



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;

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	<u>Retail</u>	<u>Jewelry (and the incidental appraisal, purchase, repair, or service of goods on the premises)</u>	<u>PR</u>	<u>PR</u>	<u>PR</u>		<u>PR</u>	<u>PR</u>	<u>Section 7.16</u>

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 and Antiques and Collectibles Dealers, regulated as Currency/Cash Converters 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 14 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.

7.6.1.3. Antiques and Collectibles Dealer operations shall meet the following conditions:

7.6.1.3.1. Adherence to all requirements set forth in North Carolina General Statute Section 66, Article 45, for the use of Currency Converter, specifically Section 66-392, Record-keeping requirements.

7.6.1.3.2. Outdoor storage of items is prohibited.

PART IV. That **Appendix A, Section A.4, Definitions**, be amended as follows:

Currency/cash converter means either (i) a person engaged in the business of purchasing goods from the public for cash at a permanently located retail store or (ii) an itinerant merchant as defined in G.S. 66-250(1) who holds himself or herself out to the public by signs, advertising,

or other methods as engaging in that business. The term does not include any of the following:

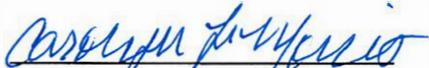
- a. Pawnbrokers, except with regard to the purchase of a gift card or merchandise card.
- b. Persons whose goods purchases are made directly from manufacturers or wholesalers for their inventories.
- c. Precious metals dealers, to the extent that their transactions are regulated under Part 2 of this Article.
- d. Purchases by persons primarily in the business of obtaining from the public, either by purchase or exchange, used clothing, children's furniture, and children's products, provided (i) the amount paid for the individual item purchased is less than fifty dollars (\$50.00) and (ii) the individual item purchased is not a gift card or merchandise card of any value.
- e. Purchases by persons primarily in the business of obtaining from the public, either by purchase or exchange, sporting goods and sporting equipment, provided (i) the amount paid for the individual item purchased is less than fifty dollars (\$50.00) and (ii) the individual item purchased is not a gift card or merchandise card of any value.

PART V. 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 6th day of December 2023.

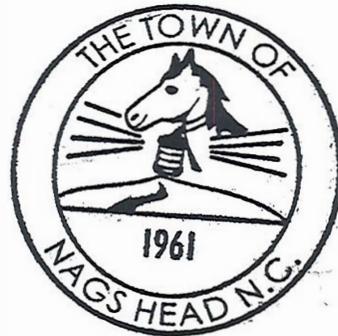


Benjamin Cahoon, Mayor

ATTEST:


Carolyn F. Morris, Town Clerk

APPROVED AS TO FORM:


John Leidy, Town Attorney

Date adopted: December 6, 2023

Motion to adopt by Commissioner _____

Motion seconded by Commissioner _____

Vote: _____ AYES _____ NAYS