

Ordinance 23-1205

Town of Carolina Beach
Town Council



AN ORDINANCE TO AMEND THE DEVELOPMENT STANDARDS AND DEFINITION OF EVENT VENUE / BAR

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
Eating and/or drinking establishments (See section 40-261)														
Event Venue / Bar									CZ		CZ			

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.

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- 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 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 (1)(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 all requirements of the ABC Permit.

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- b. Any indoor or outdoor areas shall be located three times the minimum setback yard for the district from any lot line and/or any residential use. The additional setbacks shall not apply to property lines adjacent to the right-of-way.

~~(p)~~ (6) Standards for Event Venue / Bar

~~(4)~~ a. On-premises alcohol sales are limited to the duration of the event ~~and are subject to all requirements of the ABC Limited Special Occasion permit.~~

b. Alcohol point of sale shall be:

1. Indoors or

2. Outdoor area located a minimum of 20' from any property line.

c. Outdoor areas designated for point of sales and consumption shall be designated on the site plan and shall have a barrier that is 4' to 6' in height. Any changes to the outdoor areas shall be considered a major modification of the conditional zoning approval.

d. Outdoor point of sale, outdoor entertainment, and outdoor consumption shall end at 9:00pm.

e. 200' requirements for separation may be waived by Town Council for event venue / bars located adjacent to the MX zoning district.

- ~~(6)~~(7) 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.

Sec. 40-548. Definitions.

~~Event Venue A commercial establishment, either indoors or outdoors, with the primary purpose of providing space for meetings, gatherings, reunions, weddings, conventions, private parties, and other similar gatherings. Includes convention centers, wedding and event venues, and other uses not included as part of meeting facilities.~~

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Eating and/or drinking establishment means an establishment whose principal business is the sale of foods, frozen desserts, and/or both alcoholic and nonalcoholic beverages to a customer in a ready-to-consume state, and whose design and principal method of operation determines its classification as follows:

- *Bars and taverns* means establishments primarily engaged in the sale and service of alcoholic beverages for on-premises consumption during any period of the day as permitted by law. The incidental sale or provision of food or snacks shall not entitle such a use to be considered a restaurant under other provisions of this Code. Synonyms: Private club as defined by the ABC commission, tavern, saloon, barroom, inn, pub, watering hole, drinking hole, gin mill, tap room.
- *Drive-in/drive-thru restaurant* means establishments serving from edible containers or in paper, plastic, or other disposable containers at a drive-in window. Consumption shall be off-premises, within the principal building, or at other facilities on the premises outside the principal building.
- *Eatery* means establishments serving by delivery; pick-up; from an inside; outside; and/or a walk up ordering counter. These eateries cater to the sale of baked goods, sandwiches, salads, ice, cream, donuts, beverages and/or other similar foods.
- [Event Venue / Bar means a commercial establishment, either indoors or outdoors, with the primary purpose of providing space for meetings, gatherings, reunions, weddings, conventions, private parties, and other similar gatherings. Includes convention centers, wedding and event venues, and other uses not included as part of meeting facilities.](#)
- *Standard restaurant* means establishments substantially engaged in preparing and serving meals. Standard restaurants shall have an inside dining area, and may include outside dining. To qualify as a standard restaurant, the establishment shall meet all criteria of the ABC commission for a restaurant designation as defined by G.S. 18B-1000.

Adopted this 11th day of July, 2023.

TOWN OF CAROLINA BEACH

Albert L. Barbee, Mayor

ATTEST:

Kimberlee Ward, Town Clerk

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