

Selected Provisions of the New Orleans Draft Comprehensive Zoning Ordinance (CZO)

City Council Review Draft dated as of September 2014

[http://www.nola.gov/city-planning/draft-comprehensive-zoning-ordinances-\(czo\)/city-council-review-version/](http://www.nola.gov/city-planning/draft-comprehensive-zoning-ordinances-(czo)/city-council-review-version/)

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Definitions (Article 26):

“**Art Gallery.** A commercial establishment engaged in the sale, loan, and exhibition of paintings, sculpture, photography, video art, or other works of art. An art gallery does not include a cultural facility, such as a library, museum, or non-commercial gallery that may also display paintings, sculpture, photography, video art, or other works of art. This includes a permanent outdoor art market on private property where artists display and sell hand-crafted or personally produced art directly to retail customers at stalls, booths, tables, platforms, or similar display areas, under the supervision of a proprietor that rents or otherwise arranges for assigned spaces for each vendor.

Artist Community. Land and structures used as a meeting place, retreat, and exhibition center for the exchange of ideas between artists, members of the professional art community, and the general public, which may provide exhibition space, work space, meeting space, lecture halls, performance space, and sculpture parks, as well as living and dining facilities for the staff, artists, and participants in the center’s retreat programs.

Arts Studio. An establishment for the instruction or study of an art or type of exercise or activity such as dance, martial arts, photography, music, painting, gymnastics, or yoga.

...

Brewery/Distillery. A facility for either the production and packaging of malt beverages of low alcoholic content for wholesale distribution *The facilities may include a tasting room or other uses*

such as a standard restaurant, bar, or live entertainment as permitted in the zoning district, subject to the use standards of Article 20

Broadcast Studio. Commercial and public communications facilities, including radio, internet, television broadcasting and receiving stations, and studios.

...

Indoor Amusement Facilities. Spectator and participatory uses conducted within an enclosed building,

such as movie theaters, bowling alleys, pool halls, arcades, and indoor sporting exhibitions. Indoor

amusement facilities do not include stadiums, arenas, or live performance venues. Indoor amusement

facilities may include ancillary uses such as snack bars or restaurants for the use of patrons but do not

serve alcoholic beverages. However, if a standard restaurant, live entertainment – secondary use, or bar

is allowed within the district, such uses may be included as part of the indoor amusement facility so long

as separate approval is obtained for the standard restaurant, live entertainment – secondary use, or bar.

...

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.

Live entertainment - secondary use shall be part of a standard restaurant, specialty restaurant, indoor

amusement facility or bar, 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. Non-amplified musical accompaniment for patrons at a restaurant, except within a Vieux Carré

District. Non-amplified musical accompaniment for patrons at a restaurant within any Vieux Carré

District is included within the definition of Live Entertainment – Secondary Use.

Live Performance Venue. An indoor facility for the presentation of live performances, including musical

acts, theatrical plays or acts, stand-up comedy, magic, dance clubs, and disc jockey performances using

vinyl records, compact discs, computers, or digital music players. A live performance venue is only open

to the public when a live performance is scheduled. Unless otherwise restricted by this Ordinance, a live

performance venue may serve alcoholic beverages as an ancillary use but only when the venue is open

to the public for the live performance. A live performance venue does not include any adult uses.

...

Micro-Brewery/Micro-Distillery. A facility for the production and packaging of malt beverages of low

alcoholic content for distribution, retail or wholesale, on- or off-premises *The facilities may include a tasting room or other uses such as a standard restaurant, bar, or live entertainment as permitted in the zoning district, subject to the use standards of Article 20*

...

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.

Recording Studio. A facility for sound recording and mixing.”

Provisions containing references to music:

Article 17, Central Business District

“CHARACTER OF THE CENTRAL BUSINESS DISTRICT

The character of the Central Business District is defined

by:

...

Cultural and entertainment destinations, including museums, theaters, and music venues” (cover page of Article)

“17.2 PURPOSE STATEMENTS

...

C. CBD-3 Cultural Arts District

The CBD-3 Cultural Arts District is intended to create a cultural and entertainment destination through the clustering of museum, cultural, performing arts, and supporting visitor services uses. The CBD-3 District is also intended to accommodate a mixture of residential, retail, and other commercial uses for residents and visitors. The CBD-3 District is specifically intended to address the music and theater corridor along and adjacent to the intersection of Basin, Rampart, and Canal Streets, and theaters and museum uses along Magazine Street and Howard Avenue.” (17-1)

Article 20, Use Standards:

“II. Live Entertainment – Secondary Use and Live Performance Venue

...

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.” (20-22)

“VV. Reception Facility

...

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.” (20-29 – 20-30)

Article 26, Definitions

“Arts Studio. An establishment for the instruction or study of an art or type of exercise or activity such as

dance, martial arts, photography, music, painting, gymnastics, or yoga.

...

Auditorium. A structure designed or intended for use as a concert, commencement, or lecture hall to

accommodate the gathering of people as an audience to experience music, lectures, plays, and other

presentations or performances.” (26-5)

“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.

Live entertainment - secondary use shall be part of a standard restaurant, specialty restaurant, indoor

amusement facility or bar, 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. Non-amplified musical accompaniment for patrons at a restaurant, except within a Vieux Carré

District. Non-amplified musical accompaniment for patrons at a restaurant within any Vieux Carré

District is included within the definition of Live Entertainment – Secondary Use.

Live Performance Venue. An indoor facility for the presentation of live performances, including musical

acts, theatrical plays or acts, stand-up comedy, magic, dance clubs, and disc jockey performances using

vinyl records, compact discs, computers, or digital music players. A live performance venue is only open

to the public when a live performance is scheduled. Unless otherwise restricted by this

Ordinance, a live

performance venue may serve alcoholic beverages as an ancillary use but only when the venue is open

to the public for the live performance. A live performance venue does not include any adult uses.” (26-23 – 26-24)

From Appendix A, Alcoholic Beverage Outlet & Live Entertainment Regulations:

“II. LIVE ENTERTAINMENT

Live entertainment in the City is regulated in two ways within the CZO. Live entertainment as a use has

been refined so that it is regulated both as a primary use of a facility, such as a theater, and as a

secondary use to a standard restaurant, specialty restaurant, indoor amusement facility, or bar. Live

entertainment, whether primary or secondary, is defined as follows: '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 and magic, dance

clubs, and disc jockey performances using vinyl records, compact discs, computers or digital music

players.'

In addition, certain types of performances have been exempted from the live entertainment use category.

Specifically, these exemptions are:

» Any adult use, which is regulated as a separate use type in the CZO.

» The following types of performances, which are considered part of the general character of the

use: periodic entertainment by educational facilities or places of worship, performances at cultural

facilities, performances at reception facilities, performances at weddings and religious events, the playing of recorded music over speakers without a disc jockey, poetry readings, or spoken word performances.

» Any such activity performed for the practice or private enjoyment of the residents of a dwelling

and their guests.

» Non-amplified musical accompaniment for patrons at a restaurant, except within a Vieux

Carré

district. Non-amplified musical accompaniment for patrons at a restaurant within any Vieux Carré

District is included within the definition of Live Entertainment – Secondary Use.

'Live entertainment - secondary use,' when allowed within the zoning district, must be part of a standard

restaurant, specialty restaurant, indoor amusement facility, or bar, and must be approved separately. A

“live performance venue,” the other type of live entertainment facility allowed by the CZO, is a facility

specifically operated for the presentation of live performances. A live performance venue is only open to

the public when a live performance is scheduled. Unless otherwise restricted by the CZO, a live

performance venue may serve alcoholic beverages as an accessory use but only when the venue is open to the public for the live performance. ” (A-3 – A-4)

Other provisions referring more broadly to live entertainment:

Article 10, Historic Core Neighborhoods: Non-Residential Districts:

“B. Use Restrictions

1. Existing Hotel Uses in the Vieux Carré Districts

a. An existing hotel in a Vieux Carré District may be maintained, structurally altered, or extended within its legal non-conforming footprint, provided that there is no increase in the number of sleeping rooms or suites, and said maintenance, alteration or extension is in accord with applicable district regulations including, but not limited to, height and open space requirements and provided further that such extension is limited to the accommodation of accessory uses. A conditional use is required for such alterations or extension in accordance with Section 4.3.

b. Existing hotels in the VCC-2, VCE, and VCS Districts containing more than thirty (30) rooms may provide live entertainment subject to applicable ordinances relative to licensing procedures. Live entertainment that charges the general public for

admission is subject to the requirements regarding amusement taxes as per the City Code. All entertainment shall be within an enclosed structure.

4. Bars in the VCE and VCE-1 Districts

Bars in the VCE and VCE-1 Districts shall provide live entertainment a minimum of four (4) nights per week.” (10-3)

“9. 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.” (10-4)

“TABLE 10-1: PERMITTED AND CONDITIONAL USES

[10.2 USES ...

A “P” indicates that a use is permitted within that zoning district. A “C” indicates that a use is a conditional use in that zoning district and shall obtain a conditional use approval as required in Section 4.3 (Conditional Use). No letter (i.e., a blank space) or the absence of the use from the table indicates that use is not permitted within that zoning district.]

USE ¹	VCC-1	VCC-2	VCE	VCE-1	VCS	VCS-1	VCP	HMC-1	HMC-2	HM-MU	USE STANDARD S
COMMERCIAL USE											
Amusement Facility, Indoor			P	P	P	P		C	C	C	Section 20.3.E
Arts Studio	P	P	P	P	P	P		P	P	P	
Bar		C	C ²	C ²	C	C		C	C	C	Section 20.3.G
Live Entertainment – Secondary Use			P	P					C ⁴	C	Section 20.3.II
Live Performance Venue			P	P					C ⁴	C	Section 20.3.II

Recording Studio		P			P	P			P	P	
Restaurant, Specialty	P	P	P	P	P	P		P	P	P	Section 20.3.YY
Restaurant, Standard	P	P	P	P	P	P		P	P	P	Section 20.3.YY
INSTITUTIONAL USE											
Cultural Facility	C	P	C	C	P	P	C	P	P	P	Section 20.3.R

¹The terms in this column (“Use”) are defined in Article 26.

²Subject to the use restrictions in Section 10.2.B.4.

⁴Subject to the use restrictions in Section 10.2.B.9.” (10-4 – 10-5) [should be 10-5 - 10-6]

Article 12, Historic Urban Neighborhoods: Non-Residential Districts

“TABLE 12-1: PERMITTED AND CONDITIONAL USES

[12.2 USES ...

A “P” indicates that a use is permitted within that zoning district. A “C” indicates that a use is a conditional use in that zoning district and shall obtain a conditional use approval as required in Section 4.3 (Conditional Use). No letter (i.e., a blank space) or the absence of the use from the table indicates that use is not permitted within that zoning district.]

USE ¹	HU-B1A	HU-B1	HU-MU	USE STANDARDS
COMMERCIAL USE				
Amusement Facility, Indoor		P	P	Section 20.3.E
Arts Studio	P	P	P	
Bar			C	Section 20.3.G
Live Entertainment – Secondary Use			C	Section 20.3.II
Live Performance Venue			P	Section 20.3.II

Recording Studio			P	
Restaurant, Specialty	P	P	P	Section 20.3.YY
Restaurant, Standard	P	P	P	Section 20.3.YY
INSTITUTIONAL USE				
Cultural Facility	C	C	C	Section 20.3.R

¹The terms in this column (“Use”) are defined in Article 26.” (12-2 – 12-3)

Article 14, Suburban Neighborhoods: Non-Residential Districts

“TABLE 14-1: PERMITTED AND CONDITIONAL USES

[14.2 USES ...

A “P” indicates that a use is permitted within that zoning district. A “C” indicates that a use is a conditional use in that zoning district and shall obtain a conditional use approval as required in Section 4.3 (Conditional Use). No letter (i.e., a blank space) or the absence of the use from the table indicates that use is not permitted within that zoning district.]

USE ¹	S-B1	S-B2	S-LB1	S-LB2	S-LC	S-LP	S-LM	USE STANDARDS
COMMERCIAL USE								
Amusement Facility, Indoor	P	P			P		P	Section 20.3.E
Amusement Facility, Outdoor							C	Section 20.3.E
Arts Studio	P	P	P	P	P			
Bar		C	C	C	C		C	Section 20.3.G
Live Entertainment – Secondary Use	C	C	C	C	C			Section 20.3.II
Recording Studio					P			
Restaurant, Standard	P	P	P,C	P	P		P	Section 20.3.YY
Restaurant, Specialty	P	P	P	P	P		P	Section 20.3.YY

INSTITUTIONAL USE										
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Cultural Facility	C	C	C	C	C					Section 20.3.R
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¹The terms in this column (“Use”) are defined in Article 26.” (14-3 – 14-5)

Article 15, Commercial Center & Institutional Campus Districts

“[15.2 USES ...

A “P” indicates that a use is permitted within that zoning district. A “C” indicates that a use is a conditional use in that zoning district and shall obtain a conditional use approval as required in Section 4.3 (Conditional Use). For conditional uses in the EC and MC Districts, Institutional Master Plan approval, in accordance with Section 15.5 is also required. No letter (i.e.,

a blank space), or the absence of the use from the table, indicates that use is not permitted within

that zoning district.]

USE ¹	C-1	C-2	C-3	MU-1	MU-2	EC ³	MC	MS	LS	USE STANDARDS
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COMMERCIAL USE										
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Amusement Facility, Indoor	P	P	P	P	P	P				Section 20.3.E
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Amusement Facility, Outdoor		C	P	C	P	C				Section 20.3.E
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Arts Studio	P	P	P	P	P	P				
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Bar	C	P	P	C	P				P	Section 20.3.G
-----	---	---	---	---	---	--	--	--	---	----------------

Broadcast Studio			P	P	P	P				
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Live Entertainment – Secondary Use	C	C	P	C	P					Section 20.3.II
------------------------------------	---	---	---	---	---	--	--	--	--	-----------------

Live Performance Venue	C	C	P	C	P				C ⁴	Section 20.3.II
Micro-Brewery	C	P	P	P	P					
Micro-Distillery	C	P	P	P	P					
Recording Studio	P	P	P	P	P	P	P	P	P	
Restaurant, Standard	P	P	P	P	P	P	P	P	P	Section 20.3.YY
Restaurant, Specialty	P	P	P	P	P	P	P	P	P	Section 20.3.YY
INSTITUTIONAL USE										
Cultural Facility	P	P	P	P	P	P	P			Section 20.3.R

¹The terms in this column (“Use”) are defined in Article 26. ...

³In addition to the permitted and conditional uses in the chart above, Colleges and Universities and uses normally associated therewith are permitted in the EC Districts when part of an approved Institutional Master Plan.” (15-3 - 15-5)

Article 17, Commercial Center & Institutional Campus Districts

“[17.3 USES ...

A “P” indicates that

a use is permitted within that zoning district. A “C” indicates that a use is a conditional use in that zoning district and shall obtain a conditional use approval as required in Section 4.3 (Conditional Use). No letter (i.e., a blank space) or the absence of the use from the table indicates that use is not permitted within that zoning district.]

USE ¹	CBD-1	CBD-2	CBD-3	CBD-4	CBD-5	CBD-6	CBD-7	USE STANDARDS
COMMERCIAL USE								
Amusement Facility, Indoor	P	P	P	P	C	C	C	Section 20.3.E
Amusement Facility,				P				Section 20.3.E

Outdoor								
Arts Studio	P	P	P	P	P	P	P	
Bar	C	C	C	P		C	C	Section 20.3.G
Broadcast Studio	P	P	P	P				
Live Entertainment – Secondary Use	P	P	P	P	C	C	P	Section 20.3.II
Live Performance Venue	C	C	C	P	C	C		Section 20.3.II
Micro-Brewery		P					P	
Micro-Distillery		P					P	
Outdoor Amphitheater				C				
Recording Studio	P	P	P	P				
Restaurant, Standard	P	P	P	P	p ²	P	P	Section 20.3.YY
Restaurant, Specialty	P	P	P	P	p ²	P	P	Section 20.3.YY
INSTITUTIONAL USE								
Cultural Facility	P	P	P	P	P	P		Section 20.3.R

¹The terms in this column (“Use”) are defined in Article 26. ...

²Subject to the use restriction in Section 17.3.B.4.” (17-6 – 17-7)

Article 18, Overlay Zoning Districts

“18.2 PURPOSE STATEMENTS

...

G. Purpose of the AC-1 Arts and Culture Diversity Overlay District (Frenchmen, St. Bernard, Broad)

The AC-1 Arts and Culture Diversity Overlay District is intended to accommodate a limited number of live entertainment uses, but with additional permissions to sustain established and promote new arts and cultural uses, including a limited number of small-scale live entertainment venues in neighborhood business or mixed-use areas. The AC-1 Diversity

Overlay District seeks to maintain and reinforce small-scale uses and a balance of daytime and night-time uses that are compatible with the character of surrounding residential neighborhoods.

H. Purpose of the AC-2 Arts and Culture Diversity Overlay District (Freret, Newton, Teche)

The AC-2 Arts and Culture Diversity Overlay District is intended to accommodate a limited number of live entertainment uses, but with additional permissions to sustain established and promote new arts and cultural uses, including a limited number of small-scale live entertainment venues in neighborhood business or mixed-use areas. The AC-2 Diversity Overlay District seeks to maintain and reinforce small-scale uses and a balance of daytime and night-time uses that are compatible with the character of surrounding residential neighborhoods.

I. Purpose of the AC-3 Arts and Culture Diversity Overlay District (St. Claude)

The purpose of the AC-3 Arts and Culture Diversity Overlay District is to establish and sustain new arts and cultural uses on lots generally facing St. Claude Avenue between Press Street and Poland Avenue. The St. Claude Arts and Culture Diversity Overlay District seeks to preserve the area's small to medium-scale commercial uses, encourage a balance of daytime and nighttime uses, and foster development of arts-related uses.

J. Purpose of the AC-4 Arts and Culture Diversity Overlay District (Tremé)

The AC-4 Arts and Culture Diversity Overlay District is intended to provide opportunities for a limited number of live entertainment uses both along corridors and interspersed within neighborhoods where residences, businesses, and arts and cultural uses have historically coexisted. The AC-4 Diversity Overlay District seeks to maintain and reinforce small-scale uses and a balance of daytime and night-time uses that are compatible with the character of surrounding residential neighborhoods.” (18-3)

“18.7 RDO-1 RESIDENTIAL DIVERSITY OVERLAY DISTRICT

...

B. Permitted Uses ...

3. The following non-residential uses within an existing non-residential structure and subject to the limitations of this section:

- a. Animal Hospital
- b. Arts Studio
- c. Art Gallery
- d. Cultural Facility
- e. Financial Institution
- f. Health Club
- g. Medical/Dental Clinic with a maximum of three (3) practitioners

- h. Office
- i. Personal Services Establishment
- j. Retail Goods Establishment
- i. Restaurant, Specialty

C. Use Standards ...

7. Drive-Through Facilities, Live Entertainment – Secondary Use, and Retail Sales of Packaged Alcoholic Beverages are prohibited. A non-residential use authorized by the RDO-1 Overlay District may not serve alcoholic beverages for consumption on or off premises.” (18-9 – 18-10)

“18.8 RDO-2 RESIDENTIAL DIVERSITY OVERLAY DISTRICT

...

B. Permitted Uses ...

3. The following non-residential uses within an existing non-residential structure and subject to the limitations of this section:

- a. Animal Hospital
- b. Arts Studio
- c. Art Gallery
- d. Cultural Facility
- e. Financial Institution
- f. Health Club
- g. Medical/Dental clinic with a maximum of three (3) practitioners
- h. Office
- i. Personal Services Establishment
- j. Retail Goods Establishment
- k. Restaurant, Specialty
- l. Restaurant, Standard

C. Use Standards ...

7. Drive-Through Facilities, Live Entertainment – Secondary Use, and Retail Sales of Packaged Alcoholic Beverages are prohibited. A non-residential use authorized by the RDO-2 Overlay District may not serve alcoholic beverages for consumption on or off premises.” (18-11 – 18-13)

“18.9 AC-1 ARTS AND CULTURE DIVERSITY OVERLAY DISTRICT

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.

B. Uses

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 six-thousand (6,000) square feet of gross floor area
- d. Live Entertainment – Secondary Use
- e. Live Performance Venue
- f. . Restaurant, Standard, which may sell alcoholic beverages for consumption on premises in conjunction with meals

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 Facility over six-thousand (6,000) square feet in floor area

C. Use Standards

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.

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.

3. Standard Restaurant

- a. A licensed Standard Restaurant may provide live entertainment limited to a soloist or combos (up to three (3) members).
- b. Restaurants providing live entertainment shall hold a Live Entertainment Without Admissions Permit. Charging fees for any performance or for entrance into the facility are prohibited.
- c. The full menu shall remain available during the performance.
- d. No performances are permitted after 11:00 p.m. on Sunday thru Thursday, or 1:00 a.m. on Friday and Saturday.
- e. A permanent stage is prohibited.
- f. 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.

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

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.

B. Uses

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

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.

C. Use Standards

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.

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.

3. Standard Restaurant

a. Standard Restaurants are limited to a maximum of five-thousand (5,000) square feet of gross floor area.

b. Standard Restaurants shall close by 12:00 Midnight on all days of operation.

c. A licensed Standard Restaurant may provide live entertainment, limited to a soloist or combos (up to three (3) members).

d. Restaurants providing live entertainment shall hold a Live Entertainment Without Admissions Permit. Charging fees for any performance or for entrance into the facility are prohibited.

e. The full menu shall remain available during the performance.

f. No performances are permitted after 11:00 p.m. on Sunday thru Thursday, or 1:00 a.m. on Friday and Saturday.

g. A permanent stage is prohibited.

h. 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,

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

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.

B. Uses

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. 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,

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

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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.

B. Uses

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

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. However, indoor amusement facilities shall not exceed ten thousand (10,000)

square feet of gross floor area.

d. Micro-Breweries

e. Micro-Distilleries

C. Use Standards

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 and one (1) hour after performances.
- b. Ticket sales are limited to the number of seats provided for the performance or the lowest rated capacity of the bar.
- c. Standing room only performances are prohibited.
- d. 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.

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.
- e. The provisions of Section 10.2.B.9., restricting the number of live entertainment, secondary uses per blockface, shall not apply within the AC-3 Arts & Cultural Overlay

District

3. Standard Restaurant

- a. Standard Restaurants are limited to a maximum of five-thousand (5,000) square feet of gross floor area.
- b. Standard Restaurants shall close by 11:00 p.m. on Sunday thru Thursday, or 1:00 a.m. on Friday and Saturday.
- c. A licensed Standard Restaurant may provide live entertainment, limited to a soloist or combos (up to three (3) members).
- d. Restaurants providing live entertainment shall hold a Live Entertainment Without Admissions Permit. Charging fees for any performance or for entrance into the facility are prohibited.
- e. The full menu shall remain available during the performance.
- f. No performances are permitted after 11:00 p.m. on Sunday thru Thursday, or 1:00 a.m. on Friday and Saturday.
- g. A permanent stage is prohibited.
- h. 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,

4. Bar

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

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.

b. Ticket sales are limited to the number of seats provided for the movie showing or other event.

c. Standing room only performances are prohibited.

18.12 AC-4 ARTS AND CULTURE DIVERSITY OVERLAY DISTRICT

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.

B. Uses

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

C. Use Standards

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.” (18-14 – 18-21)

Article 20, Use Standards

“G. Bar ...

4. Bars with live entertainment are also subject to the standards of this Article for “live entertainment – secondary use.” Live entertainment is a separate principal use and subject to separate approval.

...

II. Live Entertainment – Secondary Use and Live Performance Venue

1. Live entertainment - secondary use is considered a separate principal use. Live entertainment – secondary use may only be established when allowed within a zoning district and in conjunction with a bar, standard restaurant, or indoor amusement facility.

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, or indoor amusement facility, 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.

...

VV. Reception Facility ...

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.

...

YY. Restaurant (All Types) ...

8. Standard restaurants with live entertainment are also subject to the standards of this Article. Live entertainment is a separate principal use and subject to separate approval. ...

11. Restaurants with drive-through facilities are subject to the standards of this Article. Standard restaurants with live entertainment – secondary uses are also subject to the standards of this Article. Drive-through facilities and live entertainment – secondary uses are considered separate principal uses and subject to separate approval.” (20-6 – 20-33)

Article 21, On-Site Development Standards

“21.8 TEMPORARY USES ...

C. Permitted Temporary Uses ...

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 four (4) events per calendar year and a maximum duration of three (3) days per event.” (21-32 - 21-37)

Article 22. Off-Street Parking and Loading

“TABLE 22-1: OFF-STREET VEHICLE AND BICYCLE PARKING REQUIREMENTS

USE	MINIMUM REQUIRED VEHICLE SPACES	MINIMUM REQUIRED BICYCLE SPACES	
		REQUIRED SHORT-TERM BICYCLE SPACES	PERCENTAGE OF LONG-TERM BICYCLE SPACES
Amusement Facility, Indoor	1 per 300sf GFA	Over 10,000sf GFA: 1 per 2,500sf GFA	
Bowling Alley	2 per lane	Over 10,000sf GFA: 1 per 2,500sf GFA	
Movie Theater	1 per 4 seats for first 400 seats + 1 per 6 seats after first 400	Over 10,000sf GFA: 1 per 2,500sf GFA	
Pool Hall	2 per table	Over 10,000sf GFA: 1 per 2,500sf GFA	
Amusement Facility, Outdoor	1 per 300sf GFA (including all outdoor areas)	Over 10,000sf GFA: 1 per 2,500sf GFA	
Arts Studio	1 per 500sf	Over 10,000sf GFA:	

		1 per 2,500sf GFA	
Auditorium (Only applicable when Auditorium is principle use)	1 per 200sf GFA	1 per 5,000sf GFA	25.00%
Bar	1 per 500sf GFA	Over 10,000sf GFA: 1 per 2,500sf GFA	
Brewery	1 per 1,000sf GFA +1 per 500sf of tasting room, restaurant, or bar gross floor area	1 per 5,000sf GFA	50.00%
Broadcast/Recording Studio	1 per 500sf GFA	Over 10,000sf GFA: 1 per 5,000sf GFA	
Cultural Facility	1 per 300 sf GFA	1 per 2,500sf GFA	
Live Performance Venue	1 per 200sf GFA	1 per 2,500sf GFA	
Micro-brewery, micro-distillery	1 per 1,000sf GFA + 1 per 500sf of tasting room, restaurant, or bar gross floor area	1 per 5,000sf GFA	50.00%
Restaurant, Specialty	1 per 500sf GFA + 3 stacking spaces per drive-through lane	1 per 2,500sf GFA	
Restaurant, Standard	1 per 500sf GFA	1 per 2,500sf GFA	

[E. Grandfathered Deficiency of Required Vehicle Parking

1. In order to encourage the reuse of existing structures, this Ordinance allows for the grandfathered deficiency of vehicle parking spaces of the immediate previous legal use. The Department of Safety and Permits is required to maintain records of all grandfathered vehicle parking. A property owner is required to show documentation from the Department of Safety and Permits of the grandfathered vehicle spaces. ...

SAMPLE CALCULATION OF GRANDFATHERED PARKING PROVISION

STEP 1

IMMEDIATE PREVIOUS USE: Required Parking 10 spaces

Subtract IMMEDIATE PREVIOUS USE: Actual Parking 4 spaces

GRANDFATHERED: 6 spaces

STEP 2

NEW USE: Required Parking 12 spaces

Subtract NEW USE: Actual Parking 4 spaces

NEW USE: Parking Deficiency 8 spaces

STEP 3

NEW USE: Parking Deficiency 8 spaces

Subtract GRANDFATHERED 6 spaces

NEW USE: Additional Required Spaces 2 space]” (22-5 – 22-8)

Appendix A, Alcoholic Beverage Outlet & Live Entertainment Regulations

“I. ALCOHOLIC BEVERAGE OUTLETS ...

Bars and restaurants also have a series of use standards that must be met in order to serve alcoholic beverages. Key requirements are an impact management plan that describes how parking, security, litter and noise impacts will be managed and an operation plan that describes hours of operation, size, lighting and occupancy.

In addition, the following uses are permitted to sell alcoholic beverages for consumption on-premises when they are open to the public for an event. These are:

- » Arenas
- » Stadiums
- » Fairgrounds
- » Live Performance Venues

One additional use – indoor amusement facilities - are permitted the sale of alcoholic beverages for consumption on-premises under certain conditions. When a “bar” or “standard restaurant” is allowed in the same district as the indoor amusement facility, this use may serve alcoholic beverages on-premises for consumption if separate approval is obtained for the “bar” or “standard restaurant.” An example of an indoor amusement facility would be a bowling alley. The bowling alley, if it wanted to include a bar area, requires approval for both an “indoor amusement facility” and a “bar.” Indoor amusement facilities are allowed to have snack bars and restaurants that do not serve alcoholic beverages as part of the use (i.e., no separate approval needed). ...

II. LIVE ENTERTAINMENT

Live entertainment in the City is regulated in two ways within the CZO. Live entertainment as a use has

been refined so that it is regulated both as a primary use of a facility, such as a theater, and as a

secondary use to a standard restaurant, specialty restaurant, indoor amusement facility, or bar. Live

entertainment, whether primary or secondary, is defined as follows: “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 and magic, dance

clubs, and disc jockey performances using vinyl records, compact discs, computers or digital music

players.”

In addition, certain types of performances have been exempted from the live entertainment use category.

Specifically, these exemptions are:

» Any adult use, which is regulated as a separate use type in the CZO.

» The following types of performances, which are considered part of the general character of the

use: periodic entertainment by educational facilities or places of worship, performances at cultural

facilities, performances at reception facilities, performances at weddings and religious events, the playing of recorded music over speakers without a disc jockey, poetry readings, or spoken word performances.

» Any such activity performed for the practice or private enjoyment of the residents of a dwelling

and their guests.

» Non-amplified musical accompaniment for patrons at a restaurant, except within a Vieux Carré

district. Non-amplified musical accompaniment for patrons at a restaurant within any Vieux Carré

District is included within the definition of Live Entertainment – Secondary Use.

“Live entertainment - secondary use,” when allowed within the zoning district, must be part of a standard

restaurant, specialty restaurant, indoor amusement facility, or bar, and must be approved separately. A

“live performance venue,” the other type of live entertainment facility allowed by the CZO, is a facility

specifically operated for the presentation of live performances. A live performance venue is

only open to

the public when a live performance is scheduled. Unless otherwise restricted by the CZO, a live

performance venue may serve alcoholic beverages as an accessory use but only when the venue is open

to the public for the live performance.

III. ZONING DISTRICT PERMISSIONS

The table on the following pages shows which zoning districts allow for: 1) the sale of alcoholic beverages

for consumption on- and off-premises, which relates to the key use categories of “retail sales of packaged

alcoholic beverages,” “bars” and “standard restaurants”; and 2) where live entertainment as a primary and

as a secondary use are allowed. Live entertainment as a secondary use must be ancillary to a standard

restaurant, specialty restaurant, indoor amusement facility, or bar, so both uses must be allowed within

the district.” (A-1 - A-4)