocated during the performance in order to accommodate an audience and/or dance area.

v. Performance of the musical accompaniment shall not be permitted beyond 11:00p.m. on Sundays through Thursday, or beyond 1:00a.m. on Fridays and Saturdays. Other hours may be approved through the conditional-use process.

vi. Musical accompaniment shall only be performed in the interior of the establishment; outdoor musical accompaniment shall be subject to the general Live Entertainment – Secondary Use regulations, as applicable.

Any musical accompaniment for patrons at a community center, cultural facility, micro-brewery, micro-distillery, wine shop, or winery that is not in conformance with the above standards shall be subject to general Live Entertainment – Secondary Use regulations, as applicable.

b. A Special Event Permit may temporarily relieve a community center, cultural facility, micro-brewery, micro-distillery, wine shop, or winery from standards of this section. Special Events Permits are limited to no more than ten (10) time a year for a total of thirty (30) days per year. Performances permitted by a Special Event Permit shall be a minimum of fourteen (14) days apart.

18.11.C.7 PREMISES WITH ALCOHOLIC BEVERAGE PERMITS

a. All establishments with alcoholic beverage permits must submit a litter abatement plan inclusive of the placement of an outdoor trash receptacle for the approval of the Department of Sanitation. The approved litter-abatement plan shall be submitted to the Department of Safety and Permits prior to the issuance of a Certificate of Use and Occupancy.

b. All non-glass drink containers used by establishments with alcoholic beverage permits must feature the establishment's logo.

18.12 AC-4 ARTS AND CULTURE DIVERSITY OVERLAY DISTRICT

18.12.A APPLICABILITY

The AC-4 Overlay District is intended to create an environment with additional opportunities for live entertainment at commercially-zoned sites along commercial corridors, as well as at small sites with commercial zoning that are interspersed within neighborhoods where arts and cultural uses have historically existed. The AC-4 Overlay District applies to the following area:

1. All lots in non-residential districts bounded by Orleans Avenue/Basin Street, North Villere Street, St. Philip Street, North Rampart Street, St. Bernard Avenue (excluding properties that have frontage on St. Bernard Avenue), and both sides of North Claiborne Avenue.

18.12.B USES

18.12.B.1 CONDITIONAL USES

In addition to all uses authorized in the base district, the following uses are allowed as conditional uses subject to the use standards of Article 20 and Paragraph C below.

a. Live Entertainment – Secondary Use

18.12.C USE STANDARDS

18.12.C.1 LIVE ENTERTAINMENT – SECONDARY USE

a. All establishments providing live entertainment shall hold the appropriate Live Entertainment Permit.

b. All establishments providing live entertainment are subject to a closed doors and windows policy during any performance.

c. All establishments providing live entertainment are subject to the applicable noise, litter, and other laws of the City, including the Comprehensive Zoning Ordinance, Building Code, City Code, and Life Safety Code.

d. A bar may provide live entertainment, including a permanent area for dancing, but adult uses and karaoke are prohibited. All bars providing live entertainment shall hold a Class A General ABO Permit and the appropriate Live Entertainment Permit.

e. Live entertainment performances are restricted to the hours between 10:00 a.m. and 12:00 Midnight on all days, provided that additional hours of operation may be considered and granted through the conditional use process.

18.12.C.2 RESTAURANT

a. Musical accompaniment for patrons at a restaurant (standard or specialty), in conformance with the following use standards:

1. During the performance of any musical accompaniment, all doors and windows in the restaurant shall remain closed. Any amplification used in support of a musical accompaniment shall be directed towards the patrons of the restaurant, and not toward any door, window or

outdoor space.

2. *No cover charge shall be charged for any performance of any musical accompaniment.*
3. *Full restaurant service shall continue during the performance of any musical accompaniment.*
4. *No more than ten percent (10%) of a restaurant's seating area may be dedicated to a staging area for any performance of musical accompaniment.*
5. *Aside from the portion of the restaurant seating area dedicated to the staging of the musical accompaniment, no restaurant seating may be removed or relocated during the performance in order to accommodate an audience and/or dance area.*
6. *Performance of the musical accompaniment shall not be permitted beyond 10:00 p.m. on Sundays through Wednesdays, or beyond midnight on Thursdays through Saturdays.*
7. *Musical accompaniment shall only be performed in the interior of a restaurant; outdoor musical accompaniment shall be subject to the general Live Entertainment – Secondary Use regulations, as applicable.*

Any musical accompaniment for patrons at a restaurant that is not in conformance with the above standards shall be subject to general Live Entertainment – Secondary Use regulations, as applicable.

b. A Special Event Permit may temporarily relieve a restaurant from standards of this section. Special Event Permits are limited to no more than ten (10) times a year for a total of thirty (30) days per year. Performances permitted by a Special Event Permit shall be a minimum of fourteen (14) days apart.

C. What is the proposed language for amendment?

The City Council motion proposes text amendments based on recommendations from pages 73 to 81 of the City Planning Commission's Outdoor Live Entertainment Study, which was adopted in January 2021. The Study describes land uses where outdoor live entertainment may be contemplated and considers potential amendments to the CZO for the following uses:

Temporary Special Events

- Increase the number of temporary events commercial and institutional uses may hold allowing 2-3 times per week. This should be available through issuance of a single permit for up to all days of the year when entertainment would be planned.
- To qualify for the temporary permit, uses should have a license as a commercial or institutional use, be accustomed to serving groups of people, and have permanent public restroom facilities. Extra provision of handicapped accessible temporary restrooms may be allowed.
- Tables and chairs should occupy at least 50% of the outdoor floor area (not including landscape areas.)
- Hours are limited to **12pm – 8pm, Mon-Thurs, 12pm-9pm Friday, 11am – 9pm Saturday, 11am-8pm Sunday.**
- Speakers and instruments shall be directed away from adjacent residences to the greatest extent possible.

- Require rear yard buffer equivalent to the required rear yard, or a minimum of 15 ft. whichever is greater.
- Require a noise/sound abatement plan for mitigation and complaints.
- The temporary permit shall be posted in a location visible to the public near the business entrance.
- Documentation of repeated violations may result in revocation of a temporary permit. Complaints of violations must be verified by City officials.

Outdoor Amphitheater

- Authorize in EC Educational Campus, LI Light Industrial, S-LM Lake Marina, C-2 General Commercial, and C-3 General Commercial Districts.
- Authorize as a permitted use in the OS-G Open Space Greenway District.
- Establish parking standards for stand-alone outdoor amphitheaters that are not located in parks.

Outdoor Amusement Facility

- Authorize outdoor live entertainment as an ancillary use with **Hours limited to 12pm – 8pm, Mon-Thurs, 12pm-9pm Friday, 11am – 9pm Saturday, 11am-8pm Sunday**
- The main amusement facility must remain open while any ancillary outdoor live entertainment takes place.
- Add Outdoor Amusement Facilities to the uses that are authorized to provide Live Entertainment – Secondary Use. For any hours that would exceed the “ancillary” hours above, the live entertainment would need to be authorized as Live Entertainment – Secondary Use.
- Amend use standards to require a 15 ft. buffer area between the outdoor entertainment area and a residential district.
- Require a noise/sound abatement plan for mitigation and complaints.

Live Entertainment – Secondary Use

- Establish hours for outdoor Live Entertainment – Secondary Use that are **limited to 12pm – 8pm, Mon-Thurs, 12pm-9pm Friday, 11am – 9pm Saturday, and 11am-8pm Sunday.**
- Limit the number of outdoor live performances to 2-3 times per week.
- Clarify in the use standards that the closed doors and windows requirement applies only to indoor live entertainment – secondary use.
- Add Outdoor Amusement Facilities to the uses that are authorized to provide Live Entertainment – Secondary Use.
- Delete the sentence “outdoor live entertainment areas located within thirty (30) feet of a residential district shall be a conditional use.”

- In the zoning districts where live entertainment – secondary use is a permitted use, modify to P/C with a footnote stating that “outdoor live entertainment areas located within 300 feet of a residential district or residential use shall be a conditional use.”
- Amend use standards to require a 15 ft. buffer area between the outdoor event area and a residential district.
- Clarify the regulation for Vieux Carre districts, which states “music of any kind is prohibited outside the building, unless approved through the conditional use process.”
- Make the use P/C in the C-3 General Commercial and LI Light Industrial Districts.
- Allow live entertainment – secondary use in distilleries and wineries.
- Outdoor space counts towards floor area, which is still limited by the base zoning district.
- A sound/noise abatement plan is already required.

Reception Facility

- In the zoning districts where reception halls are permitted, change the permission to “P/C” with a footnote indicating that a reception hall’s outdoor event area is a conditional use if within 300 feet of a residential district.
- Delete the 200 ft. distance requirement between reception halls and residential districts.
- Amend the use standards to indicate that closed doors and windows requirement applies only to indoor live entertainment.
- Delete the prohibition of outdoor music/entertainment.
- Outdoor Live Entertainment Hours limited to **4pm – 8pm, Monday thru Friday; 11am – 8pm Saturday and Sunday; 11am - 9pm on Friday and Saturday.**
- Amend use standards to require a 15 ft. buffer area between the outdoor event area and a residential district.
- Require a noise/sound abatement plan for mitigation and complaints.
- Speakers and instruments shall be directed away from adjacent residences to the greatest extent possible.

Public Market

- Booths, their circulation areas, permanent structures, and setbacks from property lines shall constitute at least 50% of the site area.
- A sound/noise abatement plan shall be provided for mitigation and complaints.
- Require a 15 ft. buffer area between the outdoor live entertainment area and a residential district.

Cultural Facility

- Clarify in the use standards that outdoor special events or receptions in residential districts shall not extend beyond the existing hours of operation, which are: 8am to 10pm on Mondays through Thursdays; 8am to 12 Midnight on Friday through Sunday.

- Outdoor live entertainment hours of operation should be permitted in non-residential districts, limited to **12pm – 8pm, Mon-Thurs, 12pm-9pm Friday, 11am – 9pm Saturday, and 11am-8pm Sunday.**
- Limit the number of outdoor special events or receptions to 2-3 occasions per week.

Arts & Cultural Overlay Districts

- For businesses within an Arts & Cultural Overlay, the hours allowed for outdoor live entertainment may be longer, such as **12pm to 10pm Monday thru Friday and 11am to 10pm Saturday and Sunday.**
- Hours may be adopted to the overlays on a case-by-case basis, since regulations already vary.
- Number of times live entertainment is permitted per week may be more frequent than sites not within AC Overlays.

Hotels

- There may be limited hotel operations that provide outdoor live entertainment not directly connected permitted ancillary restaurant and bar uses; these should also be considered ancillary and staff expects that the hotel would self-regulate lobby, pool area, and courtyard live performances.

D. Does the text amendment adequately answer the problem that is being addressed; if not, are other modifications necessary?

With the need to recommend exact language for the text of the Comprehensive Zoning Ordinance and the complexity of considering the numerous alternatives for providing outdoor live entertainment in a manner compatible with nearby uses, the staff has refined the recommendations. The modifications from the Outdoor Live Entertainment Study proposals mainly include four changes (1) a requirement of a greater distance between the outdoor live entertainment area and residential districts or uses to be authorized as permitted rather than conditional; (2) limitations of the number of days per week based on distance between the outdoor live entertainment area and residential districts or uses; (3) cultural facilities in residential areas limited to one day of outdoor live entertainment per week; and (4) a new temporary use allowance for indoor or outdoor live entertainment ancillary to establishments that serve food and beverages for consumption on premises with a limitation of one day per week unless located in an Arts & Cultural Overlay District, which would be allowed two days per week.

Proposed insertions are shown below with new language shown in **bold**, underlined text. Proposed deletions are shown in ~~strikethrough~~ text.

Articles 7 through 17 Zoning District Use Tables

Open Space Districts

Tables 7-1: Permitted and Conditional Uses							
Uses	Districts						
	OS-N	OS-G	OS-R	NA	GPD	OS-CBD	USE STANDARDS

COMMERCIAL USE							
Amusement Facility, Outdoor		C	P P/C¹⁰		C ⁵		Section 20.3.E

Outdoor Amphitheater		€ P/C¹⁰	P			P ⁷	Section 20.3.TTT

Public Market		P	P			P ⁸	Section 20.3.TT

Reception Facility			P/C¹⁰				Section 20.3.WW

INSTITUTIONAL USE							

Cultural Facility		C	P		C ⁶	P	Section 20.3.R

⁵ Subject to the use restrictions in Section 7.2.B.1.

⁶ Subject to the use restrictions in Section 7.2.B.2.

⁷ Subject to the use restrictions in Section 7.2.B.3.

⁸ Subject to the use restrictions in Section 7.2.B.4.

⁹ Subject to the use restrictions in Section 7.2.B.5.

¹⁰ **The use is permitted, but the outdoor live entertainment component of this use shall be located more than 600 feet from a residential district or residential use; otherwise, the outdoor live entertainment component is a conditional use. The 600 feet distance is to be measured from the outdoor entertainment area to the nearest residential district boundary.**

7.2.B.1 USES IN THE GPD DISTRICTS

In the portions of the GPD District in Planning District 9 and 10, certain uses shall be conditional uses, subject to the following limitations:

- a. Any proposed development site that meets, or met at the time of this ordinance, the minimum size standards for a planned development in Article 5, Section 5.2.C shall be considered under the planned development process and is not eligible for consideration as a conditional use.
- b. Only properties located in Planning District 9 and 10 are eligible for conditional use consideration.
- c. A conditional use may be granted if the City Council finds that the proposed uses are compatible with uses existing or anticipated to occur upon the adjacent sites and will be properly screened or buffered from adjacent properties as needed to minimize potential negative impacts.
- d. The proposed development shall comply with the development regulations, design standards, and required protection requirements found in Article 5, Section 5.4.

7.2.B.2 S-RS DISTRICT USES IN THE GPD DISTRICTS

In the portions of the GPD District in Planning Districts 12 and 13, certain uses in the S-RS District shall be conditional uses, subject to the following limitations:

- e. Any proposed development site that meets, or met at the time of this ordinance, the minimum size standards for a planned development in [Article 5, Section 5.2.C](#) shall be considered under the planned development process and is not eligible for consideration as a conditional use.
- f. Only properties located in Planning Districts 12 and 13 are eligible for conditional use consideration.
- g. A conditional use may be granted if the City Council finds that the proposed uses are compatible with uses existing or anticipated to occur upon the adjacent sites and will be properly screened or buffered from adjacent properties as needed to minimize potential negative impacts.
- h. The proposed development shall comply with the S-RS District Site Design Standards found in [Article 13, Section 13.3](#).

7.2.B.3 OUTDOOR AMPHITHEATER USES IN THE OS-CBD DISTRICTS

- In the OS-CBD Districts, outdoor amphitheater is a permitted use subject to the following standards:
- a. Outdoor amphitheater uses are permitted in the OS-CBD a maximum of three (3) times per week. Uses exceeding three (3) times per week shall obtain special event permits or shall require a conditional use.
 - b. Hours of operation are restricted to the following:
 - i. Monday through Sunday from 10:00 a.m. to 10:00 p.m.
 - c. Outdoor amphitheater shall be oriented away from residences to the greatest extent feasible.

7.2.B.4 PUBLIC MARKET USES IN THE OS-CBD DISTRICTS

- In the OS-CBD Districts, public markets are permitted but subject to the following use standards in addition to those found in Article 20, Section 20.3.TT:
- a. Public markets are permitted in the OS-CBD District, with a maximum of one operator each day.
 - b. Live musical accompaniment is allowed as ancillary to the public market only during its authorized hours of operation.

Rural Development Districts

Tables 8-1: Permitted and Conditional Uses		
Uses	Districts	
	R-RE	M-MU

INSTITUTIONAL USE		

Cultural Facility	C	C

Historic Core Neighborhoods Residential Districts

Tables 9-1: Permitted and Conditional Uses					
Uses	Districts				
	VCR-1	VCR-2	HMR-1	HMR-2	HMR-3

INSTITUTIONAL USE					

Cultural Facility	C	C	C	C	P P/C⁵

⁵ The use is permitted, but any outdoor live entertainment component of the facility shall be a conditional use.

Historic Core Neighborhoods Non-Residential Districts

Tables 10-1: Permitted and Conditional Uses											
Uses	Districts										USE STANDARDS
	VCC-1	VCC-2	VCE	VCE-1	VCS	VCS-1	VCP	HMC-1	HMC-2	HM-MU	

COMMERCIAL USE											

Hotel/Motel									<u>P</u> <u>P/C</u> ⁸	C	<u>Section 20.3.UUU</u>

Live Entertainment -Secondary Use			P	P					C ²	C	Section 20.3.JJ

Public Market		P			P	P		P	P	P	Section 20.3.TT

Reception Facility									C		Section 20.3.WW

INSTITUTIONAL USE											

Cultural Facility	C	<u>PP/C</u> ⁸	C	C	P	P	C	<u>PP/C</u> ⁸	<u>PP/C</u> ⁸	<u>PP/C</u> ⁸	Section 20.3.R

2 Subject to the use restrictions in Section 10.2.B.7.

8. **The use is permitted, but the outdoor live entertainment component of this use shall be located more than 600 feet from a residential district; otherwise, the outdoor live entertainment component is a conditional use. The 600 feet distance is to be measured from the outdoor entertainment area to the nearest residential district boundary.**

10.2.B.7 HMC-2 DISTRICT LIVE ENTERTAINMENT LIMITATION

In the HMC-2 District, a live performance venue and/or live entertainment – secondary use is limited to one (1) per blockface.

Historic Urban Neighborhoods Residential Districts

Tables 11-1: Permitted and Conditional Uses					
Uses	Districts				
	HU-RS	HU-RD1	HU-RD2	HU-RM1	HU-RM2

INSTITUTIONAL USE					

Cultural Facility	C	C	C	C	C

Historic Urban Neighborhoods Residential Districts

Tables 12-1: Permitted and Conditional Uses					
Uses	Districts			Use Standards	
	HU-B1A	HU-B1	HU-MU		

COMMERCIAL USE					

Hotel/Motel			C	Section 20.3.UUU	
Live Entertainment – Secondary Use			C	Section 20.3.JJ	

Public Market		P	P	Section 20.3.TT	

Reception Facility		C	C	Section 20.3.WW	

INSTITUTIONAL USE					

Cultural Facility	C	C	C	Section 20.3.R	

Suburban Neighborhoods Residential Districts

Tables 13-1: Permitted and Conditional Uses				
Uses	Districts			
	S-RS	S-RD	S-RM1	S-RM2

INSTITUTIONAL USE				

Cultural Facility	C	C	C	C

Suburban Neighborhoods Non-Residential Districts

Tables 14-1: Permitted and Conditional Uses								
Uses	Districts							
	S-B1	S-B2	S-LB1	S-LB2	S-LC	S-MU	S-LP	S-LM

COMMERCIAL USE										

Hotel/Motel					C				C	Section 20.3.UUU

Live Entertainment -Secondary Use	C	C	C	C	C	C				Section 20.3.JJ

Public Market	P	P	P	P	P	P			P	Section 20.3.TT

INSTITUTIONAL USE										

Cultural Facility	C	C	C	C	C	C				Section 20.3.R

Commercial Center and Institutional Campus Districts

Tables 15-1: Permitted and Conditional Uses											
Uses	Districts									Use Standards	
	C-1	C-2	C-3	MU-1	MU-2	EC	MC	MS	LS		

COMMERCIAL USE											

Amusement Facility, Outdoor		C	<u>PP/C⁹</u>	C	<u>PP/C⁹</u>	C					Section 20.3.E

Hotel/Motel	<u>PP/C⁹</u>	<u>PP/C⁹</u>	<u>PP/C⁹</u>	<u>PP/C⁹</u>	<u>PP/C⁹</u>	<u>PP/C⁹</u>	<u>PP/C⁹</u>	<u>PP/C⁹</u>	<u>PP/C⁹</u>	<u>PP/C⁹</u>	Section 20.3.UUU

Live Entertainment – Secondary Use	C	<u>P⁹</u> <u>PP/C⁹</u>	C	C	<u>P⁹</u> <u>P/C⁹</u>						Section 20.3.JJ

Outdoor Amphitheater		<u>P/C⁹</u>	<u>P/C⁹</u>								Section 20.3.TTT

Public Market	P	P	P	P	P	P					Section 20.3.TT

Reception Facility	C	<u>PP/C⁹</u>	<u>PP/C⁹</u>	<u>PP/C⁹</u>	<u>PP/C⁹</u>						Section 20.3.WW

INSTITUTIONAL USE											

Cultural	<u>PP/C⁹</u>	<u>PP/C⁹</u>	<u>PP/C⁹</u>	<u>PP/C⁹</u>	<u>PP/C⁹</u>	<u>PP/C⁹</u>	<u>PP/C⁹</u>				Section

Facility										20.3.R

⁹ ~~Classified as a Conditional Use in Breweries.~~ **The use is permitted, but the outdoor live entertainment component of this use shall be located more than 600 feet from a residential district; otherwise, the outdoor live entertainment component is a conditional use. The 600 feet distance is to be measured from the outdoor entertainment area to the nearest residential district boundary.**

Centers for Industry

Tables 16-1: Permitted and Conditional Uses					
Uses	Districts				Use Standards
	LI	HI	MI	BIP	

COMMERCIAL USE					

Hotel/Motel	<u>PP/C⁷</u>	C	<u>PP/C⁷</u>	<u>PP/C⁷</u>	<u>Section 20.3.UUU</u>

Reception Facility	<u>PP/C⁷</u>				Section 20.3.WW

7. The use is permitted, but the outdoor live entertainment component of this use shall be located more than 600 feet from a residential district; otherwise, the outdoor live entertainment component is a conditional use. The 600 feet distance is to be measured from the outdoor entertainment area to the nearest residential district boundary.

Central Business Districts

Tables 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								

Amusement Facility, Outdoor				<u>PP/C⁶</u>				Section 20.3.E

Hotel/Motel	<u>PP/C⁶</u>	<u>PP/C⁶</u>	<u>PP/C⁶</u>	<u>PP/C⁶</u>	C	<u>PP/C⁶</u>	<u>PP/C⁶</u>	<u>Section 20.3.UUU</u>

Live Entertainment -Secondary Use	<u>PP/C⁶</u>	<u>P⁶ P/C⁶</u>	<u>PP/C⁶</u>	<u>PP/C⁶</u>	<u>PP/C⁶</u>	<u>PP/C⁶</u>	<u>P⁶ P/C⁶</u>	Section 20.3.JJ

Outdoor				C				<u>Section</u>

Amphitheater								20.3.TTT

Public Market	C	C	C	C	P	P	C	Section 20.3.TT

Reception Facility	<u>PP/C⁶</u>	<u>PP/C⁶</u>	<u>PP/C⁶</u>	<u>PP/C⁶</u>	C	<u>PP/C⁶</u>	<u>PP/C⁶</u>	Section 20.3.WW

INSTITUTIONAL USE								

Cultural Facility	<u>PP/C⁶</u>	<u>PP/C⁶</u>	<u>PP/C⁶</u>	<u>PP/C⁶</u>	<u>PP/C⁶</u>	<u>PP/C⁶</u>		Section 20.3.R

⁶ Classified as a Conditional Use in Breweries. **The use is permitted, but the outdoor live entertainment component of this use shall be located more than 600 feet from a residential district and the CBD-5 District; otherwise, the outdoor live entertainment component is a conditional use. The 600 feet distance is to be measured from the outdoor entertainment area to the nearest residential district boundary.**

Article 22, Section 20.4 Required Off-Street Parking Spaces

Tables 22-1: Off-Street Vehicle and Bicycle Parking Requirements			
Uses	Minimum Required Vehicle Spaces	Minimum Required Bicycle Spaces	
		Required Short-Term Bicycle Spaces	Percentage of Long-Term Bicycle Spaces
<u>Outdoor Amphitheater</u>	<u>1 per 300 sf GFA of seating and/or standing areas</u>	<u>1 per 2,500 sf GFA</u>	

Article 22, Section 20.4 Required Off-Street Parking Spaces

When located in heavy industrial areas, auto-oriented and heavy commercial areas where space can be ample, outdoor amphitheaters have the potential to provide outdoor live entertainment without much impact to neighbors. The proposed text amendment, which would make outdoor amphitheaters permitted uses within the districts listed below adequately answers the problem that is being addressed but staff recommends modifications to ensure that when those districts are in close proximity to residential districts or uses, outdoor amphitheater be conditional uses as opposed to permitted uses.

Further, for instances where outdoor amphitheaters are authorized in non-park districts, it is recommended that a baseline parking requirement be established. This would apply to the S-LM, C-2, C-3, EC, and HI Districts, which are the five non-park districts in which outdoor amphitheaters would become permitted. The baseline parking requirement should follow the existing parking requirements applicable to similar uses. Below is a summary of existing parking

requirements for similar uses:

Tables 22-1: Off-Street Vehicle and Bicycle Parking Requirements			
Uses	Minimum Required Vehicle Spaces	Minimum Required Bicycle Spaces	
		Required Short-Term Bicycle Spaces	Percentage of Long-Term Bicycle Spaces
Amusement Facility, Outdoor	1 per 300 sf GFA (including all outdoor areas)	Over 10,000 sf GFA: 1 per 2,500 sf GFA	
Cultural Facility	1 per 300 sf GFA	1 per 2,500 sf GFA	
Auditorium	1 per 200 sf GFA	1 per 5,000 sf GFA	
Live Performance Venue	1 per 200 sf GFA	1 per 2,500 sf GFA	

In light of the above existing parking requirement, staff recommends that the vehicle parking requirement for outdoor amphitheater located in non-park districts follows the requirement that is already applicable to outdoor amusement facilities since it is the only comparable use that takes in account outdoor areas in calculating its vehicle parking requirement. Further, staff recommends that the bicycle parking requirement mirrors the existing requirement for live performance venues, as it is anticipated that outdoor amphitheaters would attract a comparable ratio of visitors using bicycles as a mode of transportation.

Tables 22-1: Off-Street Vehicle and Bicycle Parking Requirements			
Uses	Minimum Required Vehicle Spaces	Minimum Required Bicycle Spaces	
		Required Short-Term Bicycle Spaces	Percentage of Long-Term Bicycle Spaces
<u>Outdoor Amphitheater</u>	<u>1 per 300 sf GFA of audience seating or standing areas</u>	<u>1 per 2,500 sf GFA</u>	

Section 26.6 Definitions

Live Entertainment – Secondary Use. Any one (1) or more of any of the following live performances, performed live by one (1) or more persons, whether or not done for compensation and whether or not admission is charged: musical act, theatrical play or act, including stand-up comedy, magic, dance clubs, and disc jockey performances using vinyl records, compact discs, computers, or digital music players when the disc jockey is in verbal communication with the clientele of the establishment. Live entertainment - secondary use shall be part of a standard restaurant, specialty restaurant, indoor amusement facility, **outdoor amusement facility**, bar, **winery, micro-distillery, distillery, micro-brewery** or brewery, and shall be approved separately. A standard restaurant, specialty restaurant, indoor amusement facility, or bar may be

open to the public when no live performances are scheduled. Live entertainment - secondary use does not include:

A. Any such activity performed for the practice or private enjoyment of the residents of a dwelling and their guests.

B. Any adult uses.

C. Periodic entertainment at educational facilities or places of worship, performances at cultural facilities, performances at reception facilities, performances at weddings, **spiritual**, or ~~similar~~ religious events, the playing of recorded music over speakers without a disc jockey, poetry readings, or spoken word performances.

D. Musical accompaniment for patrons at a restaurant (standard or specialty), in conformance with the following use standards:

1. During the performance of any musical accompaniment, all doors and windows in the restaurant shall remain closed. Any amplification used in support of a musical accompaniment shall be directed towards the patrons of the restaurant, and not toward any door, window or outdoor space.

2. No cover charge shall be charged for any performance of any musical accompaniment.

3. Full restaurant service shall continue during the performance of any musical accompaniment.

4. No more than ten percent (10%) of a restaurant's seating area may be dedicated to a staging area for any performance of musical accompaniment.

5. Aside from the portion of the restaurant seating area dedicated to the staging of the musical accompaniment, no restaurant seating may be removed or relocated during the performance in order to accommodate an audience and/or dance area.

6. Performance of the musical accompaniment shall not be permitted beyond 10:00 p.m. on Sundays through Wednesdays, or beyond midnight on Thursdays through Saturdays.

7. Musical accompaniment shall only be performed in the interior of a restaurant; outdoor musical accompaniment shall be subject to the general Live Entertainment – Secondary Use regulations, as applicable.

E. Outdoor musical accompaniment accessory to a public market during its hours of operation.

Any musical accompaniment for patrons at a restaurant that is not in conformance with the above standards shall be included within the definition of Live entertainment – Secondary Use above, and shall be subject to the applicable regulations. Notwithstanding anything herein to the contrary, any musical accompaniment for patrons at a restaurant within any Vieux Carré District shall be included within the definition of Live Entertainment – Secondary Use.

Hotel/Motel. An establishment providing a room for sleeping accommodations for a fee with private bathroom facilities and customary lodging services. Related ancillary uses may include, but are not limited to conference and meeting rooms, restaurants, sale of convenience items, bars, and recreational facilities. Hotels shall be permitted to include units for sale designed or used exclusively for permanent residential use in all districts except in Light Industrial (LI), Heavy Industrial (HI), and Business Industrial Park (BIP) districts. **Indoor and outdoor live entertainment is allowed in a hotel restaurant, hotel bar, or hotel ballroom (acting as a reception facility) according to the applicable zoning district’s use permissions and use standards. Other common areas of the hotel may also provide indoor or outdoor live entertainment subject to use standards for a hotel.**

Article 21, Section 21.8 Temporary Uses

Table 21-3: Permitted Temporary Uses				
PERMITTED TEMPORARY USE	DISTRICT	TIMEFRAME	HOURS OF OPERATIONS	TEMPORARY USE STANDARDS
Carnival/Circus	Non- Residential			Section 21.8.C.1
Contractor Trailers, Construction Refuse Containers, and Real Estate Model Units (Temporary)	Permitted in any Zoning District when used in conjunction with construction operations on the same site where building permit is valid			Section 21.8.C.9
Farmers Markets (Temporary)	Any Zoning District	Maximum of one (1) event per week per premise	7:00 a.m. to 8:00 p.m.	Section 21.8.C.3
Garage/ Yard Sales	Any Zoning District	Maximum of three (3) consecutive days, with no more than three (3) consecutive sales events in any twelve (12) month period.		Section 21.8.C.5
Holiday Sales Lots (Temporary)	Any Zoning District	Maximum of forty five (45) days		Section 21.8.C.2
Mobile Food Trucks	Non- Residential		Sunday through Thursday: 6:00 a.m. to 10:00 p.m.;	Section 21.8.C.4

Table 21-3: Permitted Temporary Uses				
PERMITTED TEMPORARY USE	DISTRICT	TIMEFRAME	HOURS OF OPERATIONS	TEMPORARY USE STANDARDS
			Friday and Saturday: 6:00 a.m. to 12:00 a.m.	
Outdoor Entertainment Events (Temporary)	Outdoor Space – Public or Private property	Maximum of three (3) consecutive days per event, max of eight (8) events per calendar year		Section 21.8.C.7
<u>Indoor or Outdoor Live Entertainment Accessory Use</u>	<u>Except within the Vieux Carre Districts and, establishments providing food and beverages for consumption on premises within non-residential districts</u>	<u>Maximum of one (1) day per week; maximum two (2) days per week in AC Arts & Culture Overlay Districts</u>	<u>Outdoor live entertainment is limited to 11am to 9pm, Sunday through Thursday, 11am to 10pm Friday and Saturday</u>	<u>Section 21.8.C.17</u>

21.8.C.7 TEMPORARY OUTDOOR ENTERTAINMENT EVENTS

A temporary live entertainment event, such as the performance of live music, revue, or play within outdoor space may be allowed on public or private property. The following standards apply to this temporary use. This does not include temporary reviewing stands, which are regulated separately.

- a. A management plan is required for review by the Director of Safety & Permits as part of the temporary use permit application that demonstrates the following:
 - i. The on-site presence of a manager during the event.
 - ii. General layout of performance areas, visitor facilities, such as seating areas and restrooms, and all ingress and egress points to the site.
 - iii. Provision for recycling and waste removal.
 - iv. The days and hours of operation, including set-up and take-down times.
 - v. A description of crowd control and security measures.
- b. Temporary outdoor entertainment events are limited to eight (8) events per calendar year and a maximum duration of three (3) days per event.
- c. Establishments using the Temporary Outdoor Entertainment Events use permission shall not be authorized to also use the Indoor or Outdoor Live**

Entertainment Accessory Temporary Use permissions.

Section 21.8.C.17

Indoor or outdoor live entertainment may be allowed as a temporary use by a licensed business or institution in accordance with Table 21-3 and the following conditions.

- a. A 15 ft. buffer shall be maintained between the outdoor live entertainment area and a residential district or use.**
- b. A noise abatement plan is required.**
- c. Outdoor speakers and instruments shall be directed away from adjacent residences to the greatest extent possible.**
- d. Compliance with the New Orleans Sound/Noise Ordinance is required.**
- e. Establishments using the Indoor or Outdoor Live Entertainment Accessory Temporary Use permission shall not be authorized to also use the Temporary Outdoor Entertainment Events permission.**

Section 20.3 Use Standards

20.3.TTT OUTDOOR AMPHITHEATER

- 1. Outdoor live entertainment is limited to 11am to 9pm, Sunday through Thursday, 11am to 10pm Friday and Saturday.**
- 2. Outdoor Live Entertainment is limited to three days per week, unless greater than 600 feet away from residential districts and the CBD-5 District.**
- 3. A 15 feet buffer area is required between the outdoor entertainment area and a residential district or use.**
- 4. Compliance with the New Orleans sound/noise ordinance is required.**
- 5. Outdoor speakers and instruments shall be directed away from adjacent residences to the greatest extent possible.**

20.3.WW RECEPTION FACILITY

1. A general admission fee or any other monetary donations (payment at the door to the general public) for entrance is prohibited, with the exception of fundraisers or events for bona fide non-profit organizations, places of worship or educational facilities.

2. ~~All events shall be held within a completely enclosed building.~~ **Indoors** Live entertainment, if permitted as part of scheduled events, is subject to a closed doors and windows policy, ~~and compliance with the City of New Orleans Noise Ordinance. Music of any kind is prohibited outside the building, unless approved through the conditional use process.~~

3. Outdoor lighting shall be directed away from adjacent residentially zoned property.

4. **Indoors** Hours of operation are restricted to 10:00 a.m. and 12:00 midnight Sunday through Thursday. Hours of operation are restricted to 10:00 a.m. and 4:00 a.m. Friday through Saturday.

5. Outdoor live entertainment is limited to 11am to 9pm, Sunday through Thursday, 11am to 10pm Friday and Saturday.

6. Outdoor live entertainment shall be limited to three (3) days per week, unless the outdoor entertainment area is greater than 600 feet away from residential districts and the CBD-5 District.

7. A 15 ft. buffer shall be maintained between the outdoor live entertainment area and a residential district or use.

8. For the outdoor live entertainment area, a noise abatement plan is required.

9. Outdoor speakers and instruments shall be directed away from adjacent residences to the greatest extent possible.

10. Compliance with the New Orleans Sound/Noise Ordinance is required.

~~5. A minimum distance of two hundred (200) feet is required between any new reception facility and the nearest residential district.~~

20.3.E. AMUSEMENT FACILITY, INDOOR OR OUTDOOR

1. An indoor or outdoor amusement facility shall submit the following impact management plans, to be reviewed by the Director of Safety and Permits, and all other relevant City agencies:

- a. A noise abatement plan.
- b. A security and operation plan. The security plan shall include the provision of exterior security cameras.

2. If a standard restaurant or bar is allowed within the zoning district, such uses may be included as part of the indoor amusement facility so long as separate approval is obtained for the standard restaurant or bar. If alcoholic beverages are served, the applicant shall submit a summary of the number and location of places of worship, educational facilities, and parks and playgrounds within three-hundred (300) feet of the proposed location, which may trigger a prohibition as part of Section 10-110 of the City Code.

3. If the use plans an increase in intensity, such as an expansion of floor area or increase in permitted occupancy, the security and operation plan shall be updated and resubmitted for approval. A revised security and operation plan shall be approved prior to the issuance of any permits.
4. The security and operation plan may be revised by the property owner or person authorized in writing by the owner. New plans shall be resubmitted for approval.
5. **Outdoor live entertainment is limited to 11am to 9pm, Sunday through Thursday, 11am to 10pm Friday and Saturday.**
6. **Outdoor live entertainment shall be limited to three (3) days per week, unless the outdoor entertainment area is greater than 600 feet away from residential districts and the CBD-5 District.**
7. **The main amusement facility must remain open while any ancillary outdoor live entertainment takes place.**
8. **A 15 feet buffer area is required between the outdoor entertainment area and a residential district or use.**
9. **Compliance with the New Orleans sound/noise ordinance is required.**

20.3.JJ LIVE ENTERTAINMENT – SECONDARY USE AND LIVE PERFORMANCE VENUE

1. Live entertainment - secondary may only be established when allowed within a zoning district and in conjunction with a Live entertainment - secondary may only be established when allowed within a zoning district and in conjunction with a bar, standard restaurant, **indoor or outdoor** amusement facility, **winery, micro-distillery, distillery, micro-brewery,** or brewery..
2. Live entertainment – secondary use and live performance venues shall submit a noise abatement plan, to be reviewed by the Director of Safety and Permits, and all other appropriate City agencies, which shall address the intended use of amplification, noise levels, and need for soundproofing. ~~Outdoor live entertainment areas located within thirty (30) feet of a residential district shall be a conditional use.~~
3. Live entertainment - secondary use and live performance venues shall submit a security and operation plan, with the following added:
 - a. For live entertainment – secondary use, the days and hours of operation for the establishment’s general operations as a standard restaurant or bar, and the days and hours of operation for the live entertainment component.
 - b. The configuration of the live entertainment area within the establishment.
 - c. Loading areas.

- d. All live entertainment – secondary use and live performance shall provide exterior security cameras.
4. Live entertainment – secondary use and live performance venues shall submit a summary of the number and location of places of worship, educational facilities, and parks and playgrounds within three-hundred (300) feet of the proposed location.
5. Windows and doors shall be closed during **indoor** live entertainment performances and compliance with the City of New Orleans Noise Ordinance is required. ~~In the Vieux Carré Districts, music of any kind is prohibited outside the building, unless authorized through the conditional use process.~~
6. If the live entertainment - secondary use and live performance venues use plans an increase in intensity, such as an expansion of floor area, increase in live performance area or increase in permitted occupancy, a security and operation plan shall be updated and resubmitted for approval. Revised security and operation plans shall be approved prior to the issuance of any permits.
7. Security and operation plans may be revised by the property owner or person authorized in writing by the owner. New plans shall be resubmitted for approval.
8. Because live entertainment – secondary use is only allowed with a bar, standard restaurant, indoor amusement facility, **outdoor amusement facility**, bar, **winery, micro-distillery, distillery, micro-brewery**, or brewery, when the submittal requirements of live entertainment – secondary use and standard restaurant or bar are duplicated, only one (1) set of submittal requirements is required to be submitted and updated.
- 9. Outdoor live entertainment is limited to 11am to 9pm, Sunday through Thursday, 11am to 10pm Friday and Saturday.**
- 10. Outdoor live entertainment shall be limited to three (3) days per week, unless the outdoor entertainment area is greater than 600 feet away from residential districts and the CBD-5 District.**
- 11. A 15 ft. buffer shall be maintained between the outdoor live entertainment area and a residential district or use.**
- 12. Outdoor speakers and instruments shall be directed away from adjacent residences to the greatest extent possible.**
- 13. In the Vieux Carre Districts, outdoor live entertainment – secondary use shall be prohibited.**

Adopted by Ord. 28219 MCS, Oct. 17, 2019, ZD 45/19

20.3.TT PUBLIC MARKET

1. Hours of operation are limited to 7:00 a.m. to 8:00 p.m., unless otherwise extended by the provisions of an overlay zoning district.

2. All size restrictions shall be consistent with the retail sales size restrictions in the zoning district, if applicable.
3. No portion of a public market may encroach onto the public right-of-way or be placed in such a way that requires customers to occupy the sidewalk or the public right-of-way.
4. The sale of food for consumption on or off the premises requires licensing by the City and approval by the Department of Health.
5. The sale of firearms, adult retail goods, and sexually-oriented devices is prohibited.
6. The retail sale of packaged alcoholic beverages is only allowed where such use is allowed as a permitted use in the zoning district in which the public market is located, or when approved through the conditional use process where such use is a conditional use in the zoning district where the public market is located.
7. In all districts except the Historic Core and Open Space Districts, fencing and landscaping shall be provided along all interior side and rear property lines of a site on which a public market is located. A fencing and landscaping plan shall be submitted for the review and approval of the Executive Director of the City Planning Commission.
8. **Unless otherwise extended by the provisions of an overlay zoning district, Outdoor Live Entertainment is allowed as an ancillary use 11am to 8pm subject to the following restrictions:**
 - a. **Market booths, their circulation areas, permanent structures, and setbacks from property lines shall constitute at least 50% of the site area.**
 - b. **Compliance with the New Orleans sound/noise ordinance is required.**
 - c. **A 15 feet buffer shall be maintained between the outdoor live entertainment area and a residential district or use.**

20.3.R CULTURAL FACILITY

1. Where located in any residential district, hours of operation for events at cultural facilities are limited to 8:00am to 10:00pm on Mondays through Thursdays, and 8:00am to 12:00 midnight on Fridays, Saturdays, and Sundays.
2. **In a residential district and the CBD-5 District, outdoor live entertainment is limited to 11am to 9pm Friday and Saturday, and 11am to 8pm on Sunday, one (1) day per week.**
3. **In a non-residential district, outdoor live entertainment is limited to 11am to 9pm, Sunday through Thursday, 11am to 10pm Friday and Saturday.**
4. **A 15 ft. buffer shall be maintained between the outdoor live entertainment area and a residential district or use.**
5. **For the outdoor live entertainment area, a noise abatement plan is required.**

6. Outdoor speakers and instruments shall be directed away from adjacent residences to the greatest extent possible.

7. Compliance with the New Orleans Sound/Noise Ordinance is required.

8. In a non-residential district, outdoor live entertainment shall be limited to three (3) days per week, unless the outdoor entertainment area is greater than 600 feet away from residential districts and the CBD-5 District.

20.3.UUU HOTELS

1. Outdoor live entertainment is limited to 4pm to 9pm, Monday through Thursday, 11am to 10pm Friday and Saturday, and 11am to 9pm on Sunday.

2. Outdoor live entertainment shall be limited to three (3) days per week, unless greater than 600 feet away from residential districts and the CBD-5 District.

3. A noise abatement plan is required for live entertainment.

4. Outdoor speakers and instruments shall be directed away from adjacent residences to the greatest extent possible.

5. Compliance with the New Orleans Sound/Noise Ordinance is required.

6. A 15 ft. buffer shall be maintained between the outdoor live entertainment area and a residential district or use.

7. Outdoor live entertainment shall be prohibited in the Vieux Carre Districts.

E. Compliance with approval standards

The City Planning Commission recommendation and the City Council decision on any zoning text amendment are matters of legislative discretion. In making their recommendation and decision, the City Planning Commission and the City Council are required to consider the standards in **Article 4, Section 4.2.E (Table 4-1) – Standards for Zoning Amendments** of the Comprehensive Zoning Ordinance. In this section, the staff evaluates the application using those standards.

The proposed amendment is compatible with the Master Plan and Future Land Use Map.

A land use action is consistent with the *Plan for the 21st Century* (commonly referred to as the Master Plan) if it furthers, or at least does not interfere with, the goals, policies, and guidelines, including design guidelines, in the Land Use Element of the Master Plan and is compatible with the proposed future land use. The Master Plan uses a Future Land Use Map to identify which land uses should fall in each area of the City. Those areas allow certain zones that conform to the future land use designation of the area.

Generally, the proposed text amendments would authorize an outdoor live entertainment component for uses already authorized in the zoning districts; therefore, the Master Plan consistency determination has already been made when the use was originally written as permitted or conditional in the districts. The exception to this is for outdoor amphitheaters which are recommended for addition to the more intense zoning districts. The staff finds that the proposal to authorize outdoor amphitheaters in the EC Educational Campus, LI Light Industrial, S-LM Lake Marina, C-2 General Commercial, C-3 General Commercial, and OS-G Open Space Greenway Districts are consistent with the below corresponding districts based on range of uses, compatibility with uses, location, etc. However, mitigation measures and the conditional use process should be employed appropriately.

INDUSTRIAL

Goal: Retain land to further strengthen port activity, maritime-related activities, manufacturing and other uses that provide jobs and opportunities for New Orleans' residents.

Range of Uses: Heavy manufacturing, maritime uses, water treatment and transfer, large warehousing/distribution facilities, stormwater management, and limited commercial uses are allowed. Transit and transportation facilities are allowed. Urban mixed use developments are allowed.

Development Character: Often located near rail and highway infrastructure, massing and bulk will vary depending on location, however, proper buffers/standards required, particularly when abutting residential neighborhoods. Incorporate risk reduction and adaptation strategies in the built environment.

MIXED-USE MARITIME

Goal: Preserve and provide areas for maritime-related residential and commercial uses east of Chef Pass on properties adjacent to Chef Menteur Highway in Lake St. Catherine (Planning District 11), along a certain portion of the Mississippi River Gulf Outlet near Interstate 510, and around harbors along Lake Pontchartrain.

Range of Uses: Single-family residential, fishing camps and boathouses, marinas, yacht clubs, maritime associations, community sailing, maritime-related businesses and supporting commercial uses. Transit and transportation facilities, agricultural, and stormwater management uses are allowed. New development shall only be permissible in accordance with State regulations.

Development Character: Scale (height and massing) and allowed uses to match existing character of surrounding areas. Incorporate risk reduction and adaptation strategies in the built environment

GENERAL COMMERCIAL

Goal: Increase the availability of retail services and amenities (and increase retail tax base) within the City of New Orleans, especially in areas that are currently underserved by retail, with existing and new medium- and large-scale commercial establishments and shopping centers.

Range of Uses: Larger commercial structures including shopping and entertainment centers typically anchored by large supermarkets, department stores or big-box style establishments with supportive retail, services, offices, surface or structured parking, and limited dwellings above the ground floor. Agricultural, stormwater management, and supporting public recreational and community facilities are allowed. Transit and transportation facilities are allowed.

Development Character: Structures oriented to the street where possible to encourage both pedestrian and automobile traffic. Sites are limited to accessible locations along major city roadways or highways with minimal negative impact on surrounding residential areas, often in proximity to transit. Incorporate risk reduction and adaptation strategies in the built environment.

PARKLAND AND OPEN SPACE

Goal: Provide areas for parks, recreational facilities and open space networks owned by public or semi-public entities while offering the opportunity to utilize such spaces for stormwater management measures.

Range of Uses: Parks, playgrounds, recreation facilities and athletic fields; neutral grounds and passive open spaces, agricultural uses, rain gardens, bioswales and other stormwater management measures. In large parks, a variety of passive and active recreation facilities, cultural facilities, and supportive commercial uses may be allowed.

Development Character: Ranges from programmatic parks and indoor and outdoor recreational areas to preserved open space, with the opportunity to provide for stormwater management measures. Incorporate risk reduction and adaptation strategies in the built environment.

The proposed amendment is compatible with the place designations of this Ordinance.

This standard is met. The text amendment would not alter the place designations of any zoning district.

The proposed amendment promotes the public health, safety and welfare of the City.

This standard is met. The recommendations promote economic development by building

upon New Orleans' strengths of music and culture. The recommended use standards, including hours of operation, noise abatement plans, and other limitations protect the residential health, safety and welfare of the community.

The proposed amendment is compatible with the intent and general regulations of this Ordinance.

This standard is met. The recommendations enhance civic amenities, promote economic development and provide for the appropriate use of land.

The proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy.

This standard is met. The text amendments reflect a change in policy based on the City Planning Commission's Outdoor Live Entertainment Study recommendations.

The proposed amendment benefits the citizens of the City as a whole.

This standard is met. The proposed text amendment benefit the citizens by promoting our culture, jobs, and civic amenities.

The proposed amendment provides a more workable way to achieve the intent and purposes of this Ordinance and the Master Plan.

This standard is met. The current limitations on outdoor live entertainment provide very limited opportunities.

The proposed amendment does not create a significant number of nonconformities.

This standard is met. The recommended text amendments expand zoning permissions and therefore do not create a significant number of nonconformities.

III. SUMMARY

With the need to recommend exact language for the text of the Comprehensive Zoning Ordinance and the complexity of considering the numerous alternatives for providing outdoor live entertainment in a manner compatible with nearby uses, the staff has refined the recommendations from the Outdoor Live Entertainment Study. The modifications from the Outdoor Live Entertainment Study proposals mainly include four changes (1) a requirement of a greater distance between the outdoor live entertainment area and residential districts to be authorized as permitted rather than conditional; (2) limitations of the number of days per week based on distance between the outdoor live entertainment area and residential districts; (3) cultural facilities in residential areas limited to one day of outdoor live entertainment per week; and (4) a new temporary use allowance for indoor or outdoor live entertainment ancillary to establishments that serve food and

beverages for consumption on premises with a limitation of one day per week unless located in an Arts & Cultural Overlay District, which would be allowed two days per week.

IV. PRELIMINARY STAFF RECOMMENDATION

The staff recommends **MODIFIED APPROVAL** of Zoning Docket 030-22 with the following zoning text changes. Proposed insertions are shown below with new language shown in **bold, underlined** text. Proposed deletions are shown in ~~strikethrough~~ text.

Articles 7 through 17 Zoning District Use Tables

Open Space Districts

Tables 7-1: Permitted and Conditional Uses							
Uses	Districts						
	OS-N	OS-G	OS-R	NA	GPD	OS-CBD	USE STANDARDS

COMMERCIAL USE							
Amusement Facility, Outdoor		C	P <u>P/C¹⁰</u>		C ⁵		Section 20.3.E

Outdoor Amphitheater		C <u>P/C¹⁰</u>	P			P ⁷	<u>Section 20.3.TTT</u>

Public Market		P	P			P ⁸	Section 20.3.TT

Reception Facility			<u>P/C¹⁰</u>				Section 20.3.WW

INSTITUTIONAL USE							

Cultural Facility		C	P		C ⁶	P	Section 20.3.R

⁵ Subject to the use restrictions in Section 7.2.B.1.

⁶ Subject to the use restrictions in Section 7.2.B.2.

⁷ Subject to the use restrictions in Section 7.2.B.3.

⁸ Subject to the use restrictions in Section 7.2.B.4.

⁹ Subject to the use restrictions in Section 7.2.B.5.

¹⁰ **The use is permitted, but the outdoor live entertainment component of this use shall be located more than 600 feet from a residential district or residential use; otherwise, the outdoor live entertainment component is a conditional use. The 600 feet distance is to be measured from the outdoor entertainment area to the nearest residential district boundary.**

7.2.B.1 USES IN THE GPD DISTRICTS

In the portions of the GPD District in Planning District 9 and 10, certain uses shall be conditional uses, subject to the following limitations:

- a. Any proposed development site that meets, or met at the time of this ordinance, the minimum size standards for a planned development in Article 5, Section 5.2.C shall be considered under the planned development process and is not eligible for consideration as a conditional use.
- b. Only properties located in Planning District 9 and 10 are eligible for conditional use consideration.
- c. A conditional use may be granted if the City Council finds that the proposed uses are compatible with uses existing or anticipated to occur upon the adjacent sites and will be properly screened or buffered from adjacent properties as needed to minimize potential negative impacts.
- d. The proposed development shall comply with the development regulations, design standards, and required protection requirements found in Article 5, Section 5.4.

7.2.B.2 S-RS DISTRICT USES IN THE GPD DISTRICTS

In the portions of the GPD District in Planning Districts 12 and 13, certain uses in the S-RS District shall be conditional uses, subject to the following limitations:

- i. Any proposed development site that meets, or met at the time of this ordinance, the minimum size standards for a planned development in [Article 5, Section 5.2.C](#) shall be considered under the planned development process and is not eligible for consideration as a conditional use.
- j. Only properties located in Planning Districts 12 and 13 are eligible for conditional use consideration.
- k. A conditional use may be granted if the City Council finds that the proposed uses are compatible with uses existing or anticipated to occur upon the adjacent sites and will be properly screened or buffered from adjacent properties as needed to minimize potential negative impacts.
- l. The proposed development shall comply with the S-RS District Site Design Standards found in [Article 13, Section 13.3](#).

7.2.B.3 OUTDOOR AMPHITHEATER USES IN THE OS-CBD DISTRICTS

In the OS-CBD Districts, outdoor amphitheater is a permitted use subject to the following standards:

- a. Outdoor amphitheater uses are permitted in the OS-CBD a maximum of three (3) times per week. Uses exceeding three (3) times per week shall obtain special event permits or shall require a conditional use.
- b. Hours of operation are restricted to the following:
 - i. Monday through Sunday from 10:00 a.m. to 10:00 p.m.
- c. Outdoor amphitheater shall be oriented away from residences to the greatest extent feasible.

7.2.B.4 PUBLIC MARKET USES IN THE OS-CBD DISTRICTS

In the OS-CBD Districts, public markets are permitted but subject to the following use standards in addition to those found in Article 20, Section 20.3.TT:

- a. Public markets are permitted in the OS-CBD District, with a maximum of one operator each day.
- b. Live musical accompaniment is allowed as ancillary to the public market only during its authorized hours of operation.

Rural Development Districts

Tables 8-1: Permitted and Conditional Uses		
Uses	Districts	
	R-RE	M-MU

INSTITUTIONAL USE		

Cultural Facility	C	C

Historic Core Neighborhoods Residential Districts

Tables 9-1: Permitted and Conditional Uses					
Uses	Districts				
	VCR-1	VCR-2	HMR-1	HMR-2	HMR-3

INSTITUTIONAL USE					

Cultural Facility	C	C	C	C	P P/C ⁵

⁵ **The use is permitted, but any outdoor live entertainment component of the facility shall be a conditional use.**

Historic Core Neighborhoods Non-Residential Districts

Tables 10-1: Permitted and Conditional Uses											
Uses	Districts										USE STANDARDS
	VCC-1	VCC-2	VCE	VCE-1	VCS	VCS-1	VCP	HMC-1	HMC-2	HM-MU	

COMMERCIAL USE											

Hotel/Motel									P P/C ⁸	C	<u>Section 20.3.UUU</u>

Live Entertainment -Secondary Use			P	P					C ²	C	Section 20.3.JJ

Public Market		P			P	P		P	P	P	Section 20.3.TT

Reception Facility									C		Section 20.3.WW

INSTITUTIONAL USE											

Cultural Facility	C	PP P/C ⁸	C	C	P	P	C	PP P/C ⁸	PP P/C ⁸	PP P/C ⁸	Section 20.3.R

² Subject to the use restrictions in Section 10.2.B.7.

8. **The use is permitted, but the outdoor live entertainment component of this use shall be located more than 600 feet from a residential district; otherwise, the outdoor live entertainment component is a conditional use. The 600 feet distance is to be measured from the outdoor entertainment area to the nearest residential district boundary.**

10.2.B.7 HMC-2 DISTRICT LIVE ENTERTAINMENT LIMITATION

In the HMC-2 District, a live performance venue and/or live entertainment – secondary use is limited to one (1) per blockface.

Historic Urban Neighborhoods Residential Districts

Tables 11-1: Permitted and Conditional Uses					
Uses	Districts				
	HU-RS	HU-RD1	HU-RD2	HU-RM1	HU-RM2

INSTITUTIONAL USE					

Cultural Facility	C	C	C	C	C

Historic Urban Neighborhoods Residential Districts

Tables 12-1: Permitted and Conditional Uses					
Uses	Districts			Use Standards	
	HU-B1A	HU-B1	HU-MU		

COMMERCIAL USE					

Hotel/Motel			C	Section 20.3.UUU	
Live Entertainment – Secondary Use			C	Section 20.3.JJ	

Public Market		P	P	Section 20.3.TT	

Reception Facility		C	C	Section 20.3.WW	

INSTITUTIONAL USE					

Cultural Facility	C	C	C	Section 20.3.R	

Suburban Neighborhoods Residential Districts

Tables 13-1: Permitted and Conditional Uses				
Uses	Districts			
	S-RS	S-RD	S-RM1	S-RM2

INSTITUTIONAL USE				

Cultural Facility	C	C	C	C

Suburban Neighborhoods Non-Residential Districts

Tables 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									

Hotel/Motel					C			C	Section 20.3.UUU

Live Entertainment -Secondary Use	C	C	C	C	C	C			Section 20.3.JJ

Public Market	P	P	P	P	P	P		P	Section 20.3.TT

INSTITUTIONAL USE									

Cultural Facility	C	C	C	C	C	C			Section 20.3.R

Commercial Center and Institutional Campus Districts

Tables 15-1: Permitted and Conditional Uses									
Uses	Districts								Use Standards
	C-1	C-2	C-3	MU-1	MU-2	EC	MC	MS	

COMMERCIAL USE									

Amusement Facility, Outdoor		C	PP/C⁹	C	PP/C⁹	C			Section 20.3.E

Hotel/Motel	PP/C⁹	PP/C⁹	PP/C⁹	PP/C⁹	PP/C⁹	PP/C⁹	PP/C⁹	PP/C⁹	Section 20.3.UUU

Live	C	P⁹	C	C	P⁹				Section

Entertainment – Secondary Use		<u>PP/C⁹</u>			<u>P/C⁹</u>					20.3.JJ

Outdoor Amphitheater		<u>P/C⁹</u>	<u>P/C⁹</u>							Section 20.3.TTT

Public Market	P	P	P	P	P	P				Section 20.3.TT

Reception Facility	C	<u>PP/C⁹</u>	<u>PP/C⁹</u>	<u>PP/C⁹</u>	<u>PP/C⁹</u>					Section 20.3.WW

INSTITUTIONAL USE										

Cultural Facility	<u>PP/C⁹</u>	<u>PP/C⁹</u>	<u>PP/C⁹</u>	<u>PP/C⁹</u>	<u>PP/C⁹</u>	<u>PP/C⁹</u>	<u>PP/C⁹</u>			Section 20.3.R

⁹ Classified as a Conditional Use in Breweries: **The use is permitted, but the outdoor live entertainment component of this use shall be located more than 600 feet from a residential district; otherwise, the outdoor live entertainment component is a conditional use. The 600 feet distance is to be measured from the outdoor entertainment area to the nearest residential district boundary.**

Centers for Industry

Tables 16-1: Permitted and Conditional Uses					
Uses	Districts				Use Standards
	LI	HI	MI	BIP	

COMMERCIAL USE					

Hotel/Motel	<u>PP/C⁷</u>	C	<u>PP/C⁷</u>	<u>PP/C⁷</u>	Section 20.3.UUU

Reception Facility	<u>PP/C⁷</u>				Section 20.3.WW

⁷ **The use is permitted, but the outdoor live entertainment component of this use shall be located more than 600 feet from a residential district; otherwise, the outdoor live entertainment component is a conditional use. The 600 feet distance is to be measured from the outdoor entertainment area to the nearest residential district boundary.**

Central Business Districts

Tables 17-1: Permitted and Conditional Uses								
Uses	Districts							Use
	CBD-1	CBD-2	CBD-3	CBD-4	CBD-5	CBD-6	CBD-7	

								Standards

COMMERCIAL USE								

Amusement Facility, Outdoor				<u>PP/C⁶</u>				Section 20.3.E

Hotel/Motel	<u>PP/C⁶</u>	<u>PP/C⁶</u>	<u>PP/C⁶</u>	<u>PP/C⁶</u>	C	<u>PP/C⁶</u>	<u>PP/C⁶</u>	Section 20.3.UUU

Live Entertainment -Secondary Use	<u>PP/C⁶</u>	<u>P⁶ P/C⁶</u>	<u>PP/C⁶</u>	<u>PP/C⁶</u>	<u>PP/C⁶</u>	<u>PP/C⁶</u>	<u>P⁶ P/C⁶</u>	Section 20.3.JJ

Outdoor Amphitheater				C				Section 20.3.TTT

Public Market	C	C	C	C	P	P	C	Section 20.3.TT

Reception Facility	<u>PP/C⁶</u>	<u>PP/C⁶</u>	<u>PP/C⁶</u>	<u>PP/C⁶</u>	C	<u>PP/C⁶</u>	<u>PP/C⁶</u>	Section 20.3.WW

INSTITUTIONAL USE								

Cultural Facility	<u>PP/C⁶</u>	<u>PP/C⁶</u>	<u>PP/C⁶</u>	<u>PP/C⁶</u>	<u>PP/C⁶</u>	<u>PP/C⁶</u>		Section 20.3.R

⁶ Classified as a Conditional Use in Breweries. **The use is permitted, but the outdoor live entertainment component of this use shall be located more than 600 feet from a residential district and the CBD-5 District; otherwise, the outdoor live entertainment component is a conditional use. The 600 feet distance is to be measured from the outdoor entertainment area to the nearest residential district boundary.**

Article 22, Section 20.4 Required Off-Street Parking Spaces

Tables 22-1: Off-Street Vehicle and Bicycle Parking Requirements			
Uses	Minimum Required Vehicle Spaces	Minimum Required Bicycle Spaces	
		Required Short-Term Bicycle Spaces	Percentage of Long-Term Bicycle Spaces
<u>Outdoor Amphitheater</u>	<u>1 per 300 sf GFA of seating and/or standing areas</u>	<u>1 per 2,500 sf GFA</u>	

Section 26.6 Definitions

Live Entertainment – Secondary Use. Any one (1) or more of any of the following live performances, performed live by one (1) or more persons, whether or not done for compensation and whether or not admission is charged: musical act, theatrical play or act, including stand-up comedy, magic, dance clubs, and disc jockey performances using vinyl records, compact discs, computers, or digital music players when the disc jockey is in verbal communication with the clientele of the establishment. Live entertainment - secondary use shall be part of a standard restaurant, specialty restaurant, indoor amusement facility, **outdoor amusement facility**, bar, **winery, micro-distillery, distillery, micro-brewery** or brewery, and shall be approved separately. A standard restaurant, specialty restaurant, indoor amusement facility, or bar may be open to the public when no live performances are scheduled. Live entertainment - secondary use does not include:

A. Any such activity performed for the practice or private enjoyment of the residents of a dwelling and their guests.

B. Any adult uses.

C. Periodic entertainment at educational facilities or places of worship, performances at cultural facilities, performances at reception facilities, performances at weddings, **spiritual**, or ~~similar~~ religious events, the playing of recorded music over speakers without a disc jockey, poetry readings, or spoken word performances.

D. Musical accompaniment for patrons at a restaurant (standard or specialty), in conformance with the following use standards:

1. During the performance of any musical accompaniment, all doors and windows in the restaurant shall remain closed. Any amplification used in support of a musical accompaniment shall be directed towards the patrons of the restaurant, and not toward any door, window or outdoor space.

2. No cover charge shall be charged for any performance of any musical accompaniment.

3. Full restaurant service shall continue during the performance of any musical accompaniment.

4. No more than ten percent (10%) of a restaurant's seating area may be dedicated to a staging area for any performance of musical accompaniment.

5. Aside from the portion of the restaurant seating area dedicated to the staging of the musical accompaniment, no restaurant seating may be removed or relocated during the performance in order to accommodate an audience and/or dance area.

6. Performance of the musical accompaniment shall not be permitted beyond 10:00 p.m. on Sundays through Wednesdays, or beyond midnight on Thursdays through Saturdays.

7. Musical accompaniment shall only be performed in the interior of a restaurant;

outdoor musical accompaniment shall be subject to the general Live Entertainment – Secondary Use regulations, as applicable.

E. Outdoor musical accompaniment accessory to a public market during its hours of operation.

Any musical accompaniment for patrons at a restaurant that is not in conformance with the above standards shall be included within the definition of Live entertainment – Secondary Use above, and shall be subject to the applicable regulations. Notwithstanding anything herein to the contrary, any musical accompaniment for patrons at a restaurant within any Vieux Carré District shall be included within the definition of Live Entertainment – Secondary Use.

Hotel/Motel. An establishment providing a room for sleeping accommodations for a fee with private bathroom facilities and customary lodging services. Related ancillary uses may include, but are not limited to conference and meeting rooms, restaurants, sale of convenience items, bars, and recreational facilities. Hotels shall be permitted to include units for sale designed or used exclusively for permanent residential use in all districts except in Light Industrial (LI), Heavy Industrial (HI), and Business Industrial Park (BIP) districts. **Indoor and outdoor live entertainment is allowed in a hotel restaurant, hotel bar, or hotel ballroom (acting as a reception facility) according to the applicable zoning district’s use permissions and use standards. Other common areas of the hotel may also provide indoor or outdoor live entertainment subject to use standards for a hotel.**

Article 21, Section 21.8 Temporary Uses

PERMITTED TEMPORARY USE	DISTRICT	TIMEFRAME	HOURS OF OPERATIONS	TEMPORARY USE STANDARDS
Carnival/Circus	Non- Residential			Section 21.8.C.1
Contractor Trailers, Construction Refuse Containers, and Real Estate Model Units (Temporary)	Permitted in any Zoning District when used in conjunction with construction operations on the same site where building permit is valid			Section 21.8.C.9
Farmers Markets (Temporary)	Any Zoning District	Maximum of one (1) event per week per premise	7:00 a.m. to 8:00 p.m.	Section 21.8.C.3

Table 21-3: Permitted Temporary Uses				
PERMITTED TEMPORARY USE	DISTRICT	TIMEFRAME	HOURS OF OPERATIONS	TEMPORARY USE STANDARDS
Garage/ Yard Sales	Any Zoning District	Maximum of three (3) consecutive days, with no more than three (3) consecutive sales events in any twelve (12) month period.		Section 21.8.C.5
Holiday Sales Lots (Temporary)	Any Zoning District	Maximum of forty five (45) days		Section 21.8.C.2
Mobile Food Trucks	Non- Residential		Sunday through Thursday: 6:00 a.m. to 10:00 p.m.; Friday and Saturday: 6:00 a.m. to 12:00 a.m.	Section 21.8.C.4
Outdoor Entertainment Events (Temporary)	Outdoor Space – Public or Private property	Maximum of three (3) consecutive days per event, max of eight (8) events per calendar year		Section 21.8.C.7
<u>Indoor or Outdoor Live Entertainment Accessory Use</u>	<u>Except within the Vieux Carre Districts and, establishments providing food and beverages for consumption on premises within non-residential districts</u>	<u>Maximum of one (1) day per week; maximum two (2) days per week in AC Arts & Culture Overlay Districts</u>	<u>Outdoor live entertainment is limited to 11am to 9pm, Sunday through Thursday, 11am to 10pm Friday and Saturday</u>	<u>Section 21.8.C.17</u>

21.8.C.7 TEMPORARY OUTDOOR ENTERTAINMENT EVENTS

A temporary live entertainment event, such as the performance of live music, revue, or play within outdoor space may be allowed on public or private property. The following standards apply to this temporary use. This does not include temporary reviewing stands, which are regulated separately.

- a. A management plan is required for review by the Director of Safety & Permits as part of the temporary use permit application that demonstrates the following:
 - i. The on-site presence of a manager during the event.
 - ii. General layout of performance areas, visitor facilities, such as seating areas and restrooms, and all ingress and egress points to the site.
 - iii. Provision for recycling and waste removal.
 - iv. The days and hours of operation, including set-up and take-down times.
 - v. A description of crowd control and security measures.
- b. Temporary outdoor entertainment events are limited to eight (8) events per calendar year and a maximum duration of three (3) days per event.

c. Establishments using the Temporary Outdoor Entertainment Events use permission shall not be authorized to also use the Indoor or Outdoor Live Entertainment Accessory Temporary Use permissions.

Section 21.8.C.17

Indoor or outdoor live entertainment may be allowed as a temporary use by a licensed business or institution in accordance with Table 21-3 and the following conditions.

- a. A 15 ft. buffer shall be maintained between the outdoor live entertainment area and a residential district or use.**
- b. A noise abatement plan is required.**
- c. Outdoor speakers and instruments shall be directed away from adjacent residences to the greatest extent possible.**
- d. Compliance with the New Orleans Sound/Noise Ordinance is required.**
- e. Establishments using the Indoor or Outdoor Live Entertainment Accessory Temporary Use permission shall not be authorized to also use the Temporary Outdoor Entertainment Events permission.**

Section 20.3 Use Standards

20.3.TTT OUTDOOR AMPHITHEATER

- 1. Outdoor live entertainment is limited to 11am to 9pm, Sunday through Thursday, 11am to 10pm Friday and Saturday.**

- 2. Outdoor Live Entertainment is limited to three days per week, unless greater than 600 feet away from residential districts and the CBD-5 District.**
- 3. A 15 feet buffer area is required between the outdoor entertainment area and a residential district or use.**
- 4. Compliance with the New Orleans sound/noise ordinance is required.**
- 5. Outdoor speakers and instruments shall be directed away from adjacent residences to the greatest extent possible.**

20.3.WW RECEPTION FACILITY

1. A general admission fee or any other monetary donations (payment at the door to the general public) for entrance is prohibited, with the exception of fundraisers or events for bona fide non-profit organizations, places of worship or educational facilities.
- ~~2. All events shall be held within a completely enclosed building. **Indoors** Live entertainment, if permitted as part of scheduled events, is subject to a closed doors and windows policy, and compliance with the City of New Orleans Noise Ordinance. Music of any kind is prohibited outside the building, unless approved through the conditional use process.~~
3. Outdoor lighting shall be directed away from adjacent residentially zoned property.
4. **Indoors** Hours of operation are restricted to 10:00 a.m. and 12:00 midnight Sunday through Thursday. Hours of operation are restricted to 10:00 a.m. and 4:00 a.m. Friday through Saturday.
- 5. Outdoor live entertainment is limited to 11am to 9pm, Sunday through Thursday, 11am to 10pm Friday and Saturday.**
- 6. Outdoor live entertainment shall be limited to three (3) days per week, unless the outdoor entertainment area is greater than 600 feet away from residential districts and the CBD-5 District.**
- 7. A 15 ft. buffer shall be maintained between the outdoor live entertainment area and a residential district or use.**
- 8. For the outdoor live entertainment area, a noise abatement plan is required.**
- 9. Outdoor speakers and instruments shall be directed away from adjacent residences to the greatest extent possible.**
- 10. Compliance with the New Orleans Sound/Noise Ordinance is required.**
- ~~5. A minimum distance of two hundred (200) feet is required between any new reception facility and the nearest residential district.~~

20.3.E. AMUSEMENT FACILITY, INDOOR OR OUTDOOR

1. An indoor or outdoor amusement facility shall submit the following impact management plans, to be reviewed by the Director of Safety and Permits, and all other

relevant City agencies:

- a. A noise abatement plan.
- b. A security and operation plan. The security plan shall include the provision of exterior security cameras.

2. If a standard restaurant or bar is allowed within the zoning district, such uses may be included as part of the indoor amusement facility so long as separate approval is obtained for the standard restaurant or bar. If alcoholic beverages are served, the applicant shall submit a summary of the number and location of places of worship, educational facilities, and parks and playgrounds within three-hundred (300) feet of the proposed location, which may trigger a prohibition as part of Section 10-110 of the City Code.

3. If the use plans an increase in intensity, such as an expansion of floor area or increase in permitted occupancy, the security and operation plan shall be updated and resubmitted for approval. A revised security and operation plan shall be approved prior to the issuance of any permits.

4. The security and operation plan may be revised by the property owner or person authorized in writing by the owner. New plans shall be resubmitted for approval.

5. **Outdoor live entertainment is limited to 11am to 9pm, Sunday through Thursday, 11am to 10pm Friday and Saturday.**

6. **Outdoor live entertainment shall be limited to three (3) days per week, unless the outdoor entertainment area is greater than 600 feet away from residential districts and the CBD-5 District.**

7. **The main amusement facility must remain open while any ancillary outdoor live entertainment takes place.**

8. **A 15 feet buffer area is required between the outdoor entertainment area and a residential district or use.**

9. **Compliance with the New Orleans sound/noise ordinance is required.**

20.3.JJ LIVE ENTERTAINMENT – SECONDARY USE AND LIVE PERFORMANCE VENUE

1. Live entertainment - secondary may only be established when allowed within a zoning district and in conjunction with a bar, standard restaurant, **indoor or outdoor** amusement facility, **winery, micro-distillery, distillery, micro-brewery**, or brewery.

2. Live entertainment – secondary use and live performance venues shall submit a noise abatement plan, to be reviewed by the Director of Safety and Permits, and all other appropriate City agencies, which shall address the intended use of amplification, noise levels, and need for

soundproofing. ~~Outdoor live entertainment areas located within thirty (30) feet of a residential district shall be a conditional use.~~

3. Live entertainment - secondary use and live performance venues shall submit a security and operation plan, with the following added:

- a. For live entertainment – secondary use, the days and hours of operation for the establishment’s general operations as a standard restaurant or bar, and the days and hours of operation for the live entertainment component.
- b. The configuration of the live entertainment area within the establishment.
- c. Loading areas.
- d. All live entertainment – secondary use and live performance shall provide exterior security cameras.

4. Live entertainment – secondary use and live performance venues shall submit a summary of the number and location of places of worship, educational facilities, and parks and playgrounds within three-hundred (300) feet of the proposed location.

5. Windows and doors shall be closed during **indoor** live entertainment performances and compliance with the City of New Orleans Noise Ordinance is required. ~~In the Vieux Carré Districts, music of any kind is prohibited outside the building, unless authorized through the conditional use process.~~

6. If the live entertainment - secondary use and live performance venues use plans an increase in intensity, such as an expansion of floor area, increase in live performance area or increase in permitted occupancy, a security and operation plan shall be updated and resubmitted for approval. Revised security and operation plans shall be approved prior to the issuance of any permits.

7. Security and operation plans may be revised by the property owner or person authorized in writing by the owner. New plans shall be resubmitted for approval.

8. Because live entertainment – secondary use is only allowed with a bar, standard restaurant, indoor amusement facility, **outdoor amusement facility**, bar, **winery, micro-distillery, distillery, micro-brewery**, or brewery, when the submittal requirements of live entertainment – secondary use and standard restaurant or bar are duplicated, only one (1) set of submittal requirements is required to be submitted and updated.

9. Outdoor live entertainment is limited to 11am to 9pm, Sunday through Thursday, 11am to 10pm Friday and Saturday.

10. Outdoor live entertainment shall be limited to three (3) days per week, unless the outdoor entertainment area is greater than 600 feet away from residential districts and the CBD-5 District.

11. A 15 ft. buffer shall be maintained between the outdoor live entertainment area and a residential district or use.

12. Outdoor speakers and instruments shall be directed away from adjacent residences to the greatest extent possible.

13. In the Vieux Carre Districts, outdoor live entertainment – secondary use shall be prohibited.

Adopted by Ord. 28219 MCS, Oct. 17, 2019, ZD 45/19

20.3.TT PUBLIC MARKET

1. Hours of operation are limited to 7:00 a.m. to 8:00 p.m., unless otherwise extended by the provisions of an overlay zoning district.
2. All size restrictions shall be consistent with the retail sales size restrictions in the zoning district, if applicable.
3. No portion of a public market may encroach onto the public right-of-way or be placed in such a way that requires customers to occupy the sidewalk or the public right-of-way.
4. The sale of food for consumption on or off the premises requires licensing by the City and approval by the Department of Health.
5. The sale of firearms, adult retail goods, and sexually-oriented devices is prohibited.
6. The retail sale of packaged alcoholic beverages is only allowed where such use is allowed as a permitted use in the zoning district in which the public market is located, or when approved through the conditional use process where such use is a conditional use in the zoning district where the public market is located.
7. In all districts except the Historic Core and Open Space Districts, fencing and landscaping shall be provided along all interior side and rear property lines of a site on which a public market is located. A fencing and landscaping plan shall be submitted for the review and approval of the Executive Director of the City Planning Commission.
8. **Unless otherwise extended by the provisions of an overlay zoning district, Outdoor Live Entertainment is allowed as an ancillary use 11am to 8pm subject to the following restrictions:**
 - a. **Market booths, their circulation areas, permanent structures, and setbacks from property lines shall constitute at least 50% of the site area.**
 - b. **Compliance with the New Orleans sound/noise ordinance is required.**
 - c. **A 15 feet buffer area is required between the outdoor live entertainment area and a residential district or use.**

20.3.R CULTURAL FACILITY

1. Where located in any residential district, hours of operation for events at cultural facilities are limited to 8:00am to 10:00pm on Mondays through Thursdays, and 8:00am to 12:00 midnight on Fridays, Saturdays, and Sundays.
- 2. In a residential district and the CBD-5 District, outdoor live entertainment is limited to 11am to 9pm Friday and Saturday, and 11am to 8pm on Sunday, one (1) day per week.**
- 3. In a non-residential district, outdoor live entertainment is limited to 11am to 9pm, Sunday through Thursday, 11am to 10pm Friday and Saturday.**
- 4. A 15 ft. buffer shall be maintained between the outdoor live entertainment area and a residential district or use.**
- 5. For the outdoor live entertainment area, a noise abatement plan is required.**
- 6. Outdoor speakers and instruments shall be directed away from adjacent residences to the greatest extent possible.**
- 7. Compliance with the New Orleans Sound/Noise Ordinance is required.**
- 8. In a non-residential district, outdoor live entertainment shall be limited to three (3) days per week, unless the outdoor entertainment area is greater than 600 feet away from residential districts and the CBD-5 District.**

20.3.UUU HOTELS

- 1. Outdoor live entertainment is limited to 4pm to 9pm, Monday through Thursday, 11am to 10pm Friday and Saturday, and 11am to 9pm on Sunday.**
- 2. Outdoor live entertainment shall be limited to three (3) days per week, unless greater than 600 feet away from residential districts and the CBD-5 District.**
- 3. A noise abatement plan is required for live entertainment.**
- 4. Outdoor speakers and instruments shall be directed away from adjacent residences to the greatest extent possible.**
- 5. Compliance with the New Orleans Sound/Noise Ordinance is required.**
- 6. A 15 ft. buffer shall be maintained between the outdoor live entertainment area and a residential district or use.**
- 7. Outdoor live entertainment shall be prohibited in the Vieux Carre Districts.**

V. REASONS FOR RECOMMENDATION

1. The request is consistent with the Master Plan.
2. The amendments implement recommendations of the Outdoor Live Entertainment Study while taking into account new considerations.
3. The recommended text amendments build upon one New Orleans' greatest strengths – its culture and music.

MOTION

NO. M-22-111

CITY HALL: February 17, 2022

BY: COUNCILMEMBERS MORENO, MORRELL, HARRIS, THOMAS, KING AND GREEN

WHEREAS, pursuant to Motion No. M-20-5, the Council directed the City Planning Commission to conduct a study on Outdoor Live Entertainment regulations in the Comprehensive Zoning Ordinance, and any correlating requirements in the City Code, to determine if modifications are warranted, the purpose of which to be to clarify and standardize all references to Outdoor Live Entertainment, including but not limited to Outdoor Musical Accompaniment, Outdoor Amphitheater, live entertainment outdoors, and Outdoor Amusement Facility; and

WHEREAS, the City Planning Commission conducted a hearing and issued its Outdoor Live Entertainment Study dated February 1, 2021, and such study was received by Council at its February 11, 2021 Regular Meeting; and

WHEREAS, the Council desires to proceed with the phased approach to amending the outdoor live entertainment regulations of the Comprehensive Zoning Ordinance as proposed in the Outdoor Live Entertainment Study; **NOW THEREFORE**

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the City Planning Commission is directed to conduct a public hearing to consider amending and reordaining Ordinance No. 4264 M.C.S., as amended by Ordinance No. 26,413 M.C.S., as amended, the Comprehensive Zoning Ordinance of the City of New Orleans, to recommend text amendments to the Comprehensive Zoning Ordinance to incorporate the Phase 1 proposals outlined by the City Planning Commission staff in Section VII Recommended Amendments to the Comprehensive Zoning Ordinance of its Outdoor Live Entertainment Study (pages 73-81);

including, but not limited to expanding the allowed number of temporary outdoor entertainment events; expanding the zoning districts in which outdoor amphitheaters may operate; authorizing outdoor live entertainment as an ancillary use for Outdoor Amusement Facilities; clarifying and revising the use standards and use charts for Live Entertainment – Secondary Use; changing the definition of live entertainment – secondary use to include periodic entertainment such as “spiritual events” and “incidental” outdoor live entertainment (e.g., brass band and second line stops on private property along its route); changing use standards for size compatibility applicable to Public Markets to assure the market is the main use when adding live entertainment; expanding Live Entertainment – Secondary Use within Arts & Cultural (AC) Overlay Districts; and expanding ancillary uses of hotel operations to include outdoor live entertainment.

BE IT FURTHER MOVED BY THE CITY COUNCIL OF THE CITY OF NEW ORLEANS, That in the process of reviewing this amendment, the City Planning Commission staff is directed and granted the flexibility to make all appropriate changes to the proposed regulations and any existing corresponding regulations in the Comprehensive Zoning Ordinance to establish consistency and continuity with the format of the existing zoning code, 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:

NAYS:

ABSENT:

AND THE MOTION WAS ADOPTED.