

Attachment H

Strikeout/Underline Summary of Proposed Amendments

Strike-out/Underline
Zoning Code Amendment No. CA2020-002

Section 1: Tables 2-4 and 2-5 (Allowed Uses and Permit Requirements) of Section 20.20.020(C) (Commercial Zoning Districts Land Uses and Permit Requirements) of the NBMC are amended to read as follows:

TABLE 2-4 ALLOWED USES AND PERMIT REQUIREMENTS	Commercial Office Zoning Districts Permit Requirements *				
	P	Permitted by Right			
	CUP	Conditional Use Permit (Section 20.52.020)			
	MUP	Minor Use Permit (Section 20.52.020)			
	LTP	Limited Term Permit (Section 20.52.040)			
	—	Not allowed *			
Land Use See Part 7 of this title for land use definitions. See Chapter 20.12 for unlisted uses.	OA	OG	OM	OR	Specific Use Regulations
Service Uses—General					
Tattoo Establishments	=	<u>P</u>	=	<u>P</u>	Section 20.48.230

TABLE 2-5 ALLOWED USES AND PERMIT REQUIREMENTS	Commercial Retail Zoning Districts Permit Requirements *						
	P Permitted by Right CUP Conditional Use Permit (Section 20.52.020) MUP Minor Use Permit (Section 20.52.020) LTP Limited Term Permit (Section 20.52.040) — Not allowed *						
Land Use See Part 7 of this title for land use definitions. See Chapter 20.12 for unlisted uses.	CC	CG	CM	CN	CV	CV-LV	Specific Use Regulations
Service Uses—General							
Tattoo Establishments	=	<u>P</u>	=	=	=	=	Section 20.48.230

Section 2: Section 20.48.230 (Standards for Specific Land Uses – Tattoo Establishments) of the NBMC is added to read as follows:

A. Development Standards.

1. Zoning Districts. Tattoo establishments are authorized within the Commercial Zoning Districts identified in Chapter 20.20 (Commercial Zoning Districts (OA, OG, OM, OR, CC, CG, CM, CN, CV, CV-LV)).
2. Site and Floor Plans. The site and floor plans shall incorporate design features to ensure the activities and operation, including seating and waiting areas, are conducted entirely within the building or structure.
3. Parking. Parking shall comply with Chapter 20.40 (Off-Street Parking). The Personal Services, General parking requirement from Table 3-10 (20.40.40 Off Street Parking Spaces Required) shall apply to all tattoo establishments
4. Signs. Signs shall comply with Chapter 20.42 (Sign Standards). In addition, a sign shall be visible at all entrances stating, "No tattoo service will be provided for any person under the age of 18."
5. Location Restrictions. Tattoo establishments shall maintain the following separation requirements:
 - i. One thousand (1,000) feet from another tattoo establishment;
 - ii. Five hundred (500) feet from any primary or secondary school or park or playground as measured from lot line to lot line; or
 - iii. Five hundred (500) feet from the boundary of any residential structure or residential use, including residential uses in mixed-use zoning districts. Excluding legal non-conforming residential properties within the Santa Ana Heights Specific Plan

B. Operating Standards.

1. Hours of Operation. Operating hours must not extend outside the hours of 10:00 a.m. to 10:00 p.m. scheduled by appointment only. No walk-ins shall be accepted.
2. Maintenance. The owner or operator shall:
 - i. Maintain the exterior of the premises free of litter and graffiti at all times; and
 - ii. Provide for daily removal of trash, litter, debris and graffiti from the premises and abutting sidewalks within twenty (20) feet of the premises.
3. Noise. The owner or operator shall be responsible for the control of noise generated by the tattoo establishment. All noise generated by the use shall comply with the provisions of Chapter 10.26 (Community Noise Control) and other applicable noise control requirements of the Newport Beach Municipal Code.
4. Security. The owner or operator shall maintain security cameras covering all entrances and exits to/from the establishment, the public right-of-way fronting the establishment and the parking facility serving the establishment. The recording shall be retained for no less than thirty (30) days and shall be made available to the Police Department upon request.
5. Consumption. The service or use of alcohol or marijuana shall be prohibited. Clients, guests, visitors, or staff shall not smoke within twenty (20) feet of the premises.
6. Screening. All tattoo services shall be screened so as not to be visible to the exterior of the business.

- C. Other Licenses and Permits. The owner or operator shall comply with all applicable State, County and City Health and Human Services regulations including, but not limited to the State Safe Body Art Act regarding the establishment and operation of businesses engaged in tattooing, body piercing and permanent cosmetic application. Each artist shall be registered and licensed with the Orange County Health Department. Said license shall be made available upon request of the City's Code Enforcement Division at any time.

Section 3: Section 20.70.020 (Definitions of Specialized Terms and Phrases) of the NBMC is amended to revise the definition of “Personal Services (Land Use)” and add the definition of “Tattoo Establishment” to read as follows:

Personal Services (Land Use).

1. General. Establishments that provide recurrently needed services of a personal nature. Illustrative examples of these uses include:

- a. Barber and beauty shops.
- b. Clothing rental shops.
- c. Dry cleaning pick-up stores with limited equipment.
- d. Laundromats (self-service laundries).
- e. Locksmiths.
- f. Shoe repair shops.
- g. Tailors and seamstresses.

These uses may also include accessory retail sales of products related to the services provided.

2. Restricted. Personal service establishments that may tend to have a blighting and/or deteriorating effect upon surrounding areas and that may need to be dispersed from other similar uses to minimize adverse impacts, including:

- a. Day spas.
- b. Healing arts (acupuncture, aromatherapy, etc.) with no services qualifying under “Massage establishments.”
- c. Tanning salons.

- d. ~~Tattoo services and B~~body piercing studios.

These uses may also include accessory retail sales of products related to the services provided.

“Tattoo Establishment” (Land Use) means an establishment where the insertion of pigment, ink or dye is applied under the surface of the skin by a person pricking with a needle or otherwise, to permanently change the color or appearance of the skin or to produce an indelible mark or figure visible through the skin in exchange for financial or other valuable consideration. It does not include the application of permanent make-up that is performed as an incidental service in a beauty shop, day spa, or dermatology office.

Section 1: Table 21.20-1 in Newport Beach Municipal Code (NBMC) Section 21.20.020(C) (Commercial Coastal Zoning Districts Land Uses) is amended, in part to the “Tattoo Establishments” row as follows:

TABLE 21.20-1 ALLOWED USES	Commercial Coastal Zoning Districts							
					A —	Allowed Not Allowed *		
Land Use See Part 7 of this Implementation Plan for land use definitions. See Chapter 21.12 for unlisted uses.	CC	CG	CM (3)	CN	CV (3)	CV- LV (3)	OG	Specific Use Regulations
Industry, Manufacturing and Processing, and Warehousing Uses								
<u>Tattoo Establishment</u>	=	A	=	=	=	=	A	

Section 2: Amend NBMC Section 21.70.020 (Definitions of Specialized Terms and Phrases) to read as follows, with all other provisions of Chapter 21.70 remaining unchanged:

Personal Services (Land Use).

1. General. Establishments that provide recurrently needed services of a personal nature. Illustrative examples of these uses include:
 - a. Barber and beauty shops.
 - b. Clothing rental shops.
 - c. Dry cleaning pick-up stores with limited equipment.
 - d. Laundromats (self-service laundries).
 - e. Locksmiths.
 - f. Shoe repair shops.

- g. Tailors and seamstresses.

These uses may also include accessory retail sales of products related to the services provided.

2. Restricted. Personal service establishments that may tend to have a blighting and/or deteriorating effect upon surrounding areas and that may need to be dispersed from other similar uses to minimize adverse impacts, including:

- a. Day spas.
- b. Healing arts (acupuncture, aromatherapy, etc.) with no services qualifying under "Massage establishments."
- c. Tanning salons.
- d. ~~Tattoo services and~~ Bbody piercing studios.

These uses may also include accessory retail sales of products related to the services provided.

Tattoo Establishment (land use) means a business where the insertion of pigment, ink or dye is applied under the surface of the skin by a person pricking with a needle or otherwise, to permanently change the color or appearance of the skin or to produce an indelible mark or figure visible through the skin in exchange for financial or other valuable consideration. It does not include the application of permanent make-up that is performed as an incidental service in a beauty shop, day spa, or dermatology office.