

CAROLINA BEACH

Planning and Zoning Commission Meeting

Thursday, March 09, 2023 – 6:00 PM

Council Chambers, 1121 N. Lake Park Boulevard, Carolina Beach, NC



AGENDA

CALL TO ORDER

APPROVAL OF MINUTES

1. January 12th, 2023 – P&Z Minutes

STAFF REPORT ON RECENT COUNCIL MEETINGS

STAFF REPORT ON RECENT DEVELOPMENTS

PUBLIC DISCUSSION

2. **Text Amendment** to amend Chapter 40, Art. III. – Zoning District Regulations, Art. IX. – Development Standards for Particular Uses, and Art. XVII. – Definitions to create standards for Wine Shops and Beer Shops in Neighborhood Business.

Applicant: Maxwell Sussman

DISCUSSION ITEMS

NON-AGENDA ITEMS

ADJOURNMENT



AGENDA ITEM COVERSHEET

PREPARED BY: Gloria Abbotts, Senior Planner

DEPARTMENT: Planning &
Development

MEETING: Planning & Zoning Commission – March 9th, 2023

SUBJECT: January 12th, 2023 – P&Z Minutes

Action:

Approve the January 12th, 2023 Minutes

CAROLINA BEACH

Planning and Zoning Commission Meeting

Thursday, January 12, 2023 - 6:00 PM

Council Chambers, 1121 N. Lake Park Boulevard, Carolina Beach, NC



MINUTES

CALL TO ORDER

Chairman Rouse called the meeting to order at 6:00 PM.

PRESENT

Chairman Wayne Rouse

Vice Chairman Jeff Hogan

Commissioner Melanie Boswell

Commissioner Ethan Crouch

Commissioner Todd Piper

Commissioner Bill Carew

Commissioner Lynn Conto

ALSO PRESENT

Planning Director Jeremy Hardison

Senior Planner Gloria Abbotts

APPROVAL OF MINUTES

1. November 10, 2022 – P&Z Minutes

ACTION: Motion to approve the minutes as written

Motion made by Chairman Rouse, seconded by Vice Chairman Hogan

Voting Yea: Chairman Rouse, Vice Chairman Hogan, Commissioner Boswell, Commissioner Crouch, Commissioner Piper, Commissioner Carew, Commissioner Conto

Motion passed unanimously

STAFF REPORT ON RECENT DEVELOPMENTS

Ms. Abbotts reported the following statistics for the past two months:

Permitting

- 62 permits (renovation, repair, grading, additions, fences)
- 26 residential new construction
- 20 certificates of occupancy

Code Enforcement

- 15 complaints received
- 27 resolved (including complaints from previous months and staff-driven issues)

Demos

- 1400 Carolina Beach Avenue North – This is oceanfront, so a Coastal Area Management Act (CAMA) permit was required.
- 307 Columbia Avenue
- 205 Spartanburg Avenue
- 409 Spencer Farlow Drive

Town Council and Other Updates

- Conditional Zoning (CZ) for Social on Second at 205 and 211 Spartanburg Avenue – approved and developer has applied for building permits for 10 of the units along 2nd Street
- Annexation for 601 Augusta Avenue – approved
- CAMA exemption granted to use recycled Christmas trees as sand fencing from Scotch Bonnet Lane to Sea Gull Lane
- 408 and 410 Canal Drive – coming in for CZ modification to add four additional units on neighboring unit 406 Canal Drive

Ms. Abbotts also gave updates on Conditional Use Permits and CZ projects within the past year or so:

- 7th Street started construction recently.
- 409 North Lake Park Boulevard applied for an extension, which has since expired.
- On Basin Road, four units are currently under construction.
- The Proximity has received a State stormwater permit and started surveying Lake Park Boulevard for improvements and the stoplight they have to install at the intersection with Winner Avenue.
- Shagri-La has completed conditions by adding wheel stops and signage for off-street parking.
- Fire training is complete inside the former Welcome Inn, and the developers of the new hotel plan to demo the building soon with plans to use it as a private parking lot for the upcoming summer season.

Chairman Rouse asked if there is any indication when the hotel may start construction. Mr. Hardison said engineering and permits will hopefully start after the summer season.

PUBLIC COMMENT

Butch LeCompte of 307 Charlotte Avenue spoke in support of the proposed plan for the site of the former Deck House. He said he lives a block away and feels optimistic about anybody who wants to come up with creative business ideas for this block as opposed to just residential uses.

PUBLIC HEARINGS

2. Text Amendment to Amend Chapter 40, Art. III. – Zoning District Regulations, Art. V. – Off-Street Parking and Loading Requirements; Parking, Art. VI. – Landscaping and Development Specification Standards, Art. IX. – Development Standards for Particular Uses, and Art. XVII. – Definitions to Create Standards for Event Venues
Applicant: Michael Urti

Applicant Michael Urti is proposing a text amendment to allow for event venues as a use in the Central Business District (CBD). Currently, the zoning ordinance does not address event venues as a permitted use, and there are no similar uses or use standards in the existing ordinance that would apply.

Staff worked with the applicant to come up with language to define the use and associated standards that would apply. The text amendment consists of defining the use and defining the existing meeting facilities use. The existing meeting facilities use has been associated with uses such as the masonic lodge and senior center. Event venues will be defined as commercial establishments with the primary purpose of providing space for meetings, gatherings, reunions, weddings, conventions, private parties, and other similar gatherings. Wilmington, New Hanover County, and Wrightsville Beach all approve event venues and event centers through a CZ approval process. The CZ process allows for additional public input and the opportunity for specific conditions to be placed on the use. If adopted, event venues would be permitted only through CZ. The applicant requested that event venues be permitted in the CBD; staff also suggests the Highway Business District. Event venues would have the same parking requirements as eating and drinking establishments. The text amendment clarifies the waiver of parking requirements in the CBD if there are enough public parking spaces, not just public parking lots, to allow for street parking to be included in the calculation. Event venues must comply with all Alcoholic Beverage Control (ABC) standards, abide by the noise ordinance, and provide landscaping. The landscaping ordinance currently requires only the installation of a 6-foot fence if a commercial use is adjacent to residential uses or districts. The proposed landscaping requirement states that uses in the CBD abutting residential districts shall provide a Type B 10-foot landscape buffer along the abutting side and rear yards. The purpose of additional landscaping is to protect the residential areas and mitigate concerns.

Staff recommends approval of the text amendment as proposed.

Ms. Abbotts presented the details. She went through each of the five sections in the ordinance, two of which were driven by the applicant and three that were additional amendments by staff as the allowance was reviewed.

Chairman Rouse asked if there are any changes regarding alcohol. Ms. Abbotts said there are currently no standards for the event venue use because it doesn't exist. She said the applicant would have to get all relevant ABC permits for any events.

ACTION: Motion to open the public hearing

Motion made by Chairman Rouse, seconded by Commissioner Boswell

Voting Yea: Chairman Rouse, Vice Chairman Hogan, Commissioner Boswell, Commissioner Crouch, Commissioner Piper, Commissioner Carew, Commissioner Conto

Motion passed unanimously

Lara Hamlet of 1414 Snapper Lane, a partner in the venture, said the intention is to re-energize the property and complement the ever-changing landscape of the Town. She said they wanted to nurture

untapped potential and find a creative solution for an unmet need. Ms. Hamlet said the proposed project, The Kindred, will be low-impact by using a building that already exists.

Mr. Urti of 513 Monroe Avenue said they are Town residents and vested in the community. He addressed some of the concerns he has heard about the proposed project, including parking, noise, and lighting.

JoDan Garza of 513 Atlanta Avenue said he lives a few blocks away from the proposed project and supports it 100 percent. He said it will help create more revenue for everybody.

Danny Tangredi of 1309 Bonito Lane said he supports the idea because events and event space in the area are lacking.

Kelli Taylor of 607 Harper Avenue said she works in tourism and gets a lot of calls about events. She said this would be a great space to market to vacationers, and as a future bride she is hoping to have her own event there.

Patrick Conley of 1506 Snapper Lane said he thinks this team has the capability to successfully execute this idea and that he fully supports it.

No one else requested to speak.

ACTION: Motion to close the public hearing

Motion made by Chairman Rouse, seconded by Commissioner Conto

Voting Yea: Chairman Rouse, Vice Chairman Hogan, Commissioner Boswell, Commissioner Crouch, Commissioner Piper, Commissioner Carew, Commissioner Conto

Motion passed unanimously

Commissioner Carew said he thinks the proposal is consistent with the Land Use Plan and reflective of what other cities have done.

Commissioner Piper said he likes the idea of repurposing the building but has concerns about parking. He noted that several people who live near the site spoke in favor of it, and no one spoke against it.

Vice Chairman Hogan said he likes the idea and appreciates the preservation effort. He said he hopes the applicant will be very good to neighbors and keep them happy by helping to alleviate parking issues as much as possible through education, etc.

Commissioner Conto said the proposal is innovative and long overdue. She said parking is what it is in that area.

Commissioner Crouch said the Commission at this time is just voting on a text amendment and not considering the specific project. He said event venues are not on the current table of permissible uses,

and there may be other event venues for the Town to consider in the future. Commissioner Crouch said from this perspective, it's good to get the ordinance cleaned up and the table of permissible uses updated.

Commissioner Boswell said she agrees with Commissioner Crouch and that she is in favor of all five proposed sections.

Chairman Rouse said the event venues use should definitely be included somewhere in the table of permissible uses.

ACTION: Motion that the Commission, whereas in accordance with the provisions of the North Carolina General Statutes, does hereby find and determine that the adoption of the following ordinance amendment to amend Chapter 40, Art. III. – Zoning District Regulations, Art. V. – Off-Street Parking and Loading Requirements; Parking, Art. VI – Landscaping and Development Specification Standards, Art. IX. – Development Standards for Particular Uses, and Art. XVIII. – Definitions to Create Standards for Event Venues is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans and contingent upon the applicant fulfilling all of staff's recommendations
 Motion made by Vice Chairman Hogan, seconded by Commissioner Boswell
 Voting Yea: Chairman Rouse, Vice Chairman Hogan, Commissioner Boswell, Commissioner Crouch, Commissioner Piper, Commissioner Carew, Commissioner Conto
Motion passed unanimously

3. Zoning Map Amendment to Consider a Request to Rezone 209 Charlotte Avenue from Mixed Use (MX) to Central Business District (CBD)
 Applicant: Michael Urti

Applicant Michael Urti has submitted a petition to consider rezoning 209 Charlotte Avenue from Mixed Use (MX) to CBD zoning. The neighboring property to the east is under the same ownership and currently in the CBD. The applicant is requesting to combine both properties. He has requested the rezoning because as the owner of both parcels of land and operating under one business entity, he would like to see the same zoning apply to 209 Charlotte Avenue so all business-related decisions and operations fall under the same zoning guidelines.

One of the standards for creating zoning districts is to follow plotted lot lines. Guidance for the interpretation of zoning district boundaries comes from Sec. 40-45 of the zoning ordinance. Previously, 209 Charlotte Avenue existed as the parking lot for the previous Deck House restaurant at 205 Charlotte Avenue. Kate's Pancake House restaurant is east of the property; there are five residential uses across the street and five residential uses to the rear of the property.

Staff recommends approval of the project as proposed.

Ms. Abbotts presented the details. She gave some background and history about the property. The existing building was constructed as a Presbyterian church in 1985 and operated as Steeple Restaurant

1985-1994. In 1994, a Conditional Use Permit was granted for a mixed-use project consisting of a French-American restaurant and retail shops. Deck House opened in 1998 and closed September 2022.

Ms. Abbotts said historically both parcels were in the Central District as part of the 1984 ordinance and zoning map. She said they were rezoned in 2000 to MX for 209 Charlotte Avenue and CBD for 205 Charlotte Avenue.

ACTION: Motion to open the public hearing

Motion made by Chairman Rouse, seconded by Vice Chairman Hogan

Voting Yea: Chairman Rouse, Vice Chairman Hogan, Commissioner Boswell, Commissioner Crouch, Commissioner Piper, Commissioner Carew, Commissioner Conto

Motion passed unanimously

Mr. Urti of 513 Monroe Avenue said from a business standpoint, he is trying to create a cohesive operation between the two parcels, an endeavor that becomes more challenging with different zoning.

No one else requested to speak.

Commissioner Piper asked what specific things would be prohibited if the zoning change does not occur. Mr. Urti said outdoor events would be limited and there would need to be more on-site parking. Commissioner Piper said a zoning change would affect anything that comes in the future and could result in someone building 50-foot condos. Ms. Abbotts said condos would have to provide parking. Commissioner Piper said he is generally worried about what the next owner could do.

Commissioner Boswell asked if the applicant has met with adjoining property owners and residents. Mr. Urti said there was a public meeting with good attendance and heavy feedback, which was positive when all was said and done.

ACTION: Motion to close the public hearing

Motion made by Chairman Rouse, seconded by Vice Chairman Hogan

Voting Yea: Chairman Rouse, Vice Chairman Hogan, Commissioner Boswell, Commissioner Crouch, Commissioner Piper, Commissioner Carew, Commissioner Conto

Motion passed unanimously

Commissioner Crouch said he likes the project, the Town needs more event space, and the applicant has a great track record, but he has concerns about what will happen years from now if the one parcel is upzoned by two steps and the CBD begins to encroach into residential areas.

Commissioner Carew said he likes the project but wants to focus on the zoning change now. He said the previous rezoning to MX may have been arbitrary and that the block is prime for redevelopment. He said it's more important to look at opportunities for improving the area and thinks the Commission should consider that this may be a permanent change for the good of the block.

Chairman Rouse said two-thirds of the property proposed for the project is in the CBD, and he believes rezoning the MX parcel to CBD falls within the vision of the Land Use Plan.

Commissioner Conto said she thinks the proposed project is a good investment in the community.

Commissioner Crouch said the application does not comply with the Land Use Plan, so if the zoning change is made the Town will have to amend the Land Use Plan. He asked Commissioners to take this into account when voting.

Commissioner Boswell asked why this parcel was left as MX when the Land Use Plan was updated. Vice Chairman Hogan said there were so many lots that didn't stick out, so those working on the update assumed it was all one zoning for one property. Commissioner Boswell said she would have assumed the property was all CBD.

Commissioner Piper said he feels like there has to be a way this can be done via a Conditional Use Permit.

Commissioner Crouch asked if the event venue use could be permitted in MX. Mr. Hardison said yes, there are options, but the proposal would need to come back to explore those.

Vice Chairman Hogan said that land was all in the CBD at one point, and he's not sure why it was divided. He said if staff is recommending approval of the application, there must be a reason.

ACTION: Motion that whereas in accordance with the provisions of the North Carolina General Statutes, the Commission does hereby find and determine that the adoption of the Zoning Map Amendment for 209 Charlotte Avenue is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans and the potential impacts on the surrounding area are mitigated by the approved conditions; a statement approving the proposed Zoning Map Amendment and declaring that this also amends the Land Use Plan to meet the vision of the community is taken into consideration in the zoning amendment

Motion made by Vice Chairman Hogan, seconded by Commissioner Boswell

Voting Yea: Chairman Rouse, Vice Chairman Hogan, Commissioner Boswell, Commissioner Carew, Commissioner Conto

Voting Nay: Commissioner Crouch, Commissioner Piper

Motion passed 5-2

Mr. Hardison said the item will move forward to Council on February 14.

Chairman Rouse explained that the Commission is a recommending board to Council, which makes the final decision.

NON-AGENDA ITEMS

Chairman Rouse said there is no Unified Development Ordinance (UDO) meeting until February. Mr. Hardison said staff is working on getting verbiage on stormwater and non-conforming uses for review.

ADJOURNMENT

Chairman Rouse adjourned the meeting at 7:20 PM.



AGENDA ITEM COVERSHEET

PREPARED BY: Gloria Abbotts, Sr Planner

DEPARTMENT: Planning &
Development

MEETING: Planning & Zoning Commission – March 9th, 2023

SUBJECT: **Text Amendment** to amend Chapter 40, Art. III. – Zoning District Regulations, Art. IX. – Development Standards for Particular Uses, and Art. XVII. – Definitions to create standards for Wine Shops and Beer Shops in Neighborhood Business.
Applicant: Maxwell Sussman

BACKGROUND:

The applicant, Maxwell Sussman, is proposing a text amendment to allow for Wine Shops and Beer Shops with on-premise alcohol sales as a use in the Neighborhood Business (NB) District by right. Currently the Zoning Ordinance allows for Wine and beer shops with retail and off-premise sales of alcohol only.

Proposal:

The applicant owns the Veggie Wagon located in the NB district (See map). The business currently has an off-premise wine and malt beverage permit. The applicant would like to apply for on-premise wine and malt beverage permit at that location. Veggie Wagon is currently permitted as a retail establishment. For allowances of on-premise wine and malt beverage the current ordinance categorizes the use as either a standard restaurant, bar, or a brewery. The Veggie Wagon does not meet the definition of a standard restaurant or brewery. Breweries and bars are not permitted in the NB district.

Wine Shop:

The applicant proposes to add wine shop (on-premise) to the table of allowed uses. The Current Ordinance allows for wine shops (off-premise) as retail. The ABC commission created an allowance in recent years for a wine shop to have limited sales of on-premise consumption. Wine shops must comply with all ABC standards and obtain proper permits. Per NCGS 18B, wine shop permits authorize the retail sale of malt beverages, unfortified wine, and fortified wine in the manufacturer's original container and/or dispensed from a tap for consumption off the premises. The holder of the permit is allowed to sell unfortified wine for consumption on the premises, provided that the sale of wine for consumption on the premises does not exceed forty percent (40%) of the establishment's total sale for any 30 day period. The limited consumption of on-

premise wine would be subject to an audit by the ABC commission. Wine Shops (on-premise) will be permitted by right in the CBD, NB, and HB Districts.

Beer Shop:

The applicant would also like the ability to provide malt beverage on premise in the NB district. Beer shops would need to obtain an On-Premises Malt Beverage Permit to allow for the retail sale of malt beverages for consumption on and off premise. The ABC regulations do not have the same limitations for a Beer Shop as they do for a Wine Shop and would be allowed to offer malt beverage on -premise without any limitation or percentages to off-premise sales. The proposal is for Beer Shops to only be permitted by right in the NB District. To reduce the impacts from the use on to adjoining properties staff proposes for any outdoor or indoor areas to be located three times the minimum setback yard for the district from any interior lot line from an adjacent property.

The text amendment consists of defining both uses. Beer Shops will be defined as an establishment substantially engaged in retail sale of malt beverages on and off premises subject to the ABC Commission regulations. Wine Shops will be defined as an establishment substantially engaged in retail sale of unfortified wine and fortified wine for consumption on and off premises subject to the NC ABC Commission regulations.

Recommendation:

Staff proposes to define each use and supports the proposed amendment that would limit beer shops to have larger setback yard to protect the neighboring properties and mitigate any concerns of the use because they would not be limited to a percentage of on-premise consumption.

Land Use Plan:

The text amendment is in general conformity with the 2020 Land Use Plan by promoting a healthy year-round economy, providing a family-friendly community, and promoting redevelopment. One of the goals of the Land Use Plan was to continue to support the central business district as a destination downtown with activities for families, residents, and visitors. Expanding opportunities for public activities, including events, should be pursued. The Neighborhood Business Zoning District aligns with both the High Density Residential/Light Commercial and the Low Intensity Commercial Character Areas in the Land Use Plan.

ACTION REQUESTED:

Consider recommending approval or denial of the text amendment.

MOTION:

Approval – to amend Chapter 40, Art. III. – Zoning District Regulations, Art. IX. – Development Standards for Particular Uses, and Art. XVIII. Definitions. to create standards for Wine Shops and Beer Shops in Neighborhood Business.

Denial – to amend Chapter 40, Art. III. – Zoning District Regulations, Art. IX. – Development Standards for Particular Uses, and Art. XVIII. Definitions. to create standards for Wine Shops and Beer Shops in Neighborhood Business.

Amendment Number: 23T-01



PETITION FOR A TEXT AMENDMENT

Petitions shall be submitted for review to the Department of Planning and Development located at 1121 N. Lake Park Blvd., Carolina Beach, NC 28428. Only complete petitions will be processed.

PETITIONER

Petitioner's Full Name: Maxwell Lewis Sussman Phone #: (757) 717-9393

Street Address: 608 S. Lake Park Blvd.

City: Carolina Beach State: NC Zip: 28428

Email: max@theveggiewagon.com

REQUESTED TEXT AMENDMENT

Town Code Section(s) Requested to be Amended:

Please provide a general proposal for the amendment to the Town Code Section(s) stated above which you believe will result in improved regulations for all the residents of the Town of Carolina Beach

to have ability to allow a business in the neighborhood business district that will enhance the district for a place to relax without being a bar or restaurant.

This petition will be scheduled for the next possible meetings with the following boards: (1) Technical Review Committee, (2) Planning and Zoning Commission and (3) Town Council. The petitioner or a representative should be present at all meetings to answer any questions. Contact the Department of Planning and Development for a schedule of meeting times and submittal deadlines. All meetings are held at the Municipal Administration Building, 1121 N. Lake Park Boulevard, Carolina Beach, NC 28428. Petitioners will be informed of any changes in date, time, or location of meetings.

I understand that the \$350 fee for review is nonrefundable.

Signature of Petitioner: Max Sussman Date: 1/25/23



April Sussman <april@theveggiewagon.com>

Text Amendment Objectives

1 message

April Sussman <april@theveggiewagon.com>
To: April Sussman <april@theveggiewagon.com>

Mon, Jan 30, 2023 at 9:59 AM

What we would like to our Text Amendment objectives to be:

- To Say Use by Right
- Specifically for neighborhood business districts
- For businesses whose primary mission is retail sales
- Wine Shop License will also allow the user to obtain a Beer On premise permit

Sincerely,



APRIL SUSSMAN

Proprietor

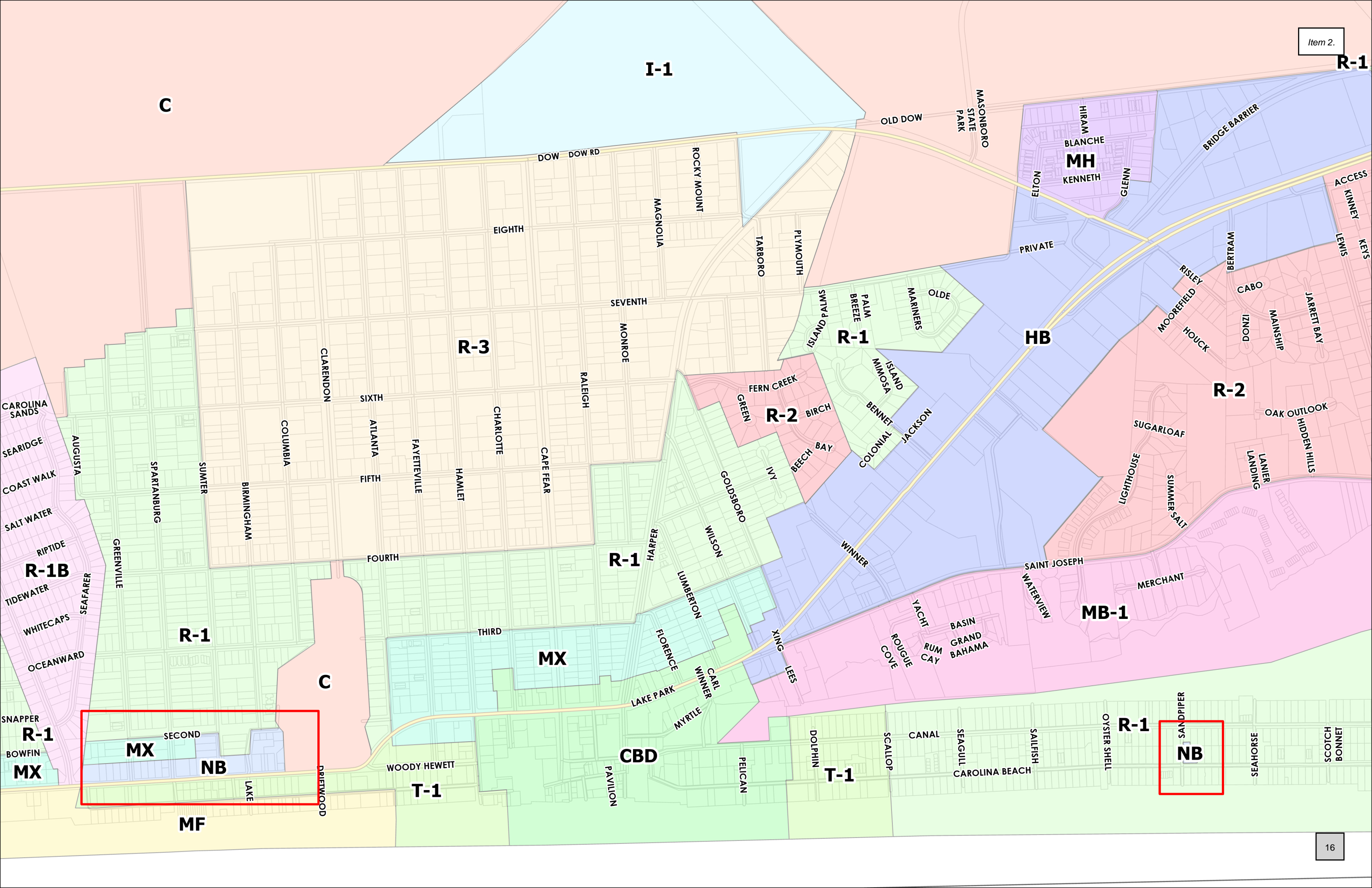
OFFICE: 910-805-3014

WEB: WWW.THEVEGGIEWAGON.COM

608 SOUTH LAKE PARK BLVD. CAROLINA BEACH, NC 28428



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ORDINANCE NO. 23-

Text Amendment: To amend Chapter 40, Art. III. – Zoning District Regulations, Art. IX. – Development Standards for Particular Uses, and Art. XVIII. Definitions to create standards for Wine Shops and Beer Shops in Neighborhood Business

Sec. 40-72. Table of permissible uses.

P = Permitted.

CZ = May be permitted with conditional zoning

S = May be permitted by special use permit

USES OF LAND	R-1	R-1B	R-2	R-3	C	MH	MF	MX	CBD	NB	HB	MB-1	T-1	I-1
Wine and beer shops (Retail/Off-premise)									P		P			
Wine Shop (On-premise)									<u>P</u>	<u>P</u>	<u>P</u>			
Beer Shop (On-premise)										<u>P</u>				

Sec. 40-261. Development standards for particular uses.

(o) *Eating and/or drinking establishments.* Eating and/or drinking establishments are businesses that cater to the public and are strongly encouraged by the Town due to their support of a resort market niche and yearround residency. Despite this, some eating and/or drinking establishments may have adverse secondary impacts. To address possible adverse impacts and in order to ensure the health, safety, and well-being of the citizens of the Town, as well as that of the tourists and visitors to the Town, all persons requesting to open an eating and/or drinking establishment shall sign a statement of agreement to abide by the following regulations. Failure to comply with these regulations shall constitute a violation of this chapter subject to the enforcement procedures as outlined in article XV of this chapter.

(1) Standards for all eating and/or drinking establishments:

- a. Shall not provide any material misrepresentation, misstatement or omission, concerning information required to be provided for approval;
- b. Shall comply with all provisions of the ABC Commission and/or ALE requirements, if applicable. Any eating and/or drinking establishment that receives a permit from the ABC Commission as a private club shall be considered a bar/tavern and shall meet all requirements for that use.
- c. Shall adhere to standards and regulations of the Town's noise ordinance. Offenses shall be subject to the regulations as listed in section 18-140, violations. If applicable, all violations shall be submitted to the North Carolina Alcohol Beverage Control (ABC) Commission by the Town to ensure all operators stay in compliance with all provisions of the ABC Commission.

- d. Shall meet fire codes and limit occupancy to the maximum number allowed for the establishment.
 - e. At the time of application and excluding bar/taverns, all eating and/or drinking establishments shall provide the Town with a menu having a food and/or non-alcoholic beverage as the primary business.
 - f. Outdoor areas.
 - 1. Proposed temporary outdoor entertainment areas that are not identified on the approved site plan shall be reviewed in accordance with chapter 14, article IX, outdoor performances and events [special events].
 - 2. Outdoor artificial lighting fixtures shall not be designed and positioned so that the point source of light (light bulb) is directly visible from adjacent properties, rights-of-way or ocean and sound front areas.
- (2) A conditional zoning shall be required if an eating and/or drinking establishment meets any of the following:
- a. Meets the criteria for a bar/tavern; or
 - b. Any establishment other than a standard restaurant, [wine shop, beer shop, or brewery](#) that proposes to serve alcohol for on-premises consumption.
- (3) Standards for bars/taverns:
- a. Bars/taverns which because of their nature may have serious adverse secondary impacts, and are therefore required to meet the minimum separation requirements of subsection (l)(3)b of this section.
 - b. No new bars/taverns shall be permitted within:
 - 1. 200 feet of an established church or school;
 - 2. 200 feet of any residential district.
- (4) Standards for Wine Shops (On-premise):
- a. All Wine Shops shall meet all requirements of the ABC Permit.
- (5) Standards for Beer Shops (On-premise):
- a. All Beer Shops shall meet standards for on-premise malt beverage.
 - b. Beer shops in Neighborhood Business shall have any indoor or outdoor areas located three times the minimum setback yard for the district from any interior lot line.
- ~~(4)~~ (6) Provisions construed as consistent with state law. The provisions of this section are:
- a. Not to be construed as regulating any activity which the Town is forbidden by state law to regulate;
 - b. Not to be construed as applying to any activity the Town is prohibited from regulating because the North Carolina General Assembly has so clearly expressed its intent in the course of providing a complete and integrated regulatory scheme that municipalities are prohibited from enacting provisions concerning matters covered by the regulatory scheme;
 - c. Not to be interpreted or construed as imposing requirements different from those that are imposed by the state;
 - d. To be interpreted so that they are consistent with any requirements and regulations imposed by the state.

State law reference(s)—Authority, G.S.160A-174, 160A-181, 18B-100.

Sec. 40-548. Definitions.

Beer Shop means an establishment substantially engaged in retail sale of malt beverages on and off premises subject to the ABC Commission regulations.

Wine Shop means an establishment substantially engaged in retail sale of unfortified wine and fortified wine for consumption on and off premises subject to the NC ABC Commission regulations.