

AMENDING CHAPTER 30 (LDO)

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 Table 8-1, Permitted Uses, is hereby amended by adding an additional reference of "30-8-13" in the Standards Column for the following uses:

- 1. Bars, Nightclubs, and Brewpubs
- 2. Clubs and Lodges
- 3. Special Events Facilities
- 4. Sexually Oriented Businesses

Section 2. That Article 8, District Use Requirements, is amended by adding a new section 30-8-13, Entertainment Facility Use Standards, as follows:

**30-8-13 Entertainment Facility Use Standards**

**30-8-13.1 - Intent and Purpose.**

It is the intention of this Article to reasonably regulate larger entertainment facilities open to the public where entertainment business is conducted ("Entertainment Facilities") at which at least two incidents or events involving Serious Violent Crimes have occurred within a twelve month period of time. The purpose of this Article is to prevent and limit adverse secondary impacts associated with large-capacity Entertainment Facilities for the general health, safety and welfare of the public.

**30-8-13.2 - Applicability.**

A. This Article applies to entertainment facilities as defined in this section at which at least two incidents or events involving Serious Violent Crimes have occurred within a twelve month period of time. For purposes of this Ordinance, "Serious Violent Crimes" shall mean and refer to the crimes of murder, manslaughter, rape, second degree sexual offense, robbery, or aggravated assault.

The Chief of Police or his designee shall be responsible for reporting the occurrence of two or more Serious Violent Crimes at Entertainment Facility locations within a twelve month period of time to the Planning Director and the Finance Director. For the purposes of this Ordinance, the occurrence of a Serious Violent Crime shall mean and refer to criminal acts that occur, whether wholly or in part, at the premises of the Entertainment Facility or upon the curtilage of the premises.

B. The term "Entertainment Facilities" shall mean and refer to Entertainment Facilities operating after 9:00 p.m., at which alcohol is sold, served or consumed and the occupancy capacity of the facility as determined by the Greensboro Fire Department is 150 persons or more unless otherwise stated within this Article. "Entertainment Facilities" includes facilities at which any of the following uses occur:

- 1. Bars;
- 2. Clubs or lodges where an event open to the public is being held or conducted and which include dancing or a live entertainment performance;
- 3. Dance clubs;
- 4. Night clubs;
- 5. Special events facilities where an event open to the public is being held or conducted which includes dancing or a live entertainment performance;
- 6. Temporary events open to the public where dancing or a live entertainment performance is being held or conducted; and/or,

7. Sexually oriented businesses at which some kind or type of dancing or live entertainment occurs, without regard to the occupancy capacity of the Entertainment Facility.

C. The term "Entertainment Facilities" also includes any facility at which dancing or a live entertainment performance is held or conducted with an occupancy capacity of 150 persons or more and open to the public after 9:00 p.m., which includes dancing or a live entertainment performance for persons under 21 years of age, regardless of alcohol being sold.

### **30-8-13.3 - Exemptions.**

The following uses and activities are exempt from the provisions of this Article:

- A. Arts and crafts shows;
- B. Athletic fields and athletic events;
- C. Community festivals;
- D. Carnivals, fairs or circuses;
- E. Conventions, exhibitions, or trade shows;
- F. Religious events and assemblies;
- G. Uses, activities and facilities owned or operated by any Federal, State, county or local government agency or government-sponsored entity;
- H. Uses, activities and facilities owned or operated by any private educational institution; and,
- I. Entertainment Facilities operated by an organization designated as a non-profit entity under section 501(c) of the Internal Revenue Code, provided that the facility is for private events or activities of members and guests. The term "guests" shall mean only guests attending the event or activity on a bona fide invitation of the organization or member of the organization. The term "guest" shall not include any event or activity which may be attended by any person upon payment of a cover charge with or without use of an invitation made available to any member of the general public.

### **30-8-13.4 - Special Standards for Entertainment Facilities.**

- A. The Finance Director or his designee shall immediately suspend the privilege license 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 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 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.

**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, 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.
- B. If the Planning and Community Development Director recommends denial of issuing a privilege license, 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:

1. 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

2. 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 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 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 is next issued a privilege license or a current license is removed from suspension.

**30-8-13.9 – Change of business name, ownership or management.**

No person or business subject to this Ordinance shall avoid the requirements herein by change of the name of the business or its managers. No person or business subject to this Ordinance shall avoid the requirements herein by selling, giving, or otherwise conveying to any other person or entity unless the following conditions are met:

- A. The present owner, nor any director, officer, member, manager or partner of the owner may have any form of ownership, employment or financial interest in the Entertainment Facility; and,
- B. No member of the immediate family of the present owner may have any form of ownership, employment or financial interest in the Entertainment Facility.

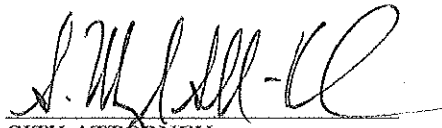
Section 3. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 4. This ordinance shall become effective upon adoption.

THE FOREGOING ORDINANCE WAS ADOPTED  
BY THE CITY COUNCIL OF THE CITY OF GREENSBORO  
ON THE 2ND DAY OF APRIL, 2013 AND WILL  
BECOME EFFECTIVE UPON ADOPTION.

ELIZABETH H. RICHARDSON  
CITY CLERK

APPROVED AS TO FORM

  
CITY ATTORNEY