

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 5172AA

ORDINANCE COUNCIL SERIES NO: _____

COUNCIL SPONSOR: MR. GOULD

PROVIDED BY: COUNCIL ATTORNEY

INTRODUCED BY: MR. GOULD

SECONDED BY: MR. BELLISARIO

ON THE 2 DAY OF OCTOBER , 2014

ORDINANCE TO AMEND AND REENACT SECTION 3-164.00
LOCATION RESTRICTIONS OF THE ALCOHOLIC BEVERAGE
REGULATIONS UNDER ARTICLE VII ALL WARDS.

WHEREAS, it is necessary to amend the location restrictions of the alcoholic beverage regulations of the St. Tammany Parish Code of Ordinances, particularly Section 3-164.00 of Article VII, in order to promote, protect and preserve the general welfare, safety, health, peace and good order of the Parish.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS: that Section 3-164.00 of Article VII of the St. Tammany Parish Code of Ordinances, Permit Provisions Applicable to Articles VI & VII, is hereby amended to provide as follows, to-wit:

ARTICLE VII ALL WARDS

SEC. 3-164.00 Location Restrictions

A. No permit required by the provisions of this Article shall be granted for any premises situated within five hundred feet (500 ft) or less distance of a public playground, a building occupied exclusively as a church, or synagogue, public library, public playground, full-time day care center, correctional facility housing inmates, including but not limited to halfway houses, or school, except a school for business education conducted as a business college or school. The measurement to be taken shall be as a person walks using the sidewalk from the nearest point of the property line of the church or synagogue, public library, public playground, full-time day care center, correctional facility housing inmates, including but not limited to halfway houses, or school to the nearest point of the premises to be licensed as described in the application, provided, however that these restrictions shall not apply to any premises which are maintained as a bona fide hotel, railway car, or fraternal organization. In undeveloped rural areas, the distance shall be measured in a straight line from the nearest point to the nearest point of the respective premises or grounds. The restrictions contained in this section do not apply to a premises which are maintained as a bona fide hotel, railroad car, fraternal organization, nor to any premises which were licensed to deal in alcoholic beverages prior to June 1, 2015.

(1) For purposes of determining the method of measurement under the provisions of this Section, undeveloped rural areas are those areas of unincorporated St. Tammany Parish situated north of the Urban Growth Boundary Line.

B. Except with the written consent or approval provided for in paragraph (1) herein below, no permit required by the provisions of this Article **a permit for the sale of beverages of high alcoholic content** shall not be granted for any facility selling alcoholic beverages in open containers for consumption on premises that is situated on property located adjacent to residentially zoned property or where the facility selling alcoholic beverages is situated within five hundred (500 ft.) or less of residentially zoned property. The measurement to be taken shall be as provided for in paragraph A herein above.

(1) To be issued a permit when the provisions of paragraph B of this Section apply, the owner of a facility applying for an alcoholic beverage permit shall have **comply with the following requirements of subparagraph (a) or (b): (a)obtain the** written notarized consent of the owners of the abutting residentially zoned property owners and **the owners of the** abutting residentially zoned property owners situated within five hundred feet (500 ft.) or less of the facility applying for said permit. If the residentially zoned property is a subdivision with an existing homeowners' association, the owner of the facility shall obtain the written notarized consent of the homeowners' association in lieu of obtaining the consent of the

individual property owners. (b) must apply for and Obtain approval of an Entertainment Overlay zoning designation issued by the Zoning Commission through the process and procedures set forth in the Unified Development Code Volume I - Zoning. If the residentially zoned property is a subdivision, the owner of the facility shall obtain the written notarized consent of the homeowners' association, if existing, or must apply for and obtain an Entertainment Overlay issued by the Zoning Commission.

C. The provisions of paragraph B of this Section shall exclude special events as defined elsewhere in this Article, convenience stores, or any facility selling packaged liquor which will not be consumed on premises, and facilities within mixed use developments such as TND's and PUD's and shall not apply to any facility that is permitted prior to June 1, 2015.

REPEAL: All ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinance are hereby declared to be severable.

EFFECTIVE DATE: This Ordinance shall become effective fifteen (15) days after adoption.

MOVED FOR ADOPTION BY: _____ SECONDED BY: _____

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 8 DAY OF JANUARY , 2015 ; AND BECOMES ORDINANCE COUNCIL SERIES NO _____.

, COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

PATRICIA P. BRISTER, PARISH PRESIDENT

Published Introduction: March 27 , 2014

Published Adoption: _____ , 2014

Delivered to Parish President: _____, 2014 at _____

Returned to Council Clerk: _____, 2014 at _____