



AGENDA ITEM COVERSHEET

PREPARED BY: Gloria Abbotts, Sr. Planner

DEPARTMENT: Planning &
Development

MEETING: Town Council July 9, 2024

SUBJECT: Text Amendment to Chapter 40 Art. III. Zoning District Regulations, Art. V. Off-street Parking and Loading Requirements; Parking, and Art. IX. Development Standards for Particular Uses to amend standards for Wine and Beer Shops.

Applicant: Town of Carolina Beach

BACKGROUND:

Town Council adopted a text amendment in April of this year to allow for Wine Shops and Beer Shops with on-premise alcohol sales as a use in the Marina Business (MB) District by right. However, upon recognizing the unintended consequences, there was a need to reevaluate the ordinance change. Previously, Wine and Beer shops were limited to retail and off-premise sales only, until an amendment in April 2023 permitted on-premise sales after an amendment was proposed by a private business.

Proposal:

Wine and Beer Shops (on-premise) are currently allowed by right in the CBD, HB, and NB, MB districts. This text amendment proposes to return the wine and beer shop ordinance to the standards that were in place in April of 2023. Upon further research, the approved allowance expands the way the town has treated alcohol permits with establishments being permitted by right for wine and beer and undermines the bar regulations.

Wine Shop:

The proposed ordinance permits Wine Shops (on-premise) in the CBD, HB, and NB zoning districts, in alignment with ABC regulations. These establishments can sell unfortified wine for on-premise consumption, not exceeding 40% of total sales in any 30-day period, subject to ABC audit.

Beer Shop:

Beer shops need to obtain an On-Premises Malt Beverage Permit to allow for the retail sale of malt beverages for consumption on and off premise without any limitation or percentages to off-premise sales. The existing ordinance allowed for Beer Shops to be permitted by right in the MB

District and undermined the bar and tavern requirements by allowing on-premises beer sales without conditional zoning. Beer shops are only permitted in NB. To reduce the impacts from the use of adjoining properties, restrictions were adopted for any outdoor or indoor areas to be setback from an adjacent property line or residential use.

The text amendment adopted in April 2023 consisted of defining both uses. Beer Shops are defined as an establishment substantially engaged in retail sale of malt beverages on and off premises subject to the ABC Commission regulations. Wine Shops are 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.

Parking

When the amendment was adopted in April 2023 Wine and Beer Shops were categorized under eating and drinking establishments. Under the existing ordinance all wine and beer shops were considered retail. This is important because the change of use would trigger a different parking standard. Parking for retail is calculated at 1 parking space per 200 sq. ft. of retail space. Parking for eating and drinking establishments is calculated at 1 space per 110 sq. ft.

Land Use Plan:

While the Land Use Plan doesn't explicitly address wine and beer shops, the proposed amendment aligns with the plan's goals of fostering a healthy year-round economy and maintaining a family-friendly community.

ACTION REQUESTED:

Consider recommending approval or denial of the text amendment.

Planning and Zoning recommended unanimous approval.

MOTION:

Approval – to amend text amendment to Chapter 40 Art. III. Zoning District Regulations, Art. V. Off-street Parking and Loading Requirements; Parking, and Art. IX. Development Standards for Particular Uses to amend standards for Wine and Beer Shops.

Denial – to amend text amendment to Chapter 40 Art. III. Zoning District Regulations, Art. V. Off-street Parking and Loading Requirements; Parking, and Art. IX. Development Standards for Particular Uses to amend standards for Wine and Beer Shops.