

**ORDINANCE**

**CITY OF NEW ORLEANS**

**CITY HALL: March 12, 2026**

**CALENDAR NO. 35,378**

**NO. \_\_\_\_\_ MAYOR COUNCIL SERIES**

**BY: COUNCILMEMBER KING**

**AN ORDINANCE** to effect a zoning change from an HMR-1 Historic Marigny/Tremé/Bywater Residential District to an HMC-2 Historic Marigny/Tremé/Bywater Commercial District and to grant a conditional use to permit outdoor live entertainment (secondary use) in conjunction with a hotel in an HMC-2 Historic Marigny/Tremé/Bywater Commercial District on Square 196, Lots 3A, 5A, A-1, M or B, 10A, 11, and Pt. Lot 15 (Proposed Lot 10B), in the Second Municipal District, bounded by Dumaine Street, North Claiborne Avenue, North Robertson Street, and Saint Ann Street (Municipal Addresses: 1608-1620 Dumaine Street, 816-834 North Claiborne Avenue); and otherwise to provide with respect thereto.

**WHEREAS, Zoning Docket Number 5/26** was initiated by Russel J. Frank and referred to the City Planning Commission; and

**WHEREAS,** the City Planning Commission held a public hearing on this zoning petition and recommended denial due to the lack of a legal majority of the requested conditional use in its report to the City Council dated January 23, 2026, presented in **Zoning Docket Number 5/26**; and

**WHEREAS,** the recommendation of the City Planning Commission was overruled, the changes were deemed necessary and in the best interest of the City of New Orleans and the request was approved in part and denied in part by the City Council, subject to three (3) provisos, as stated in Motion Number M-26-89 of the Council of the City of New Orleans on February 26, 2026.

1           **SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY**

2   **ORDAINS** That the Executive Director of the City Planning Commission be and is hereby  
3 directed to change the appropriate zoning district maps together with all the notations, references,  
4 and other information shown thereon, together with the lot line zoning districts maps referred to  
5 in Ordinance No. 4264 M.C.S., as amended by Ordinance No. 26413 M.C.S., as amended, the  
6 Comprehensive Zoning Ordinance of the City of New Orleans, for a zoning change from an HMR-  
7 1 Historic Marigny/Tremé/Bywater Residential District to an HMC-2 Historic  
8 Marigny/Tremé/Bywater Commercial District on Square 196, Lot 11, in the Second Municipal  
9 District, bounded by Dumaine Street, North Claiborne Avenue, North Robertson Street, and Saint  
10 Ann Street (Municipal Addresses: 1608-1610 Dumaine Street), in accordance with Motion  
11 Number M-26-89 of the Council of the City of New Orleans, approved on February 26, 2026.

1           **SECTION 2. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY**

2   **ORDAINS**, That a conditional use to permit outdoor live entertainment (secondary use) in  
3 conjunction with a hotel in an HMC-2 Historic Marigny/Tremé/Bywater Commercial District, on  
4 Square 196, Lots 3A, 5A, A-1, M or B, 10A, 11, and Pt. Lot 15 (Proposed Lot 10B), in the Second  
5 Municipal District, bounded by Dumaine Street, North Claiborne Avenue, North Robertson Street,  
6 and Saint Ann Street (Municipal Addresses: 1608-1620 Dumaine Street, 816-834 North Claiborne  
7 Avenue), is hereby authorized and approved, subject to the following provisos, as specifically set  
8 forth herein:

9   **PROVISOS:**

- 10 1.     The Department of Safety and Permits shall issue no building permits or licenses for this  
11         project until final development plans are approved by the City Planning Commission and  
12         recorded with the Orleans Parish Clerk of Court Land Records Division. Failure to

13 complete the conditional use process within one year or failure to request an administrative  
14 extension as provided for in **Article 4, Section 4.3.H.2** of the Comprehensive Zoning  
15 Ordinance will void the conditional use approval.

16 2. The developer shall consolidate the lots associated with the site (Lots 3A, 5A, A-1, M or  
17 B, 10A, and Pt. Lot 15) into a single lot of record through the City Planning Commission.  
18 The developer shall submit a complete application for the resubdivision prior to City  
19 Planning Commission sign-off on final plans. The approved subdivision shall be recorded  
20 with the Clerk of Civil District Court’s Land Records Division prior to the issuance of a  
21 Certificate of Occupancy by the Department of Safety and Permits.

22 3. In Accordance with **Article 20, Section 20.3.WWW** of the Comprehensive Zoning  
23 Ordinance, the developer shall meet the following standards:

24 1. Outdoor live entertainment – secondary use may only be established when allowed  
25 within a zoning district and in conjunction with a bar, standard restaurant, indoor  
26 or outdoor amusement facility, winery, micro-distillery, distillery, micro-brewery,  
27 brewery, reception facility, cultural facility, or for the common outdoor areas of a  
28 hotel. All outdoor live entertainment at these establishments requires an outdoor  
29 live entertainment-secondary use approval. The establishment serving as the  
30 primary use must remain open while any live entertainment takes place.

31 2. Outdoor live entertainment – secondary use establishments shall submit a noise  
32 abatement plan, to be reviewed by the Director of Safety and Permits, and all other  
33 appropriate City agencies, which shall address the intended use of amplification,  
34 noise levels, and need for soundproofing.

- 35           3.     Because outdoor live entertainment – secondary use is only allowed with a bar,  
36                     standard restaurant, indoor or outdoor amusement facility, winery, micro-distillery,  
37                     distillery, microbrewery, brewery, reception facility, cultural facility, and the  
38                     common outdoor areas of a hotel, when the submittal requirements of live  
39                     entertainment – secondary use and the underlying primary use of the establishment  
40                     are duplicated, only one (1) set of submittal requirements is required to be  
41                     submitted and updated.
- 42           4.     For all uses except a hotel, public market, and outdoor amphitheater, outdoor live  
43                     entertainment is limited to the hours of 11:00 a.m. to 9:00 p.m. on Sunday through  
44                     Thursday, and from 11:00 a.m. to 10:00 p.m. on Friday and Saturday. For a hotel,  
45                     outdoor live entertainment is limited to the hours of 4:00 p.m. to 9:00 p.m. on  
46                     Monday through Thursday, from 11:00 a.m. to 10:00 p.m. on Friday and Saturday,  
47                     and 11:00 a.m. to 9:00 p.m. on Sunday. For a public market and outdoor  
48                     amphitheater, no outdoor live entertainment - secondary use approval is required;  
49                     outdoor live entertainment is ancillary to these uses, with restrictions provided in  
50                     the respective use standards.
- 51           5.     Outdoor live entertainment shall be limited to two (2) days per week and forty days  
52                     per calendar year.
- 53           6.     Outdoor speakers and instruments shall be directed away from adjacent residences  
54                     to the greatest extent possible.
- 55           7.     Compliance with the New Orleans Sound/Noise Ordinance is required.
- 56           8.     A 30-foot buffer area shall be maintained between the outdoor live entertainment  
57                     area as indicated on a site plan and a residential district or use.

58           9.     In the Vieux Carré Districts, outdoor live entertainment – second use shall be  
59                   prohibited.

60           10.    No outdoor live entertainment is permitted upon balconies or galleries.

61           11.    All granted Outdoor Live Entertainment conditional uses shall be published on a  
62                   dedicated City website/URL by municipal address with accompanying provisions  
63                   or any other addendums.

1           **SECTION 3.** Whoever does anything prohibited by this Ordinance or fails to do anything  
2           required to be done by this Ordinance shall be subject to whatever civil liabilities, penalties, or  
3           remedies the law prescribes.

1           **SECTION 4.** This Ordinance shall have the legal force and effect of authorizing this  
2           conditional use after: (1) all proviso(s) listed in Section 2, which impose a one-time obligation  
3           have been completely fulfilled and complied with; and (2) all proviso(s) listed in Section 2, which  
4           impose a continuing or ongoing obligation have begun to be fulfilled. Fulfilment of a continuing  
5           or ongoing obligation is based on the City Planning Commission’s approval of the final site plan,  
6           which shall be submitted within one year of adoption of this Ordinance by the City Council, unless  
7           extended as authorized by the Comprehensive Zoning Ordinance. The Executive Director of the  
8           City Planning Commission shall verify that the development plan incorporates all conditions set  
9           forth in this Ordinance and shall sign the plan to indicate final plan approval. The final approved  
10          plan shall be recorded in the Office of the Clerk of Civil District Court for the Parish of Orleans,  
11          within 30 days of the date of final approval, and evidence of such recordation shall be submitted  
12          to the City Planning Commission. No use or occupancy certificates or permits, other than the  
13          building permits needed to fulfill the proviso(s), shall be issued until the final approved plan is  
14          recorded and evidence of recordation is submitted to the City Planning Commission. If the

15 development plan is not approved and recorded, within the timeframes provided in the  
16 Comprehensive Zoning Ordinance, then this Ordinance shall be null and void with no legal force  
17 or binding effect. Furthermore, if the requirements of Section 4.3.H.1 of the Comprehensive  
18 Zoning Ordinance are not satisfied within the timeframe allotted by Sections 4.3.H.1 and 4.3.H.2  
19 of the Comprehensive Zoning Ordinance, the conditional use will expire, and this Ordinance will  
20 be null and void. The preceding deadlines may be extended via motion in accordance with the  
21 Comprehensive Zoning Ordinance.

**ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS** \_\_\_\_\_

\_\_\_\_\_  
**PRESIDENT OF THE COUNCIL**

**DELIVERED TO THE MAYOR ON** \_\_\_\_\_

**APPROVED:**  
**DISAPPROVED:** \_\_\_\_\_

\_\_\_\_\_  
**MAYOR**

**RETURNED BY THE MAYOR ON** \_\_\_\_\_ **AT** \_\_\_\_\_

\_\_\_\_\_  
**CLERK OF COUNCIL**

**ROLL CALL VOTE:**

**YEAS:**

**NAYS:**

**ABSENT:**

**RECUSED:**

**MOTION**

**NO. M-26-89**

**CITY HALL: February 26, 2026**

**BY: COUNCILMEMBER KING**

**SECONDED BY: COUNCILMEMBER HARRIS**

**BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS**, That the City Planning Commission's (CPC) report, with recommendation of effective denial for lack of legal majority, related to **ZONING DOCKET 5/26**, initiated by **RUSSEL J. FRANK**, requesting a zoning map amendment to change an HMR-1 Historic Marigny/Tremé/Bywater Residential District to an HMC- 2 Historic Marigny/Tremé/Bywater Commercial District, a conditional use to permit outdoor live entertainment (secondary use) in conjunction with a hotel in an HMC-2 Historic Marigny/Tremé/Bywater Commercial District, and a waiver of the limitation on operating hours on Square 196, Lots 3A, 5A, A-1, M or B, 10A, 11, and Pt. Lot 15 (Proposed Lot 10B), in the Second Municipal District, bounded by Dumaine Street, North Claiborne Avenue, North Robertson Street, and Saint Ann Street (municipal addresses: **1608-1620 Dumaine Street and 816-834 North Claiborne Avenue**), is received, and the application is hereby approved in part and denied in part, as follows:

1. The zoning map amendment from an HMR-1 Historic Marigny/Tremé/Bywater Residential District to an HMC- 2 Historic Marigny/Tremé/Bywater Commercial District is approved.
2. The conditional use to permit outdoor live entertainment (secondary use) in conjunction with a hotel in an HMC-2 Historic Marigny/Tremé/Bywater Commercial District is

approved, subject to three provisos as recommended by CPC staff and as outlined in the CPC staff report, with the following modifications:

(a) Provisos 1 and 2 are approved as recommended.

(b) Proviso 3 is modified to limit outdoor live entertainment to two days per week and forty days per calendar year.

3. The waiver of the limitation on operating hours to permit operating hours of 9:00 a.m. to 10:00 p.m. on weekdays and 10:00 a.m. to 12:00 a.m. (midnight) on weekends is denied.

**BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS,** That the Clerk of Council is directed to forward copies of this motion to the Law Department, which is directed to prepare an ordinance to effectuate this motion and is granted flexibility to make any changes necessary to achieve the will of the Council as set forth in this motion.

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

**YEAS:** Green, Harris, Hughes, King, McCarron, Morrell, Willard - 7

**NAYS:** 0

**ABSENT:** 0

**RECUSED:** 0

**AND THE MOTION WAS ADOPTED.**

THE FOREGOING IS CERTIFIED  
TO BE A TRUE AND CORRECT COPY



CLERK OF COUNCIL