



ORDINANCE NO. 08-730

An Ordinance Amending Appendix A Zoning, Article 12 Development Standards for Particular Uses; Bars, Taverns & Cabarets

The Town Council of the Town of Carolina Beach hereby amends Appendix A Zoning, Article 12 Development Standards for Particular Uses; Bars, Taverns and Cabarets, as follows:

ARTICLE 12. DEVELOPMENT STANDARDS FOR PARTICULAR USES

Bars, Taverns and Cabarets

Conditions to be addressed by applicants:

- (1) Must have a person-in-charge on duty at all times and clearly display the name of the person-in-charge in a prominent place
- (2) Must be sufficiently staffed to control unruly patrons and maintain order on the premises, and when necessary, must swear out arrest warrants on patrons engaging in violent, disorderly or illegal acts.
- (3) Must keep interior and exterior of structure in good repair, clean and well maintained.
- (4) Must comply with noise restrictions.
- (5) Must meet fire codes and limit occupancy to the maximum number allowed for the facility.
- (6) Permit may be revoked:
 - a. Upon a preponderance of evidence that the establishment's patrons display a pattern of disorderly, violent, indecent or unlawful conduct;
 - b. If the application contains any misrepresentation, misstatement or omission, intentional or inadvertent, concerning information required to be provided.
 - c. If permittee loses its ABC license it's conditional use permit shall be revoked. If the permittee is a restaurant, the permittee shall continue to be allowed to operate as a restaurant as herein defined, however, said permittee shall not be permitted to sell alcohol without first obtaining a new conditional use permit as provided under this Section 12.2. For the purposes of this article, a restaurant shall be defined as 'an establishment substantially engaged in the business of preparing and serving meals.'
 - d. If permittee is found guilty by the ABC Commission of three or more significant violations within any 12 month period.
- (7) No new bars/taverns shall be permitted within 200 feet of an established church or school nor within 200 feet of any residential district nor within 200 feet of another bar/tavern. A "new bar/tavern as used herein shall be defined as a bar or tavern that did not exist on May 13, 2003. In the CBD the measurement shall be 100' distance from another bar/tavern.

- (8) When considering an application for outdoor seating, consider:
- a. Whether the request will cause damage, hazard, nuisance or other detriment to persons or property;
 - b. Whether outdoor lighting will create additional nuisance impacts to existing or planned adjacent uses;
 - c. Whether outdoor entertainment will create additional nuisance impacts, including, but not limited to noise, on existing or planned adjacent land uses;
 - d. Whether it is necessary to restrict the hours of operation for the outdoor seating; and
- (9) Bars/taverns must comply with all provisions of the NC Alcoholic Beverage Commission
- (10) Conditional use permits are subject to review for continued compliance.
- (11) The town shall issue a conditional use permit to any applicant which demonstrates compliance with the conditions of Sections 8-68, 12 2 and 18 8.
(Ord. No 03-536, 5-13-03)

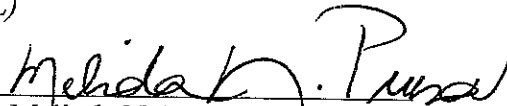
Adopted this 11th day of March 2008.



Joel Macon, Mayor

(SEAL)

Attest:


Melinda N. Prusa, Town Clerk

