



ATTACHMENT D
Errata Revisions, Substantive and Administrative

AGENDA ITEM NO. 2

ATTACHMENT D

Errata Revisions, Substantive and Administrative

Errata Revision Description	
Substantive Revisions by page number	
20.100-5	Revise section 20.100.080(A), add "must" to the list
20.100-6	Revise section 20.100.090(C) fourth line, replace the word "power" to "authority"
20.200-2	<ul style="list-style-type: none">Revise section 20.200.020(C), revise density from "4.1 to 8.0" to "1.0 to 8.0"Revise Table 20.200-1 to reflect the following<ul style="list-style-type: none">R-3-6 implements 20.0-30.0 du/acR-3-10 implements 12.1-20.0 du/acModify Zone LI/C to LI/NCModify Zone LI/LI & C to LI/LI & NCDelete Zone I/MU1&PDelete Zone I/I & P
20.200-3	Revise section 20.200.030 first paragraph, insert "and Regulating Plan" after "Zoning Map" in the first line
20.200-4	Revise section 20.200.030(E)(3) to read as follows: "The Director may determine the applicable Zone, and City Council approval and adoption of such Zone by ordinance shall be required."
20.205-1	Table 20.205-1, Add "Temporary Uses" with appropriate permit requirements and procedure section references to the table.
20.205-2	Revise section 20.205.030(B), first bullet to read as follows: "Meet the approval process and acquire all Zone requirements and meet all procedural elements set forth in Table 20.205-1 and Chapter 20.500 (Permits and Applications)."
20.205-3	Section 20.205.030(D), delete "Tattoo and body modification"
20.210-4	Table 20.210-2, insert land use "Non-Public Antenna or Communication Facility" as permitted by right in all three A Zones. <ul style="list-style-type: none">
20.215-2	Insert reference that R-3-6 Zone implements 20.0-30.0 du/ac.
20.215-2	Insert reference that R-3-10 Zone implements 12.1-20.0 du/ac.
20.215-4	Table 20.215-2 replace "Microbrewery/Tasting Room" with "Winery/Tasting Room"
20.215-6	Table 20.215-3, revise minimum lot size of R-1-7.5 from 7.500* to 7,500*
20.215-7	Table 20.215-4: Maximum Density of R-3-6 revised to 30.0 du/ac.
20.215-7	Table 20.215-4: Maximum Density of R-3-10 implements 12.1-20.0 du/ac.
20.220-4	Update Table 20.220-2 with the following: <ul style="list-style-type: none">Change "Tattoo/Body Modification" land use to "Tattoo and/or Body Art Facility"Modify land use permission for "Tattoo and/or Body Art Facility" to "P" in the C Zone, --- (prohibited) in the OP and SR Zones
20.220-7	Revise section 20.220.050(B)(1), add "based on project components." to the end of the paragraph
20.225-2	<ul style="list-style-type: none">Insert the following as section 20.225.020(C) : Specific Plans. Development standards of table 20.225-1 shall apply as the base requirements for new development and redevelopment of Specific Plans with frontage on Rancho Santa Fe Road or adjacent to one (1) or more MU-1 Zones properties."

- Revise following section letters as appropriate

20.225-6	Delete note from Table 20.225-1; note has been incorporated into section 20.225-020(C)
20.235-1	<ul style="list-style-type: none">• Revise section 20.235.010(E), add “and Regulating Plan.” to the end of the sentence.• Revise section 20.235.020(A) to read as follows: “Eligible Properties. The standards of this Chapter shall be limited to those existing industrial properties identified on the Zoning Map. Activities consistent with this Chapter are permitted on the existing developed industrial use parcel and associated parcels where all the following criteria are met:<ol style="list-style-type: none">1. contiguous to the subject Transitional Zone property;2. owned by the same property owner as the industrial use on the effective date of this Zoning Ordinance;3. used for non-structural activities (permitted outdoor storage, parking, general operations outside of a building, etc.) associated with the existing developed industrial use <i>or</i> the parcel is undeveloped <i>or</i> developed with an existing industrial structure(s); and4. identified as Transitional Zone by the Zoning Map.”
20.235-2	<ul style="list-style-type: none">• Revise section 20.235.020(A)(2), insert “effective” before “date in first line; delete “adoption” from the second line• Revise section 20.235.020(B), replace “per” with “pursuant to” in the third line; replace “decides” with “makes a determination” in the third line• Revise section 20.235.020(D), update references to the “Zoning Map” to read as “Zoning Map and Regulating Plan”• Revise section 20.235.020(E) to delete “parcel” in the second line
20.325-3	<ul style="list-style-type: none">• Revise Table 20.235-1 to reflect the following:<ul style="list-style-type: none">• Modify Zone LI/C to LI/NC• Modify Zone LI/LI & C to LI/LI & NC• Delete Zone I/MU1&P• Delete Zone I/I & P
20.235-4	<ul style="list-style-type: none">• Revise section 20.235.040(A) to read as follows: “Existing Developed Industrial Uses. Activities associated with the ongoing operation of an industrial use existing as of the effective date of this Zoning Ordinance, as provided for by this chapter, shall be an allowable conforming use under the identified Initial Zone regardless of the permit requirements identified for the applicable use in the Initial Zone permitted uses table (Industrial Initial Zones see Table 20.230-2; Commercial Initial Zones see Table 20.220-2).”• Revise section 20.235.040(C) to strike “where such uses are deemed to enhance or otherwise promote the stability of the existing established operation.”• Revise section 20.235.040(D) to strike “New” from the bold title
20.265-2	Insertion of Figure 20.265-1 Airport Overlay Zone Map

20.300-4	Table 20.300-1 revise R-1-7.5 minimum lot area from 6,000 to 7,500
20.300-5	Revise 20.300.050(C) to indicate how setbacks are measured for irregularly shaped lots and how to measure in special circumstances such as lots abutting private easements. Provide figures/graphics to visually show how measurement is taken.
20.300-9	Revise Figure 20.300-4, remove reference of 42"
20.320-11	<p>Revise section 20.320.050(A)(2) to read as follows: "2. <u>Freestanding Signs</u>. Maximum freestanding sign area and height for any one sign or any establishment's share of a common sign shall be limited to:</p> <p>a. <u>Monument signs height and area shall be regulated by the sign's setback from the ROW.</u></p> <p>1. <u>Located within 20 feet of ROW: Maximum Fifty 50 square feet in area and 10 feet in height; within 20 feet of street right-of-way</u></p> <p>2. <u>and up to 10 feet in height (monument signs).</u></p> <p>b. <u>Located 21 to 50 feet from ROW: Maximum Seventy-five 75 square feet in area and if 21 to 50 feet from street right-of-way and up to 15 feet in height.</u></p> <p>c. <u>Maximum of One hundred 100 square feet in area if 51 to 100 feet away from a street or if within 200 feet of any freeway road bed with a height of up to 25 feet in height or 10 feet higher than the highest point of that portion of any freeway within 200 feet of such signs.</u></p> <p>d. <u>Maximum of Two hundred 200 square feet in area if the images for all the establishments on a property are combined into a common sign."</u></p>
20.320-12	<p>Revise section 20.320.050(C)(1)(i) to read as follows: "i. <u>Maximum of Fifty 50 square feet in area where located within 20 feet of street right-of-way</u> and up to ten (10) feet in height (monument sign)."</p> <p>Delete sections 20.320.050(C)(1)(ii) and (iii)</p> <p>Revise section 20.320.050(C)(1)(iv) to section 20.320.050(C)(1)(ii)</p>
20.320-13	Revise section 20.320.050(D) title to include "Neighborhood Commercial" in list of zones.
20.320-15	Revise section 20.320.050(F)(2)(a) to allow a maximum of 20 square feet and 6 feet in height; add " <u>subject to Engineering Division approval.</u> " to the end of the sentence.
20.320-16	<p>Revise section 20.320.050(G)(3) as follows:</p> <p>Revise the title to "Institutional Uses" striking out the "Multiple Family Complex and" delete all subsequent "Multiple Family Complex" references in the section</p> <p>strike the "per 100 feet of building frontage maximum," requirement</p> <p>allow a maximum of 20 square feet and 6 feet in height</p> <p>add "<u>subject to Engineering Division approval.</u>" to the end of the sentence of (a)</p>
20.340-17	Revise Table 20.310-4 reinsert $\leq 3,000$ s.f. dwelling requires 2 car garage; $\geq 3,000$ s.f. garage requires 3 car garage
20.320-21	Revise section 20.320.060(C)(1)(d)(v) to read as follows: "v. The total display area of all such signs on a given parcel is limited to 16 square feet at all times, except as set forth in <u>20.320.070060(C)(1)(f), 20.320.060(C)(1)(d)(vi)</u> below."
20.320-24	<p>Revise section 20.320.090(A) through (F); Bold the first sentence of each subsection, ex. "Flashing, etc."</p> <p>Revise section 20.320.090(G) through (L); add reference to "as defined in Section 20.320.120"</p>
20.325-3	Replace Section 20.325.070(H) reference from 20.325.110 (Definitions) to: 20.325.100

20.340-5	Update of Table 20.340-1 to include all updated land uses Revise Table 20.340-1, "Single-Family Detached" land use minimum required parking to read: "2 attached covered spaces per ≤3,000 s.f. unit, 3 attached covered spaces per ≥3,000 s.f. unit" and additional use regulations column to read: "20.340.060(H), Table 20.340-4"
20.340-9	Revise Table 20.340-2: 1 BR, 1.25 spaces/unit; 2 BR from 1.25 to 1.75 space/unit; 3+ BR from 1.75 to 2 spaces per unit
20.340-17	Revise Table 20.340-4, first line replace "Dwelling Unit with 2 car Garage" to "≤3,000 s.f. Dwelling Unit"; second line replace "Dwelling Unit with 3 car Garage" to "≥3,001 s.f. Dwelling Unit"
20.345-1	Revise section 20.345.020, delete ", hereafter," from second line; revise last sentence to "Those land uses and structures are subject to Chapter 20.550 (Enforcement and Penalty)."
20.345-2	<ul style="list-style-type: none"> Revise section 20.345.020(H) to insert the word "existing" after "throughout such" in the fifth line Revise section 20.345.020(I) to insert the word "existing" after "throughout such" in the third line
20.345-3	<ul style="list-style-type: none"> Revise section 20.345.020(J) to replace "due to" with "upon make the" in the fifth line Revise section 20.345.020(L) first sentence to read as follows: "When special circumstances as delineated in 20.345.030(M)(7)(a)-(d) exist and an application has been timely submitted as provided below, the Director may extend the legal nonconforming status of a use, for up to an additional 12 months. The total time period for discontinuance of a nonconforming use shall not exceed twenty four (24) continuous calendar months." Revise section 20.345.020(M)(1) to insert "initial" before 12-month period." At the end of the sentence.
20.345-4	Revise section 20.345.020(M)(5)(b) to replace "his/her" with "the" in the first line; revise second paragraph to read as follows: "If no written request for the review is received within the time prescribed, the preliminary decision shall become final and the applicant shall be so notified, as prescribed in this section."
20.345-6	<ul style="list-style-type: none"> Revise section 20.345.020(M)(8)(b)(v) to insert "but not limited to," in the parentheses Revise section 20.345.020(O) to read as follows: Transfer to New Owner or Tenant. A residential or nonresidential nonconforming use is transferable to a new owner or tenant, provided that the use is not discontinued, and may continue as a non-conforming use pursuant to provisions of this Zoning Ordinance."
20.345-7	<p>Revise section 20.345.050(B)(1) to read as follows: "Subject to the findings required by this chapter, the Director may:</p> <ol style="list-style-type: none"> Administratively permit up to a 1ten percent (10%) enlargement of the floor area of a nonconforming structure, Through the Director's Permit (DP), the Director may permit up to twenty percent (20%) enlargement of the floor area of a nonconforming structure. In considering whether or not to allow the proposed expansion of nonconforming structures, the Director shall weigh the potential for

eliminating and/or reducing the nonconformities through the proposed expansion. The proposed expansion and/or alteration of the structure shall comply with all other provisions of the Zoning Ordinance."

20.345-9 Revise section 20.345.060 (4) to replace "when" with "at the time" in the third line

20.400-1 Create a Specific Use in Chapter 20.400 to identify operational standards for Tattoo and/or Body Art Facility. Regulations shall include:

Every Tattoo and/or Body Art Facility shall be subject to the following in addition to all other requirements of law:

A. The exterior walls of any establishment in the Commercial (C) zone shall be located more than two thousand (2,00) feet from the exterior walls of any other Tattoo and/or Body Art Facility.

B. Tattoo and/or Body Art Facility shall not operate between the hours of 10:00 p.m. and 10:00 a.m.

C. Live animals, except for service animals, shall not be allowed on the premises.

D. Once established, the Tattoo and/or Body Art Facility shall not be permitted to expand into another tenant space or building or otherwise on the site or any contiguous site unless the standards of (A) are complied with

E. Temporary or mobile establishments or events are not authorized by this section.

F. The applicant/operator of the Tattoo and/or Body Art Facility shall also comply with all applicable state and local laws as they may be amended from time to time including, but not limited to: Health and Safety Code sections 119300, et seq. (California Safe Body Art Act); Penal Code section 653, and Chapter 8.95 of this Code.

20.400-20 • Section 20.400.210 add reference to Title 17 of SMMC

20.405-2 • Revise section 20.405.040(B)(2) to read as follows: "Within one thousand (1,000) feet of the property line of any parcel with any of the following established land uses."

20.425-1 • Revise section 20.425.020 first sentence to read as follows: "The provisions of this Chapter shall apply to the ownership, establishment, enlargement, construction, conversion, modification, operation, renewal, and/or transfer of ownership of all land uses that include on-site sales and/or service of alcoholic beverages and/or live entertainment."

• Revise section 20.425.020(B), add the following as the last sentence: "See Chapter 20.600 (Definitions) for Bar (land use)."

• Revise section 20.425.030 (B) first sentence to read as follows: "All land uses, including on-site sales and/or service of alcoholic beverages and/or live entertainment shall require a Director's Permit (DP) or Conditional Use Permit (CUP), subject to the permit requirements of the applicable Zone, to establish or renew the land use."

• Revise section 20.425.030 (B)(1) to read as follows: "In any decision to issue a CUP, consideration shall be given to the location of the proposed facility. The general vicinity shall not have a concentration of uses with on- and/or off-premise ABC licenses or an unusually high crime rate such that the proposed use could result in further criminal activity or the probability thereof, thus requiring additional police services if the CUP is granted."

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20.425-2	<ul style="list-style-type: none"> Revise section 20.425.030 (C) to read as follows: "Entertainment Limitation. The only type of live entertainment provided shall be the type specifically approved under the CUP. A new or modified CUP shall be required for modifications to, or change of, the live entertainment provided." Revise section 20.425.030 (D) third sentence to read as follows: "Failure to submit or comply shall result in a presumptive determination that the use and/or place of business constitutes a nuisance violative of this Zoning Ordinance. All applicable nuisance fines and procedures established by this Zoning Ordinance shall apply." Revise section 20.425.030 (E) to read as follows: "Abandonment. Any establishment, business, or facility that is either abandoned or discontinues the sale of alcoholic beverages for a period of sixty (60) consecutive days shall be deemed to have automatically terminated the associated CUP. The establishment shall obtain a new or modified CUP, as applicable, before re-engaging in the sale of alcoholic beverages or providing live entertainment." Revise section 20.425.040(A)(2) to read as follows: "No bar shall be established within five hundred (500) feet of any place of religious assembly, school, or youth-oriented institutional activity." Revise section 20.425.040(A)(5) to insert the word "against" in place of "of" in the second line.
20.425-3	<ul style="list-style-type: none"> Revise section 20.425.040(B)(2) to insert the following at the end of the first sentence: "or as required by the requirements then in effect." Revise section 20.425.050 first paragraph to read as follows: "In addition to the standards of this Chapter, non-restaurant, commercial entertainment use with ancillary alcohol-service incorporated into the primary land use shall be subject to the following standards. These standards shall also apply to any restaurant use incorporating an entertainment or dancing area in the restaurant, regardless of the size of the area and/or use." Revise section 20.425.050(1) to read as follows: "The area within which service of alcohol occurs shall be ancillary to the primary land use and shall not exceed twenty-five percent (25%) of the floor area available to patrons." Revise section 20.425.050(4) to read as follows: "The place of business, including any event, promotion, or activity, shall not charge or impose a fee or cover charge to enter the premises and/or offer advance ticket sales for any entertainment events."
20.425-4	Revise section 20.425.070 to read as follows: "The violation of this Chapter shall constitute a nuisance. The City may, in addition to any other remedy available by law, commence nuisance abatement or other proceedings to enforce the provisions of this Chapter in any manner provided by law including, but not limited to, Chapter 1.12 of this Municipal Code for any violation of this Chapter or in response to a complaint of nuisance filed with the City in conjunction with a bar or ancillary alcohol-service use."
20.440-1	Section 20.440.020, second paragraph; insert "or modify" after "eliminate" in the third line; replace "and provide" with "to provide" in the third line
20.440-2	Section 20.440.060(1) insert "who is" before "disabled" in the second line
20.440-3	Section 20.440.070, strike "the Planning Commission" from the section

20.460-2 • Revise section 20.465.030(E) to insert “originally permitted” before “size” in the last line

• Insert section 20.465.030(F) to read as follows: “Collocation of Facilities on Existing Wireless Towers or Base Stations. Sites of existing wireless towers or base stations that can support wireless antennas at the time of application shall be processed in accordance with Section 6409 of the Telecommunications Act (Act), as the same may be amended from time to time. Proposed collocations are not exempt from the requirements of the National Historic Preservation Act or the National Environmental Policy Act. Modification of an existing wireless tower or base station shall be permitted for eligible facilities when such modifications do not substantially change the originally permitted physical dimensions of such existing tower or base station and meet all building, electrical and fire code requirements. Eligible Facilities meeting such requirements are defined as the following:

1. Collocation of new transmission equipment; or
2. Removal of transmission equipment; or
3. Replacement of transmission equipment.

For purposes of this Chapter, modifications shall not be deemed to substantially change the physical dimensions of such tower or base station if they: do not increase the originally permitted tower height by more than ten percent (10%) or the height of the originally permitted antenna array plus twenty (20) feet, whichever is greater; or do not add more than four (4) new equipment cabinets or one (1) new shelter; or protrude more than twenty (20) feet or the originally permitted width of the tower, whichever is greater; do not necessitate excavation outside existing leased or owned-property and any current easements, and do not change a camouflaged facility to a non-camouflaged facility.

• Revise section 20.460.040(A) to include “and all of the development standards of the Zone.” at the end of the sentence.

20.465-3 • Delete section 20.460.040(D). Move to section 20.460.020 on page 20.465-1 to read as follows: **“Conditional Use Permit Required.** A Conditional Use Permit shall be required, subject to the process provisions of Chapter 20.520 (Conditional Use Permit) shall be required for any Telecommunications Facility that.”

20.465-4 • Insert section 20.465.050(A)(6) to read as follows: “For collocation on existing Telecommunications Facilities, the permit date shall be co-terminous with any existing permit.”

20.465-5 • Revise section 20.465.050(I) to read as follows: “Under no circumstances shall the City be required to approve the installation of more than 1 Telecommunications Facility on any streetlight or traffic light unless the City deems it technically and aesthetically feasible, in its discretion, to do so. Nothing in this section is intended to or shall require the City to approve the installation of new utility poles.”

• Revise section 20.465.050(J) to insert “City” before “facilities” in the first line; add the following sentence at the end of the section: “Additionally, the primary purpose or use of City facilities shall remain the function for which they were initially constructed, and the installation of any Telecommunications Facility thereon shall be a secondary

use or purpose.”

- Revise section 20.465.050(K) to add the following sentence at the end of the section: “Such bond will be accompanied with plans showing the dimensions of the facilities for which the bond is being submitted.”

20.465-6

- Revise section 20.465.050(O) to add the following sentence at the end of the section: “, and shall be compliant with all applicable building and electrical codes as well as the latest iteration of the tower safety code, the terms and provisions of which are incorporated herein by reference.”

20.465-9

- Delete section 20.465.090 Notices. Insert at appropriate location in Chapter 20.505
- Delete section 20.465.100
- Delete section 20.465.110
- Delete section 20.465.120
- Delete section 20.465.130

20.465-10

Revise section 20.465.140 to read as follows [subject to review, revision, and approval by the City Attorney]: “An appeal from the decision of the Director or the Planning Commission made in the administration or enforcement of this ordinance pertaining to installations that are not by right (pursuant to Section 20.460.030 of this Ordinance) may be made by the Carrier or any person having an interest in the property that is the subject of the decision, subject to the provisions of Chapter 20.550 (Appeals and Revocations).”

20.515-2

- Revise section 20.515.020 first paragraph, first sentence to read as follows: “Site Development Plan Review (SDPR) is an administrative process, unless the review is linked to a project ~~requiring or an entitlement that requires a higher review~~ ^{reviewing} authority ~~see section 20.205.030(E) (Highest Permit Level Requirement).~~”
- Revise section 20.515.020(A), replace all “Project” with “A project”
- Revise section 20.515.020(A)(1)(c), replace “process” with “requirements”
- Revise section 20.515.020(C) to read as follows: “Proposed projects that are required to go before the Planning Commission/and or City Council under Conditional Use Permit or Specific Plan procedures shall not be required to comply with the Site Development Plan Review procedures, except that the applicable CUP and Specific Plan shall include within their scope the review requirements set forth in this Chapter, consistent with section 20.205.030(E) (Highest Permit Level Review).”
- Revise section 20.515.030(2) to replace “per” with “pursuant to”

20.515-3

- Revise section 20.515.030(A)(5) to read as follows: “The applicant, and any interested party requesting information, will be provided with the preliminary SDPR conditions. Final conditions will be issued ten (10) days after the preliminary notice if the applicant consents to conditions; the period may be extended during the resolution of any outstanding issues.”
- Revise section 20.515.030(A)(6) to replace “through the standard procedures” to pursuant to the procedures”
- Revise section 20.515.030(B) to read as follows: “**Plan Requirements.** Each Site Development Plan shall be accompanied by plot plans at a workable scale based on the project parameters, and all submittal requirements prescribed by the Director, which provide detail of all the following items.
 1. A materials board displaying proposed building materials shall also be required at time of application.

2. the elevation, floor plans, and location of the proposed buildings shall be provided;
3. physical features such as trees, hydrants, electric and telephone poles, lights, driveways, fences, and signs shall be delineated;
4. use and treatment of ground around such buildings or structures shall be provided;
5. proposed drainage facilities shall be identified;
6. location and number of off street parking spaces shall be identified;
7. landscaping plan showing type, sizes and irrigation system shall be provided on a separate sheet;
8. utility plan and demonstration of water compliance measures shall be provided;
9. other pertinent project information identified by the applicant or deemed necessary for project processing purposes by the Development Advisory Committee.

20.515-4	<ul style="list-style-type: none">• Revise section 20.515.040(A)(1) to read as follows: "The Development Advisory Committee has the authority to refer plans to the Planning Commission for purposes of making a determination on a Site Development Plan, in which case a public hearing will be scheduled before the Planning Commission."• Revise section 20.515.040(B) to read as follows: "Public Hearings for Residential Projects. All residential development in the R-2 and R-3 and Mixed Use Zones shall be reviewed by staff and scheduled for public hearing before the Planning Commission and/or City Council, depending on the number of units in the proposed project as determined by section 20.515.020 (Applicability).
20.515-5	<ul style="list-style-type: none">• Revise section 20.515.050(B) second paragraph, replace "within the time prescribed of the" to "of a timely" in the first line; replace "no written" with "no timely written" in the fourth line; strike "within the time prescribed" in the fourth line• Revise section 20.515.050(B) third paragraph, replace "informed" with "notified in writing" in the first line; replace "and of the" with "and the" in the first line; strike "by written notice" in the second line• Revise section 20.515.050(C)(1), to read as follows: "In no event shall building permits be issued in the I, I-2, L-I, S-R, C, B-P, O-P, , Mixed Use, and Specific Plan Area Zones until such plans have been approved by the Development Advisory Committee, or the final approval body as determined by section 20.515.020 (Applicability) or section 20.205.030(E) (Highest Permit Level Review)."• Revise section 20.515.060, first paragraph; replace "as it was applied for" with "in the form submitted" in the second line

20.515-6 • Revise section 20.515.060(G) to read as follows: “To the maximum extent feasible, the project includes the maintenance, rehabilitation and improvement of existing sites, structures, and landscaping; provides adequate and effectively concealed trash, storage, and utility/mechanical equipment; and will correct any violations of the Zoning Ordinance, Building Code, or other Municipal Codes that exist on the site.”

• Revise section 20.515.060(H) to insert “architecture and” in front of “signs in the first line”

• Revise section 20.515.060(I) to read as follows: “The project provides all required on-site and off-site public improvements, in compliance with City adopted Design Manuals and guidelines, as deemed necessary by the review authority.”

• Insert section 20.515.060(J) to read as follows: “The project provides open space, parking areas, and landscaping consistent with this Code and in a manner that visually enhances the physical use of the property.”

20.515-7 Revise section 20.515.080 to read as follows: “Site Development Plan Review approval shall lapse and be null and void 1 year following the date upon which the plans and drawings were approved by the review authority unless, prior to the expiration of 1 year, a grading and/or building permit is issued and construction is commenced and diligently pursued toward completion.”

20.545-1

- Add “official(s) or the Planning Commission” to section 20.545.010(A) first line.
- Add the following sentence to the end of section 20.545.010(C): “An appeal from a decision of the Director or other administrative official(s) must first be taken to the Planning Commission. Decisions of the Planning Commission may be appealed to or reviewed by the City Council.”
- Delete section 20.545.010(D)
- Revise section 20.545.020(A) to read as follows: “**Written Filing, Fee Payment.** An appeal may be taken by filing a written appeal with the Director and paying the required fee within ten (10) days of the decision being appealed.”
- Insert revised section 20.545.020(B) to read as follows: “**Appeal Statement.** The appeal shall set forth the decision being appealed, and shall contain the reasons for the appeal and the grounds upon which the appeal is based.”
- Revise section 20.545.020(B) to be section 20.545(C) and to read as follows: “**Appeal Documents.** On the filing of such appeal and the payment of any required fee, the Director shall transfer the records on file with the official whose decision is being appealed, together with the report of such official, to the Secretary of the Planning Commission. If a decision of Planning Commission is the subject of the appeal, the transfer of the record and report referenced herein shall be made to the City Clerk.”
- Revise the introductory paragraph of section 20.545.030 to be section 20.545.030(A) and to read as follows: “**A. Hearing on Appeal of Decision by Director or other Administrative Official(s).** The Planning Commission shall hold a hearing on an appeal from a decision of the Director or other administrative official(s), after giving due notice thereof to the appellant and to the owners of the property in the manner prescribed in Chapter 20.505 (Notices and Public Hearings) of this Zoning Ordinance. The Planning Commission may call for a review of a decision of the Director on a variance at the next scheduled meeting of the Planning Commission.”

- Delete existing section 20.545.030(A) in its entirety
- Insert section 20.545.030(B) to read as follows: **Hearing on Appeal of Planning Commission Decision.** If the appeal is from a decision of the Planning Commission, the City Council shall hold a hearing on said appeal after giving due notice thereof to the appellant and to the owners of the property in the manner prescribed in Chapter 20.205 (Notices and Public Hearings) of this Zoning Ordinance.

20.545-2

- Revise section 20.545.040 in its entirety to read as follows:

Section 20.545.040 Decision on Appeal

- A. For appeals from a decision of the Director or other administrative official(s), the Planning Commission shall consider the appeal and shall either:
 1. Affirm the decision of the Director or other administrative official(s); or
 2. Render its decision de novo on the appeal.
- B. For appeals from a decision of the Planning Commission, the City Council shall consider the appeal and shall either:
 1. Affirm the decision of the Planning Commission, or
 2. Render its decision de novo on the appeal.
- C. The decision of the City Council in the case of any such appeal shall be the final determination of the City.

20.545-3

- Revise section 20.545.050 to:
 - Insert the “, as appropriate” after “City Council” in the third line
 - Delete “in the certificate” in the fourth line
 - Insert the “, as appropriate” after “City Council” in the sixth line
 - Delete the end of the sentence to strike the following “after notice to the officer from whose decisions the appeal is taken and due cause is shown.”
- Revise section 20.545.060(A) to read as follows **Authority to Revoke Approval.** After a public hearing as provided for in Chapter 20.505, the Planning Commission may revoke or modify any permit, Conditional Use Permit, Variance, or other approval granted by the Planning Commission, the City Council, or any administrative officer(s) pursuant to the provisions of this Zoning Ordinance on any one or more of the following grounds:
- Revise section 20.545.060(C) to read as follows **Notice.** Notice of the time and place of any hearing to revoke or modify a permit or approval shall be issued in the manner and within the time period prescribed by Chapter 20.505

Additionally, the Secretary of the Commission shall also cause a notice of the time and place of hearing and copy of the order to be sent to such public officers, departments, or agencies who, in the opinion of the Secretary of the Commission, might be interested, and request a report thereon.”

20.545-4	<ul style="list-style-type: none"> Revise section 20.545.060(E) to: Insert "such decision" in the place of "therefrom" in the second line Revise paragraph 2. To read as follows "Render its decision de novo on the appeal. In rendering its decision, the City Council may revoke or modify the permit or approval. The decision of the City Council shall be the final determination of the City." Deleted section 20.545.060(G) in its entirety
20.600-2	Add a definition for "Abandoned" in reference to the abandonment of a building resulting in automatic termination of any associated CUP. Exact language to be reviewed and approved by the City Attorney.
20.600-7	Revise definition of "Bar (land use)." to read as follows [subject to evaluation and revision the City Attorney]: <u>Any retail facility maintaining and utilizing an "On Sale Beer" license or an alcohol-related license other than an On Sale Beer license. For facilities operating under an On Sale Beer license, food shall not be sold or served to the public except as required by the license."</u>
20.600-21	Revise definition of "Hookah Lounge." to read as follows: <u>Any facility or location whose business operation, whether as its primary use or as an ancillary use, is denoted by the inhaling or exhaling of the fumes of any organic or synthetic material, including but not limited to plants, herbs, tobacco or shisha, through any device or equipment producing smoke or vapors, including but not limited to pipes (commonly known as a hookah, waterpipe or narghiles) designed with a tube passing through an urn of water that cools the smoke as it is drawn through it, including but not limited to establishments known variously as hookah bars, hookah lounges or hookah cafes."</u>
20.600-36	Revise definition of "Personal Services (land use)." as follows: <u>Permanent makeup services as an ancillary use. At the end of the sentence, add " to a beauty, hair, or nail salon. To qualify as an ancillary use, permanent makeup services cannot be provided in conjunction with any Tattoo and/or Body Art Facility. Said facilities are considered a Tattoo and/or Body Art Facility land use, subject to section 20.400.XXX (Tattoo and/or Body Art Facility)." [XXX section to be inserted consistent with the new section number.]</u>
20.600-46	<p>Revise definition of "Tatoo/Piercing/Body Modification Establishment (land use)." to read as follows: <u>Tattoo and/or Body Art Facility (land use). Any facility that includes any of the following activities:</u></p> <p><u>"Body art facility" means the specified building, section of a building, or vehicle in which a practitioner performs body art, including reception areas, the procedure area, and the decontamination and sterilization area. "Body art facility" does not include a facility that only pierces the ear with a disposable, single-use, presterilized clasp and stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear. This use is subject to the standards and restrictions in 20.400.XXX (Tattoo and/or Body Art Facility)." [XXX section to be inserted consistent with the new section number.]</u></p> <p><u>"Body art" means body piercing, tattooing, branding, or application of permanent cosmetics.</u></p> <p><u>"Body piercing" means the creation of an opening in a human body for the purpose of inserting jewelry or other decoration. "Body piercing" includes, but is not limited to, the</u></p>

piercing of an ear, including the tragus, lip, tongue, nose, or eyebrow. "Body piercing" does not include the piercing of an ear, except for the tragus, with a disposable, single-use, presterilized stud and clasp or solid needle that is applied using a mechanical device to force the needle or stud through the ear.

"Branding" means the process in which a mark or marks are burned into human skin tissue with a hot iron or other instrument, with the intention of leaving a permanent scar.
"Permanent cosmetics" means the application of pigments in human skin tissue for the purpose of permanently changing the color or other appearance of the skin. This includes, but is not limited to, permanent eyeliner, eyebrow, or lip color. Permanent cosmetics, if done as an ancillary use within a beauty salon or spa, shall not be subject to the standards and restrictions in 20.400 XXX (Tattoo and/or Body Art Facility)." [XXX section to be inserted consistent with the new section number.]

"Tattooing" means the insertion of pigment in human skin tissue by piercing with a needle."

Document Wide Administrative Revisions

Revise all singular numeric numbers [such as "5" to "five (5)"] throughout the document

Update all land use tables to remove "tattoo/body modification" as a prohibited land use

Update all references to "zoning district" to "zone"

Insert reference to "NC" Zone as applicable to the regulation (generally the NC Zone would be subject to the regulations where the C Zone is subject to the regulations)

Update section reference numbers/letters/section names as appropriate based on revised content and chapter placement

Revise all references to "Highway 78" to read as "State Route 78"

Land use permissions and definitions of residential care facilities will be reviewed for consistency with State and Federal law and revised accordingly

Clean up acronym references, names of departments, and references to state law appropriately.

Revise all references to read "MU-3 (SP)" and "MU-4 (SP)"

Revise "Websales" land use to "Internet Based Sales" land use, including all references in the Zone chapters and the definition in chapter 20.600.

Revise all "Commission" references to "Planning Commission"

Revise all "Planning Director" references to "Director"

Update all section numbers appropriately

Revise all references to "SMMC" and "San Marcos Municipal Code" to "this Code"

Clean up figure labels, drawings and references as appropriate (some references have shifted in the course of track changes and errata revisions)

All additional clarifying and technical language changes identified as necessary by the City Attorney

Grammatical revisions that do not change the meaning of the section or table.

All page numbers are based on Public DRAFT Zoning Ordinance dated August 9, 2012.

