

DEPARTMENT OF SAFETY AND PERMITS
CITY OF NEW ORLEANS

LATOYA CANTRELL
MAYOR

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DIRECTOR

ZONING INTERPRETATION MEMORANDUM
Memorandum Z-21-05

DATE: **December 9, 2021**

FROM: **Tammie Jackson, Director** 

BY: Nicholas Kindel, Zoning Administrator

RE: Outdoor Live Entertainment Regulations in the CZO

As the City Planning Commission is considering potential text amendments and changes to the outdoor live entertainment requirements in the Comprehensive Zoning Ordinance, CPC has asked the Department of Safety and Permits to clarify our CZO interpretations related to outdoor live entertainment. This Memorandum does constitute a change in interpretation but is a statement of existing interpretations regarding outdoor live entertainment that have been in place for approximately two and a half years.

An Outdoor Amphitheater is the only principal use that allows for outdoor live entertainment (see the definition below). Other uses, such as a Live Performance Venue, allow for live entertainment, but are defined as an indoor facility and do not allow for outdoor live entertainment.

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.

Many businesses that have regular live performances do so through the Live Entertainment – Secondary Use regulations in the CZO. Live Entertainment – Secondary Use allows for live entertainment as a second principal use to a standard restaurant, specialty restaurant, indoor amusement facility, bar, or brewery.

The Live Entertainment – Secondary Use use standards in CZO 20.3.JJ establishes the regulations of where live entertainment can take place, but there are conflicting regulations in this section. Subsection 5 states that “Windows and doors shall be closed during live entertainment performances...,” which effectively prohibits outdoor live entertainment. Subsections 3 and 5 allows for outdoor live entertainment within 30 feet of residential districts and in the Vieux Carre Districts if authorized through the conditional use process. This would imply that outdoor live entertainment that is more than 30 feet from residential districts and outside of the Vieux Carre District would be a permitted use. However, that conflicts with the closed windows and doors



requirement, and per CZO 1.4.G, when there is an internal conflict with the CZO, the more restrictive regulation would apply. Therefore, live entertainment that is part of Live Entertainment – Secondary Use is prohibited outdoor unless approved by a conditional use for either outdoor live entertainment within 30 feet of residential districts or outdoor live entertainment in the Vieux Carre Districts.

Furthermore, CZO 21.4.B requires that all activities to take place within an enclosed structure, except for some specific exempted uses (such as Outdoor Amphitheaters, Public Markets, and temporary uses), and some other business types with a requirement outdoor component. Therefore, outdoor live entertainment can be permitted for those specified uses, but not for Live Entertainment – Secondary Use, where outdoor live entertainment is not explicitly allowed except within 30 feet of residential and in the Vieux Carre District when authorized by a conditional use.

The Department of Safety and Permits has been asked if outdoor live entertainment would be allowed if a variance of the requirement that windows and doors are closed is granted (CZO 20.3.JJ.5). A waiver of this section would only allow for the windows and doors to be open during a performance and would not allow for outdoor live entertainment.

In addition to an Outdoor Amphitheater, there are a few other situations where outdoor live entertainment is permitted. The Live Entertainment – Secondary Use states that outdoor musical accompaniment is allowed as an accessory use to a Public Market during its hours of operation. In addition, outdoor live entertainment can be allowed as a temporary use through the approval of special event permits. Temporary outdoor entertainment events are allowed in accordance with the requirement outlined in CZO 21.8.C.7 and Table 21-3.