

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

S

1

SENATE BILL 478

Short Title: Zoning Denial/ABC Permit.

(Public)

Sponsors: Senator Block.

Referred to: Alcoholic Beverage Control.

April 4, 1991

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THAT APPLICABLE LOCAL ZONING REQUIREMENTS
MUST BE SATISFIED TO OBTAIN AN ABC PERMIT.

The General Assembly of North Carolina enacts:

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

"§ 18B-901. Issuance of permits.

(a) Who Issues. – All ABC permits shall be issued by the Commission. Purchase-transportation permits shall be issued by local boards under G.S. 18B-403.

(b) Notice to Local Government. – Before issuing an ABC permit, for an establishment, the Commission shall give notice of the permit application to the governing body of the city in which the establishment is located. If the establishment is not inside a city, the Commission shall give notice to the governing body of the county. The Commission shall allow the local governing body 10 days from the time the notice was mailed or delivered to file written objection to the issuance of the permit. To be considered by the Commission, the objection shall state the facts upon which it is based.

(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.~~ codes, and shall satisfy all applicable zoning regulations. Other factors the Commission may 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;

- 1 (3) Parking facilities and traffic conditions in the neighborhood;
2 (4) Kinds of businesses already in the neighborhood;
3 (5) Whether the establishment is located within 50 feet of a church or
4 public school or church school;
5 ~~(6) Zoning laws;~~
6 (7) The recommendations of the local governing body; and
7 (8) Any other evidence that would tend to show whether the
8 applicant would comply with the ABC laws and whether operation
9 of his business at that location would be detrimental to the
10 neighborhood.
11 (d) Commission's Authority. – The Commission shall have the sole power, in its
12 discretion, to determine the suitability and qualifications of an applicant for a permit."
13 Sec. 2. This act is effective upon ratification.