



TOWN OF KILL DEVIL HILLS

Land Where Flight Began

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on Monday, September 13, 2021, at 6:00 p.m. in the Meeting Room at the Administration Building, 102 Town Hall Drive, off Colington Road, the Kill Devil Hills Board of Commissioners will hold a public hearing to receive public comment, both written and oral, on the following requested amendment to the Kill Devil Hills Town Code:

Proposed Zoning Amendment – §153.227 Light Industrial One Zone Special Uses – Add “Tattoo Studio”

The public hearing will be conducted in-person and social distancing guidelines, including mandatory masks, will be observed.

Information on this item may be viewed on Kill Devil Hills’ website: <https://www.kdhnc.com/914/September-13-2021-Board-of-Commissioners> or in the Town Clerk’s Office, 102 Town Hall Drive, Kill Devil Hills. Arrangements can be made for personal inspection of the item materials by contacting the Town Clerk at 252-449-5300, or by emailing odell@kdhnc.com.

Written comments, which will be included with the record of the public hearing, may be submitted to the Town Clerk, P.O. Box 1719, Kill Devil Hills, NC 27948, or by e-mail to: info@kdhnc.com. Comments must include your name and address, and should be limited to three minutes when read aloud (five minutes when speaking for a group).

At this public hearing, the Board of Commissioners may take action on the item, with such action to include approval, disapproval, or tabling the item for further consideration.

Posted this 30th day of August 2021.

James Michael O’Dell
Deputy Town Clerk

Copies to: Mayor and Board of Commissioners, Town Manager, Town Attorney in their packet materials; all department heads; all Town bulletin boards; KDH Sunshine List, including all local news media; KDH Electronic Distribution List; social media; website; file



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(KDH Town Seal)

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Posted this 30th day of August 2021.

James Michael O’Dell
Deputy Town Clerk

Coastland Times: Please publish as a legal ad in the following editions:

09/01/2021
09/08/2021



TOWN OF KILL DEVIL HILLS
Land Where Flight Began

MEMORANDUM

September 13, 2021

TO: Mayor and Board of Commissioners

FROM: Debora P. Díaz, Town Manager

REF: Public Hearing

1. Public Hearing

Notice for the following item has been published in the *Coastland Times*, meeting or exceeding the N.C.G.S. requirements for public hearings, posted on the Town's bulletin boards, website at <https://www.kdhnc.com/914/September-13-2021-Board-of-Commissioners>, and social media platforms, and has been disseminated through the town's electronic distribution list.

A. Proposed Zoning Amendment – §153.227 Light Industrial One Zone Special Uses – Add “Tattoo Studio” (Attached PH-1A)

This requested amendment is the result of a proposed ordinance amendment earlier reviewed at the Planning Board and Board of Commissioners (BOC) level, which was denied. In response, the BOC directed Staff to draft a zoning amendment to add “Tattoo Studio” as a special use within the Light Industrial One Zone (LI-1). The Planning Board reviewed the requested amendment at its July 20, 2021, meeting, and voted unanimously to forward for consideration by the BOC.

At the conclusion of this public hearing, the BOC may take action, including approval, denial, or tabling the item.

Director of
Planning and Inspections
MEREDITH GUNS

Building Inspector
MARTY SHAW
CHARLES THUMAN

Code Enforcement Officer
JORDAN BLYTHE



Assistant Director of
Planning and Inspections
CAMERON RAY

Senior Planner
RYAN LANG

Zoning Administrator
DONNA ELLIOTT

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

PLANNING DEPARTMENT

July 20, 2021

Memorandum

To: Planning Board

From: Cameron Ray, Assistant Planning Director

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

On June 14, 2021, the Board of Commissioners directed staff to draft a zoning amendment for "Tattoo Studio" to be a conditional use within the Light Industrial One Zone (LI-1). Below is an amendment to 153.227 Conditional 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.

Staff recommends the Planning Board review the requested amendment, as follows:

LIGHT INDUSTRIAL ONE ZONE (LI-1)

§ 153.227 CONDITIONAL 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 conditional 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.

AN ORDINANCE AMENDING THE KILL DEVIL HILLS TOWN CODE,
CHAPTER 153, ZONING

BE IT HEREBY ORDAINED BY THE Kill Devil Hills Board of Commissioners that Chapter 153, Zoning, of the Kill Devil Hills Town Code, shall be amended by adding the underlined language and deleting the following ~~stricken~~ language to the sections identified below, as follows:

LIGHT INDUSTRIAL ONE ZONE (LI-1)

§ 153.227 SPECIAL USES.

(E) Tattoo Studio(s).

- 1) Tattoo Studio(s) are an establishment at 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 surroundings.

This amendment to Chapter 153, Zoning, shall be in full force and effect from and after the ____ day of _____, 2021. Adopted and approved by the Board of Commissioners of the Town of Kill Devil Hills at a regular meeting held on the ____ day of _____, 2021, by a vote of ____ in favor and ____ opposed.

SEAL

Ben Sproul
Mayor

ATTEST:

James Michael O'Dell
Deputy Town Clerk

APPROVED AS TO FORM:

Casey C. Varnell
Town Attorney

The undersigned hereby certifies that the foregoing official amendment, designated AN ORDINANCE AMENDING CHAPTER 153, ZONING, was placed in the Kill Devil Hills Town Code Book on the _____ day of _____, 2021 at _____ .m.

James Michael O'Dell
Deputy Town Clerk

Requested Amendment
Chapter 153, Zoning, §153.227 Light Industrial One Zone Special Uses –
Add "Tattoo Studio"
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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