

ORDINANCE 2024-017
AN AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE
§152.179 TABLE OF PERMITTED/SPECIAL USES, § 152.180 Notes to the Table of
Permitted/Special Uses, and §152.016 Definitions of Basic Terms.

WHEREAS North Carolina General Statute 160D-605 and 160D-701 requires that zoning regulations shall be made in accordance with a Comprehensive Plan; and

WHEREAS the Board of Commissioners finds that the proposed text amendments to the Unified Development Ordinance regarding referenced above to be consistent with the Town of Swansboro CAMA LAND USE Plan updated January 22, 2019, and amended August 28, 2023.

NOW BE IT ORDAINED by the Town of Swansboro Board of Commissioners that the Town Unified Development Ordinance be amended.

TITLE XV: LAND USAGE
CHAPTER 152: UNIFIED DEVELOPMENT ORDINANCE
§ 152.179 TABLE OF PERMITTED/SPECIAL USES.

PERMITTED / SPECIAL USES	CON	RA	R6	R6 SF	R8 SF	R10 SF	R15 SF	R20 SF	R40 SF	PUD	MHP	MHS	MHS-15SF	MHS-O	O/I	G/E	B1	B2	B3	B2 HD O	M 1	
Cigar Shop																					P	
Tobacco sales (retail), Hookah, Vape, Tobacco & Similar Retail Establishments (see § 152.180, note 28)																	Allowed				P	

TITLE XV: LAND USAGE
CHAPTER 152: UNIFIED DEVELOPMENT ORDINANCE
§ 152.016 DEFINITIONS OF BASIC TERMS.

Cigar Shop. A retail store specializing in selling rolls of fermented tobacco wrapped either in tobacco leaf or paper that contains tobacco or tobacco extract.

Hookah, Vape, Tobacco & Similar Retail Establishments. A specialized retail establishment use primarily used for the sale or storage of tobacco products electronic smoking/vaping devices, Kratom, CBD, Hemp derived Delta-8, and related accessories. These products may include but are not limited to cigarettes, cigars, pipe tobacco, smokeless tobacco, vaping devices, e-liquids, and vaping accessories. An area may also be included whereby patrons share the tobacco or non-tobacco products or products from a communal hookah water pipe or similar device.

TITLE XV: LAND USAGE
CHAPTER 152: UNIFIED DEVELOPMENT ORDINANCE
§ 152.180 DEFINITIONS OF BASIC TERMS.

(BB) Note 28. Hookah, Vape, Tobacco & Similar Retail Establishments

1. Shall not be located within 500 feet measured property line to property line from the downtown residential district and/or any residential zoning district.

2. Shall not be located within 1,500 Feet measured property line to property line from a school (public or private), churches, daycare facility, youth facility, community center, City recreational facility, City Park or hospital.

3. Shall not be located within 2,000 Feet measured property line to property line, from another Hookah Tobacco Vape or Similar Establishment. If an establishment is being proposed within 2,000 feet of a location where a previous establishment has closed, a permit cannot be issued for the new location until after the previous establishment has been discontinued or abandoned in accordance with §152.086 Nonconforming Uses.

4. All federal state and local laws rules and regulations must be adhered to in the operation of such establishments. This includes regulations pertaining to advertisements, age restrictions and the legality of products sold.

5. The required site plan shall meet all applicable Town standards to include all land uses within 2, 500 feet measured property line to property line from the parcel proposed for a Hookah, Tobacco Vape and Similar Establishment use.

6. Hookah, Tobacco, Vape, and Similar Establishments that are legally existing on the effective date of the enacting ordinance codified in this section may continue to operate/ expand/ renovate in accordance with § 152.086 Nonconforming Uses.

This Ordinance shall be effective upon adoption.

Adopted by the Board of Commissioners in regular session, September 24, 2024.

John Davis, Mayor

Attest:

Alissa Fender, Town Clerk