

ARTICLE 12. ZONING AND CONDITIONAL USE PERMIT APPROVAL

NOTE: See Article 17, Building Design Standards

Section 12-1. Permits Required

- (A) Subject to Article 18 (Regulations for Signs), the use made of property may not be substantially changed, substantial clearing, grading, or excavation may not be commenced, and buildings or other substantial structures may not be constructed, erected, moved, or substantially altered except in accordance with and pursuant to one of the following permits:
 - (1) A zoning permit issued by the Administrator.
 - (2) A conditional-use permit issued by the Board of Commissioners.
 - (3) Floodplain development permit.
- (B) Zoning permits, conditional-use permits, and sign permits are issued under this Ordinance only when a review of the application submitted, including the plans contained therein, indicates that the development will comply with the provisions of this Ordinance if completed as proposed. Such plans and applications as are finally approved are incorporated into any permit issued, and except as otherwise provided in Section 12-13, all development shall occur strictly in accordance with such approved plans and applications.
- (C) Physical improvements to land to be subdivided may not be commenced except in accordance with a conditional-use permit issued by the Board of Commissioners.
- (D) A zoning permit, conditional-use permit, or sign permit shall be issued in the name of the applicant (except that applications submitted by an agent shall be issued in the name of the principal and shall be accompanied by a signed affidavit designating such agent), shall identify the property involved and the proposed use, shall incorporate by reference the plans submitted, and shall contain any special conditions or requirements lawfully imposed by the permit-issuing authority.

Section 12-2. No Occupancy, Use, or Sale of Lots Until Requirements Fulfilled

Issuance of a conditional-use or zoning permit authorizes the recipient to commence the activity resulting in a change in use of the land or (subject to obtaining a building permit) to commence work designed to construct, erect, move, or substantially alter building or other substantial structures or to make necessary improvements to a subdivision. However, except as provided in Section 12-10, the intended use may not be commenced, no building may be occupied, and in the case of subdivisions, no lots may be sold until all of the requirements of this Ordinance and all additional requirements imposed pursuant to the issuance of a conditional-use permit have been complied subject to Section 12-8.

Section 12-3. Who May Submit Permit Applications

- (A) Applications for zoning, conditional-use, or sign permits or subdivision plat approval will be accepted only from persons having the legal authority to take action in accordance with the permit or the subdivision plat approval. By way of illustration, in general this means that applications should be made by the owners or lessees of property, or their agents, or

persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this Ordinance, or the agents of such persons (who may make application in the name of such owners, lessees, or contract vendees).

- (B) The Administrator may require an applicant to submit evidence of his authority to submit the application in accordance with Subsection (A) whenever there appears to be a reasonable basis for questioning this authority.

Section 12-4. Applications To Be Complete

- (A) All applications for zoning, conditional-use, or sign permits must be completed before the permit-issuing authority is required to consider the application.
- (B) An application is complete when it contains all of the information that is necessary for the permit-issuing authority to decide whether or not the development, if completed as proposed, will comply with all of the requirements of this Ordinance.
- (C) The administrator shall make every effort to develop application forms, instructional sheets, checklists, or other techniques or devices to assist applicants in understanding the application requirements and the form and type of information that must be submitted. In cases where a minimal amount of information is necessary to enable the administrator to determine compliance with this Ordinance, such as applications for zoning permits to construct single-family or two-family houses, or applications for sign permits, the administrator shall develop standard forms that will expedite the submission of the necessary plans and other required information.

Section 12-5. Staff Consultation After Application Submitted

- (A) Upon receipt of a formal application for a zoning or conditional-use permit, or subdivision plat approval, the administrator shall review the application and confer with the applicant to ensure that he understands the planning staff's interpretation of the applicable requirements of this Ordinance, that he has submitted all of the information that he intends to submit, and that the application represents precisely and completely what he proposes to do.
- (B) If an application is for a conditional-use permit or subdivision plat approval, the administrator shall place the application on the agenda of the appropriate board when the applicant indicates that the application is as complete as he intends to make it. However, if the administrator believes that the application is incomplete, he shall recommend to the appropriate board that the application be denied on that basis.

Section 12-6. Zoning Permits

- (A) A completed application form for a zoning permit shall be submitted to the administrator by filing a copy of the application with the administrator in the planning department.
- (B) The administrator shall issue the zoning permit unless he finds, after reviewing the application, that:
 - (1) The requested permit is not within his jurisdiction according to the Table of Permissible Uses, or

- (2) The application is incomplete, or
 - (3) If completed as proposed in the application, the development will not comply with one or more requirements of this Ordinance (not including those requirements when a variance has been granted or those the applicant is not required to comply with under the circumstances specified in Article 8, Nonconforming Situations).
- (C) Prior to the issuance of a zoning permit for commercially used or zoned property, a Town of Calabash Business Privilege License must be applied for properties located within the corporate limits.

Section 12-7. Authorizing Use or Occupancy Before Completion of Development Under Zoning Permit

In cases when, because of weather conditions or other factors beyond the control of the zoning-permit recipient (exclusive of financial hardship), it would be unreasonable to require the zoning-permit recipient to comply with all requirements of this Ordinance prior to commencing the intended use of the property or occupying any buildings, the administrator may authorize the commencement of the intended use or the occupancy of buildings (insofar as the requirements of this Ordinance are concerned) if the permit recipient provides a performance bond or other security satisfactory to the administrator to ensure that all of the requirements of the Ordinance will be fulfilled within a reasonable period (not to exceed 24 months) determined by the administrator.

Section 12-8. Authorizing Use, Occupancy, or Sale Before Completion of Development Under Conditional-Use Permits

- (A) In cases when, because of weather conditions or other factors beyond the control of the conditional-use permit recipient (exclusive of financial hardship) it would be unreasonable to require the permit recipient to comply with all of the requirements of this Article before commencing the intended use of the property or occupying any buildings or selling lots in a subdivision, the permit-issuing board may authorize the commencement of the intended use or the occupancy of buildings or the sale of subdivision lots (insofar as the requirements of this section are concerned) if the permit recipient provides a performance bond or other security satisfactory to the board to ensure that all of these requirements will be fulfilled within a reasonable period (not to exceed 24 months).
- (B) With respect to subdivisions in which the developer is selling only undeveloped lots, the Board may authorize final plat approval and the sale of lots before all the requirements of this Article are fulfilled if the subdivider provides cash or other security satisfactory to the Board to ensure that all of these requirements will be fulfilled within not more than 12 months after final plat approval.

Section 12-9. Completing Developments in Phases

- (A) If a development is constructed in phases or stages in accordance with this section, then, subject to Subsection (C), the provisions of Section 12-2 (No Occupancy, Use, or Sale of Lots Until Requirements Fulfilled) and Section 12-10 (exceptions to Section 12-2) shall apply to each phase as if it were the entire development.

- (B) As a prerequisite to taking advantage of the provisions of Subsection (A), the developer shall submit plans that clearly show the various phases or stages of the proposed development and the requirements of this Article that will be satisfied with respect to each phase or stage.
- (C) If a development that is to be built in phases or stages includes improvements that are designed to relate to, benefit, or be used by the entire development (such as a swimming pool or tennis courts in a residential development) then, as part of his application for development approval, the developer shall submit a proposed schedule for completion of such improvements. The schedule shall relate completion of such improvements to completion of one or more phases or stages of the entire development. Once a schedule has been approved and made part of the permit by the permit-issuing authority, no land may be used, no buildings may be occupied, and no subdivision lots may be sold except in accordance with the schedule approved as part of the permit, provided that:
 - (1) If the improvement is one required by this Article then the developer may utilize the provisions of Section 12-9(A) or (C).
 - (2) If the improvement is an amenity provided in response to a condition imposed by the Board, then the developer may utilize the provisions of Section 12-9(B).

Section 12-10. Expiration of Permits (Vested Right Provisions are provided in Article 25)

- (A) Zoning and sign permits shall expire automatically, if within 6 (six) months, and conditional-use permits shall expire automatically, if within 24 (twenty four) months, after the issuance of such permits, the use authorized by such permits has not commenced, in circumstances where no substantial construction, erection, alteration, excavation, demolition, or similar work is necessary before commencement of such use.
- (B) If, after some physical alteration to land or structures begins to take place, such work is discontinued for a period of one year, then the permit authorizing such work shall immediately expire. However, expiration of the permit shall not affect the provisions of Section 12-11.

Section 12-11. Effect of Permit on Successors and Assigns

Zoning, conditional-use, and sign permits authorize the permittee to make use of land and structures in a particular way. Such permits are transferable. However, so long as the land or structures or any portion thereof covered under a permit continues to be used for the purposes for which the permit was granted, then:

- (A) No person (including successors or assigns of the person who obtained the permit) may make use of the land or structures covered under such permit for the purposes authorized in the permit except in accordance with all the terms and requirements of that permit, and;
- (B) The terms and requirements of the permit apply to and restrict the use of land or structures covered under the permit, not only with respect to all persons having any interest in the property at the time the permit is obtained, but also with respect to persons who subsequently obtain any interest in all or part of the covered property. Uses for or in connection with purposes other than those for which the original permit was originally issued shall require issuance of a new permit.

Section 12-12. Amendments to and Modifications of Permits

- (A) Insignificant deviations from the permit (including approved plans) issued by the Board of Commissioners, the Board of Adjustment, or the administrator are permissible and the administrator may authorize such insignificant deviations. A deviation is insignificant if it has no discernable impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.
- (B) Minor design modifications or changes in permits (including approved plans) are permissible with the approval of the permit-issuing authority. Such permission may be obtained without a formal application, public hearing, or payment of any additional fee. For purposes of this section, minor design modifications or changes are those that have no substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.
- (C) All other requests for changes in approved plans will be processed as new applications. If such requests are required to be acted upon by the Board of Commissioners or Board of Adjustment, new conditions may be imposed, but the applicant retains the right to reject such additional conditions by withdrawing his request for an amendment and may then proceed in accordance with the previously issued permit.
- (D) The administrator shall determine whether amendments to and modifications of permits fall within the categories set forth above in Subsections (A), (B), and (C).
- (E) A developer requesting approval of changes shall submit a written request for such approval to the administrator, and that request shall identify the changes. Approval of all changes must be given in writing.

Section 12-13. Reconsideration of Commissioners/Board Action

- (A) Whenever (i) the Board of Commissioners disapproves a conditional-use permit application, or (ii) the Board of Adjustment disapproves an application for a variance, on any basis other than the failure of the applicant to submit a complete application, such action may not be reconsidered by the respective board at a later time unless the applicant clearly demonstrates that:
 - (1) Circumstances affecting the property that is the subject of the application have substantially changed, or
 - (2) New information is available that could not with reasonable diligence have been presented at a previous hearing. A request to be heard on this basis must be filed with the administrator within the time period for an appeal to superior court (see Section 7-6). However, such a request does not extend the period within which an appeal must be taken.
- (B) Notwithstanding Subsection (A), the Board of Commissioners or Board of Adjustment may at any time consider a new application affecting the same property as an application previously denied. A new application is one that differs in some substantial way from the one previously considered.

Section 12-14. Applications to be Processed Expeditiously

Recognizing that inordinate delays in acting upon appeals or applications may impose unnecessary costs on the appellant or applicant, the Town shall make every reasonable effort to process appeals and permit applications as expeditiously as possible, consistent with the need to ensure that all development conforms to the requirements of this Ordinance.

Section 12-15. Maintenance of Common Areas, Improvements, and Facilities

The recipient of any zoning or conditional-use permit, or his successor, shall be responsible for maintaining all common areas, improvements, or facilities required by this Ordinance or any permit issued in accordance with its provisions, except those areas, improvements, or facilities with respect to which an offer of dedication to the public has been accepted by the appropriate public authority or POA. As illustrations, and without limiting the generality of the foregoing, this means that private roads and parking areas, water and sewer lines, and recreational facilities must be properly maintained so that they can be used in the manner intended, and required vegetation and trees used for screening, landscaping, or shading must be replaced if they die or are destroyed.

Section 12-16. Conditional Use Permits Objectives and Purpose

Conditional uses add flexibility to the Zoning Ordinance. Subject to high standards of planning and design, certain property uses are allowed in the several districts where those uses would not otherwise be applicable. By means of controls exercised through the conditional use permit procedures, property uses which would otherwise be undesirable in certain districts can be developed to minimize any bad effects they might have on surrounding properties. Approval of a conditional use permit is made the duty of the Board of Commissioners subject to recommendations of the Planning Board.

The uses for which conditional use permits are required are listed in the chart accompanying this section, along with a detailed description of the procedures which must be followed in the approval of each such permit. Uses specified in this section shall be permitted only upon the issuance of a conditional use permit.

Section 12-17. Procedure for Conditional Use Permit Granted by the Board of Commissioners on Recommendation of the Planning Board

Conditional use permits may be issued by the Administrator, after approval by the Board of Commissioners, for the uses as designated in the table of regulations for conditional uses and after Planning Board review and recommendations. The petition for a conditional use permit and the accompanying plans (12 sets) shall be submitted to the Administrator at least three weeks prior to the regular monthly Planning Board meeting at which it is to be heard. Such application shall include all of the requirements pertaining to it as specified in this section. The Planning Board shall forward the application and its recommendations to the Board of Commissioners within 30 days after its review of the application. On receiving the application and the recommendations of the Planning Board, the Board of Commissioners shall give notice of a public hearing ten days prior to the date of the public hearing. At the public hearing, all interested persons shall be permitted to testify. The Board of Commissioners shall consider the application and said recommendations of the Planning Board, and may approve or deny the requested conditional use permit.

The conditional use permit, if approved, shall include approval of plans as may be required. In approving the permit, the Board of Commissioners and Planning Board shall find as a specific finding of fact and reflect in their minutes that the permit will comply with the following four facts:

- (A) That the use will not materially endanger the public health, safety, or general welfare if located where proposed and developed according to the plan as submitted and approved;
- (B) That the use meets all required conditions and specifications;
- (C) That the use will not adversely affect the use or any physical attribute of adjoining or abutting property, or that the use is a public necessity; and
- (D) That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located. The conditional use shall demonstrate conformance to the Land Use Plan or other plan in effect at the time and address impacts of the project as required by NC General Statutes 160A-382(b).

In approving the conditional use permit, the Planning Board may recommend, and the Board of Commissioners may designate, such conditions in addition and in connection therewith as will, in its opinion, assure that the use in its proposed location will be harmonious with the area in which it is proposed to be located and with the spirit of this Ordinance. All such additional conditions shall be entered in the minutes of the meeting at which the conditional use permit is granted and also on the conditional use permit approving, and on the approved plans submitted therewith. All specific conditions shall run with the land and shall be binding on the original applicant for the conditional use permit, the heirs, successors, and assigns. In order to ensure that such conditions and requirements for each conditional use permit will be fulfilled, the petitioner for the conditional use permit may be required to enter into a contract with the Town of Calabash providing for the installation of the physical improvements required as a basis for the issuance of the conditional use permit. Performance of said contract shall be secured by cash or surety bond which will cover the total estimated cost of the improvements as determined by the Town of Calabash; provided, however, that said bond may be waived by the Board of Commissioners within its discretion.

If the Planning Board recommends the disapproval of the conditional use permit, and if the Board of Commissioners denies the permit, each body shall enter the reason for its action in the minutes of the meeting at which the action is taken.

No appeal may be taken to the Board of Adjustment from this action of the Board of Commissioners in granting or denying a conditional use permit. Any such action by the Board of Commissioners shall be considered as the equivalent of action on a proposed zoning amendment and shall be reviewable only in the same manner as action on a proposed amendment.

In addition to the conditions specifically imposed by the Board of Commissioners, conditional uses shall comply with the height, area, and parking regulations of the zone in which they are located.

In the event of failure to comply with the plans approved by the Board of Commissioners or with any other conditions imposed upon the conditional use permit, the permit shall thereupon immediately become void and of no effect. No building permits for further construction nor a certificate of compliance under this conditional use permit shall be issued, and the use of all completed structures shall immediately cease and such completed structures not thereafter be used for any purpose other than a use-by-right as permitted by the zone in which the property is located.

Where plans are required to be submitted and approved as part of the application for a conditional use permit, modifications of the original plans may be authorized by the Board of Commissioners after review and recommendation by the Planning Board.

Section 12-18. Table of Regulations for Conditional Uses

Detailed regulations for each conditional use are set forth in this section.

- (A) For the uses listed in the table from Section 10-1, the following information must be submitted with the request for conditional use permit approval in the districts specified. See Section 12-18(B) for additional requirements.

Minimum Lot Area: See Table of Yard, Area, and Height Requirements.

Landscaping and Buffering: As specified in Article 16 of this Ordinance.

Plans are required and must show:

Structures: Location of buildings and sign, and size of the sign.

Circulation: Proposed points of access and egress, and pattern of internal circulation.

Parking: Layout of parking spaces.

Lighting: Lighting plan, inclusive of wattage and illumination.

Drainage: If required by the Administrator, proposed provision for storm drainage (including retention pond facilities, when applicable).

Other Requirements: The Planning Board and Board of Commissioners may provide additional requirements as it deems necessary in order to make the proposed project more compatible with adjacent areas and existing or proposed traffic patterns.

- (B) The following **additional** specific information must be submitted with the request for conditional use permit approval in the districts specified.

Use – Beach Bingo Facilities

Conditional Use District: [CB, HC]

The following specific provisions shall be met as minimum standards prior to the approval of any beach bingo facility as a conditional use:

- (A) Days and hours of operation limited to Thursday through Saturday, 4:00 p.m. until 10:00 p.m.
- (B) Minimum square footage: 2,000 square feet.
- (C) Minimum paved parking spaces:
 - (1) 1 space/3 occupancy,
 - (2) 1 space/handicapped,
 - (3) 1 space/handicapped/van accessible.
- (D) The operation will conform in accordance with the laws, ordinances, and statutes of the Town of Calabash, Brunswick County, and the State of North Carolina.
- (E) All permits must have been acquired before operations can start.
- (F) No prize money for each game can exceed \$10.
- (G) No more than 99 people, unless structures are so designed for assembly.
- (H) No less than two bathrooms; handicapped accessible.
- (I) If food or beverage is served, must meet requirement of Brunswick County Health Department.
- (J) Violation of any of the listed conditions may cause the Conditional Use Permit to be revoked.
- (K) 1,000 feet from any residential zoning district.
- (L) 1,000 feet from any church, daycare center, public or private elementary or secondary educational school, public park, public library, cemetery or motion picture establishment which shows "G" or "PG" rated movies to the general public on a regular basis.
- (M) 1,600 feet from any other beach bingo facility.
- (N) Measurement of distance separation shall be in a straight line from the closest point of the buildings at which the beach bingo uses are located.

Use – Cemeteries

Conditional Use District: [O/I, HC, AD]

NOTE: Commercial cemeteries (those that sell individual burial plots) are licensed under GS 65-48, 65-55, 65-57, 65-69, 160A-346, 160A-349.13 and shall be at least 30 acres in size.

The following specific provisions shall apply as a condition for the approval and continuance of a conditional use permit for a cemetery:

- (A) Public- or privately-owned perpetual care cemeteries which the Board of Commissioners finds in conformance with the following minimum requirements:
- (1) A cemetery shall contain not less than two acres of land in contiguous ownership.
 - (2) There shall be only one entrance from the cemetery onto a public road. Such entrance shall be located at least 500 feet from the nearest intersection of another public road.
 - (3) A chapel, mortuary, undertaking establishment or crematorium may be developed within the cemetery as an accessory use to said cemetery provided that the land upon which it is built shall be and shall remain, in the same ownership as the cemetery, although the establishment itself may be conducted by persons other than the owners of the cemetery. Such establishments, if developed, may be within the required perimeter buffer strip of the cemetery, but shall be no closer than 150 feet to any residential dwelling on land adjoining the cemetery.
 - (4) Access to such establishment shall be from within the cemetery, by means of the single entrance to the cemetery. Such an establishment shall be contained within a single building of not more than one story nor more than 20 feet in height. Only one such building shall be permitted in any cemetery. The design and plans for such building shall be subject to approval of the Board of Commissioners as a condition of the conditional use permit and shall be submitted as a part of the application.
- (B) Application for approval of this conditional use shall include a plan of the proposed cemetery drawn at a scale of not less than one inch equal to 100 feet. Such plan shall show the boundaries of the cemetery, all roads within 500 feet of the cemetery boundaries, all structures within 100 feet of the cemetery boundaries, all property lines connecting to the cemetery boundary, the names of the owners of the proposed cemetery, the names of all property owners of land adjacent to the cemetery with identification as to their respective property location, a North arrow and the scale of the drawing. The plan shall also show within the cemetery boundaries the entrance, the required perimeter buffer strip, the number and location of all lots and burial sites, all proposed roads, parking areas, easements and drainage structures, and any other proposed roads, parking areas, easements and drainage structures, and any other proposed development which shall be a change from the original topography, including grading and landscaping.
- (C) The granting of a conditional use permit for this purpose shall be conditional upon subsequent compliance by the cemetery owners with all state statutes governing the establishment and operation of a perpetual care cemetery.
- (D) Any cemeteries existing on March 19, 1991, may be continued without a permit.

Use – Children’s Day Care Facilities

Conditional Use District: [R-15, R-8, R-6, R/C, PUD, O/I, HC, AD]

The following specific provisions shall be met as minimum standards prior to the approval of any children's day care facility as a conditional use in a residentially zoned area:

- (A) Minimum lot size: 20,000 square feet.
- (B) Building setback minimum from any public or private street: 30 feet.
- (C) Rear yard setback minimum: 35 feet.
- (D) Side yard setback minimum: 20 feet.
- (E) Corner lot setback minimum from interior lot lines: 20 feet.
- (F) Minimum distance to another children's day care facility as defined herein, whether conforming or nonconforming, shall be 2,500 feet.
- (G) Minimum off-street parking spaces: two plus one for each employee.
- (H) Minimum off-street loading and unloading area: In addition to the off-street parking area, there shall be sufficient driveway to accommodate at least two autos at one time for the purpose of loading and unloading passengers.
- (I) All children's outside play areas shall be enclosed with at least a four-foot high fence.

Use - Dwelling, Multi-Family

Conditional Use District: [R-6, PUD, O/I]

The following specific provisions shall apply as a condition for the approval of a multi-family dwelling:

- (A) A site plan for the project must be submitted with the application.
- (B) Minimum required lot area in R-6 zoning districts: first dwelling unit - lot size 6,000 square feet; additional lot area for each dwelling unit in principal structure - 3,000 square feet.
 - Minimum required front yard: 25 feet measured from the property line.
 - Minimum required side yard: 10 feet measured from the side property line.
 - Minimum required rear yard: 25 feet measured from the rear property line.
 - Any property line located adjacent to an Estuarine Shoreline Area of Environmental Concern (AEC) requires a minimum setback of 35 feet from the edge of the wetlands or river edge.
 - Maximum building height: 35 feet.
 - Minimum required living area for multi-family dwellings (exclusive of covered porches and garages): 600 square feet.
 - A minimum buffer of 15 feet is required on all property lines and buffers will be planted and maintained in accordance with Article 18.

- Sidewalks shall be constructed within a development to link the interior of the developments buildings to other destinations within the development such as, but not limited to, adjoining streets, mailboxes, trash disposal areas, onsite amenity areas, etc.
- Sidewalks will not be allowed in the minimum buffer area of 15 feet.

Use - Marinas/Docks/Piers

Conditional Use District: [PUD, CD]

The following specific provisions shall be met as minimum standards prior to the construction and approval of operation of marinas/docks/piers as a conditional use:

- (A) A site plan for the new or remodeled facility, dock, or pier must be submitted to and approved by the Town.
- (B) All approvals from other jurisdictions must be obtained prior to issuing the conditional use permit (i.e., NC Department of Environmental and Natural Resources, Corps of Engineers, NCDOT).
 - (1) Buffers must be installed on all property lines abutting residentially zoned property in accordance with the requirements of this Ordinance.
 - (2) Lighting installed on the property shall be installed in a manner that ensures on premise safety and controls glare on the public right-of-way and on public trust waters.
 - (3) One parking space for each slip/tie up point, one parking space for each four seats on a tourist (head) or fishing “for hire” boat plus one parking for each four dry storage spaces shall be provided. In addition, if a public boat ramp is provided, adequate parking spaces for cars and boat trailers and adequate waiting area for launch and recovery of boats shall be provided.
 - (4) Suitable arrangements for bathrooms facilities by contract and certified by the Town.
 - (5) Approved pump out facilities must be provided.
 - (6) The Board of Commissioners may establish additional requirements for site plan approval and in specific cases may waive a particular requirement, if in its opinion that inclusion of that requirement is not essential to a proper assessment of the project.
 - (7) Dry stack storage facilities must be identified.

Use – Sweepstake Business Facilities

Conditional Use District: [CB, HC]

The following specific provisions shall be met as minimum standards prior to the approval of any business primarily engaging in sweepstakes as a conditional use.

- (A) Days/Hours of operation—businesses primarily engaging in sweepstakes may operate twenty-four (24) hours per day, seven (7) days per week. However, if any complaint having merit is lodged against any sweepstakes business the Board of Commissioners or Board of Adjustment reserves the right to enforce new hours of operation.
- (B) Minimum square footage of building or unit: 2,000 square feet. The maximum number of machines/terminals for any sweepstake business is 100.
- (C) Minimum paved parking spaces:
- (D) 1 space/3 occupancy, 1 space/handicapped, and 1 space/handicapped van accessible
- (E) The business establishment will conform in accordance with the laws, ordinances, and statutes of the Town of Calabash, Brunswick County, the State of North Carolina, and the Federal Government.
- (F) Each approved establishment must have at least two (2) handicapped accessible bathrooms.
- (G) All permits must have been acquired before operation can start.
- (H) If food or beverage is served, the establishment must meet requirement of Brunswick County Health Department.
- (I) The establishment must be a minimum of three hundred (300) feet from any building used as dwelling.
- (J) The establishment must be a minimum of one thousand (1,000) feet from any church; daycare center; public or private elementary, secondary, or educational school; public park, public library, or motion picture establishment where “G” or “PG” rated movies are shown to the general public on a regular basis.
- (K) The establishment must be a minimum of 1,600 feet from any other business primarily engaged in the sweepstake entertainment business.
- (L) Measurement of distance separation shall be in a straight line from the closest point of the buildings at which the sweepstake business is located.
- (M) Violation of any of the listed conditions may cause the Conditional Use Permit to be revoked pursuant to §153.029 (B) and §153.218(B)