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City of

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**Item #**

**7**

**STAFF REPORT**

**To: Lemoore City Council**  
**From: Holly Smyth, Planning Director**  
**Date: June 28, 2012**  
**Subject: Zone Amendment #2012-02 - Public Hearing on Entitlement Processes for  
Tattoo Parlors and Permanent Cosmetic Uses via Ordinance #2012-04**

**Discussion:**

The Planning Commission discussed City Council's direction to potentially change the entitlement process for tattoo parlors and permanent cosmetic to allow them both as permitted uses instead of one being a conditional use permit and the other a permitted use at their May 14<sup>th</sup> and June 25<sup>th</sup> Regular Meetings. Based on public testimony by Ms. Linda Bumpus owner of Creative Designs tattoos and Mr. Troy Hommerding of the Kings County Health Department they determined that both tattooing uses should be under a Conditional Use Permit (CUP). Ms. Bumpus stated that she is not usually for regulation, but in this case believes a CUP needs to be required to adequately protect the public from blood borne pathogens and notify the Health Department of the Use so they could follow AB300 rules to ensure there is no cross contamination problems. If any type of tattooing were an "allowed use" the Health Department would have no way of determining the use existed and blood pathogen problems could start occurring.

An Administrative Use Permit process was discussed, which would require a new tattoo businesses to notify the City and then the City could notify the Health Department of the new use. However, the City has no standards in current code to require a clean room or follow AB300 State Code for tattooing and no conditions of approval could be added for an administratively approved application, which may be warranted based on the site characteristics (such as being adjacent to a residential neighborhood or a school). Furthermore, an Administrative Use Permit would not notify any neighbors of the potential use nor hold a public hearing. Because a Conditional Use Permit can help the City notify the Health Department as well as address any adjacent neighbors concerns to adequate address health issues, the Planning Commission recommended that any type of tattooing be subject to a Conditional Use Permit as discussed in Resolution #2012-09 they approved with the attached draft Ordinance.

A duly noticed public hearing has been noticed for the July 17, 2012 City Council meeting regarding the proposed change to the entitlement processes for tattoo parlors and permanent cosmetic use. The attached draft Ordinance proposes to amend the description of Personal Services and Tattoo Parlor under Section 9-4A-5 Description of Land Uses in the new zoning code which would make both types of tattooing subject to a Conditional Use Permit.

**Budget Impact:**

None.

**Recommendation:**

Staff would recommend that the City Council review the information, listen to the staff report, open a public hearing, take testimony on the topic, close the public hearing and then consider waiving the first reading of Ordinance #2012-04 and pass to a second reading.