

**Town Council  
Agenda Summary Report**

**Proposed Text Amendment for Ordinance #151.217; Special Uses Permissible on Appeal to the Board of Adjustment in the MB-2 Mainland Mixed Use District.**

Carolina Dreams, LLC submitted an application for a Zoning Ordinance text amendment to allow several new uses within the MB-2 district. The uses proposed included: banks, financial institutions, restaurants, cafeterias, barber shops, beauty salons, shoe repair, dry cleaning and laundry, churches, and printers. Upon review and discussion by the Planning Board it was determined that at this time the Town should move to make restaurants a special use in the MB-2 district to address the applicants immediate concerns, and the other uses can be incorporated through the UDO process.

The following amendment has been recommended by the Planning Board for consideration by the Town Council (proposed changes are indicated by highlighting):

**Section 151.217 – Special Uses Permissible on Appeal to the Board of Adjustment**

- (A) Indoor entertainment and amusement types of business operations with five or more entertainment devices, including pool, billiard, or similar tables; pinball machines; or mechanical or electronic amusement devices which are or may be operated on the payment of money, trade token or slug, whether directly or indirectly, and which operate or may be operated by retail patrons as a game or contest of skill or amusement.
- (B) Restaurants and Cafeterias**
- (C) Outdoor display of merchandise provided they adhere to the following requirements: It is the intent of this section to allow the limited display of merchandise, but not where the display of such items impedes the flow of pedestrian or vehicular traffic, or creates an unsafe condition. The display of merchandise shall meet the following conditions:
  - (1) All outdoor display of goods shall be located immediately adjacent to the storefront and not in drive aisles, loading zones, fire lanes or parking lots.
  - (2) The area used for outdoor display and storage shall be limited to no more than one-half the length of the storefront. The total amount of display for all the in-line tenants combined shall not exceed to 50 percent of the aggregate storefront of the combined tenants. Vending machines are counted in the 50 percent maximum.
  - (3) No merchandise shall be attached to a building's exterior wall surface.
  - (4) Displays left out overnight are prohibited.
  - (5) At least five feet along the parking lot side of the display shall be maintained free of obstruction to allow for pedestrian and handicap

movement, such that pedestrians and handicap pedestrians do not have to enter the parking lot, loading zone or drive aisle to walk around the display area. Handicap ramps and landscaping shall not be located within five-foot clear pedestrian area.

- (6) The area of outdoor display shall not encroach the width of the entrance and/or exit doors to the facility as projected straight out from the facility. For example, if the width of the entrance and/or exit doors is ten feet, then there shall be at least 10-foot clearance from the doors as projected straight out and away from the facility. The displays shall not obstruct the view of pedestrians' and handicap pedestrians entering or exiting while in the 10-foot corridor from vehicles in the parking lot or loading zone. A detailed plan must be submitted to the Board of Adjustment for all outdoor displays. If a plan changes significantly a new plan must be submitted and approved by the Board of Adjustment. A plan must be submitted when a change in ownership or occupancy occurs.

- (D) Electronic gaming operations, as permitted in 151.212 (M).