

MOTION

NO. M-20-5

CITY HALL: January 16, 2020

BY: COUNCILMEMBERS BANKS AND GISLESON PALMER

WHEREAS, the City of New Orleans has fostered a rich musical heritage, which brings together native New Orleanians, new residents, and visitors alike; and

WHEREAS, the Council of the City of New Orleans recently received two zoning docket items, (ZD 070/19 and ZD 080/19) that attempted to define, provide use standards for, and clarify existing ambiguities for Outdoor Live Entertainment, but were insufficient in assessing its full impacts; and in their reports, staff indicated that they are supportive of, “any future exploration of a revised policy related to outdoor live entertainment, and further study where or in what circumstances such land use would be appropriate or compatible with the surrounding context”; and

WHEREAS, the Department of Safety and Permits has interpreted one of the use standards for Live Entertainment – Secondary Use (outlined in **Article 20, Section 20.3.JJ.5** of the CZO), which articulates a closed windows and doors requirement, as prohibiting any permanent form of live entertainment outdoors, only allowing for the issuance of permits for temporary outdoor live entertainment, with limitations; and

WHEREAS, this Council desires to have the City Planning Commission (CPC) more comprehensively, utilizing the City’s existing definitions and use standards, determine if amendments to existing laws are warranted or necessary, and if existing regulations should be modified to clarify and reduce any unintended secondary effects of outdoor live entertainment relative to the cultural and residential fabric of the City; **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 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. In the course of the study and review, the

CPC should analyze similarly situated cities' regulations, including governmental structure, to guide potential amendments, including but not limited to:

- The City of San Francisco, which defines “Fixed Place Outdoor Amplified Sound Locale” in Article 15.1 of their Police Code, addresses “Compatibility and Protection for Residential Uses and Places of Entertainment,” in Chapter 116 of their Administrative Code, and grants specific permits via an Entertainment Commission; and
- The City of Seattle, which engages law enforcement officers in fostering positive relationships among all stakeholders in the cultural economy and has compiled a Night Life Establishment Handbook; and
- The City of Austin, which conducted “The Austin Music Census” in 2015, resulting in the creation of a Music Commission; and
- The City of Nashville, which has specific regulations for outdoor music events in their Downtown area; and

Upon this review of similarly situated cities and New Orleans’s existing infrastructure – including permitted venues, zoning and overlay districts, temporary permitting structures, both citywide and by neighborhood – the Council desires a study of 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.

The purpose of this study shall 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.

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 270 days of the passage of this motion and conduct the public hearing within 60 days of the passage of this motion, but may request a reasonable extension of this timeline in writing to the New Orleans City Council.

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 Outdoor Live Entertainment 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 this study and make any and all legal and appropriate recommendations deemed necessary in light of 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.