

ORDINANCE NO. 2019-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AMENDING CHAPTERS 15 and 17 OF THE ESCONDIDO MUNICIPAL CODE; AMENDING ARTICLES 1, 16, 26, 57, AND 63 OF THE ESCONDIDO ZONING CODE; AND AMENDING THE DOWNTOWN SPECIFIC PLAN, EAST VALLEY SPECIFIC PLAN, AND SOUTH CENTRE CITY SPECIFIC PLAN TO IMPROVE EXISTING REGULATIONS

APPLICANT: City of Escondido  
PLANNING CASE NO.: AZ 18-0006

The City Council of the City of Escondido, California, DOES HEREBY ORDAIN as follows:

SECTION 1. That proper notices of a public hearing have been given and public hearings have been held before the Planning Commission and City Council on this issue.

SECTION 2. The Planning Commission conducted public hearings on May 28, 2019, and June 25, 2019, to discuss and consider proposed amendments to the Municipal Code, Zoning Code, and Specific Plans; considered public testimony; and made a recommendation to the City Council.

SECTION 3. The City Council conducted a public hearing on the matter on August 7, 2019, which was continued to August 21, 2019, for additional discussion. The City Council has duly reviewed and considered all evidence submitted at said hearings, including, without limitation:

- a. Written information;
- b. Oral testimony from City staff, interested parties, and the public;

- c. The staff report, dated August 7, 2019, and August 21, 2019, which along with its attachments is incorporated herein by this reference as though fully set forth herein; and
- d. Additional information submitted during the Public Hearing.

SECTION 4. That upon consideration of the staff report, Planning Commission recommendation, Planning Commission staff report, all public testimony presented at the hearing held on this project, and the "Findings of Fact," attached as Exhibit "A" to this Ordinance and incorporated herein by this reference as though fully set forth herein, this City Council finds the Municipal Code, Zoning Code, and Specific Plan Amendments are consistent with the General Plan.

SECTION 5. This action is exempt from environmental review pursuant to California Environmental Quality Act Guidelines ("CEQA" and "CEQA Guidelines") Section 15061(b)(3) since there would be no possibility of a significant effect on the environment because the amendments will not directly result in development. Any future project or development as defined by the CEQA that may occur as a result of the amended language would be subject to CEQA review and analysis.

SECTION 6. That the specified sections of the Municipal Code, Zoning Code, and Specific Plans are amended as set forth in Exhibit "B" to this Ordinance and incorporated herein by this reference as though fully set forth herein

SECTION 7. SEPARABILITY. If any section, subsection sentence, clause, phrase or portion of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION 8. That as of the effective date of this Ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 10. That the City Clerk is hereby directed to certify to the passage of this Ordinance and to cause the same or a summary to be prepared in accordance with Government Code Section 36933, to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the County and circulated in the City of Escondido.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Escondido at a regular meeting thereof this 11<sup>th</sup> day of September, 2019 by the following vote to wit:

AYES : Councilmembers: DIAZ, MARTINEZ, MASSON, MORASCO, MCNAMARA

NOES : Councilmembers: NONE

ABSENT : Councilmembers: NONE

APPROVED:

DocuSigned by:  
*Paul McNamara*  
CAACE20782954D3...

PAUL MCNAMARA, Mayor of the  
City of Escondido, California

ATTEST:

DocuSigned by:  
*Zack Beck*  
A58535D0BDC1430...

ZACK BECK, City Clerk of the  
City of Escondido, California

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STATE OF CALIFORNIA )  
COUNTY OF SAN DIEGO : ss.  
CITY OF ESCONDIDO )

I, Zack Beck, City Clerk of the City of Escondido, hereby certify that the foregoing ORDINANCE NO. 2019-09 passed at a regular meeting of the City Council of the City of Escondido held on the 11<sup>th</sup> day of September, 2019, after having been read at the regular meeting of said City Council held on the 21<sup>st</sup> day of August, 2019.

DocuSigned by:  
*Zack Beck*  
A58535D0BDC1430...  
ZACK BECK, City Clerk of the  
City of Escondido, California

ORDINANCE NO. 2019-09

**EXHIBIT "A"****FACTORS TO BE CONSIDERED / FINDINGS OF FACT**Municipal Code and Zoning Code Amendment(s) Determinations:

1. The City Council's decision is based on factors pursuant to Section 33-1263 of the Escondido Zoning Code. The action to which the City Council takes action on helps conclude a Zoning Code and Land Use Study, which comprehensively examined the degree to which various land use activities are permitted in each zoning district. The land uses or topics areas that comprise the Zoning Code and Land Use Study were included because of propensity of these uses to generate potential health hazards, poor aesthetics, reduction in home values, urban form consistency issues, over-concentration issues, or create neighborhood compatibility issues.
2. Cities from time to time make significant efforts to tailor their city's ordinances to create a local community that develops in a way that the local policy-makers desire. Cities use its "police power" to create laws that promote the general health, safety, and welfare of its citizens. The public health, safety, and welfare of the City of Escondido would not be adversely affected by the proposed batch of Municipal Code, Zoning Code and Specific Plan Amendments because the project establishes and updates, as necessary, local standards and guidelines for land use activities in non-residential areas to ensure land use compatibility is achieved, neighborhoods are preserved, and community character is protected. The adoption of the ordinances utilized to support and complete the Zoning Code and Land Use Study would enable City officials and City staff to effectively implement selected long-term objectives.
3. The proposed batch of amendments would be consistent with the goals and policies of the General Plan because they address they advance a number of land use goals and policies. Goal 2 et. seq. policies of the Land Use and Community Form Element addresses the need for regulations that clearly and effectively implement land use development goals and objectives. This project is based on establishing and updating, as necessary, local standards and guidelines for land use activities to reflect current values. The proposed project is also consistent with Policy 4.2 of the same element for neighborhood maintenance and preservation since the project seeks to protect neighborhoods and community character from the encroachment of incompatible activities or land uses. Land use authority is maintained in key areas of the city so that more economically prosperous and well-designed commercial districts can be developed over time through the implementation of the project (Goal 8 of the Land Use and Community Form Element).
4. Land use regulation must strike a balance between private property rights and the public interests. The City Council finds that land use compatibility and its goals should be promoted through proactive planning and zoning techniques to promote and protect the public health, safety, and general welfare. The Zoning Code Land Use Study concluded

that some land use activities can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition. However, some forms of development — covering industrial, commercial, and other non-residential activities may carry potentially specific, direct and/or indirect impacts that can be detrimental to both neighboring properties and the community as a whole. These may include impacts related to socioeconomic and social equity; public health; environmental justice; urban design and visual; hazardous material storage, solid waste, and sanitation services; energy; transportation and mobility; air quality; noise; and neighborhood character.

5. The City of Escondido has certain provisions found in its Zoning Code relating to zoning and buffer requirements for businesses that are in need of refinement. The City Council Commission finds that it is necessary and appropriate to amend various provisions of the Zoning Code to add, refine, and update the provisions relating to planning and zoning standards for these businesses operating within Escondido. The public health, safety and welfare of the City and its residents require the enactment of this ordinance in order to: (1) mitigate and reduce the potential adverse secondary effects of some businesses, including but not limited to crime and the prevention of blight in neighborhoods; (2) protect the quality of life and neighborhoods in the City, the City's retail and commercial trade, and local property values, and minimize the potential for nuisances; and (3) protect the peace, welfare and privacy of persons who own, operate and/or patronize these businesses. This project provides new criteria by which future development will proceed, ensuring that the design and operation of such uses effectively mitigate the aforementioned associated problems.
  - A. New levels of use authorization addressed by this ordinance (i.e. locations for principally permitted, conditionally permitted, or prohibited land uses), provides a means to enhance the community's identity and relatively high standard of living with associated quality of life. Through its Zoning Code provisions, the City of Escondido seeks to maintain property values, protect tax revenues, provide neighborhood social and economic stability, attract business and industry, and encourage conditions that make the City of Escondido a pleasant place to live and work.
  - B. The City Council has a reasonable basis to believe that there are land use compatibility issues relating the siting of certain facilities and their customers. Locational criteria are a legitimate and reasonable means of ensuring that certain businesses are conducted in a manner so as to minimize their adverse secondary effects and thereby protect the health, safety, and welfare of the City's residents, protect citizens from increased crime, preserve the quality of life, preserve property values and the character of surrounding neighborhoods and businesses, and deter the spread of urban blight.
  - C. New development and performance standards are intended to supplement the existing development concepts of the underlying zone and help provide design professionals, property owners, commissioners, staff, and residents with a clear and common understanding of the City's expectations for the planning, design, and review of

development proposals in Escondido, and to increase the community's awareness and appreciation of design considerations.

6. In the development and execution of this ordinance, it is recognized that there are certain land uses including pawn shops and check-cash / payday establishments, which create conditions harmful to the public health, welfare, and safety when such uses are allowed to become numerous or concentrated within a limited geographical area, or when such uses exist near residential neighborhoods, family-oriented uses or sites commonly used by minors. The negative secondary effects from pawn shops and check-cash / payday businesses constitutes a harm which the City has a substantial government interest in preventing and/or abating. Special prohibitions on these land use activities are therefore necessary to protect the community from consequent blight, depreciated property values, predatory lending, law enforcement problems, and interference with residential neighborhoods as well as interference with activities oriented toward families or minors.
7. In the development and execution of this ordinance, it is recognized that tattoo parlors are subject of comprehensive state licensing and regulation requirements that address floor plan requirements, rules for furnishings, guidelines for sterilization and sanitation, guidelines during and after tattoo procedure, and guidelines for waste disposal. All tattoo parlors must adhere to rules set by the Occupational Safety and Health Administration and Centers for Disease Control and Prevention.

Tattoos, tattooing, and the business of tattooing are considered a form of artistic expression. Cities must ensure that there are sufficient locations in which tattoo parlors may operate. The project proposes changes to Chapter 17 (Tattoo Parlors) of the Municipal Code to provide a uniform set of standards for the body art industry to protect the health and safety of body art practitioners, their customers and the public. The project also proposes changes to Chapter 33 (Zoning Code) to address land use authorization. Special regulations separating such uses from each other and from alcohol serving establishments is necessary to protect the community from consequent blight, depreciated property values, law enforcement problems, and interference with residential neighborhoods.

Body art is an invasive process that includes piercing, tattooing, application of permanent cosmetics, and branding. These practices present the potential for spreading blood-borne diseases, such as Hepatitis B. The proposed project does not violate any freedom of speech protections and offers new operator obligations to ensure the preservation of public health, safety, and general welfare. The buffer requirements of the City do not unreasonably restrict the establishment or operation of constitutionally protected tattoo businesses. The City Council recognizes that these buffer requirements do not preclude reasonable siting alternatives and that there are several hundred potentially available sites for tattoo establishments.

8. In the development and execution of this ordinance, it is presumed that establishing or preserving an appropriate and balanced mix of commercial businesses will more effectively serve to achieve this purpose as a strategy to maintain the economic health of the community's business districts and its suburban ambiance, and will promote the redevelopment of the city's downtown area. The proliferation of smoke, e-cigarette, and vape shops in the commercial areas of the city has a deleterious effect on the vitality of a strong central business corridors, neighborhood centers, and the development of the downtown area.

The negative effects from smoke, e-cigarette, and vape shops as detailed in the June 25, 2019 Planning Commission staff report and attachments, incorporated herein by this reference as though fully set forth herein, constitute a harm which the City has a substantial government interest in preventing and/or abating. Cigarette smoking harms nearly every organ in the body, causes many diseases, and reduces the health of smokers in general. Although an e-cigarette is different from a traditional cigarette in that it does not use tobacco, there are still a significant number of physical, social, and psychological health effects of nicotine use. The e-liquids used to refill electronic smoking devices usually contain liquid nicotine, which may be toxic if ingested or absorbed through the skin at relatively low quantities.

There is no scientific evidence that e-cigarettes help smokers to successfully quit traditional cigarettes or that they reduce consumption of traditional cigarettes. A number of recent studies show that e-cigarette users are no more likely to quit than regular smokers. Most commonly, abusers are using a cartridge with a liquid solution of THC, the main psychoactive substance found in marijuana.

The Family Smoking Prevention and Tobacco Control Act gives the U.S. Food and Drug Administration (FDA) comprehensive authority to regulate the manufacturing, marketing, and sale of tobacco products. The language of the Act also retains significant regulatory authority of State and local governments. Many communities in California have started regulating the use of electronic smoking devices by prohibiting vaping where smoking is prohibited, requiring tobacco retailer licenses, requiring special use permits, or prohibiting retail establishments. These jurisdictions have found that proximity and density of smoke, e-cigarette, and vape shops within communities' influences smoking behaviors through greater exposure to advertisements and increased availability of price promotions at the point of sale.

As the use of tobacco retail and electronic smoking devices in the City of Escondido continues to grow, smoke, e-cigarette, and vape shops are likely to proliferate in the absence of local regulation. In order to protect public health and prohibit the renormalizing of tobacco use, local governments are in a unique position to regulate whether and where smoke, e-cigarette, and vape shops are allowed to open. Special prohibitions on smoke, e-cigarette, and vape shops are therefore necessary to maintain and improve the city's



character, the diversity and vitality of the community's commercial areas, and the quality of life of residents.

9. The City Council finds that the revisions to the City's Municipal Code and Zoning Code implemented by this ordinance are necessary in order to respond to recent developments within the marketplace, community interest, regulation of uses, and case law. The City Council desires to protect residents, businesses, and other community members from various retail and service based land use activities and to minimize their potential adverse primary and secondary effects including crime, the protection of the City's retail trade, maintenance of property values, protecting and preserving the quality of the City's neighborhoods and the City's commercial districts, and the protection of the City's quality of life. The basis of such desire is based on the totality of the referenced Zoning Code Land Use Study, the whole record, and the findings set forth therein. Specifically, the revisions and amendments to the City's Municipal Code and Zoning Code included in this ordinance are essential and necessary to ensure the orderly land use regulation as to uses within the City and thereby protect the public peace, safety and general welfare in the City of Escondido.
10. The proposed Zoning Code Amendments do not conflict with any Specific Plan as the project embodies several ancillary and conforming Specific Plan Amendments. The portion of the project that consists of Specific Plan Amendments meet the minimum requirements of Section 65451 of the Government Code.
11. There are no assurances to residents and project proponents that the affected chapters and sections of this project will not be subject to future revisions.

## EXHIBIT "B"

### PROPOSED MUNICIPAL CODE, ZONING CODE, AND SPECIFIC PLAN AMENDMENTS

AZ 18-0006

#### SECTION I.

##### CHAPTER 15

Insert "**Article 3. SECONDHAND DEALERS**" to Chapter 15 after "Sections 15-22 –15-31. Reserved" and prior to "Section 15-32" to delineate article organization.

#### SECTION II.

Amend the Chapter 17, Article 13 of the Escondido Municipal Code to read as specified below. The changes are listed in order by section number, with ~~strikeout~~ typeface illustrating deletions and underline typeface illustrating new text.

##### CHAPTER 17

#### ARTICLE 13. TATTOO PARLORS AND MOBILE TATTOO VEHICLES

##### DIVISION 2. TATTOO PARLORS

###### Section 17-268. Customers.

- (a) No tattooing shall be done on skin surfaces which have rash, pimples, boils, or infections or manifest any evidence of unhealthful conditions.
- (b) No tattoo shall be administered to any person under the age of eighteen (18) years of age.
- (c) No tattooing shall be performed on any person who has given a history of jaundice or hepatitis infection within the previous thirty (30) days.
- (d) Specified anatomical areas shall not be exposed in publicly accessible areas of the tattoo parlor business or viewable from the public right-of-way.

##### CHAPTER 17

#### ARTICLE 13. TATTOO PARLORS AND MOBILE TATTOO VEHICLES

## DIVISION 2. TATTOO PARLORS

### Section 17-269. Operator.

- (a) The operator shall be free of communicable diseases and have no pustular skin lesions.
- (b) The operator shall not smoke during the tattoo operation.
- (c) The operator shall wear a clean, light-colored, short-sleeved smock during the tattoo operation.
- (d) The operator shall wear disposable gloves during the tattooing operation.
- (e) No tattoo parlor shall be operated in conjunction with nor share any operating space with any other business. Service of alcohol, marijuana/cannabis based substances, or other controlled substance shall not be permitted in conjunction with a tattoo parlor.
- (f) The entrance door shall be 100 percent clear and free of obstructions such as signs, window tinting, shelving, or racks. Storefront window openings shall provide an unobstructed view of the interior of the premises.
- (g) The operator shall ensure that specified anatomical areas of customers shall not be exposed in publicly accessible areas of the business or viewable from the public right-of-way.
- (h) The operator of a tattoo parlor shall prevent loitering and loud noises around the subject site during and after the hours of business operations.
- (i) The property shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants. This shall encompass the maintenance of exterior facades of the building, designated parking areas serving the use, walls and fences and the perimeter of the site (including all public parkways).
- (j) The operator of the tattoo parlor shall comply with all applicable state and local laws as they may be amended from time to time, including Health and Safety Code Sections 119300 et seq. (California Safe Body Art Act), Penal Code Section 653, and County of San Diego Department of Environmental Health regulations.

## CHAPTER 17

### ARTICLE 13. TATTOO PARLORS AND MOBILE TATTOO VEHICLES

#### DIVISION 2. TATTOO PARLORS

##### Section 17-281. Permit required.

(a) It shall be unlawful for any person to engage in the business of operating a tattoo parlor establishment, or a mobile tattoo vehicle, without first applying for and receiving approval of a permit from the deputy director of environmental health services.

(b) No tattoo parlor should be located within 1,000 feet of any other tattoo parlor, as measured from the nearest walls of the buildings within which the tattoo parlors are established. Exceptions to this separation requirement may be made by the Planning Commission.

(c) No tattoo parlor should be located within 500 feet of any licensed alcoholic beverage dispensing operation offering said beverages for on-site consumption. Exceptions to this separation requirement may be made by the Planning Commission.

#### SECTION III.

Amend the Chapter 33 of the Escondido Municipal Code to read as specified below. The changes are listed in order by section number, with ~~strikeout~~ typeface illustrating deletions and underline typeface illustrating new text.

### ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS

#### Section 33-8. Definitions.

##### Banking.

(1) ATM kiosk is an electronic telecommunications devise or electronic banking outlet that allows customers to complete basic financial transactions without the aid of a bank teller or chartered financial institution representative.

(2) Bank means a State or Federally chartered financial institution, credit union, mortgage lender, savings and loan association, or industrial loan company which offers financial services that include lending money, collecting deposits, issuing currencies and debit cards, and transaction processing, and other typical banking services, with or without a teller.

(3) Check-cash / pay day means fringe bank institution or uses defined as other than a State or Federally chartered institution, credit union, mortgage lender, savings and loan

association or industrial loan company, that offers deferred deposit transaction services or check cashing services and loans for payment of a percentage fee. The term included, but is not limited to, deferred deposit transaction (payday loan) businesses that make loans upon assignment of wages received, check cashing businesses that charge a percentage fee for cashing a check or negotiable instrument, and vehicle title lenders who offer a short-term loan secured by the title to a vehicle. Non-profit financial institutions are not included in this definition.

*Bargain basement store* means any for-profit or non-profit store including any establishment, operation, or enterprise with one or more of the following characteristics: 1) a majority of the store's merchandise is offered for sale at a price equal to or below \$5.00; 2) merchandise priced at or below \$5.00 occupies at least one-half of the store's floor area which is devoted to retail sales; 3) used items represent a majority of the merchandise offered for sale in the store; or 4) used merchandise occupies at least one-half of the floor area in the store devoted to retail sales. Used merchandise herein is defined as all forms of used items including without limitation items that were formerly used but have been repaired, refurbished, and /or repackaged. The bargain basement store definition excludes: 1) bona fide antique stores; 2) thrift stores, second-hand dealers, and pawn shops; 3) stores which primarily engage in the sale of used books, periodicals, videos, or DVDs; 4) stores specializing in the sale of highly collectible items such as used coins, stamps, baseball cards, and other similar collectibles; and 5) a store where the majority of the items sold, measured by receipts or number of items sold, consist of food and/or beverage items.

*Consignment shop* is a retail establishment primarily engaged in the retail sale of non-donated, second-hand merchandise, and the merchandise is placed for sale with the establishment by the owner of the merchandise. Upon sale of the merchandise the purchase price is divided between the consignment shop owner and the owner of the merchandise. The establishment shall be limited to one type of merchandise, including but not limited to, clothing and related accessories, children's apparel and furniture, sporting equipment, or furniture and related home furnishings. This use does not include the sale of guns, appliances, mattresses, or vehicles.

*Fleet storage* means storage or parking of one or more vehicles used regularly in business operations. Where the parking of vehicles constitutes the principal use on the site, the use activity is considered a principal use. Typical fleet storage uses include taxi fleets, mobile catering trucks, car or truck (service delivery) storage, or delivery truck fleets. Excluded are car dealerships and vehicle junkyard or vehicle dismantling services.

*Junk yards* mean any space of two hundred (200) square feet or more of area of any lot used for the storage, sale, keeping or abandonment of inoperable vehicles, wrecking yards or salvage yards, junk or waste material, including scrap metal or other scrap materials, or for the dismantling, demolition or abandonment of automobiles, other vehicles, machinery or parts thereof, other than an impound yard.

*Liquor store* means any store designed and operated for the selling of alcoholic beverages with the selling of any other merchandise being incidental to the primary operation of selling liquor.

Pawn shop means a pawnbroker or business establishment that loans money, either for himself or herself, or for any other person, upon any personal property or personal security being purchased and resold to the vendor or other assignee at prices previously agreed upon. This use does not include the sale of guns, appliances, mattresses, or vehicles.

Secondhand store (or second-hand dealer) means conducting, managing, or carrying on the business of buying and selling used merchandise, such as jewelry, watches, diamonds, clothing, musical instruments, luggage, sporting goods, furniture, etc. This use does not include the sale of guns, appliances, mattresses, or vehicles.

Tattoo parlor means any permanent premises where a tattoo artist does tattooing for a fee or for other consideration. Tattoo parlor establishments also include body piercing and other body art services, but do not include beauty salons including cosmetology involving ear piercing, permanent eye and lip lining.

Thrift shop is a retail establishment or non-profit organization primarily engaged in selling used merchandise which has been obtained through bulk-purchases, or through donations or gifts and where the donor receives no value upon the sale of such merchandise, and where the use is designed to sell donated merchandise at a price below reasonable market value. The second-hand sale of guns, appliances, mattresses, or vehicles is prohibited under this classification. This use does not include establishments which sell used merchandise on consignment

Tow yard storage means a business or offering the services of a vehicle towing service, whereby disabled motor vehicles are towed or otherwise removed from the place where they are disabled by a truck; automobile; or other vehicle so adapted to that purpose, such as tow truck dispatch centers; or in the business of storing disabled motor vehicles. Excluded are sales/rentals of vehicles (i.e. car dealerships) and junkyard or dismantling services.

Vehicle repair services.

(1) Commercial vehicle repair includes uses that repair and maintain the mechanical components of the bodies of large trucks, mass transit vehicles, large construction or agricultural equipment, aircraft or boats. Commercial vehicle repair may also include general auto repair-type functions.

(2) General vehicle repair includes major repair of automobiles, motorcycles, recreational vehicles, or light trucks. Examples of use include body and fender shops; brake shops; full-service motor vehicle repair garages; machine shops; painting shops; towing services; and transmission shops. Does not include vehicle dismantling or salvage and tire retreading or recapping. General vehicle repair may also include limited vehicle repair-type functions.

(3) Limited vehicle repair includes minor repair of automobiles, motorcycles, recreational vehicles, or light trucks, vans, or similar size vehicles. Examples of use include brake adjustments and repairs; installation of electronic equipment (e.g., alarms, stereos, etc.); servicing of cooling, electrical, fuel, and exhaust systems; oil and lube shops; tire sales and installation shops; wheel alignment and balancing; auto glass installation and services.

Vehicle sales.

(1) Boutique car sales means a business associated with sales of automobiles, light trucks, vans, small trailers, and small recreational vehicles subject to registration, licensed by the Department of Motor Vehicles (DMV) with or without on-site vehicle inventory. Boutique car sales would allow a licensed dealer, that functions primarily as an office or broker, to store no more than two (2) vehicles on site at any given time.

(2) Car dealership means a well-defined sales and service area or car lot primarily engaged in the sale, long term storage, or rental or leasing of automobiles, light trucks, vans, small trailers, and small recreational vehicles to the public with a vehicle dealers permit or rental company permit licensed by the Department of Motor Vehicles (DMV). A car dealership may engage in auto retail sales, auto wholesales, auto broker sales, rental leasing, or any other DMV business partnership. Sales and leasing of heavy trucks and tractors are included within the category of "tractor or heavy truck sales, storage, rental."

(3) Parts and accessories sale and supply means an auto supply store or retailer specializing in new and rebuilt, package vehicle supplies, parts, and accessories, including the incidental assembling of customized items or parts onto vehicles.

(4) Tractor or heavy truck sales means an establishment primarily engaged in the sale, long term storage, or rental or leasing of tractor or heavy trucks, aircraft, marine crafts, large recreational vehicles and campers, equipment rental and leasing dealerships.

**ARTICLE 16. COMMERCIAL ZONES**

**Section 33-332. Principal land uses.**

**Table 33-332. Permitted and conditionally permitted principal uses.**

Use Title	CG	CN	CP
<b>Retail Trade</b>			
<b>Automotive and marine craft</b>			
<u>Boutique car sales*</u> <u>(subject to Article 57)</u>	<u>P</u>	<u>---</u>	<u>---</u>

<u>Car dealership*</u> <u>(subject to Article 57)</u>	<u>C</u>	---	---
<del>Sales lots and parts</del> Parts and accessories sale and supply (including autos, motorcycles, trailers, campers, recreational vehicles and marine craft vehicles) <del>excluding farm and construction vehicles, three-axle trucks, and buses)</del>	P	---	---
<u>Parts and accessories sale and supply (farm and construction vehicles, three-axle trucks, and buses)</u>	---	---	---
<u>Tractor or heavy truck sales, storage, or rental* (subject to Article 57)</u>	<u>C</u>	---	---
<b>Services</b>			
<b>Automotive services (including motorcycles, marine craft, and recreational vehicles)</b>			
<del>Rental and leasing*</del> (Article 57 and Council Resolution #73-264-R) with or without drivers, <del>taxicab service</del>	P	---	---
<del>Repair and related services, except tire retreading and auto body</del> Limited vehicle repair* (subject to Article 57)	<u>PC#</u>	---	---



<u>Auto bodyGeneral vehicle repair*</u> (subject to Article 57)	C	---	---
<u>Commercial vehicle repair*</u> (subject to Article 57)	==	---	---
<u>Tire retreading*</u> (subject to Article 57)	==	---	---
<u>Junkyard and wrecking yard*</u> (subject to Chapter 15 and Article 57)	==	---	---
<u>Fleet storage*</u> (subject to Article 57)	C	---	---
<u>Tow yard storage*</u> (subject to Article 57)	==	---	---

**ARTICLE 16. Commercial Zones.**

**Section 33-332. Principal land uses.**

**Table 33-332. Permitted and conditionally permitted principal uses.**

Use Title	CG	CN	CP
<b>Retail Trade</b>			
<b><u>Used Merchandise</u></b>			
<u>Consignment shop*</u> (subject to Chapter 15 and Article 57)	C	---	---
<u>Pawn shop*</u> (subject to Chapter 15 and Article 57)	---	---	---
<u>Secondhand store*</u> (subject to Chapter 15 and Article 57)	C	---	---
<u>Thrift shop*</u> (subject to Chapter 15 and Article 57)	C	---	---
<b>Retail Trade</b>			
<b><u>General Retail</u></b>			
<u>Bargain basement store</u>	C	---	---

<u>Drugstores with drive-through* (subject to section 33-341)</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Pharmacies with drive-through* (subject to section 33-341)</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Florists, gifts, cards, newspapers, and magazines with drive-through* (subject to section 33-341)</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>General retail with drive-through* (subject to section 33-341)</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Tobacco product store</u>	---	---	---
<b>Food and Liquor</b>			
Liquor stores, packaged (off-sale)	<u>PC</u>	<u>PC</u>	---
<b>Eating and Drinking Establishments</b>			
<b>Restaurants, cafés, delicatessens, sandwich shops, etc.</b>			
Auto oriented (drive-in,* drive-through*) (section 33-341)	<u>PC</u>		
<b>Services</b>			
<b>Financial Services</b> (including banks, securities brokers, credit offices, real estate services)	<u>P</u>	<u>P</u>	<u>P</u>
<u>Bank</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Bank with drive-through* (subject to section 33-341)</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Check-cash/pay day</u>	---	---	---

<u>Real estate service or security broker</u>	<u>P</u>	<u>P</u>	<u>P</u>
<b>Services</b>			
<b>Other Services</b>			
Laundry and dry cleaning services			
Self-service, coin-operated* ( <u>section 33-343</u> )	P	P	---
Pick-up service only* ( <u>section 33-343</u> )	P	P	P
Dry cleaning, laundering, pressing and dying for on-site retail customers only* ( <u>section 33-343</u> )	<u>PC</u>	---	---
<u>Commercial laundry or pressing*</u> ( <u>section 33-343</u> )	---	---	---
<u>Private smokers' lounge</u>	---	---	---
<del>Barber, beauty, nail, and tanning services</del>	<u>P</u>	<u>P</u>	<u>P</u>
<del>Personal services, NEC (including clothing and costume rental, tattooing, marriage bureaus, baby-sitting services, etc.)</del>	<u>P</u>	---	---
<b><u>Personal services</u></b>			
<u>Barber, beauty, nail, and tanning services</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Clothing and costume rental, marriage bureaus, baby-sitting services, etc.</u>	<u>P</u>	---	---

<u>Tattoo parlor and body piercing* (subject to Chapter 17)</u>	<u>C</u>	---	---
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**ARTICLE 16. COMMERCIAL ZONES**

**Section 33-333. Permitted accessory uses and structures.**

**Table 33-333. Permitted accessory uses and structures.**

<b>Use Title</b>	<b>CG</b>	<b>CN</b>	<b>CP</b>
<u>ATM kiosk</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>ATM kiosk (drive-in,* drive-through*) (section 33-341)</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Drive-in,* drive-through* (section 33-341)</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Fleet storage* (subject to Article 57)</u>	<u>P</u>	---	---
<u>Tow truck operation incidental to repair* (subject to Article 57)</u>	<u>P/C</u>	---	---

**ARTICLE 16. COMMERCIAL ZONES**

**Section 33-341. Commercial drive-through facilities requirements.**

(a) ~~Plot Plan~~Conditional Use Permit Required. ~~A plot plan application shall be required for all drive-through facilities not associated with a project requiring a discretionary application.~~Conditional Use Permit approval shall be required for the establishment of any use that offers drive-in or drive-through facilities. This shall include drive-through uses in conjunction with, but not limited to, washing/detailing automotive services (automated or hand-washed), retail trades, eating and drinking establishments, banks and other financial institutions, pharmacies, and other services.

(b) ~~Development Standards.~~The following development standards shall apply to all drive-through commercial facilities ~~site design and building design guidelines may be utilized by the appropriate permit review authority in the review of a Conditional Use Permit application to promote high quality development and to ensure that such developments do not have negative impacts on traffic, safety, air quality and visual character of the area in which they are located:~~

- (1) Site planning that accomplishes a desirable transition with the streetscape and adequate pedestrian environment. Pedestrian walkways that intersect the drive-through

drive aisles and parking areas, shall have with clear visibility; and may be emphasized by enriched paving or striping.

(2) Drive-through aisles shall have with a minimum twelve (12) foot width on curves and a minimum eleven (11) foot width on straight sections.

(3) The drive-through stacking lane shall be situated so that any overflow from the stacking lane shall not spill out onto public streets or major aisles of any parking lot. Sufficient vehicle stacking room shall be provided on-site behind the speaker area where orders are taken to accommodate a minimum of six (6) vehicles or greater if determined necessary by the director of community development. ~~The drive-through stacking lane shall be separated physically from the user's parking lot and shall have a capacity of twenty (20) linear feet per vehicle.~~

(4) Drive-through aisles shall be constructed with (PCC) concrete.

(5) Drive-through aisles and associated structures should be oriented away from public streets and surrounding land uses unless significant screening is provided to the satisfaction of the director of community development by means of heavy landscaping, decorative walls, and sound attenuating devices. A planter between the drive-through aisle and the parking area that includes shade trees consistent with those used in the parking areas may be requested.

(6) No ingress and egress points shall conflicting with turning movements at nearby street intersections. The design of the site and placement of structures done in a manner that: 1) minimizes the number of driveway cuts; and 2) provides adequate and safe queuing and maneuvering of vehicles to prevent interference with circulation of the site, adjacent uses, or queuing within/onto public right-of-way.

~~(7) Buildings with drive through facilities shall be located with a minimum separation of two hundred (200) feet from any other structure containing a drive-through facility. Certain types of drive through services may require less separation if substantiated by acceptable data~~

(7) The architecture of the building and other structures used to support the drive-through should address compatibility and harmonization with that of the building, shopping center, and/or structures within the immediate area in terms of building color, materials, mass, scale, and form. All building elevations should be architecturally enhanced. High quality building materials are encouraged. Reflective, glossy, and fluorescent surfaces are discouraged.

## ARTICLE 16. COMMERCIAL ZONES

### Section 33-343. Reserved Laundry and dry cleaning services.

(a) No new dry-cleaning with on-site cleaning or commercial laundry establishment shall be located within two hundred (200) feet of a residential zone or residential use unless the establishment utilizes a high-trans fluorinated alternative rather than using carbon Trichloroethylene (TCE) and Perchloroethylene (PERC).

(b) The operator of the approved "self-service laundromats" use shall prevent loitering and loud noises around the subject site during and after the hours of business operations. Management or a staff representative (e.g. attendant) must be present during hours of operation.

(c) No liquid or solid waste or similar material that may contaminate water supplies, interfere with bacterial process in sewage treatment, or otherwise cause the emissions of dangerous or offensive elements shall be discharged into the public sewer or private disposal system, except as determined by the permit review authority in accordance with applicable regulations.

## ARTICLE 26. INDUSTRIAL ZONES

### Section 33-564. Land-Principal land uses.

**Table 33-564. Permitted and conditionally permitted principal uses.**

Use Title	I-O	M-1	M-2	I-P
Auto, RV and boat sales** (subject to Article 57)	P	P	P	P
<u>Automotive services (excluding gasoline service stations and car- wash related uses)</u>	---	P	P	---
Boat repair	---	P	P	---
<b><u>Automotive services (including motorcycles, marine craft, and recreational vehicles)</u></b>				
<u>Gasoline sales or services</u>	---	---	---	---
<u>Fleet fueling</u>	---	P	P	---
<u>Car-wash, polishing, vacuuming, or detailing (primary or accessory use)</u>	---	C	C	---
<u>Limited vehicle repair* (subject to Article 57)</u>	---	P	P	---
<u>General vehicle repair* (subject to Article 57)</u>	---	C#	C#	---
<u>Commercial vehicle repair*</u>	---	---	C	---

<u>(subject to Article 57)</u>				
<u>Tire retreading*</u> <u>(subject to Article 57)</u>	==	==	==	==
<u>Junkyard and wrecking yard*</u> <u>(subject to Chapter 15 and Article 57)</u>	==	==	<u>C</u>	==
<u>Fleet storage*</u> <u>(subject to Article 57)</u>	==	<u>C</u>	<u>C</u>	==
<u>Tow yard storage*</u> <u>(subject to Article 57)</u>	==	==	<u>C</u>	==
<u>Fleet fueling</u>	==	<u>P</u>	<u>P</u>	==
<b><u>Vehicle Sales</u></b>				
<u>Boutique car sales*</u> <u>(subject to Article 57)</u>	==	==	==	==
<u>Car dealership*</u> <u>(subject to Article 57)</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Parts and accessories sale and supply</u>	==	<u>P</u>	<u>P</u>	<u>P</u>
<u>Tractor or heavy truck sales, storage, or rental*</u> <u>(subject to Article 57)</u>	==	<u>C</u>	<u>C</u>	==

**ARTICLE 26. INDUSTRIAL ZONES****Section 33-564. Land Principal land uses.****Table 33-564. Permitted and conditionally permitted principal uses.**

<b>Use Title</b>	<b>I-O</b>	<b>M-1</b>	<b>M-2</b>	<b>I-P</b>
Banks/automated-teller machines	—	<u>P</u>	<u>P</u>	—
<b><u>Financial Services</u></b>				
<u>Bank</u>	—	<u>P</u>	<u>P</u>	—
<u>Bank (drive-in,* drive-through*) (section 33-341)</u>	—	<u>C</u>	<u>C</u>	—
<u>Check-cash/pay day</u>	—	—	—	—
<u>Real estate service or security broker</u>	<u>P</u>	—	—	<u>P</u>
<b><u>Laundry and Dry Cleaning Services</u></b>				
<u>Self-service, coin-operated</u>	—	—	—	—
<u>Pick-up service only</u>	—	—	—	—
<u>Dry cleaning, laundering, pressing and dyeing for on-site retail customers only</u>	—	—	—	—
<u>Commercial laundry or pressing</u>	—	<u>C</u>	<u>C</u>	—

**ARTICLE 26. INDUSTRIAL ZONES****Section 33-565. Accessory Permitted accessory uses and structures.****Table 33-565. Permitted accessory uses and structures.**

<b>Use Title</b>	<b>I-O</b>	<b>M-1</b>	<b>M-2</b>	<b>I-P</b>
<u>ATM kiosk</u>				
<u>ATM kiosk (drive-in,* drive-through*) (section 33-341)</u>				
<u>Fleet storage* (subject to Article 57)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>



<u>Tow truck operation incidental to repair* (subject to Article 57)</u>	---	<u>P/C</u>	<u>P/C</u>	---
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**ARTICLE 57. MISCELLANEOUS USE RESTRICTIONS**

**Section 33-1114. ~~Motor vehicle, aircraft, marine craft, trailer and camper, motorcycle, equipment rental and leasing dealerships. Vehicle sales, vehicle repair services, fleet storage and tow yard storage, and junkyards and wrecking yards~~**

~~The city council shall, after recommendation by the city planning commission, adopt a resolution setting forth site development standards for motor vehicle, aircraft, marine craft, trailer and camper, motorcycle, equipment rental and leasing dealerships in the industrial zones.~~

~~The standards and criteria established by said resolution shall be applied as conditions for approval of all plot plans falling within the above categories of uses unless specific findings are made and enumerated by the director of community development stating unique circumstances and undue hardship which would require a modification of the standards and criteria.~~

(a) General requirements. The following requirements and standards apply to boutique car sales, car dealerships, tractor and heavy truck sales, vehicle repair services, fleet storage and tow yard storage, and junkyards and wrecking yards.

(1) Required building. A permanent structure or building with a minimum of three hundred (300) square feet shall be maintained on-site to support the land use activity. The building shall be a permanent structure. The quality of architecture and building materials of all on-site structures shall meet or exceed surrounding structures. Modular or portable buildings, trailers, or mobile homes for this purpose are prohibited.

(2) Amplified sound. The use or installation of a public address system or amplified sound system is prohibited. No loud or boisterous noises are allowed to emanate from the place of business, either by persons congregating there or by the playing of recording instruments, radios, and/or television sets or other sound-producing equipment.

(3) Parking areas. Customer and employee parking areas shall be easily accessible and located separately from vehicle display or storage areas. Ground markings and signs shall clearly indicate the location of customer and employee parking.

(4) The property shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants. This shall encompass the maintenance of exterior facades of the building, designated parking areas serving the use, walls and fences and the perimeter of the site (including all public parkways).

(b) Boutique car sales. Boutique car sales shall be allowed as provided in any Permitted and Conditionally Permitted Principal Use Matrix and shall comply with the development standards of the zoning district, general development standards of Section 33-1114(a), and this section. No boutique car sales project shall be granted a permit unless the following requirements are satisfied:

(1) That the area controlled by the business is of sufficient size to allow storage or display on-site of no more than two (2) cars in paved and lined spaces no smaller than eight and one-half (8 1/2) feet in width and eighteen (18) feet in length.

(2) Display. Vehicles shall not be displayed on any above ground apparatus. The use of temporary structures and/or devices to elevate vehicles above the average grade of the site for display is specifically prohibited. All vehicle inventory must be stored on-site and not in the public right-of-way.

(3) No boutique car sales establishment shall be operated in conjunction with nor share any operating space with any other boutique car sales or car dealership business.

(4) Any lights provided to illuminate any car sales area permitted by this section shall be comparable and of the same intensity to that of the rest of the commercial or industrial area or premises and so arranged to reflect the light away from adjacent properties.

(c) Car dealerships and tractor or heavy truck sales, storage, or rental. Car dealerships and tractor or heavy truck sales shall be allowed as provided in any Permitted and Conditionally Permitted Principal Use Matrix and shall comply with the development standards of the zoning district, general development standards of Section 33-1114(a), and this section. No dealership project shall be granted a permit unless the following requirements are satisfied:

(1) That the area controlled by the business is of sufficient size to allow storage or display of on-site of vehicles in paved and lined spaces no smaller than eight and one-half (8 1/2) feet in width and eighteen (18) feet in length. Employee and customer parking of no fewer than three (3) spaces shall be provided at a minimum, provided that one (1) additional employee/customer parking space shall be required for each additional twenty (20) spaces used for storage or display.

(2) Display. All vehicle inventory must be stored on-site and not in the public right-of-way.

(3) Landscaping. The vehicles and other display materials shall be set back five (5) feet from a street and shall not be located in required parking areas. Wheel stops or some other type of protective device shall be provided as necessary to prevent vehicles from damaging fences, walls, buildings or landscaped areas, or from extending across any public or private property lines. A landscape planter a minimum of five (5) feet wide shall be provided along all street frontages, subject to Water Efficient Landscape Standards

and street tree planting standards. Said landscaping shall be continuous and include a decorative planter area at the corner of intersecting streets unless a building is located at the corner or otherwise prevents continuity.

(d) Vehicle repair services. Vehicle repair services shall be allowed as provided in any Permitted and Conditionally Permitted Principal Use Matrix and shall comply with the development standards of the zoning district, general development standards of Section 33-1114(a), and this section. No vehicle repair services project shall be granted a permit unless the following requirements are satisfied.

(1) All tires, barrels, new or discarded auto parts, vehicles under repair and other storage of materials used or sold on the premises must be stored and maintained inside the building if in a CG commercial zone (Section 33-337), M-1 industrial zone (Section 33-571), or similar zone district; or screened from view from adjacent properties and streets by a solid screen barrier in the M-2 industrial zone (Section 33-571). Outdoor storage of non-operational vehicles is prohibited in all zones, unless authorized as a permitted or conditionally permitted use (refer to "tow yard and storage") and reviewed and approved for code compliance.

(2) Residential and Street Adjacency. All new structures shall be oriented to face building, workstation, and service bay entrances, away from abutting residential properties and the public right-of-way to the extent practicable.

(3) Service bays shall be screened from adjacent properties and public view by a wall, fence, hedge or other appropriate plant or landscape material between the service bay and the property line to the extent practicable. Solid fencing or walls shall be constructed of brick, block, stone or frame-stucco. An ornamental masonry wall shall be provided along all property lines that abut property used or zoned for residential purposes. Screening shall minimize the visual impact to the extent appropriate, through means of placement, barrier, or camouflage. Screening shall be designed to blend into the surrounding architecture or landscape so that the object or land use is not apparent to the casual observer. The face of all screen walls facing public right-of-ways shall be landscaped with shrubs, trees, and climbing vines. Use of walls and screening techniques shall meet crime prevention standards and provide graffiti deterrence elements.

(4) Landscaping Required. A landscape planter a minimum of five (5) feet wide shall be provided along all street frontages, subject to Water Efficient Landscape Standards and street tree planting standards. Said landscaping shall be continuous and include a decorative planter area at the corner of intersecting streets unless a building is located at the corner or otherwise prevents continuity.

(5) Automobiles that are drivable in their present condition and are awaiting repairs are not considered to constitute "storage." Transported automobiles must be repairable and may be stored on the site if they are intended to be repaired. Vehicles or equipment

parked or stored on the site shall not be used as a source of parts and shall not be sold unless the business is also licensed for vehicle or equipment sales. A vehicle that is not in working order shall not be stored on such premises for more than forty-eight (48) hours, excluding days when business transactions do not take place such as public holidays or the weekend. Vehicles shall not be wrecked or dismantled; shall have hoods, trunks and doors closed.

(6) Tow truck operation incidental to repair. No commercial tow truck, tractor, trailer or semi-trailer, designed to pull or transport passenger automobiles, may be parked on the premises of a "auto supply stores with incidental installations" or "limited auto repair" station or service garage for more than four (4) hours within any twenty-four (24) hour period, except in case of emergency. Exceptions to exceed the four (4) hour limitation may be granted for "general repair" and "commercial vehicle repair" facilities as determined by the permit review authority. The storage of these trucks must be within an enclosed building or service bay of a commercial or industrial zone (CG, M-1, or M-2); or be located in the rear half of the lot of an industrial zone (M-1 or M-2 Zone) and be enclosed by a six (6) foot high solid wall or fence with solid gates.

(e) Fleet storage and tow yard storage. Fleet storage and tow yard storage shall be allowed as provided in any Permitted and Conditionally Permitted Principal Use Matrix and shall comply with the development standards of the zoning district, general development standards of Section 33-1114(a) unless specified herein, and this section. No fleet storage or tow yard storage project shall be granted a permit unless the following requirements are satisfied:

(1) A vehicle that is not in working order shall not be stored on such premises for more than forty-eight (48) hours. Vehicles shall not be wrecked or dismantled; shall have hoods, trunks and doors closed; shall not be dirty or dusty; and shall not be parked or stored on public property or public rights-of-way. Junkyards and dismantling services is regulated by Chapter 15 of the Municipal Code.

(2) Sale Prohibited. No vehicle or any component of a vehicle shall be parked on public or private property advertising the vehicle or any other service or merchandise for sale.

(3) Required Building. A building shall be required to support tow yard storage services, if the use is maintained as a principal use, consistent with the general development standards of Section 33-1114(a); however, a building is not required to support fleet storage as a principal use.

(4) Screening. Perimeter screening shall be by a solid, uniform fence or wall with a maximum height as specified in the ordinance of the zoning district. Solid fencing or walls shall be constructed of brick, block, stone or frame-stucco. An ornamental masonry wall shall be provided along all property lines that abut property used or zoned for residential purposes. Screening shall minimize the visual impact to the extent appropriate, through

means of placement, barrier, or camouflage. Screening shall be designed to blend into the surrounding architecture or landscape so that the object or land use is not apparent to the casual observer. The face of all screen walls facing public right-of-ways shall be landscaped with shrubs, trees, and climbing vines. Use of walls and screening techniques shall meet crime prevention standards and provide graffiti deterrence elements.

(5) Landscaping Required. A five (5) foot wide planting area with trees shall be provided along the interior sides of screen wall. A separate landscaped planter shall be provided on-site with a minimum of five (5) feet wide dimensions along all street frontages, subject to Water Efficient Landscape Standards and street tree planting standards.

(6) Tow trucks for tow yard storage – Storage or tow trucks is considered an integral part of the tow truck dispatching service which is the main permitted use. When subject to the conditions of the M-2 Zone or the WM General district of the South Centre City Specific Plan, the storage of these trucks must be located in the rear half of the lot and be enclosed by a six (6) foot high solid wall or fence with solid gates.

(7) Fleet storage as a principal use. Demand analysis and mitigation as specified in section 33-1125 of this article.

(8) Fleet storage as an accessory use. Accessory fleet storage areas must be incidental to a principal land use activity, and the accessory storage is located on the same site or lot as the primary use, and is considered an integral part of that business. Accessory outdoor fleet storage and must be located in a manner that minimizes the visual impact of the fleet storage through means of placement, barrier, or landscape screening to the extent appropriate. Accessory fleet storage shall not include any of the following: 1) a tow truck, tractor, trailer or semi-trailer, designed to pull or transport passenger automobiles; or 2) accessory display of rental, leasable, or for-sale vehicles or equipment. The accessory storage or display of such is permitted only if they are otherwise permitted in the zone in which the facility is located.

(f) Junkyards. Junkyards and wrecking yards shall be allowed as provided in any Permitted and Conditionally Permitted Principal Use Matrix and shall comply with the development standards of the zoning district, general development standards of Section 33-1114(a) unless specified herein, and this section. No junkyards or wrecking yards project shall be granted a permit unless the following requirements are satisfied:

(1) Required Building. A building is not required to support junkyards and wrecking yard uses.

(2) Screening and Landscaping Required. Perimeter screening shall be placed along the perimeter of the property by a solid, uniform fence or wall with a maximum height as specified in the ordinance of the zoning district. A five (5) foot wide planting area with trees shall be provided along the interior sides of solid screen wall. A separate landscaped

planter shall be provided on-site with a minimum of five (5) feet wide dimensions along all street frontages, subject to Water Efficient Landscape Standards and street tree planting standards.

(3) Demand analysis and mitigation as specified in section 33-1125 of this article.

## **ARTICLE 57. MISCELLANEOUS USE RESTRICTIONS**

### **Section 33-1127. ~~Reserved.~~ Used merchandise sales.**

(a) All consignment shops, secondhand stores, and thrift shops shall provide or satisfy the following criteria:

(1) A designated area inside the building shall be established for the receipt, sorting and processing of goods. Donated goods or received merchandise shall be accepted only during regular business hours.

(2) No more than thirty (30) percent of the floor area shall be utilized for receiving, sorting and storage of donated and traded goods. The area devoted to receiving, sorting and storage may be increased to forty (40) percent if the store/shop occupies more than 15,000 square feet of building space.

(3) Signs advising patrons that the merchandise/goods within the store are primarily preowned.

(4) Enclosed Activities. All activities shall be completely enclosed within the building for the use.

(5) Property Maintenance. The subject property shall be maintained free of trash and debris at all times. Management shall be responsible for the removal of litter from the subject property, adjacent property, and streets that results from the thrift store (with adjacent property owner consent). The property shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants. This shall include the maintenance of exterior facades of the building, designated parking areas serving the use, walls and fences and the perimeter of the site (including all public parkways).

(6) The storefront windows shall be permanently maintained as displays of merchandise in a professional and attractive manner (i.e., unsightly clothing racks and displays shall not be placed adjacent to the windows).

(7) Thrift shop. All goods donated for sale at the thrift shop must be accepted through the rear of the store. Adequate directional signage shall be provided from the main entrance to the use to direct individuals to the collection area. The collection area shall be noticed to prohibit depositing goods during nighttime hours or when the store is closed. Signage should include daytime collection hours for donated goods.

(8) All secondhand dealers are subject to the limitations and restrictions of Chapter 15 (Secondhand Dealer Ordinance).

(b) Pawn shops are prohibited use. Any existing pawn shop store or proprietor with a duly issued permit may continue to operate subject to the limitations and restrictions of Chapter 15 (Secondhand Dealer Ordinance) and Article 61 of Chapter 33.

## **ARTICLE 63. TRANSIENT LODGING FACILITIES**

### **Section 33-1344. Design Guidelines.**

#### **I. TYPES OF TRANSIENT LODGING FACILITIES**

A. Definitions and Expected Features. Transient lodging covers a wide spectrum of facilities from budget motels to resort destinations. Economy class, business/convention facilities and bed and breakfast establishments are also included. A customer chooses a facility to serve a particular need. While features of one type of establishment may be found in another, the following is a breakdown of facilities into three types:

1. Economy. Hotels and motels located on or near major arterials that serve the more budget-minded tourist and business clientele. Facilities can be generalized as being one or two stories with 200 rooms or fewer and having outdoor corridors and basic recreational amenities such as a pool and/or spa. Adjacent surface parking is typical.

2. Full Service. Hotels and motels located near business centers, downtowns or other major arterials convenient to major attractions. They generally provide a broader range of amenities and may include health clubs or other recreational facilities, restaurants, lounges, conference and convention facilities, laundry, secretarial and taxi services and business-oriented shopping facilities.

3. Resort. Hotels and lodgings typically sited on a prominent or otherwise attractive location and/or providing recreational amenities either on-site or within close proximity. They are treated as a destination point and offer a relaxing or vacation-type climate. They often include amenities similar to full service hotels such as restaurants, lounges, meeting facilities and shopping to attract conventions and other businesses.

B. Minimum Parcel Size. The site for a proposed facility shall meet the minimum lot size requirement for the underlying zone. Refer to the Zoning Ordinance for the minimum setback, height and floor area ratio requirements.

C. Businesses space and restaurants. Full service and resort hotels and lodging designed, constructed or used for 25 or more guest rooms or more may include a business supportive space use conducted therein for the convenience of the occupants and their guests, a boutique retail space, or a restaurant for use primarily by the hotel occupants and their guests.

1. The entrance to the business or restaurant shall be from the inside of the hotel.

2. The floor area used for all the businesses and restaurants in the facility shall not exceed thirty (30) percent of the total ground floor area of all the buildings comprising the hotel which are on a single lot or contiguous lots.

**II. SITE DESIGN**

~~A. Develop the project design in a manner which is consistent with the established City of Escondido Design Review Guidelines.~~

~~B.A.~~ Provide site planning that accomplishes a desirable transition with the streetscape and adequate landscaping, parking and safe pedestrian movement.

~~C. Utilize setbacks in excess of zoning restrictions.~~

~~D.B.~~ Preserve and respect the existing topography by integrating buildings with the hillsides. When grading is required, create several smaller pads rather than one large one.

~~E.C.~~ Utilize building height and scale which is compatible with the site and existing or anticipated adjoining buildings. Cluster buildings to attain village scale. Break up long building expanses with plazas and landscaping.

~~F.D.~~ Maximize view opportunities of distant hills and mountains and other natural and manmade landmarks from the complex.

~~G.E.~~ Ensure that full architectural treatment is provided on all building elevations, particularly those fronting major Circulation Element Streets.

~~H.F.~~ Centrally locate the lobby and office for easy access from streets and hotel units.

~~I. Provide buffer areas between guest rooms and public amenities such as restaurants, lounges and game rooms. This may be accomplished with lobby areas, landscape areas or passive recreation areas.~~

~~J.G.~~ Create an individual theme for the project site which is reinforced through architectural, landscaping, signage and streetscape treatments.

~~K.H.~~ Create a sense of arrival with unique focus to the project. Create sense of place and individual identity for each project by appropriate utilization of design treatments.

~~L.I.~~ Provide outdoor-oriented areas and activities such as cafes, kiosks, booths, benches, etc.

~~M.J.~~ Orient buildings around courtyards, arcades and plazas whenever possible.

~~N.K.~~ Avoid parking areas between street and building. Provide parking in rear of buildings.

~~O.L.~~ Consider crime prevention design and ease of surveillance in site planning and access design. Exemplary measures include visual corridors into the project from major roadways, landscaping to maintain views of pedestrian areas from drive aisles, and sufficient night lighting of pedestrian and parking areas.

M. Exterior corridors on multi-level buildings are strongly discouraged and should not be located adjacent to residential uses.

**III. RELATIONSHIP TO COMMUNITY**

A. Maintain a sense of community. Integrate projects with adjacent development.

B. Provide an attractive landscape tradition to adjoining properties.

C. Provide buffers for any project features which may have negative impacts upon adjacent properties.

D. The property shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and



occupants. This shall include the maintenance of exterior facades of the building, designated parking areas serving the use, walls and fences and the perimeter of the site (including all public parkways), subject to section 33-1344(X).

**VII. PARKING AREAS AND ACCESS** (Refer to Article 39 of this chapter for specific parking regulations.)

- A. Provide the parking and loading space requirements as found in the Zoning Ordinance.
- B. Locate loading spaces away from the front and exterior side of the facility or otherwise screen them from view. Loading spaces shall operate in a safe and efficient manner so as to not interfere with vehicular circulation and parking.
- C. Provide valet parking or adequate loading and unloading as part of the design and operating standards of the facility. Short term parking should be provided in close proximity to the office/check-in areas. Delivery and loading areas should be screened to minimize adverse visual and noise-related impacts to adjacent uses.
- D. Coordinate project access with adjacent intersection design and median cuts in abutting arterial and major highways.
- E. Design the pads as close to the street elevations as possible where the development abuts a major road to facilitate vehicular access, project visibility and drainage.
- F. Lay out car and pedestrian flow patterns carefully within the site, to minimize auto/pedestrian conflicts and insure adequate fire and delivery vehicle access.
- G. Soften the visual impact of parking areas on- and off-site by using landscaped islands; landscape screening, berms, walls; breaking up parking into sub-lots or into areas associated with particular uses; utilizing textured paving and walkways; or similar design measures.
- H. Coordinate the design of projects and associated expanded parkways with the parkways and medians of adjacent roadways including landscaping, project entries, street furniture and fencing.
- I. Coordinate site planning with transit stops.
- J. Use shading devices extensively in parking and pedestrian areas, such as canopy trees, arcades, decorative awnings and porticos.
- K. Orient buildings to provide parking through rear entrances where possible.

**ARTICLE 63. TRANSIENT LODGING FACILITIES**

**Section 33-1347. ~~Reserved.~~ Operator obligations.**

- (a) A manager and a minimum of one (1) additional employee shall be on duty at all times.
- (b) Guest registration requirements per Chapter 16-D of the Municipal Code.

(c) Operator has duties and obligations to their guests to furnishing proper accommodations and to exercise proper care for the guest's safety. The duty is fulfilled when reasonable care is taken to promote the guest's safety, morals, comfort convenience, and general welfare; and to prevent a guest's exposure to dangers.

(d) The operator of the approved use shall prevent loitering and loud noises around the subject site during and after the hours of business operations.

(e) Extended stay. No room shall be made available for extended stay or be provided to guests to occupy for more than 30 consecutive days.

(f) Every manager or person in control of a transient lodging facility in Escondido shall post in a conspicuous place in each room which is for rent or hire a printed statement of the specific charge or rate of charges by the day, week or month to be charged for said room or rooms. No charge or sum shall be collected or received for any greater sum than entitled to under the statement of charges or rates posted.

(g) Transient occupancies are subject to the transient occupancy tax requirements of Chapter 25 of the Municipal Code.





<u>Thrift shop (subject to Article 57 of the Zoning Code)</u>	---	---	<u>C<sup>14</sup></u>	---	---	---	---
<b>FOOD AND LIQUOR SALES</b>							
<u>Liquor stores, packaged (off-sale)</u>	---	---	---	---	---	---	---
<b>GENERAL OFFICE AND FINANCIAL SERVICES</b>							
<u>ATM kiosk</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>ATM kiosk with drive-through</u>	---	<u>C<sup>12</sup></u>	<u>C<sup>12</sup></u>	<u>C<sup>12</sup></u>	<u>C<sup>12</sup></u>	<u>C<sup>12</sup></u>	<u>C<sup>12</sup></u>
<u>Financial institutions, banks, savings and loans<sup>13</sup> (excluding check-cashing and/or payday loans as a primary use), visitor and information center (including Downtown Business Association), governmental services, police and fire stations, etc. that provide direct contact with the public</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Financial institutions, banks, savings and loans with drive-through</u>	---	<u>C<sup>12</sup></u>	<u>C<sup>12</sup></u>	<u>C<sup>12</sup></u>	<u>C<sup>12</sup></u>	<u>C<sup>12</sup></u>	<u>C<sup>12</sup></u>
<u>Check cash / pay day</u>	---	---	---	---	---	---	---
<b>HEALTH AND PERSONAL SERVICES</b>							
<u>Tattoo parlor and body piercing* (subject to Chapter 17 of the Municipal Code)</u>	---	---	---	---	---	---	---
<b>SPECIALTY SERVICES</b>							
<u>Private smokers' lounge</u>	---	---	---	---	---	---	---

- 3 Only permitted on Escondido Boulevard.
- 6 Only permitted on Pennsylvania Avenue and the north side of Valley Parkway between Kalmia and Ivy Streets.
- 12 Drive-through eating and drinking establishments shall be permitted with a Conditional Use Permit, subject to the provisions in Article 16, Section 33-341
- 13 Prohibited on corner lots of the retail core area.
- 14 Use shall have a minimum building floor area of 15,000 square feet.

**SECTION V.**

Amend the East Valley Specific Plan to read as specified below. The changes are listed in order by section number, with ~~strikeout~~ typeface illustrating deletions and underline typeface illustrating new text.

**SECTION 4. LAND USE****TABLE 4.1****Permitted and Conditional Permitted Principal Uses**

<b>Land Use</b>	<b>CG</b>	<b>CP</b>	<b>HP</b>
<b>RETAIL TRADE</b>			
<b>Food <u>and Drink</u> Sales</b>			
<ul style="list-style-type: none"> <li>• <u>Liquor stores, packaged (off-sale)</u></li> </ul>	---	---	---
<b>General Retail</b>			
<ul style="list-style-type: none"> <li>• <u>Bargain basement stores</u></li> </ul>	---	---	---
<ul style="list-style-type: none"> <li>• <u>Consignment shop (Section 33-1127 of the Zoning Code*)</u></li> </ul>	<u>P</u>	---	---
<ul style="list-style-type: none"> <li>• <u>Drug stores with drive-through (Section 33-341 of the Zoning Code*)</u></li> </ul>	<u>C</u>	<u>C</u>	---
<ul style="list-style-type: none"> <li>• <u>Florists, gifts, cards, newspapers and magazines with drive-through (Section 33-341 of the Zoning Code*)</u></li> </ul>	<u>C</u>	<u>C</u>	<u>C</u>
<ul style="list-style-type: none"> <li>• <u>General retail of new merchandise, NEC (with drive-through (Section 33-341 of the Zoning Code*)</u></li> </ul>	<u>C</u>	---	---
<b>SERVICES:</b>			
<b>Automotive services</b>			
<ul style="list-style-type: none"> <li>• <u>Automobile supply stores with incidental installation</u></li> </ul>	<u>P</u>	---	---
<ul style="list-style-type: none"> <li>• <u>Boutique car sales or car dealership</u></li> </ul>	---	---	---
<ul style="list-style-type: none"> <li>• <u>Limited vehicleAuto-repair and service in freestanding or single tenant building</u></li> </ul>	<u>C</u>	---	---

<ul style="list-style-type: none"> <li>• <u>Limited vehicle repair and service in multi-tenant center which were comprehensively designed and approved for automotive repair prior to Area Plan</u></li> </ul>	P	---	---
<ul style="list-style-type: none"> <li>• <u>General vehicle repair</u></li> </ul>	<u>C</u>	---	---
<ul style="list-style-type: none"> <li>• <u>Commercial vehicle repair</u></li> </ul>	---	---	---
<ul style="list-style-type: none"> <li>• <u>Junkyard and wrecking yard</u></li> </ul>	---	---	---
<ul style="list-style-type: none"> <li>• <u>Tow yard storage</u></li> </ul>	---	---	---
<ul style="list-style-type: none"> <li>• <u>Tractor or heavy truck sales, storage, or rental</u></li> </ul>	<u>C</u>	---	---
<b>Financial services and institutions</b>			
<ul style="list-style-type: none"> <li>• <u>Check-cash / pay day</u></li> </ul>	---	---	---
<b>Other services</b>			
<ul style="list-style-type: none"> <li>• Laundry and dry cleaning services (<u>Section 33-343 of the Zoning Code*</u>)</li> </ul>			
<ul style="list-style-type: none"> <li>○ <u>Commercial laundry</u></li> </ul>	---	---	---

**SECTION 4. LAND USE**

**TABLE 4.2**

**Permitted Accessory Uses and Structures**

<b>Use Title</b>	<b>CG</b>	<b>CP</b>	<b>HP</b>
<u>ATM kiosk</u>	<u>P</u>	<u>P</u>	---
<u>ATM kiosk with drive-through (Section 33-341 of the Zoning Code*)</u>	<u>C</u>	---	---
<u>Drive-through (Section 33-341 of the Zoning Code*)</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Fleet storage (as an accessory use)</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Tow truck operation incidental to repair</u>	<u>P/C</u>	---	---

## SECTION 4. LAND USE

### Section 4.7

#### Prohibited Uses

All uses not listed as permitted primary or accessory uses, or conditionally permitted uses shall be prohibited. Such prohibited uses include but are not limited to those which for a special emphasis are listed below:

(a) Automobile, motorcycle, truck and trailer rentals

(b) Boat sales and rentals

(c) Check cashing as a primary use

(d) Commercial vehicle repair

~~(d)~~(e) Equipment rental and leasing services

~~(e)~~(f) Motor vehicle sales and car dealerships (new or used), including boutique car sales, recreational vehicles, motorcycles and other motorized vehicles

~~(f)~~(g) Pawn shops

~~(g)~~(h) Retail uses with across the board maximum pricing or "everything under" pricing

~~(h)~~(i) Social services and charitable organizations involving the direct distribution of goods or services to the ultimate client at this location

~~(i)~~(j) Swap meets (interior or exterior), involving the rental or leasing of numerous small, delineated spaces to separate, unrelated proprietors which collectively sell a wide variety of goods and services, within a building, location or business, as a single entity

~~(j)~~(k) Tattoo parlors

~~(k)~~(l) Thrift stores

(m) Tobacco store and private smoker's lounge

(n) Tow yard storage, junkyards, and fleet storage as a primary use

~~(l)~~(o) Used or secondhand merchandise, excluding consignment sales



~~(m)~~(p) All uses and structures not listed as permitted primary or accessory uses, or conditionally permitted uses shall be prohibited. However, the Director of Community Development may approve a use, after study and deliberation, which is found to be consistent with the purposes of this article, similar to the uses listed as permitted uses, and not more detrimental to the zone than those uses listed as permitted uses

~~(n)~~(q) Any existing residential structure shall not be used for both residential and commercial purposes at the same time.

**SECTION VI.**

Amend the South Centre City Specific Plan to read as specified below. The changes are listed in order by section number, with ~~strikeout~~ typeface illustrating deletions and underline typeface illustrating new text.

**CHAPTER 4.**

**TABLE 4.2**

**Permitted Land Uses for Specified Districts/Subareas**

Land Uses	WM General	WM Com m.	9 <sup>th</sup> Overla y	13 <sup>th</sup> District	Felicita District	EB MU Overla y	EB Com m	SE Com m	SE MU Overla y
<b>RETAIL TRADE</b>									
Automotive related retail									
<ul style="list-style-type: none"> <li>• <u>Automobile supply stores with incidental installation</u></li> </ul>	<u>P</u>	<u>P</u>	---	<u>P</u>	<u>P</u>	---	<u>P</u>	<u>P</u>	---
<ul style="list-style-type: none"> <li>• Automotive, trailer, motor-home, recreational vehicle, or marine craft sales, <del>NO SALES LOT</del> (office only)<u>Boutique car sales (subject to Article 57 of the EZC)</u></li> </ul>	P	<del>P</del>	---	---	P	---	P	P	---

<ul style="list-style-type: none"> <li>• <u>Tractor or heavy truck sales, storage, rental* (subject to Article 57)</u></li> </ul>	<u>CUP</u>	---	---	---	---	---	---	---	---
<ul style="list-style-type: none"> <li>• Fleet or car storage as a primary use (subject to Article 57 of the EZC)</li> </ul>	<u>CUP#</u> <u>CUP</u>	---	---	---	---	---	---	---	---
<ul style="list-style-type: none"> <li>• <u>Tobacco, smoke, and/or electronic vapor substance inhalation shop</u></li> <li>• <u>Tobacco product store or private smoker's lounge</u></li> </ul>	---	---	<u>CUP#</u>	---	---	---	--	---	---
<b>TRANSPORTATION RELATED SERVICES</b>									
Automotive services									
<ul style="list-style-type: none"> <li>• Tire retreading and recapping</li> </ul>	<u>P---</u>	---	---	---	---	---	--	---	---
<ul style="list-style-type: none"> <li>• <u>Tow yard storage (subject to Article 57 of the EZC)</u></li> </ul>	<u>CUP#</u>	---	---	---	---	---	--	---	---
<ul style="list-style-type: none"> <li>• <u>Vehicle repair, commercial (subject to 57 of EZC)</u></li> </ul>	<u>CUP</u>	---	---	---	---	---	--	---	---
<ul style="list-style-type: none"> <li>• Vehicle repair, general (see definition) (subject to 57 of EZC)</li> </ul>	<u>PCU</u> <u>P#</u>	---	---	---	<u>CUP</u>	---	--	---	---
<ul style="list-style-type: none"> <li>• Vehicle repair, limited (see definition) (subject to 57 of EZC)</li> </ul>	<u>P</u>	---	---	---	<u>CUP#</u>	---	<u>CUP#</u>	---	---

**CHAPTER 4. TABLE 4.2**

**Permitted Land Uses for Specified Districts/Subareas**

Land Uses	WM General	WM Comm.	9 <sup>th</sup> Overlay	13 <sup>th</sup> District	Felicita District	EB MU Overlay	EB Comm	SE Comm	SE MU Overlay
<b>BUSINESS, OFFICE, GOVERNMENT &amp; FINANCIAL (EXCLUDING MEDICAL)</b>									
<u>Check-cash / pay day</u>	---	---	---	---	---	---	---	---	---
<b>PERSONAL &amp; OTHER SERVICES</b>									
Laundry and dry cleaning services (Subject to Section 33-342 of the EZC):									
• <u>Dry-cleaning with on-site pressing</u>	P	---	---	---	---	---	---	---	---
Tattoo parlor or body piercing (subject to Chapter 17 of Municipal Code)	CUP#	---	---	---	---	---	---	---	---
<b>RETAIL TRADE</b>									
<u>General Retail</u>									
• <u>Bargain basement store</u>	---	---	---	CUP	---	---	---	---	---

<ul style="list-style-type: none"> <li>Second hand and thrift stores, <u>and</u> consignment shops—<u>and</u> pawn shops (Subject to Article 57 of the EZC)</li> </ul>	---	---	<u>CUP#</u>	---	---	---	<u>CUP#</u>	---	---
<ul style="list-style-type: none"> <li><u>Pawn shop</u> (Subject to Article 57 of the EZC)</li> </ul>	---	---	---	---	---	---	---	---	---
<u>Food and liquor</u>									
<ul style="list-style-type: none"> <li>Liquor store, packaged (off-sale alcoholic beverages)</li> </ul>	---	---	---	CUP	CUP	<u>PCUP</u>	CUP	CUP	CUP
<b>SPECIAL USES</b>									
Drive-through facilities, including drive-through banks, dairies, drug stores/pharmacies, grocery stores, cleaners, etc., which are either an incidental use to the primary use or constitute the primary use (Subject to Section 33-341 of the EZC)	---	CUP	---	---	CUP	---	---	---	---
<b>ACCESSORY USES AND STRUCTURES</b>									
<u>ATM kiosk</u>	---	---	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>ATM kiosk with drive-through</u>	---	<u>CUP</u>	---	<u>CUP</u>	<u>CUP</u>	---	---	---	---

## CHAPTER 10. APPENDICES

### Definitions.

**Bargain basement store** means any for-profit or non-profit store including any establishment, operation, or enterprise with one or more of the following characteristics: 1) a majority of the store's merchandise is offered for sale at a price equal to or below \$5.00; 2) merchandise priced at or below \$5.00 occupies at least one-half of the store's floor area which is devoted to retail sales; 3) used items represent a majority of the merchandise offered for sale in the store; or 4) used merchandise occupies at least one-half of the floor area in the store devoted to retail sales. Used merchandise herein is defined as all forms of used items including without limitation items that were formerly used but have been repaired, refurbished, and /or repackaged. The bargain basement store definition excludes: 1) bona fide antique stores; 2) thrift stores, pawn shops, second-hand dealers, and pawn shops; 3) stores which primarily engage in the sale of used books, periodicals, videos, or DVDs; 4) stores specializing in the sale of highly collectible items such as used coins, stamps, baseball cards, and other similar collectibles; and 5) a store where the majority of the items sold, measured by receipts or number of items sold, consist of food and/or beverage items.

**Fleet storage** means storage or parking of one or more vehicles used regularly in business operations. Where the parking of vehicles constitutes the principal use on the site, the use activity is considered a principal use. Typical fleet storage uses include taxi fleets, mobile catering trucks, car or truck (service delivery) storage, or delivery truck fleets. Excluded are car dealerships and vehicle junkyard or vehicle dismantling services.

**Junk yards** mean any space of two hundred (200) square feet or more of area of any lot used for the storage, sale, keeping or abandonment of inoperable vehicles, wrecking yards or salvage yards, junk or waste material, including scrap metal or other scrap materials, or for the dismantling, demolition or abandonment of automobiles, other vehicles, machinery or parts thereof, other than an impound yard.

**Tobacco, smoke, and/or electronic/vapor substance inhalation shop.**

~~Any store, stand, booth, concession, or other place that either devotes a substantial portion of its display area (i.e., fifteen (15) percent or more of floor space) to tobacco products and/or electronic/vapor inhalation substance products, and/or drug paraphernalia or similar products, or devotes more than sixteen (16) cubic feet of shelf space, for the display or sale of tobacco products and/or electronic/vapor inhalation substance products or similar products or drug paraphernalia to purchasers for consumption or use.~~

**Tow yard storage** means a business or offering the services of a vehicle towing service, whereby disabled motor vehicles are towed or otherwise removed from the place where they are disabled by a truck; automobile; or other vehicle so adapted to that purpose, such as tow truck dispatch centers; or in the business of storing disabled motor vehicles. Excluded are sales/rentals of vehicles (i.e. car dealerships) and junkyard or dismantling services.

**Vehicle repair—general.**

Major repair of automobiles, motorcycles, recreational vehicles, or trucks. Examples of use include body and fender shops; brake shops; full service motor vehicle repair garages; machine shops; painting shops; towing services; and transmission shops. Does not include vehicle dismantling or salvage and tire retreading or recapping.

**Vehicle repair—limited.**

Minor repair of automobiles, motorcycles, recreational vehicles, or light trucks, vans, or similar size vehicles. Examples of use include brake adjustments and repairs; installation of electronic equipment (e.g., alarms, stereos, etc.); servicing of cooling, electrical, fuel, and exhaust systems; oil and lube shops; tire sales and installation shops; wheel alignment and balancing; auto glass installation and services.

**Vehicle repair services.**

(1) Commercial vehicle repair includes uses that repair and maintain the mechanical components of the bodies of large trucks, mass transit vehicles, large construction or agricultural equipment, aircraft or boats. Commercial vehicle repair may also include general auto repair-type functions.

(2) General vehicle repair includes major repair of automobiles, motorcycles, recreational vehicles, or light trucks. Examples of use include body and fender shops; brake shops; full-service motor vehicle repair garages; machine shops; painting shops; towing services; and transmission shops. Does not include vehicle dismantling or salvage and tire retreading or recapping. General vehicle repair may also include limited vehicle repair-type functions.

(3) Limited vehicle repair includes minor repair of automobiles, motorcycles, recreational vehicles, or light trucks, vans, or similar size vehicles. Examples of use include brake adjustments and repairs; installation of electronic equipment (e.g., alarms, stereos, etc.); servicing of cooling, electrical, fuel, and exhaust systems; oil and lube shops; tire sales and installation shops; whe