

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 6215

ORDINANCE COUNCIL SERIES NO: 19-4132

COUNCIL SPONSOR: MR. THOMPSON

PROVIDED BY: COUNCIL OFFICE

INTRODUCED BY: MR. BELLISARIO

SECONDED BY: MR. TOLEDANO

ON THE 8 DAY OF AUGUST , 2019

ORDINANCE TO AMEND ORDINANCE COUNCIL SERIES NO.  
19-4108 - ORDINANCE TO AMEND THE PARISH CODE OF  
ORDINANCES SECTION 6-34 - LOCATION RESTRICTIONS.

WHEREAS, certain small businesses wishing to sell low alcohol content beverages in package form are being prevented from doing so due to the more restrictive location requirements in St. Tammany Parish; and

WHEREAS, State law is less restrictive in its location requirements than St. Tammany Parish regarding said sales; and

WHEREAS, to promote and assist business it is necessary to amend the existing location restrictions for Class B alcohol permits to 300 feet as enumerated herein.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that Section 6-34 of The Code of Ordinances be amended as follows:

Sec. 6-34. - Location restrictions.

(a) No permit except that listed in paragraph (d) hereof required by the provisions of this article shall be granted for any premises situated within 500 feet or less distance of a public playground, a building occupied exclusively as a church, or synagogue, public library, public playground, full-time daycare 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 any premises which are maintained as a bonafide 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, a permit for the sale of beverages of high alcoholic content, other than one specifically limited to the sale of beer and wine, shall not be granted for any facility selling alcoholic beverages for consumption on premises that is situated on property located adjacent to single-family residentially zoned property or where the facility selling alcoholic beverages is situated within 500 feet or less of single-family 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 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 [chapter 130, article V, division 10]. 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, country clubs, marinas, facilities within mixed use developments, such as TNDs and PUDs, commercial developments which supply and maintain 100-foot no-cut buffers between the development and single-family residentially zoned properties, and shall not apply to any facility that is permitted prior to June 20, 2015.

(d) A Class B permit shall be granted for any premises situated 1) 300 feet or greater than the locations referenced herein, or 2) within 300 feet or less of a public playground a building occupied exclusively as a church, or synagogue, public library, public playground, full-time daycare 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 provided the applicant submits a written waiver of opposition from all of the affected entities listed herein.(Code 1998, Sect. 3-164.00; Ord. No. 15-3315 , 5-7-2015) State Law reference - Similar provisions, R.S. 26:81, 26:281.

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: MR. THOMPSON SECONDED BY: MR. FITZGERALD

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


YEAS: DEAN, FITZGERALD, THOMPSON, LORINO, TOLEDANO, TANNER, GROBY, CANULETTE, BELLISARIO, O'BRIEN, STEFANCIK, BINDER, BLANCHARD, SMITH (14)

NAYS: (0)

ABSTAIN: (0)

ABSENT: (0)

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 5 DAY OF SEPTEMBER , 2019 ; AND BECOMES ORDINANCE COUNCIL SERIES NO 19-4132 .

  
MICHAEL R. LORINO, JR. , COUNCIL CHAIRMAN

ATTEST:

  
THERESA L. FORD, COUNCIL CLERK

  
PATRICIA P. BRISTER, PARISH PRESIDENT

Published Introduction: JULY 31 , 2019

Published Adoption: \_\_\_\_\_, 2019

Delivered to Parish President: \_\_\_\_\_, 2019 at \_\_\_\_\_

Returned to Council Clerk: \_\_\_\_\_, 2019 at \_\_\_\_\_