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**THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA**

Zoning Administrator
DONNA ELLIOTT

PLANNING DEPARTMENT

August 09, 2021

Memorandum

To: Debbie Diaz, Town Manager

From: Cameron Ray, Assistant Planning Director 

Subject: Proposed Zoning Amendment - §153.227 Light Industrial One Zone Special Uses - Add "Tattoo Studio"

As you recall, On June 14, 2021, the Board of Commissioners directed staff to draft a zoning amendment for "Tattoo Studio" to be a special use within the Light Industrial One Zone (LI-1). Below is an amendment to 153.227 Special Uses for the Light Industrial One Zoning District for "Tattoo Studio(s)". Included with the amendment are recommended conditions for the use that include definition, separation requirements, health department/applicable state agency approval, hours of operation, and Planning Board and Board of Commissioner review. On July 20, 2021 the Planning Board recommended approval of the below attached amendment including the conditions to §153.227 Light Industrial One Zone Special Uses to add "Tattoo Studio".

LIGHT INDUSTRIAL ONE ZONE (LI-1)

§ 153.227 SPECIAL USES.

(E) Tattoo Studio(s).

- 1) Tattoo Studio(s) are an establishment which the activity of tattooing occurs. Tattooing means the inserting of permanent markings or coloration, or the production of scars, upon or under human skin through puncturing by use of a needle or other method. Tattoo studio(s) shall be a special use of the Light Industrial One Zone.
- 2) Shall meet the separation requirements listed below for a minimum distance in a straight line from the property line including a "Tattoo Studio".
 - a. Church, School, Public Park, or libraries: 200 feet
 - b. Other Tattoo Establishments: 400 feet
- 3) Health Department and any other applicable agency approval is required
- 4) Hours of operation shall be limited 8:00 a.m. to 10:00 p.m.
- 5) The Planning Board may recommend to the Board of Commissioners, and the Board of Commissioners may impose, any additional conditions they determine are appropriate based on surrounding.

Staff recommends setting the required public hearing to be held by the Board of Commissioners to amend Chapter 153, Zoning, to include Tattoo Studios as a special use in the Light Industrial One Zone for September 13, 2021.

PLANNING BOARD REPORT

Per NCGS 160A-387, all proposed amendments to the zoning ordinance or zoning map shall have a written report provided from the Planning Board to the Town Council within 30 days of referral of the amendment to the Planning Board, or the Town Council may proceed in its consideration of the amendment without the Planning Board report. Furthermore, in no case is the Town Council bound by the recommendations, if any, of the Planning Board.

Per NCGS 160A-383, the Planning Board shall advise and comment on whether the proposed zoning amendment is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

PLANNING BOARD RECOMMENDATIONS

Proposed Amendment Title: Proposed Zoning Amendment — §153.227 Light Industrial One Zone Conditional Uses - Add "Tattoo Studio"

Approval/Denial: Planning Board finds that the Proposed Zoning Amendment §153.227 Light Industrial One Zone Conditional Uses - Add "Tattoo Studio" is/is not consistent with the adopted Land Use Plan.

Therefore, the Planning Board finds the proposed amendment is consistent/inconsistent with the objectives and policies contained in the Kill Devil Hills Land Use Plan and/or other officially adopted plans of the Town that are applicable.

This report reflects the recommendation of the Planning Board with a vote of 6 to 0, this the Twentieth day of July, 2021.

Attest:



Planning Board Chairman



Secretary of Planning Board