



ORDINANCE NO. 2024- 1003

**AN ORDINANCE OF THE VILLAGE OF BALD HEAD ISLAND, NORTH CAROLINA TO AMEND CHAPTER 32 OF THE VILLAGE CODE OF ORDINANCES TO DEFINE AND CLASSIFY EACH OF “BREWERY, CIDERY, DISTILLERY, WINERY”; “BAR, TAVERN, LOUNGE, WINE SHOP”; AND “RESTAURANTS, CAFES” AS A SPECIAL USE IN THE PLANNED DEVELOPMENT 2 COMMERCIAL AND PLANNED DEVELOPMENT 3 COMMERCIAL DISTRICTS**

**WHEREAS**, pursuant to Chapter 160D of the North Carolina General Statutes (“Chapter 160D”), the Village of Bald Head Island (the “Village”) may establish zoning districts, classify property within its territorial jurisdiction, and adopt and amend zoning regulations in the interest of furthering the public health, safety, and welfare of the Village; and

**WHEREAS**, Chapter 32 of the Village Code of Ordinances, as amended from time-to-time, contains a comprehensive set of zoning regulations for the Village; and

**WHEREAS**, the Village adopted a Comprehensive Land Use Plan, the Blueprint Brunswick 2040 Plan (the “Land Use Plan”) on or about April 21, 2023, which among other things, provides guidance for future development of the island;

**WHEREAS**, by a vote of 4-0, the Planning Board recommended adoption of a staff proposed text amendment to the zoning regulations of Chapter 32 of the Code of Ordinances to define and classify “brewery, cidery, distillery, winery”; “bar, tavern, lounge, wine shop”; and “restaurants, cafes” each as a special use in the Planned Development 2 Commercial (“PD-2C”) and Planned Development 3 Commercial (“PD-3C”) Zoning Districts (collectively, the “Proposed Amendment”) and adopted a zoning statement of consistency that has been duly considered by Village Council;

**WHEREAS**, the Village Council held a duly noticed public hearing during its regular meeting on October 11, 2024, to receive comment on the Proposed Amendment;

**WHEREAS**, following said public hearing, the Village Council considered all comments provided by the public, the staff recommendation, and the Planning Board’s recommendation and zoning consistency statement and concluded that the Proposed Amendment is consistent with the comprehensive zoning goals of the Village, including as set forth in its Land Use Plan and other relevant development planning document produced by the Village, because it addresses the need to clarify and further categorize potential land uses that may be proposed for commercial areas of the island and because it ensures appropriate development safeguards in the form of the special use permit are put in place so that residents and others impacted by development of such land uses on nearby property will have a right to participate in the process;

**WHEREAS**, the Village Council has determined it to be in the best interests of the Village to adopt the Proposed Amendment to the Village Code of Ordinances.

**NOW, THEREFORE, BE IT ORDAINED**, by the Village of Bald Head Island, North Carolina that:

**Section 1.** Chapter 32-11 of the Village Code be amended to include definitions of “brewery, cidery, distillery, winery”; “bar, tavern, lounge, wine shop”; and “restaurants, cafes,” as follows:

*Brewery, Cidery, Distillery, Winery* means an establishment primarily engaged in the production, packaging, and/or distribution of beer and other fermented malt beverages, liquors, or wines under a single or established set of brand names, and may include accessory uses such as tasting room, retail sales, demonstration areas, education and training facilities, food services or other uses incidental to the brewing business and open and accessible to the public. Such establishments exceeding 800 square feet of production area shall be regulated as a manufacturing use.

*Bar, Lounge, Tasting Room, Tavern, Wine Shop* means an establishment that sells alcoholic beverages that offers no food service or that has alcoholic beverage sales in excess of 70% of the business’ total annual sales. Such establishment shall not include a brewery, cidery, distillery, or winery.

*Restaurant, cafe* means an establishment that prepares and sells food and drink that may or may not have alcoholic beverage sales. If served, in no case can alcoholic beverage sales exceed 70% of the business’ total annual sales.

**Section 2.** The Permitted & Special Uses Table in Section 32-126 of the Village Code be amended to include “Brewery, Cidery, Distillery, Winery”; “Bar, Tavern, Lounge, Wine Shop”; and “Restaurants, Cafes,” each as a special use in the PD-2C and PD-3C non-residential zoning districts, as follows:

<i>Uses</i>	<i>PD-1</i>	<i>PD-2</i>	<i>PD-2C</i>	<i>PD-3</i>	<i>PD-3C</i>	<i>PD-3C-1</i>	<i>PD-4</i>	<i>NC</i>
<b><u>NON-RESIDENTIAL</u></b>								
<i>Brewery, Cidery, Distillery, Winery</i>			<i>S</i>		<i>S</i>			
<i>Bar, Lounge, Tasting Room, Tavern, Wine Shop</i>			<i>S</i>		<i>S</i>			
<i>Restaurant, cafe</i>			<i>S</i>		<i>S</i>			

**Section 3.** All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

**Section 4.** This ordinance shall become effective immediately upon adoption.

Passed and adopted by the Village Council this the 11<sup>th</sup> day of October, 2024.

BY:

  
PETER QUINN, Mayor

ATTEST:

  
DARCY SPERRY, Village Clerk

