

**Section 10.13. AC Arts & Cultural Overlay District.**

**10.13.1. Purpose of the District.**

The purpose of the Arts & Cultural Overlay District is to sustain established and to promote new arts and cultural uses including a limited number of small-scale (up to 4,000 square feet) live entertainment venues in neighborhood business or mixed use areas that are compatible with the character of nearby residential neighborhoods. The Arts & Cultural Overlay District seeks to maintain and reinforce small-scale uses, a balance of daytime and night-time uses, and a ratio of approximately twenty (20) percent cocktail lounges and eighty (80) percent other uses.

**10.13.2. Areas of Applicability.**

This district is intended for application to a commercially-zoned, minimum two (2) contiguous block area, when initiated by City Council motion, and when the area proposed for application is designated as an Arts & Cultural Corridor in the Arts & Culture Element of the City's Master Plan.

**10.13.3. Regulations of the Underlying Zoning District.**

Unless otherwise noted in the Arts & Cultural Overlay District regulations, the regulations of the underlying zoning district shall apply.

**10.13.4. Permitted Uses Authorized in the District.**

The following uses of land are authorized as permitted uses in the Arts & Cultural Overlay District, subject to the standards of Section 10.13.7.

1. Any use authorized as a permitted use in the base district(s), except that t-shirt shops, novelty shops, gift shops and souvenir that specialize in t-shirts, novelties, gifts and souvenirs shall be prohibited.
2. Art galleries without limitation as to size.
3. Coffee shops.
4. Museums.
5. Theaters up to 6,000 square feet in floor area.

**10.13.5. Conditional Uses Authorized in the District.**

The following uses of land are authorized as conditional uses in the Arts & Cultural Overlay District upon approval of a conditional use permit under the standards and procedures contained in Section 16.6 of these zoning regulations:

1. Any use authorized as a conditional use in the base district(s).
2. Theaters over 6,000 square feet in floor area.

**10.13.6. Live Entertainment as an Accessory Use Authorized in the District.**

Live entertainment is authorized as an accessory use to the following main uses within an Arts & Cultural Overlay District, subject to the standards in Section 10.13.7:

1. Cocktail lounges.
2. Standard restaurants.
3. Theaters.

**10.13.7.            *General and Special Standards for Uses Authorized to Provide Live Entertainment.***

The standards set forth in this section apply to the designated uses whether such uses are authorized as permitted, conditional, or accessory uses in the underlying zoning district or AC Arts & Cultural Overlay District.

For Conditional uses, the City Council may impose standards on a particular use in addition to standards contained in this article as conditions to approval of a conditional use permit under the procedures of Section 16.6 of these zoning regulations. The City Council may also vary the standards contained in this section for a particular use according to such procedures, unless expressly prohibited by Article 16. When considering a conditional use application, the City Council shall consider the factors listed in Section 16.6.5, including consistency with the Master Plan, general purpose statement of the Arts & Cultural District, and any Supplemental Regulations.

1. General Standards for All Uses Providing Live Entertainment:

- a. All establishments providing live entertainment shall hold the appropriate Live Entertainment Permit (Mayoralty Permit).
- b. All establishments providing live entertainment shall be subject to a closed doors/windows policy during any performance.
- c. All establishments providing live entertainment shall be 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.

2. Special Standards for Cocktail Lounges:

- a. A cocktail lounge may provide live entertainment, including a permanent area for dancing, but shall not provide live adult entertainment, music played solely by a disc jockey, or karaoke. All cocktail lounges shall hold a Class A General ABO Permit and a Live Entertainment Permit (With or Without Admissions), if providing live entertainment.
- b. Cocktail lounges shall contain noise to levels specified in the Noise Ordinance by soundproofing the live entertainment area.

3. Special Standards for Standard Restaurants:

- a. A licensed standard restaurant may provide non-amplified 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. No fee shall be charged for any performance or for entrance into the facility.
- c. The full menu shall remain available during the performance.

- d. No performance shall continue after 11:00 p.m., Sunday thru Thursday, or 1:00 a.m., Friday and Saturday.
- e. No permanent stage shall be constructed.
- f. A Special Event Permit shall temporarily relieve a restaurant from standards a, b, c and d. Special Event Permits shall be issued to a restaurant no more than ten (10) times a year for a duration not to exceed a total of thirty (30) days a year.

4. Special Standards for Theaters:

- a. Live entertainment shall be limited to theatrical productions.
- b. Theaters selling alcoholic beverages shall do so only one (1) hour prior to and during performances.

**10.13.8. *Procedures for Establishment of an AC Arts & Cultural Overlay District.***

1. Establishment of an Arts & Cultural Overlay District shall be considered a zoning amendment subject to the general procedures in Section 16.2.

2. Proposals for new Arts & Cultural Overlay Districts shall meet the following conditions:

- a. An Arts & Cultural Overlay District shall be considered only when initiated by the City Council.
- b. The proposed Arts & Cultural Overlay District shall be designated as an Arts & Cultural Corridor or District in the Arts & Culture Element of the City’s Master Plan.
- c. The proposed Arts & Cultural Overlay District shall be no smaller than two (2) contiguous block faces.

**C. What is the proposed language for amendment?**

The proposed new language is defined in **bold, underlined** text, as follows:

**Article 10, Section 10.14. Freret Street AC Arts & Cultural Overlay District.**

**10.14.1. Purpose of the District.**

**The purpose of the Freret Street Arts & Cultural Overlay District is to establish and sustain new arts and cultural uses on lots generally facing Freret Street between Napoleon and Jefferson Avenues. The Freret Street Arts & Cultural 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.**

**10.14.2. Areas of Applicability.**

**This district is intended for application to lots generally facing Freret Street between Napoleon and Jefferson Avenues in the B-1A Neighborhood Business District. Lots facing Freret Street outside the B-1A Neighborhood Business District and lots that do not face Freret Street in the B-1A Neighborhood Business District are excluded.**

**10.14.3. Regulations of the Underlying Zoning District.**

**Unless otherwise noted in the Freret Street Arts & Cultural Overlay District regulations, the regulations of the underlying zoning district shall apply.**

**10.14.4. Permitted Uses Authorized in the District.**

**The following uses of land are authorized as permitted uses in the Freret Street Arts & Cultural Overlay District, subject to the standards of Section 10.14.7.**

1. **Any use authorized as a permitted use in the base B-1A Neighborhood Business District, except that package liquor stores shall be prohibited;**
2. **Art galleries and art studios without limitation as to size;**
3. **Coffee shops;**
4. **Museums;**
5. **Theaters for comedy acts, movies and/or theatrical productions up to 5,000 square feet in floor area which may sell alcohol for consumption on premises;**
6. **Green markets;**
7. **Multi-discipline arts center;**
8. **Standard restaurants up to 5,000 square feet which may sell alcoholic beverages for consumption on premises in conjunction with meals.**

**10.14.5. Conditional Uses Authorized in the District.**

**The following uses of land are authorized as conditional uses in the Freret Street Arts & Cultural Overlay District upon approval of a conditional use permit under the standards and procedures contained in Section 16.6 of these zoning regulations:**

1. **Any use authorized as a conditional use in the base district(s);**
2. **Theaters for comedy acts, movies and/or theatrical productions over 5,000 and up to 10,000 square feet in floor area which may sell alcohol for consumption on premises;**

**10.14.6. Live Entertainment as an Accessory Use Authorized in the District.**

**Live entertainment is authorized as an accessory use to the following main uses within the Freret Street Arts & Cultural Overlay District, subject to the standards in Section 10.14.7:**

1. **Cocktail lounges;**
2. **Theaters.**

**10.14.7. General and Special Standards for Uses Authorized to Provide Live Entertainment.**

**The standards set forth in this section apply to the designated uses whether such uses are authorized as permitted, conditional, or accessory uses in the underlying zoning district or**

**Freret Street Arts & Cultural Overlay District.**

**For Conditional uses, the City Council may impose standards on a particular use in addition to standards contained in this article as conditions to approval of a conditional use permit under the procedures of Section 16.6 of these zoning regulations. The City Council may also vary the standards contained in this section for a particular use according to such procedures, unless expressly prohibited by Article 16. When considering a conditional use application, the City Council shall consider the factors listed in Section 16.6.5, including consistency with the Master Plan, general purpose statement of the Freret Street Arts & Cultural District, and any Supplemental Regulations.**

**1. General Standards for All Uses Providing Live Entertainment:**

- a. All establishments providing live entertainment shall hold the appropriate Live Entertainment Permit (Mayoralty Permit).**
- b. All establishments providing live entertainment shall be subject to a closed doors/windows policy during any performance.**
- c. All establishments providing live entertainment shall be 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.**

**2. Special Standards for Cocktail Lounges:**

- a. A cocktail lounge may provide live entertainment, including a permanent area for dancing, but shall not provide live adult entertainment, music played solely by a disc jockey, or karaoke. All cocktail lounges shall hold a Class A General ABO Permit and a Live Entertainment Permit (With or Without Admissions), if providing live entertainment.**
- b. Cocktail lounges shall contain noise to levels specified in the Noise Ordinance by soundproofing the live entertainment area.**
- c. The hours of operation shall be restricted to between 10:00 a.m. and 12:00 Midnight, Sunday thru Thursday, and between 10:00 a.m. and 2:00 a.m., Friday and Saturday.**
- d. "To-go" cups are prohibited.**

**3. Special Standards for Standard Restaurants:**

- a. Live entertainment shall be prohibited.**
- b. "To-go" cups shall be prohibited.**

**4. Special Standards for Theaters:**

- a. A theater may provide live entertainment, including theatrical productions, but shall not provide live adult entertainment, music played solely by a disc jockey, or karaoke. All theaters shall hold a Class A General ABO Permit and a Live Entertainment Permit (With or Without Admissions), if providing live entertainment;**
- b. Theaters selling alcoholic beverages shall do so only one (1) hour prior to and during**

**performances. Sale of alcoholic beverages after the end of a performance is strictly prohibited.**

**c. “To-go” cups shall be prohibited.**

**d. Ticket sales shall not exceed the number of seats provided for the performance. Standing room only performances shall be prohibited.**

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

The proposed text amendment is an important tool to support the continued revitalization work of Freret Street. Overall, the overlay district will help promote the development of arts and cultural uses, as well as other complementary uses, along the historic commercial corridor. Since the mid-1900s, the corridor lost many businesses, but over the past several years, the struggling area has shown signs of rebounding. In addition to its recent designation as a “re-new zone” by the City’s Office of Recovery Management, Freret Street received grant money from the National Trust for Historic Preservation for its Main Street program in 2001, according to the Greater New Orleans Community Data Center, as well as part of the federal Neighborhood Commercial Revitalization Loan Program. Though these earlier programs did not affect a comprehensive transformation of the street, changes in recent years, including new businesses opening, have been incremental, despite the setbacks suffered from the hurricane in 2005. Most importantly, the local community’s commitment and recent planning analyses, as well as development in the surrounding area, indicate continued signs of progress. Revitalizing Freret Street’s commercial corridor was identified as a high priority economic development project by the community in the Unified New Orleans Plan (UNOP)’s Planning District Three Plan. Specifically, it states that “revitalization of this corridor is an extremely high priority for the adjoining residential neighborhoods and the district as a whole.” With the planned opening of the nearby Ochsner Baptist Hospital as well as the returning residential population in the area, the corridor’s promise as a leading destination again is strong.

In addition to the planning processes that occurred in the area since the hurricane, community organizations in the Freret Street area have also closely studied current and potential land uses for the corridor. Most of the existing buildings are built to best accommodate small to medium businesses, but there are several lots with existing structures that could be redeveloped for new uses over 5,000 square feet. Many of the permitted uses in the underlying B-1A Neighborhood Business District are easily adaptable in existing buildings, but proposed new uses, such as theaters and art galleries, would complement the existing uses. Current operating businesses include the following:

- auto repair shops
- gym
- restaurant
- thrift store
- theater office and rehearsal place
- nonprofit housing office
- glassworks studio
- café/ice cream parlor
- veterinarian’s office
- hair salons
- formal clothing store
- hardware store
- optical office
- medical organization office

