APPENDIX A. ALCOHOLIC BEVERAGE OUTLET & LIVE ENTERTAINMENT REGULATIONS

I. ALCOHOLIC BEVERAGE OUTLETS

Alcoholic beverages in the City of New Orleans are regulated in a number of ways in the Comprehensive Zoning Ordinance (CZO). The CZO makes a distinction in terms of the retail sale of alcoholic beverages for consumption on- or off-premises as described below.

Retail Sale of Alcoholic Beverages (Off-Premise Consumption)
The sale of alcoholic beverages for consumption off-premises is regulated as a separate use. This means that in order for a retail goods establishment to sell alcoholic beverages, the use "retail sales of alcoholic beverages" must be allowed in the district either as a permitted or conditional use, and the applicant must receive approval for that use. In the majority of districts, "retail sales of alcoholic beverages" is a conditional use.

On-Premise Consumption of Alcoholic Beverages
Consumption of alcoholic beverages on premise is tied directly to two uses – "bars" and "standard restaurants" – where alcoholic beverage service is permitted by-right. Standard restaurants are those classified as having sit-down service, generally defined as restaurants where customers select from menus and orders are taken by wait staff. The CZO provides for other types of restaurants, such as fast food, carry-out and specialty (PJs Coffee, gelato shops, etc.) restaurants. These other types of restaurants are not permitted to sell alcoholic beverages.

Bars and restaurants also have a series of use standards that must be met in order to serve alcoholic beverages. Key requirements are an impact management plan that describes how parking, security, litter and noise impacts will be managed and an operation plan that describes hours of operation, size, lighting and occupancy.

In addition, the following uses are permitted to sell alcoholic beverages for consumption on-premises when they are open to the public for an event. These are:

- Arenas
- Stadiums
- Fairgrounds
- Live Performance Venues

One additional use – indoor amusement facilities - are permitted the sale of alcoholic beverages for consumption on-premises under certain conditions. When a "bar" or "standard restaurant" is allowed in the same district as the indoor amusement facility, this use may serve alcoholic beverages on-premises for consumption if separate approval is obtained for the "bar" or "standard restaurant." An example of an indoor amusement facility would be a bowling alley. The bowling alley, if it wanted to include a bar area, requires approval for both an "indoor amusement facility" and a "bar." Indoor amusement facilities are allowed to have snack bars and restaurants that do not serve alcoholic beverages as part of the use (i.e., no separate approval needed).

New Orleans City Code ABO Requirements
In addition to the regulations of the CZO, the City Code also contains additional regulations that alcoholic beverage outlets must comply with. These are included below for reference purposes only. Please refer to the City Code for the most current regulations.

Sec. 10-236. - Restrictions as to property near schools, churches, etc.

(a) ~~It is hereby declared the sense and policy of this section and section 10-238 that no permit shall be granted for the opening of any barroom, saloon, cabaret or other place where alcoholic beverages are sold at retail, to be consumed on the premises within 300 feet of any playground, church, public library, or school. Exempted from these provisions are the following:~~

(1) Those nonprofit organizations operating upon any city playground or park which sells low content alcoholic beverages during scheduled athletic recreational and/or festival events under a concession rights agreement issued by the department of recreation;

(2) Those nonprofit church or school related or associated organizations or groups which conduct on such church or school property fairs, festivals, meetings or other similar events under and by the authority of the church or school, whose proceeds are used or intended to be used for the benefit of the related church or school;

(3) Any person or corporation who are within the 300-foot prohibited limit, and who obtain by approval of a sworn affidavit of not less than 75 percent of the property owners within such 300 feet, and, which approval, if accompanied by a plan duly signed and dated by licensed surveyor or engineer, shall contain the location of the proposed business, together with the designation on such plan of the proper names, addresses and conveyance office book acquisition of such property by such owners.

This provision sets up the possibility of extortion by neighbors.

(b) The word "school" as used in this section shall not include a school for business education conducted as a business college or school within the city.

(Code 1956, § 5-45)

(Cross reference - Streets, sidewalks and other public places, ch. 146.)

Sec. 10-237. - Restrictions on package liquor stores near churches, schools, etc.

(a) ~~No permit shall be granted for opening of any package house or package liquor store within 300 feet of any playground, church, public library, school, funeral home, or mortuary.~~

(b) The provisions of this section shall not apply to a package liquor store where the wholesale cost of package liquor stocked and displayed does not exceed 15 percent of the wholesale cost of other merchandise stocked and displayed and where package liquor display does not constitute more than ten percent of all display area and where package liquor is not advertised outside or off the premises. Any permit obtained under this subsection shall be limited to the type or types of establishments represented in the original application. A sworn statement of continued use shall be required before each periodic renewal of such license and the operation of any additional type or variation of type shall be a violation of this section and cause for the immediate revocation of such license by the department of finance.

(c) The provisions of this section shall not apply to package liquor store locations which are licensed to sell alcoholic beverages on the effective date of the ordinance from which this section was derived and which are continuously operated as such with no lapse in the operation for a period in excess of ~~six~~ consecutive months.

(d) The 300-foot distance provided for in this section shall be measured as a person walks, using the sidewalk, from the nearest point of the property line of the playground, church, public library, school, funeral home, or mortuary to the nearest point of the premises to be licensed.

(Code 1956, § 5-45.01)

Sec. 10-238. - How distance measured.

(a) The 300-foot distance provided for in section 10-236 shall be measured as a person walks, using the sidewalk, from the nearest point of the property line of the playground, church, public library or school, to the nearest point of the premises to be licensed.

(b) Any permit issued to such business prior to the adoption of this and the preceding sections shall not be affected save and except that such prior existing businesses shall not face any public playground, unless such business was in operation prior to the establishment of the playground.

(c) It shall be unlawful for any person or any other legal entity who is engaged in the operation of any barroom, saloon, cabaret or other place where alcoholic beverages are sold at retail, to be consumed on the premises, to keep or allow to be kept any benches or seats on the sidewalks in the vicinity of any such business establishment.

(d) If a retail or wholesale business has an interruption of the continuity of business for a period in excess of six months, in order to reopen for business, the requirements set forth above must be complied with.

(e) The restrictions contained in this section do not apply to premises which were maintained continuously as a bona fide hotel, railway car or fraternal organization for a period of one year prior to the passage of Ordinance No. 18,537, C.C.S.

(Code 1956, § 5-46)

State law reference - Similar provisions, R.S. 26:81, 26:281.

Sec. 10-239. - Section 10-236 not applicable to hotels, etc.

The restrictions contained in section 10-236 do not apply to premises which are maintained as a bona fide hotel, restaurant, fraternal organization, bus terminal or railroad station, nor to any premises licensed to deal in alcoholic beverages for a period of one year prior to May 1, ~~1953~~.

(Code 1956, § 5-47)

Secs. 10-240—10-260. - Reserved.

II. LIVE ENTERTAINMENT

Live entertainment in the City is regulated in two ways within the CZO. Live entertainment as a use has been refined so that it is regulated both a primary use of a facility, such as a theater, and as a secondary use to a standard restaurant, indoor amusement facility, or bar. Live entertainment, whether primary or secondary, is defined as follows: “the following live performances, performed live by one (1) or more persons, whether or not done for compensation and whether or not admission is charged: musical act, theatrical play or act, including stand-up comedy and magic, dance clubs, and disc jockey performances using vinyl records, compact discs, computers or digital music players.”

In addition, certain types of performances have been exempted from the live entertainment use category. Specifically, these exemptions are:

» Any adult use, which is regulated as a separate use type in the CZO.

» Supper clubs, which are regulated as a separate use type in the CZO.

» The following types of performances, which are considered part of the general character of the use: periodic entertainment by educational facilities or places of worship, performances at cultural facilities, performances at reception facilities, performances at weddings and similar religious events, the playing of recorded music over speakers without a disc jockey, poetry readings, or non-amplified musical accompaniment for patrons at a restaurant.

"Live entertainment - secondary use," when allowed within the zoning district, must be part of a standard restaurant, indoor amusement facility, or bar, and must be approved separately. A "live performance venue," the other type of live entertainment facility allowed by the CZO, is a facility specifically operated for the presentation of live performances. A live performance venue is only open to the public when a live performance is scheduled. Unless otherwise restricted by the CZO, a live performance venue may serve alcoholic beverages as an accessory use but only when the venue is open to the public for the live performance.

III. DISTRICT PERMISSIONS

The table on the following pages shows which districts allow for: 1) the sale of alcoholic beverages for consumption on- and off-premises, which relates to the key use categories of "retail sales of alcoholic beverages," "bars" and "standard restaurants"; and 2) where live entertainment as a primary and as a secondary use are allowed. Live entertainment as a secondary use must be ancillary to a standard restaurant, indoor amusement facility, or bar, so both uses must be allowed within the district.

OPEN SPACE	Retail Sales of Alcoholic Beverages	Bar	Restaurant, Standard	Indoor Amusement Facility	Live Entertainment – Secondary Use	Live Performance Venue
OS-N						
OS-G						
OS-R			C	C		P
NA						
ESD						
RURAL	**Retail Sales of Alcoholic Beverages**	**Bar**	**Restaurant, Standard**	**Indoor Amusement Facility**	**Live Entertainment – Secondary Use**	**Live Performance Venue**
R-RE						
M-MU	C		P			
HISTORIC CORE	**Retail Sales of Alcoholic Beverages**	**Bar**	**Restaurant, Standard**	**Indoor Amusement Facility**	**Live Entertainment – Secondary Use**	**Live Performance Venue**
VCR-1						
VCR-2						
HMR-1						
HMR-2						
HMR-3						
VCC-1	C		P			
VCC-2	C	C	P			
VCE		C	P	P	P	P
VCE-1		C	P	P		P
VCS	C	C	P	P		
VCP						
HMC-1	C	C	P			
HMC-2	C	C	P	C	C	P = No alcoholic beverages C= With alcoholic beverages
HM-MU	C	C	P	C	C	C

HISTORIC URBAN	Retail Sales of Alcoholic Beverages	Bar	Restaurant, Standard	Indoor Amusement Facility	Live Entertainment – Secondary Use	Live Performance Venue
HU-RS						
HU-RD1						
HU-RD2						
HU-RM1						
HU-RM2						
HU-B1A	p	p	P	p	p	p
HU-B1	p	p	P	P	p	p
HU-MU	C	~~C~~	P	P	~~C~~	p
SUBURBAN	**Retail Sales of Alcoholic Beverages**	**Bar**	**Restaurant, Standard**	**Indoor Amusement Facility**	**Live Entertainment – Secondary Use**	**Live Performance Venue**
S-RS						
S-RD						
S-RM1						
S-RM2						
S-LRS1						
S-LRS2						
S-LRS3						
S-LRD1						
S-LRD2						
S-LRM1						
S-LRM2						
S-B1	C		P	P	C	
S-B2	C	C	P	P	C	
S-LB1	C	C	C		C	
S-LB2	C	C	P		C	
S-LC	C	C	P		C	
S-LP						
S-LM	C	C	P	P		
DESTINATION	**Retail Sales of Alcoholic Beverages**	**Bar**	**Restaurant, Standard**	**Indoor Amusement Facility**	**Live Entertainment – Secondary Use**	**Live Performance Venue**
C-1	C	C	P	P	C	C
C-2	C	P	P	P	C	C
C-3	P	P	P	P	P	P
MU-1	C	C	P	P	C	C
MU-2	C	P	P	P	P	P
EC			P	P		
MC			P			
MS			P			
LS	C	P	P			
INDUSTRY	**Retail Sales of Alcoholic Beverages**	**Bar**	**Restaurant, Standard**	**Indoor Amusement Facility**	**Live Entertainment – Secondary Use**	**Live Performance Venue**
LI	P	P	P	p	p	p
HI	P	P	P	p	p	p
MI		P	P	p	p	p
BIP	C	P	P	p	p	p
CBD	**Retail Sales of Alcoholic Beverages**	**Bar**	**Restaurant, Standard**	**Indoor Amusement Facility**	**Live Entertainment – Secondary Use**	**Live Performance Venue**
CBD-1	C	p	P	P	P	
CBD-2	C	p	P	P	P	
CBD-3	C	p	P	P	P	P
CBD-4	C	~~C~~	P	P	P	P
CBD-5	C		P	P	P	
CBD-6	C	~~C~~	P			