

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 61

Local Government and Regional Affairs Committee Substitute Adopted 5/6/93

House Committee Substitute Favorable 6/30/94

Short Title: Zoning Denial/ABC Permit.

(Public)

Sponsors:

Referred to:

February 4, 1993

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THAT THE NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL COMMISSION CONSIDER VARIOUS FACTORS PRIOR TO GRANTING ABC PERMITS, TO LENGTHEN THE PERIOD OF NOTICE TO LOCAL GOVERNMENTS, CONCERNING ZOO AREA DEVELOPMENT ZONES, AND TO CLARIFY THAT NO NOTICE NEED BE GIVEN TO LOCAL GOVERNMENTS UNLESS THE PERMIT IS PERMANENT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 18B-901(c) reads as rewritten:

"(c) Factors in Issuing Permit. – Before issuing a permit, the Commission shall be satisfied that the applicant is a suitable person to hold an ABC permit and that the location is a suitable place to hold the permit for which he has applied. To be a suitable place, the establishment shall comply with all applicable building and fire codes. Other factors the Commission may shall consider in determining whether the applicant and the business location are suitable are:

- (1) The reputation, character, and criminal record of the applicant;
- (2) The number of places already holding ABC permits within the neighborhood;
- (3) Parking facilities and traffic conditions in the neighborhood;
- (4) Kinds of businesses already in the neighborhood;
- (5) Whether the establishment is located within 50 feet of a church or public school or church school;

1 (6) Zoning laws;

2 (7) The recommendations of the local governing body; and

3 (8) Any other evidence that would tend to show whether the
4 applicant would comply with the ABC laws and whether operation
5 of his business at that location would be detrimental to the
6 neighborhood."

7 Sec. 1.1. G.S. 18B-1006 is amended by adding a new subsection to read:

8 "(1) Zoo Area Development Zones. – Notwithstanding the provisions of Article 6
9 of this Chapter, the Commission may issue the permits for the sale of malt beverages,
10 unfortified wine, fortified wine, and mixed beverages to qualified businesses in a zoo
11 area development zone. A 'zoo area development zone' is a special zoning and planning
12 district created by the Board of County Commissioners which encompasses
13 approximately one mile circumference around a zoo operated by the State of North
14 Carolina and which contains more than 1,000 acres."

15 Sec. 2. G.S. 18B-901(b) reads as rewritten:

16 "(b) Notice to Local Government. – Before issuing ~~an~~ a retail ABC permit, other
17 than a:

18 (1) Special occasion permit under G.S. 18B-1001(8);

19 (2) Limited special occasion permit under G.S. 18B-1001(9);

20 (3) Temporary permit under G.S. 18B-905; or

21 (4) Special one-time permit under G.S. 18B-1002

22 for an establishment, the Commission shall give notice of the permit application to the
23 governing body of the city in which the establishment is located. If the establishment is
24 not inside a city, the Commission shall give notice to the governing body of the county.
25 The Commission shall allow the local governing body ~~10-15~~ days from the time the
26 notice was mailed or delivered to file written objection to the issuance of the permit. To
27 be considered by the Commission, the objection shall state the facts upon which it is
28 based."

29 Sec. 3. This act is effective upon ratification, but only applies to permits
30 applied for on or after that date.