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ORDINANCE NO. O-01-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLTON TO AMEND VARIOUS PROVISIONS OF TITLE 18 OF THE COLTON MUNICIPAL CODE RELATING TO CONDITIONAL USES (FILE INDEX NO.: DAP-001-058)

WHEREAS, on November 13, 2012, the Planning Commission of the City of Colton (“Planning Commission”) conducted a duly noticed public hearing and recommended the City Council of the City of Colton (“City Council”) amend various provisions of Title 18 of the Colton Municipal Code (“Municipal Code”) to require a conditional use permit for the following uses: resale/secondhand stores, 24-hour retail or restaurant operations, private transportation facilities, and swap meets (indoor & outdoor) in the City of Colton (Zone Text Amendment), and include definitions thereto; and

WHEREAS, the Planning Commission adopted a Resolution recommending approval of the Zone Text Amendment to the City Council; and

WHEREAS, the City Council has determined that the Zone Text Amendment is consistent with the City of Colton General Plan (“General Plan”) as indicated below; and

WHEREAS, the City Council has determined that the proposed Zone Text Amendment is in the best interest of the City, and that it would be in the public’s interest to approve the Zone Text Amendment; and

WHEREAS, the Zone Text Amendment was reviewed, studied and found exempt from the California Environmental Quality Act (“CEQA”) as more fully described below; and

WHEREAS, on April 16, 2013, the City Council held a duly noticed public hearing at which persons wishing to testify in connection with the Zone Text Amendment were heard and the Zone Text Amendment was comprehensively reviewed.

WHEREAS, all other legal prerequisites to the adoption of this Ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COLTON DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby adopts the recitals and findings set forth above and in the agenda report prepared in connection with this Ordinance.

1 **SECTION 2.** General Plan Consistency. Based on the entire record before the City
2 Council and all written and oral evidence presented, including the staff report and the findings
3 made in this Ordinance, the City Council hereby finds and determines that the proposed
4 Ordinance is consistent with the goals and policies of the City of Colton General Plan and is
5 reasonably related to the public welfare of the citizens of the City and surrounding regions.
6 Specifically, the provisions of this Ordinance make clear the zones in which various uses not
7 previously included in the Zoning Ordinance are conditionally permitted.

8 In addition, the requirement for a conditional use permit for uses associated with second
9 hand/resale stores, 24-hour retail or restaurant operations, private transportation facilities, and
10 swap meets (indoor & outdoor) in various Zones within the City of Colton furthers the City's
11 goals and policies as set forth in the City of Colton General Plan, specifically:

12 **Land Use Element:** Requiring a conditional use permit for uses associated with
13 second hand/resale store, 24-hour retail or restaurant operations, private transportation
14 facilities and swap meets (indoor & outdoor) upholds the General Objectives and Commercial
15 Standards of the City's current Land Use Element, specifically:

- 16 ○ **General Objective 1:** To create a land use pattern which provides a safe,
17 harmonious and attractive residential living environment.
- 18 ○ **Commercial Standard 2:** Commercial designations shall allow flexibility in
19 determining development types deemed necessary to establish a healthy and well-
20 balanced commercial community.

21 Finally, the City of Colton finds that the proposed Zone Text Amendment requiring a
22 conditional use permit is reasonably related to the public welfare of the citizens of the City
23 and surrounding region; more specifically, Section 18.58.060(A) in the Colton Municipal
24 Code states that, "The purpose of a conditional use permit is to allow certain uses that
25 contribute to the orderly growth and development of the city to be properly integrated into the
26 overall community pattern and zone where located." The provisions of this Ordinance make
27 clear the zones in which various uses not previously included in the Zoning Ordinance are
28 permitted.

SECTION 3. Section 18.04.389 is hereby added to Chapter 18.04 of Title 18 of the
Colton Municipal Code, to read as follows:

"18.04.389 Resale/secondhand stores.

"Resale/secondhand stores" means retail store that re-sells products or materials that
have been previously owned by a third party, other than a wholesaler or original
fabricator. Resale/secondhand stores shall include pawn shops or consignment shops
that sell products or materials currently owned by a third party. Resale of raw
materials, such as gold and/or silver, shall be included in said definition."

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2 **SECTION 4.** Section 18.04.369 is hereby added to Chapter 18.04 of Title 18 of the
3 Colton Municipal Code, to read as follows:

4 **“18.04.369 Private transportation facilities.**

5 “Private transportation facilities” means facilities such as bus terminals, airports and
6 train tracks devoted to one or more of the various means of private transit. Said
7 facilities may include, but are not limited to, private bus company or shuttle pick-up
8 and drop-off locations with regularly scheduled services, whether on private or public
9 property.”

10 **SECTION 5.** Section 18.04.405 is hereby added to Chapter 18.04 of Title 18 of the
11 Colton Municipal Code, to read as follows:

12 **“18.04.405 Shopping center or industrial center.**

13 “Shopping center” or “industrial center” means a unit group of buildings used for
14 commercial and/or industrial purposes together with open space and vehicle parking
15 areas where the occupants of the buildings and their customers have a joint right to use
16 the open space and vehicle parking areas.”

17 **SECTION 6.** Section 18.04.435 is hereby added to Chapter 18.04 of Title 18 of the
18 Colton Municipal Code, to read as follows:

19 **“18.04.435 Swap meets (indoor & outdoor).**

20 “Swap meets” means any event where new or secondhand goods are offered or
21 displayed for sale or exchange by ten or more independent vendors and at least one of
22 the following: (i) a fee is charged by a swap meet operator for the privilege of offering
23 or displaying new or secondhand goods for sale or exchange; or (ii) a fee is charged to
24 prospective buyers for admission to the area where new or secondhand goods are
25 offered or displayed for sale or exchange. An independent swap meet vendor is any
26 individual, partnership, corporation, business association or other person or entity who
27 is not an employee of the owner or lessee of the subject building. The provisions of
28 this section shall not apply to a retail store or shop in a “shopping center” or in an
“industrial center” as defined in Section 18.04.405, unless that store or shop is being
used as the location of a swap meet as defined above.”

SECTION 7. Section 18.04.439 is hereby added to Chapter 18.04 of Title 18 of the
Colton Municipal Code, to read as follows:

“18.04.439 Twenty-four (“24”) hour retail or restaurant operations.

1 "Twenty four (24) hour retail or restaurant operations" means any retail outlet or
2 restaurant, including fast food and drive-thru restaurant, which operates continuously
3 for one or more 24-hour period during a single week."

4 **SECTION 8.** Section 18.18.040 of Chapter 18.18 of Title 18 of the Colton Municipal
5 Code, pertaining to the C-1 Neighborhood Commercial zone, is hereby amended in its entirety
6 to read as follows:

7 **"18.18.040 Conditional uses.**

- 8 A. Educational institutions, instructional and library services.
- 9 B. Cultural institutions.
- 10 C. Postal services.
- 11 D. Public transportation facilities.
- 12 E. Religious assembly and places of worship.
- 13 F. Alcoholic beverage sales.
- 14 G. Resale/secondhand stores.
- 15 H. 24-hour retail or restaurant operations.
- 16 I. Uses compatible with other uses permitted in the zone, but not specifically
17 mentioned or easily identified as belonging to a use type."

18 **SECTION 9.** Section 18.20.040 of Chapter 18.20 of Title 18 of the Colton Municipal
19 Code, pertaining to the B-P Business Park zone, is hereby amended in its entirety to read as
20 follows:

21 **"18.20.040 Conditional uses.**

- 22 A. Community recreation and recreational facilities.
- 23 B. Cultural institutions.
- 24 C. Large collection recycling facilities.
- 25 D. Outdoor retail sales.
- 26 E. Swap meets (indoor & outdoor).
- 27 F. Transient habitation.
- 28 G. Alcoholic beverage sales.
- 29 H. Automobile parking.
- 30 I. Automobile repair.
- 31 J. Automobile sales and rentals.
- 32 K. Automobile servicing.
- 33 L. Automobile storage.
- 34 M. Resale/secondhand stores.
- 35 N. 24-hour retail or restaurant operations.
- 36 O. Uses compatible with other uses permitted in the zone, but not specifically
37 mentioned or easily identified as belonging to a use type."

1 **SECTION 10.** Section 18.22.040 of Chapter 18.22 of Title 18 of the Colton
2 Municipal Code, pertaining to the C-2 General Commercial zone, is hereby amended in its
3 entirety to read as follows:

4 **“18.22.040 Conditional uses.**

- 5 A. Animal boarding and health care.
- 6 B. Assembly use.
- 7 C. Automobile servicing and storage.
- 8 D. Automobile parking.
- 9 E. Automobile repair.
- 10 F. Automobile sales and rentals.
- 11 G. Alcoholic beverage sales.
- 12 H. Cultural institutions.
- 13 I. Community recreation, and amusement arcades.
- 14 J. Large collection recycling facilities.
- 15 K. Outdoor retail sales.
- 16 L. Swap meets (indoor & outdoor).
- 17 M. Private transportation facilities.
- 18 N. Recreational facilities.
- 19 O. Resale/secondhand stores.
- 20 P. 24-hour retail or restaurant operations.
- 21 Q. Utility operations facilities.
- 22 R. Transient habitation.
- 23 S. Uses compatible with other uses permitted in the zone, but not specifically
24 mentioned or easily identified as belonging to a use type.”

25 **SECTION 11.** Section 18.24.040 of Chapter 18.24 of Title 18 of the Colton
26 Municipal Code, pertaining to the I-P Industrial Park zone, is hereby amended in its entirety
27 to read as follows:

28 **“18.24.040 Conditional uses.**

- 29 A. Automobile servicing.
- 30 B. Automobile parking.
- 31 C. Automobile repair.
- 32 D. Automobile sales and rentals.
- 33 E. Automobile storage.
- 34 F. Alcoholic beverage sales.
- 35 G. Caretaker dwellings.
- 36 H. Cultural institutions.
- 37 I. Large collection and light processing recycling facilities.
- 38 J. Private transportation facilities.
- 39 K. Resale/secondhand stores.

- 1 L. Swap meets (indoor & outdoor).
- 2 M. 24-hour retail or restaurant operations.
- 3 N. Transient habitation.
- 4 O. Utility operations and facilities.
- 5 P. Uses compatible with other uses permitted in the zone, but not specifically
- 6 mentioned or easily identified as belonging to a use type.”

7 **SECTION 12.** Section 18.26.040 of Chapter 18.26 of Title 18 of the Colton
8 Municipal Code, pertaining to the M-1 Light Industrial zone, is hereby amended in its entirety
9 to read as follows:

10 **“18.26.040 Conditional uses.**

- 11 A. Assembly use.
- 12 B. Alcoholic beverage sales.
- 13 C. Automobile servicing
- 14 D. Automobile parking.
- 15 E. Automobile repair.
- 16 F. Automobile sales and rentals.
- 17 G. Automobile storage.
- 18 H. Caretaker dwellings.
- 19 I. Cemeteries.
- 20 J. Community recreation and recreational facilities and amusement arcades.
- 21 K. Large collection and light processing recycling facilities.
- 22 L. Outdoor retail sales.
- 23 M. Private transportation facilities.
- 24 N. Resale/secondhand stores.
- 25 O. Salvage operations.
- 26 P. Swap meets (indoor & outdoor).
- 27 Q. 24-hour retail or restaurant operations.
- 28 R. Salvage operations.
- S. Uses compatible with other uses permitted in the zone, but not specifically
mentioned or easily identified as belonging to a use type.”

29 **SECTION 13.** Section 18.28.040 of Chapter 18.28 of Title 18 of the Colton
30 Municipal Code, pertaining to the M-2 Heavy Industrial zone, is hereby amended in its
31 entirety to read as follows:

32 **“18.28.040 Conditional uses.**

- 33 A. Assembly use.
- 34 B. Alcoholic beverage sales.
- 35 C. Automobile parking.
- 36 D. Automobile repair.
- 37 E. Automobile sales and rentals.

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- F. Automobile servicing.
- G. Automobile storage.
- H. Caretaker dwellings.
- I. Heaving and light processing and large collection recycling facilities.
- J. Private transportation facilities.
- K. Resale/secondhand stores.
- L. Salvage operations.
- M. Swap meets (indoor & outdoor).
- N. 24-hour retail or restaurant operations.
- O. Uses compatible with other uses permitted in the zone, but not specifically mentioned or easily identified as belonging to a use type.”

SECTION 14. If any sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such decisions shall not affect the validity of the remaining provisions of this Ordinance.

SECTION 15. The City Council hereby finds and determines that it can be seen with certainty that there is no possibility that this Ordinance may have a significant adverse effect on the environment. Thus, the adoption of this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines. Staff is directed to file a Notice of Exemption with the San Bernardino County Clerk's Office within five (5) working days of project approval.

SECTION 16. This Ordinance shall become effective thirty (30) days after its adoption in accordance with the provisions of California law.

SECTION 17. Certification/Publication. The City Clerk shall certify to the passage of the Ordinance and cause the same or a summary thereof to be published within fifteen (15) days after adoption in a newspaper of general circulation published and circulated in the City of Colton.

PASSED, APPROVED AND ADOPTED on this 7th day of May, 2013.


 SARAH S. ZAMORA
 Mayor

ATTEST:


 EILEEN C. GOMEZ, CMC
 City Clerk

