

City Planning Commission Meeting
Tuesday, February 23, 2015

CPC Deadline: None
CC Deadline: None
City Council Districts: All

PRELIMINARY ADULT LIVE PERFORMANCE VENUES STUDY

To: City Planning Commission

Prepared by: Sabine Lebailleur
Date: February 10, 2016

I. GENERAL INFORMATION:

Applicant: City Council Motion M-16-22

Request: Request by City Council Motion M-16-22 for the City Planning Commission to conduct a public hearing and study on the regulation of Adult Live Performance Venues in the City of New Orleans. The study should consider amendments to VCE Vieux Carré Entertainment District in the Comprehensive Zoning Ordinance. The study should consider limitations on the number of such establishments, best practices of other cities, land use regulatory mechanisms, use standards, and input from industry representatives and impacted businesses.

Location: The Adult Live Performance Venues Study may impact these uses that are authorized in the VCE Vieux Carré Entertainment District, the LI Light Industrial District and the HI Heavy Industrial District.

Description: The City Planning Commission is directed to conduct a public hearing and study on the regulation of Adult Live Performance Venues in the City of New Orleans as outlined in City Council Motion M-16-22. The City Planning Commission should conduct and complete the study within 120 days of the passage of the motion and conduct a public hearing within 60 days.

Why is this Public Hearing required?

City Council Motion M-16-22 requires the City Planning Commission to hold a public hearing within 60 days of the passage of the motion.

II. BACKGROUND INFORMATION

A. What is the scope of work for the Adult Live Performance Venue Study from City Council Motion M-16-22?

The scope of the Adult Live Performance Venues Study is outlined in the motion that directs the City Planning Commission to conduct the study. The City Council desires

further City Planning Commission study into the regulation of Adult Live Performance Venues in the new Comprehensive Zoning Ordinance (CZO) from a land-use perspective, in light of municipal regulatory schemes recently enacted by local government entities around the United States. The City Council plans to adopt amendments to the City Code to implement a permitting and enforcement scheme in conjunction with the land-use regulations in the CZO.

The City Council desires comprehensive regulation of Adult Live Performance Venues in the City Code and CZO, consistency between the two, and recommendations from the City Planning Commission as to what provisions should be included in or omitted from the CZO rather than the City Code. City Council Motion M-16-22 directs the City Planning Commission to include the following subject matter in the study, without narrowing its breadth:

1. Whether the total number of Adult Live Performance Venues permitted by right in the VCE zoning District should be limited;
2. Whether there are best practices that have been developed based on adult live performance venue regulations recently enacted by local governmental entities around the United States, or a set of recommendations to be made by the City Planning Commission based on its study of such recently enacted regulations;
3. Research should include input from industry representatives, as well as other businesses that will be impacted;
4. What are the available and most appropriate land-use mechanisms to limit the total number of Adult Live Performance Venues; and
5. If the current supplemental use standards need to be amended, or if any additional supplemental use standards are necessary to further regulate said use.

City Council Motion M-16-22 grants the City Planning Commission and its staff the flexibility to expand the scope of the study to make any and all legal and appropriate recommendations deemed necessary in light of the study, review, and public testimony resulting from the motion.

B. What are the current regulations for adult live performance venues and similar uses in the Comprehensive Zoning Ordinance?

The Comprehensive Zoning Ordinance (CZO) provides land use regulations for adult live performance venues and other adult uses, such as adult retail goods establishments and adult motion picture theaters.

The following sections outline the definitions, use standards, and permitted and conditional use districts for adult live performance venue.

Definitions (Article 26)

Below is the definition for adult live performance from the Comprehensive Zoning Ordinance:

Adult Live Performance Venue. An establishment that features dancers, go-go dancers, exotic dancers, or similar entertainers or live entertainment, where persons regularly appear in a state of nudity, or where live performances are characterized by the exposure of specified anatomical areas or by specified sexual activities as defined below. Such establishments specifically exclude minors, or minors are specifically prohibited by statute ordinance, regardless of whether or not any such business is licensed to sell alcoholic beverages.

Use Standards (Article 20)

Pursuant to **Section 20.3.B**, adult live performance venues, as well as all other adult uses are prohibited within a thousand (1,000) feet of any residential district, place of worship, educational facility, and park or playground, except in the Vieux Carré Entertainment District where adult uses are allowed. All adult uses are also regulated by the City Code. Adult uses are only allowed in the VCE Vieux Carré Entertainment District.

Permitted and Conditional Uses

Below are the use tables that show the zoning districts where adult live performance venues and other adult uses are permitted, conditional, and prohibited uses.

In the Historic Core Neighborhoods Non-Residential Districts, adult uses are allowed by right in the VCE Vieux Carré Entertainment District only.

Table 10-1: Permitted and Conditional Uses											
USE ¹	VCC-1	VCC-2	VCE	VCE-1	VCS	VCS-1	VCP	HMC-1	HMC-2	HM-MU	USE STANDARDS
RESIDENTIAL USE											
[...]											
COMMERCIAL USE											
Adult Use			P								Section 20.3.B
											[...]"

Additionally, pursuant to **Section 10.2.B.2** adult uses are prohibited in the area bounded by Ursuline, Barracks, Decatur, and North Peters Streets.

Further, pursuant to **Section 10.2.B.4**, in the VCE Vieux Carré Entertainment District, massage establishments are prohibited.

In the Centers for Industry Districts, an adult use is a conditional use in the LI Light Industrial and HI Heavy Industrial Districts.

Table 16-1: Permitted and Conditional Uses

USE ¹	LI	HI	MI ²	BIP	USE STANDARDS
RESIDENTIAL USE					
[...]					
COMMERCIAL USE					
Adult Use	C	C			Section 20.3.B
					[...]"

Adult live performance venues are prohibited in all other zoning districts.

C. What is the timeline for the Adult Live Performance Study?

City Council Motion M-16-22 requires the City Planning Commission to hold a public hearing within 60 days of the passage of the motion and to complete the study within 120 days of the passage of the motion. Given these time constraints, below are the significant dates and deadlines for the Short Term Rental Study:

January 7, 2016: Motion M-16-22 passed by the City Council

February 23, 2016: City Planning Commission Public Hearing

April 18, 2016: Deadline for written comments

April 19, 2016: Staff Report for the Adult Live Performance Venues Study will be made available to the public

April 26, 2016: City Planning Commission consideration of the study

May 2, 2016: Study completion deadline. Recommendation forwarded to City Council

III. How can the public provide input for the Adult Live Performance Study?

Written comments should be addressed to the Executive Director and mailed or delivered to the following address:

City of New Orleans
 City Planning Commission
 1300 Perdido Street, 7th Floor
 New Orleans, LA 70112

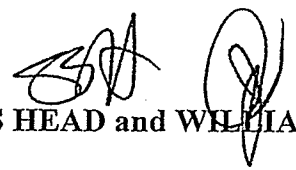
Written comments can also be emailed to CPCinfo@nola.gov. All written public comments received will be posted on the City Planning Commission's website on a regular basis. The deadline for all written comments is Monday, April 18, 2016 at 5:00pm.

As deemed necessary to complete the study, the City Planning Commission staff will hold meetings with various individuals and groups to receive additional information. Details on all of these meetings will be included in the final Adult Live Performance Study.

There will also be an opportunity for public comments at the Regular City Planning Commission meeting on Tuesday, April 26, 2016 at 1:30pm. The City Planning Commission will take action on the Adult Live Performance Study at the April 26th meeting.

MOTION

NO. M-16-22



CITY HALL: January 7, 2016

BY: COUNCILMEMBERS HEAD and WILLIAMS

WHEREAS the Council of the City of New Orleans adopted Ordinance 26413 M.C.S. (“the new CZO”) on May 14, 2015, which became effective on August 12, 2015; and

WHEREAS, an Adult Live Performance Venue is defined in Section 26.6 of the new CZO as:

“Adult Use. ...

B. Adult Live Performance Venue. An establishment that features dancers, go-go dancers, exotic dancers, or similar entertainers or live entertainment, where persons regularly appear in a state of nudity, or where live performances are characterized by the exposure of specified anatomical areas or by specified sexual activities as defined below. Such establishments specifically exclude minors, or minors are specifically excluded by statute or ordinance, regardless of whether or not any such business is licensed to sell alcoholic beverages.”

WHEREAS Adult Uses, as defined in the new CZO, are permitted uses in the VCE “Vieux Carré Entertainment District” zoning district (Section 10.2.A); and

WHEREAS, Adult Uses, as defined in the new CZO, are conditional uses in the LI “Light Industrial” and HI “Heavy Industrial” zoning districts (Section 16.4); and; and

WHEREAS, the Council desires further City Planning Commission (CPC) study into the regulation of Adult Uses, specifically Adult Live Performance Venues, in the new CZO from a

land-use perspective, in light of the governmental interest to address secondary effects of these uses on the surrounding community; and

WHEREAS, the Council intends to create an Adult Live Performance Venue Interim Zoning District for, at a minimum, the duration of the City Planning study; and

WHEREAS, the Council also intends to adopt amendments to the City Code to implement a permitting and enforcement scheme in conjunction with the land-use regulation of Adult Live Performance Venues in the CZO; and

WHEREAS, the Council desires comprehensive regulation of Adult Live Performance Venues in the City Code and the CZO, consistency between the two, and recommendations from the City Planning Commission as to what provisions should be included in or omitted from the CZO rather than the City Code, NOW THEREFORE,

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the City Planning Commission is hereby directed to conduct a public hearing and study on the use of Adult Live Performance Venues in the City of New Orleans as further provided herein.

BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the City Planning Commission is hereby directed to conduct and complete the study within 120 days of the passage of this motion and conduct the public hearing within 60 days of the passage of this motion.

BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the City Planning Commission is hereby directed to include the following subject matter in the study:

1. Whether the total number of Adult Live Performance Venues permitted by right in the VCE zoning district should be limited; and
2. Whether there are best practices that have been developed based on adult live performance venue regulations recently enacted by local governmental entities around the United States, or a set of recommendations to be made by the City Planning Commission based on its study of such recently enacted regulations;
3. Research should include input from industry representatives, as well as other businesses that will be impacted; and
4. What are the available and most appropriate land-use mechanisms to limit the total number of Adult Live Performance Venues; and
5. If the current supplemental use standards need to be amended, or if any additional supplemental use standards are necessary to further regulate said use.

BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That in the process of conducting a public hearing and study on the regulation of Adult Live Performance Venues in the City of New Orleans as provided herein, the City Planning Commission and staff are directed and granted the flexibility to expand the scope of the study and make any and all legal and appropriate recommendations deemed necessary in light of the study, review, and public testimony resulting from this motion.

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

YEAS:

NAYS:

ABSENT:

AND THE MOTION WAS ADOPTED.