



AN ORDINANCE AMENDING THE TOWN CODE AND UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF NAGS HEAD, NORTH CAROLINA AS IT PERTAINS TO THE USES OF PAWNSHOP, PAWNBROKER & PRECIOUS METALS DEALERS.

ARTICLE I. Purpose(s) and Authority.

WHEREAS, pursuant to N.C.G.S. § 160D-701, the Town of Nags Head (the "Town") may enact and amend ordinances regulating the zoning and development of land within its jurisdiction and specifically the location and use of buildings, structures and land; pursuant to this authority and the additional authority granted by N.C.G.S. Chap. 160D-702, the Town has adopted comprehensive zoning regulations and has codified the same within the Unified Development Ordinance, Part II of the Town Code, adopted pursuant to N.C.G.S. § 160D-103, which allows the Town to combine certain land development ordinances into a unified ordinance;

WHEREAS, Section 2.4.4.3 of the Unified Development Ordinance provides that the powers and duties of the Planning Board include developing and recommending policies, ordinances, development regulations, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;

WHEREAS, Section 3.5.1. of the Town Code makes clear that a zoning ordinance text amendment may be initiated by motion of the Board of Commissioners, by motion of the Planning Board, or by application by any person within the zoning jurisdiction of the Town;

WHEREAS, the 2017 Comprehensive Land Use Plan provides the following policies and actions which should guide the Town's zoning and development actions:

LU-1, Ensure that the character of Nags Head is preserved as a single-family residential beach community with ties to its natural environment. This character is defined by: Land uses that are compatible with the community and with adjacent properties that don't create excessive noise, light, unsafe conditions, or other nuisances.

EC-6, Support and foster small, local businesses that preserve and uphold the vision and legacy of the town.

ARTICLE II. Construction.

For purposes of this ordinance amendment, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the adopted Town Code which are not repeated herein but are instead replaced by an ellipsis ("...") shall remain as they currently exist within the Town Code.

ARTICLE III. Amendment of the Unified Development Ordinance.

PART I. That Section 6.5.3, Uses expressly prohibited in the Town of Nags Head planning jurisdiction, be amended as follows:

Section 6.5 - Classification and Review of Unlisted Uses.

6.5.3. The following uses are expressly prohibited in the Town of Nags Head planning jurisdiction:

COMMERCIAL:

- ° Horseback Tours.
- ° Nightclubs.
- ° Commercial Marina.
- ° Jet-Pack Rentals.
- ° Campgrounds.
- ° Drug Paraphernalia Sales.
- ° Automobile/Boat Dealership.
- ° Automated Ice Vending (excluding such use accessory to and incorporated within a principal building).
- ° Smoke and Vapor Shops.
- ° Electric Vehicle Charging Station (as a principal use).
- ° Electric Vehicle Battery Exchange Station (as a principal use).
- ° Pawnshops, Pawnbrokers, Cash Converters, and Scrap Dealers as defined in NCGS Section 66, Article 45.
- ° Other Commercial Uses.

PART II. That Section 6.6, Table of Uses and Activities, be amended as follows:

	Use Category	Use Type	CR	C-1*	C-2	C-3	C-4	C-5	Supplemental Regulations
2	Retail	General Retail, including clothing, gifts, candy, toys, shoes, jewelry, notions, beach equipment, bakery, antiques, hobby goods, magazines/comics, crafts, dry goods, musical instruments, bookstores, sporting goods (and the incidental manufacturing, repair, or service of goods on the premises)	P	P	P		P	P	

2	Retail	Jewelry (and the incidental appraisal, purchase, repair, or service of goods on the premises)	PR	PR	PR		PR	PR	Section 7.16
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PART III. That **Article 7, Supplemental Standards, Part III, Retail**, be amended as follows:

PART III. - RETAIL

Section 7.16 – Jewelry Shop.

Retail jewelry shop, is permitted in accordance with Section 6.6, Table of Uses and Activities, subject to other requirements of this UDO and provided that the following conditions are met:

7.16.1. Existing brick and mortar jewelry shops may elect to host temporary events whereby Precious Metals Dealers operate within the existing business as an accessory use to the principal use of retail jewelry shop.

7.6.1.1. No existing jewelry shop may hold such an event for more than 90 days combined in any calendar year. It is the responsibility of the jewelry shop to notify and seek approval from the Planning and Development department for each event.

7.6.1.2. Precious metals dealers/businesses shall adhere to all licensing and permitting requirements as set forth in Nags Head Town Code Chapter 12, Businesses and Licensing and North Carolina General Statute Section 66, Article 45, Part 2. Precious Metal Business.

PART IV. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be in full force and effect from and after the 4th day of October 2023.


 Benjamin Cahoon, Mayor
 Town of Nags Head

ATTEST:


 Carolyn F. Morris, Town Clerk

APPROVED AS TO FORM:


 John Leidy, Town Attorney

Date adopted: **October 4, 2023**

Motion to adopt by Commissioner _____

Motion seconded by Commissioner _____

Vote: _____ AYES _____ NAYS



APPENDIX A

SECTION 3.5.4. ACTION BY THE BOARD OF COMMISSIONERS

Pursuant to Section 3.5.4.2. of the UDO, the Board of Commissioners may proceed to vote on the proposed ordinance, refer it to a committee for further study, or take any other action consistent with its usual rules of procedure.

Pursuant to Section 3.5.4.5. of the UDO, prior to voting to adopt or reject the proposed text amendment, the Board should adopt a statement approving the amendment and describing the amendment's consistency with the Town's adopted Comprehensive Plan and explaining why the action taken is reasonable and in the public interest, a statement rejecting the amendment and describing its inconsistency with the adopted Comprehensive Plan and explaining why the action taken is reasonable and in the public interest, or a statement approving the amendment and containing at least all of the following:

- A declaration that the approval is also deemed an amendment to the Comprehensive Plan. The Board of Commissioners shall not require any additional request or application for amendment to the Comprehensive Plan.
- An explanation of the change in conditions the Board of Commissioners took into account in amending the UDO to meet the development needs of the community.
- Why the action was reasonable and in the public interest.