

AMENDING CHAPTER 30

AN ORDINANCE AMENDING THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT

(Editor's Note: Added text shown with underlines and deleted text shown with strikethroughs.)

Section 1. That Subsection B) of Section 30-3-7.4, Powers and Duties, is hereby amended to read as follows:

30-3-7.4 Powers and Duties

A. Final Action

The Board of Adjustment has final decision-making authority for the following procedures:

1. Variances (30-4-13);
2. Special Exceptions (30-4-14); and
3. Changes of Use for Nonconforming Uses (30-2-3.4) or Alterations of Nonconforming Uses (30-2-3.2(D)).

B. Appeals

The Board of Adjustment has the authority to hear and decide appeals on the following:

1. Zoning Administrative Determinations (30-4-27);
2. Certificate of appropriateness decisions of the Historic Preservation Commission (30-4-1.6).
3. Any other appeals as prescribed in the City of Greensboro Code of Ordinances

Section 2. That Subsection 1) of Section 30-3-7.5(A), Required Vote for Approval, is hereby amended to read as follows:

1. An affirmative vote of 4/5 of the appointed members ~~present and voting~~ shall be required to grant a variance from the provisions of this ordinance. Vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

Section 3. That Subsection A) of Section 30-4-26.5, Sign Permits, is hereby amended to read as follows:

A. Permanent Sign Permit

1. Applicability

If required by Article 14, a sign permit must be obtained prior to commencement of any sign construction activity. The sign permit may be obtained through the ~~Planning and Community Development~~ Director.

2. Lapse of Use

A sign permit becomes null and void if the corresponding activity on the premises is discontinued for a continuous period of 90 days or more in accordance with 30-14-13.4.

3. Permit Duration

If the work authorized by a sign permit has not been completed within 180 days from the date of issuance, the permit is null and void.

4. Assignment and Transfer

A current and valid sign permit is freely assignable to a successor as owner of the property or holder of a ~~privilege license~~ business permit for the same premises, subject only to filing such application as the Planning ~~and Community Development~~ Director may require. The assignment is accomplished by filing and does not require approval.

Section 4. That Section 30-8-13.4, Special Standards for Entertainment Facilities, through Section 30-8-13.8, Duration and Termination of Additional Entertainment Use Standards , are hereby amended to read as follows:

30-8-13.4 Special Standards for Entertainment Facilities

- A. The Finance Director or his designee shall immediately suspend the ~~privilege license~~ business permit of any person or business to which this Ordinance is determined to apply.
- B. The Planning ~~and Community Development~~ Director shall not recommend approval of re-issuance or lifting the suspension of a ~~privilege license~~ business permit for the operation of a public entertainment facility unless the Planning ~~and Community Development~~ Director or his designee certifies that the applicant has prepared a plan approved by the Chief of Police or his designee and, if the facility is already opened for business, that the Entertainment Facility is operating in compliance with the requirements of the City of Greensboro Public Entertainment Uses Security Manual. Any required security plan shall conform to the requirements contained in the City of Greensboro Public Entertainment Uses Security Manual, and all Entertainment Facilities shall have a continuing duty to comply with the requirements of this Article. Applicants under this Article shall be responsible for operating the Entertainment Facility in compliance with the security plan.

30-8-13.5 Approval Required for Issuance or Renewal of Permit

- A. No person or business subject to the operation of this Ordinance shall be permitted ~~or licensed~~ by the City of Greensboro to make any use or engage in any business as an Entertainment Facility without first having complied with the requirements imposed by this Article and the City of Greensboro Public Entertainment Uses Security Manual, applicable review and approval procedures in Article 4 of this Ordinance, and any

applicable permitting or licensing procedures in Chapters 4, 10 and 13 of the City of Greensboro Code of Ordinances.

- B. The Planning and ~~Community Development~~ Director shall be responsible for investigating and determining whether any applicant for a ~~privilege license~~ business permit to make any use or engage in any business as an Entertainment Facility is in compliance with the requirements imposed by this Article.

30-8-13.6 Additional Fees for Application Processing

- A. In addition to providing the information required in the City of Greensboro Public Entertainment Uses Security Manual, the applicant must also pay a nonrefundable application processing fee in such amount as established by the City Manager before approval may be granted by the Planning and ~~Community Development~~ Director. The fee shall be set in such amount as required to defray the costs of investigating the applicant's information for verification of compliance with this Article and eligibility for approval.
- B. Upon receiving a completed, signed application and payment in full of the application processing fee, the Planning and ~~Community Development~~ Director or his designee shall investigate the information contained in the application to verify its accuracy and the applicant's eligibility for a ~~privilege license~~ business permit.

30-8-13.7 Investigation; Minimum Standards for Approval

- A. Within a reasonable time not to exceed 30 days after receipt of a completed, signed application for a ~~privilege license~~ business permit, the additional application requirements and all application fees, the Planning and ~~Community Development~~ Director will complete the required investigation and recommend approval or denial of a ~~privilege license~~ business permit.
- B. If the Planning and ~~Community Development~~ Director recommends denial of issuing a ~~privilege license~~ business permit, the applicant shall be informed of writing of the denial and the reasons on which the denial is based.
- C. The Planning and ~~Community Development~~ Director will deny the application for any of the following reasons:
 1. The applicant or any individual identified in the application is under 18 years of age;
 2. The application is incomplete, unsigned or the investigation fee has not been paid;
 3. The applicant or any individual identified in the application refused to allow an inspection of the premises;

4. The applicant or any individual identified in the application has overdue permit fees associated with the operation of a public entertainment business;
5. The applicant or any individual identified in the application has an ownership interest in, or is a managing agent, of any other Entertainment Facility at which the privilege license has been suspended or revoked;
6. The applicant failed to provide information with regard to the identity of employees who are responsible for managing or supervising the business operating the entertainment facility;
7. The applicant or any individual identified in the application has been convicted of:
 - a. Any felony, where less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date;
 - b. Any misdemeanor offense identifies herein, where less than two years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, with the misdemeanor offenses identified as follows:
 - i. Any misdemeanor of or equivalent to G.S. 14-190.9, indecent exposure; G.S. 14-202, secretly peeping into room occupied by female person; G.S. 14-33, assault; G.S. 14-34, assault by pointing gun; G.S. 14-32.1, assault on handicapped person; G.S. 14-288.9, assault on emergency personnel; G.S. 14-318.2, child abuse; G.S. 14-401.14, ethnic intimidation; G.S. 14-277.1, communicating threats; G.S. 14-196, harassing phone calls; G.S. 14-277.3, stalking; G.S. 14-269, carrying concealed weapon; G.S. 14-269.7, possession of handgun by minor; G.S. 14-315.1, storage of firearm to protect minors; G.S. 14-269.3, carrying weapon where alcoholic beverages are sold and consumed; G.S. 14-277.2, weapons at parades; G.S. 14-204, 14-204.1, prostitution, loitering for prostitution; G.S. 14-190.5, preparation of obscene photographs; G.S. 14-190.14, 14-190.15(a), displaying/disseminating material harmful to minors; G.S. 14-190.15(b), exhibiting harmful performances to minors; G.S. 14-316.1, contributing to the delinquency of a minor; any misdemeanor offense under G.S. 90-86-90-113.249; or

- ii. Common law offenses of false imprisonment or going armed to the terror of the people.
- c. Where an applicant or individual identified in the application has been convicted of any two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any 24-month period, the period of time elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, shall be five years.
- d. Any violation of any of the sections of this article or any violation of public entertainment regulations of any other city, county, or state.
- e. The fact that a conviction has been appealed has no effect on the denial of the permit.

30-8-13.8 Duration and Termination of Additional Entertainment Use Standards

- A. Entertainment Facilities which are already open and operating shall also be subject to the requirements of this Ordinance. The ~~license~~ permit of any person or business operating an Entertainment Facility at which two or more incidents or events of Serious Violent Crimes occur within a twelve month period of time shall be suspended until such time as the ~~licensee~~ permittee shall meet the requirements of this Ordinance.
- B. Entertainment Facilities shall be required to meet all of the requirements of this Ordinance for a period of two years from the date on which the ~~licensee~~ permittee is next issued a ~~privilege license~~ business permit or a current ~~license~~ permit is removed from suspension.

Section 5. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 6. This ordinance shall become effective upon adoption.