

## CHAPTER 7 • DEFINITIONS

For the purposes of this Specific Plan, certain terms shall be defined as set forth in this Section. Terms not listed herein shall be defined per the City's Zoning Code, or if not listed in said Zoning Code, shall be construed in accordance with accepted usage. Words used in the present tense shall include the future; words in the singular shall include the plural the words "will" and "shall" are mandatory and the word "may" is permissive. The word "should" refers to policy guidance which must be followed in the absence of compelling opposing considerations identified by the City.

"Agricultural Uses" shall mean farming, including all types of agriculture and horticulture, grazing, and small animal farms, not including commercial kennels, poultry farms, or dairies.

"Apartment" shall mean a room or suite of rooms which is occupied or which is intended or designed to be occupied by one family for living and sleeping purposes.

"Area Plan" shall mean a plan for a specifically defined geographic area for the purpose of coordinating land use, circulation, biological resource preservation, etc.

Automotive Services shall mean the provision for consumers of the selling, leasing, renting, and major/minor maintenance repair care related to automotive and recreational vehicles. Automotive vehicles include petroleum powered vehicles, as well as Fully-electric Vehicles and petroleum-electric hybrid vehicles as pertaining to cars/trucks or similar freeway drive automobiles.

- "Electric Vehicle Dealership" means a vehicle dealership and automobile sales agency that only sells and/or distributes fully-electric vehicles on-site.
  1. Fully-electric vehicles are limited to those whose in-vehicle power source is completely reliant on recharging via connection/plug-in to some electrical source.
  2. Petroleum-electric hybrid vehicles and/or vehicles that employ hydrogen for motive power are not considered fully-electric vehicles.

An Electric Vehicle Dealership may act as a stand-alone sales or distribution center for fully-electric vehicles, and/or in conjunction with Minor Repair services exclusively dedicated to fully-electric vehicles. No manufacturing of fully-electric vehicles shall take place on-site at an Electric Vehicle Dealership. The sale or lease of used fully-electric vehicles will only be permitted in conjunction with the sale of new fully-electric vehicles on the same site.

- "Auto-Delivery Center" means a place of business primarily engaged in the sales or leasing of new pre-sold or new pre-ordered vehicles with no more than 10 vehicles on display outdoors at any given time and where the establishment may operate in conjunction with ancillary repair services.

- “Vehicle Dealerships” means a place of business primarily engaged in the sales or leasing of new and/or used vehicles and may include ancillary rental, parts sales, and vehicle repair.
- "Vehicle Rental" means a place of business limited to an office use and engaged in renting vehicles.
- "Vehicle Sales" means a business, other than a vehicle dealership, engaged solely in buying, selling, and/or leasing used vehicles.
- "Major vehicle repair" means establishments which operate entirely indoors and provide major repair and maintenance related to motor vehicles and generate, treat, store, or dispose of hazardous waste materials as defined by the California Health and Safety Code.
- "Minor vehicle repair" means establishments which operate entirely indoors and provide minor routine care and maintenance related to motor vehicles. Typical uses would include, but not be limited to, radiator, transmission, muffler, cooling system, and brake repair shops, tire stores and wheel adjustments, alignment shops, auto-body detailing shops, stereo installation, diagnosis and tune-up services, oil and lubrication services, auto glass repair and installation, automotive seat covers and re-upholstery, and electrical repair, such as battery charging, repair/replace starter, alternator, generator, rewiring of automobile components such as lights, gauges, and stereos.
- “Service Stations” means any premises where vehicle-related gasoline and other fuel products or services are sold, including car washes and/or light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning are conducted. This definition shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body fender work are conducted.
- “Car Wash” means a standalone commercial establishment providing the washing of automobiles where vehicles move along self-propelled mechanical wash racks, vehicles are washed by hand, or a self-service car wash service is provided. A garage, gas station, delivery center or vehicle rental, sales, or dealership, or similar automotive service, are not considered car washes.
- “Vehicle Parts Store” means retail sales of vehicle-related parts with no on site installation of parts or other vehicle services.
- “Private Vehicle Storage” means the parking or storage of automotive vehicles, boats, trailers, recreational vehicles, or similar vehicles, including off-site inventory for automotive service uses where on-site customer engagement does not occur, and where vehicle inventory or storage located outside is not visible from the public right of way or residential uses.
- “Vehicle Display Area” designated outdoor area of a property operating as an automotive service establishment where vehicles are displayed and the location of such area is approved through any necessary permitting or licensing process.

“Bufferyard” shall mean a landscaped setback area at the boundary of a development.

“Business Services” shall mean establishments which provide goods or services primarily to businesses on a retail or wholesale basis. Typical uses include office products and supply stores, parcel/postal services, computer sales and service, and courier/messenger services.

“Chapter” shall mean a chapter within this Specific Plan unless specifically identified as part of some other document.

“City” shall mean the City of San Clemente, a municipal corporation.

“City Council” shall mean the City Council of the City of San Clemente.

“Civic Uses” shall mean publicly or privately owned and managed facilities for meetings, conventions or exhibitions and other community, social and multi-purpose uses. Typical uses include community halls and governmental offices.

“Clinical Services” means a physical- or mental-health service that is provided on an outpatient basis. The service may be of a preventive, diagnostic, treatment, therapeutic, rehabilitative, or counseling nature, but *clinical service* does not include *group counseling* (as defined in the City of San Clemente Zoning Ordinance). Examples of *clinical service* uses include, but are not limited to, medical, health, chiropractic, and physical-therapy clinics; veterinary facilities; individual-counseling; and emergency-care centers.

“Commercial Entertainment Uses” shall mean a facility within an enclosed structure provided for entertainment. Typical uses include video game rooms, movie theaters, and bowling alleys.

“Commercial Recreation Uses” shall mean any facility where the primary intent is to provide amusement, pleasure, or sport. Typical uses include dance studios, golf courses, health and athletic clubs, and youth clubs.

“Commercial Services” shall mean business and consumer services, such as pest control, plumbing, carpet cleaning, appliance repair, linen and catering services, reprographic services banking and financial services.

“Condominium” shall mean an estate in real property, consisting of an undivided interest in common in portions of a parcel of land, together with a separate interest space in an apartment, industrial, or commercial building on such land.

“Congregate Care” shall mean a development designed to provide residence for individuals, most often elderly, who may not wish to provide living arrangements for themselves, but are otherwise in good health and maintain a semi-independent lifestyle not requiring on-site medical services or facilities. Congregate care facilities shall provide community on-site food preparation and dining services, and shall provide social and recreation services, but shall not have on-site medical service or individual cooking facilities within the units.

“Construction and Maintenance Services” shall mean the office of a contractor engaged in construction and maintenance activities performed at the site of construction with administrative and business work performed on the office premises. Company vehicles may be stored outside, but associated equipment and supplies must be stored in a completely enclosed building. Typical uses include construction companies, carpentry services, electrical contractors, handyman services, janitorial services, landscape maintenance services, and plumbing contractors.

“Conventional Subdivision” shall mean a residential development divided into individual lots for the construction of one single-family detached homes per lot. Conventional subdivisions may have common open space.

“Covered Parking” shall mean any parking space in a covered garage, parking structure, or a carport. “Density” shall mean the number of dwelling units per gross acre permitted in any Planning Area as specified on Figure 2-3.

“Drinking Establishments” shall mean places established for the sale of alcoholic beverages such as beer, wine, and liquor for on-site consumption. Typical uses include restaurants that serve alcoholic beverages, bars, and cocktail lounges.

“Drive-Thru Uses” shall mean establishments which include facilities for the provision of goods, services, or food seated therein. Typical uses include banks, dairies, or restaurants with window service or other auto-oriented facilities.

“Farming, Crop and Tree” shall mean the growing of crops derived from plants or trees, which does not require grading or structures.

“Gross Floor Area” (G.F.A.) shall mean the total horizontal floor area of all floors of a building, including the exterior walls thereof, measured in square feet.

“Gross Acreage” shall mean the number of acres within a planning area, including local streets rights of way but excluding arterial street rights of way.

“Laboratory, dry” means a laboratory where dry materials, electronics, or large instruments are tested and analyzed, with limited piped services. Dry laboratories may require controlled temperature and humidity as well as dust control.

“Laboratory, wet” means a laboratory where chemicals, drugs or biological matter is tested and analyzed, and which typically requires water, direct ventilation, specialized piped utilities and protective measures.

“Landform Grading” shall mean the grading and landscaping technique described in Chapter 3.

“Land Use Plan” shall mean an adopted map depicting the approximate location of residential, commercial, public, semi-public and private uses, open space and road systems with a statistical summary of areas and densities for these land uses.

“Light Manufacturing/Assembly Uses” shall be industrial uses which are relatively quiet, non-polluting operations wholly contained within a structure and screened from view. Typical uses include manufacture and assembly of ceramics, cosmetics, cutlery, dental equipment; drugs and pharmaceutical; electrical appliances, equipment and supplies; food processing and production; furniture; glass products; hardware; medical equipment; musical instruments; optical goods; plastic products; precision instruments, scientific instruments, steel and sheet metal products; and toys.

“Live Entertainment Uses” shall mean establishments which provide the facilities and environment for music (live or recorded) or other entertainment performances, including dancing. Typical uses include dinner theaters, discotheques, nightclubs, or restaurants with dance floors.

“Lodging” shall mean the provision of rooms for the temporary lodging of travelers. Typical uses include hotels and motels, timeshares, and bed-and-breakfast inns.

“Master Homeowner Association Facility”: shall mean any private neighborhood or community facility provided for the use of Talega residents by a master homeowner’s association or sub-association. The uses may include, but are not limited to, community meeting halls and recreational amenities such as pools, tennis courts, patios, picnic areas, etc.

“Net Acres” shall mean the total number of acres created within the subject area once local street rights-of-way (either existing or to be dedicated) have been subtracted from the gross acres.

“Offices, General and Professional” shall mean establishments which provide administrative, consulting, management, and professional services to businesses and individuals. Typical uses include real estate and insurance offices, banks and other financial institutions, accountants, attorneys, dentists, doctors, veterinarians, engineers, architects, planners, travel agencies, and medical clinics.

“Open Space Land Use” shall mean land which will remain undeveloped (with the exception of permitted uses and associated grading listed in Sections 505 and 507) and provide for preservation of an environment suitable to wildlife and flora indigenous to the area as well as an environment for food production and outdoor recreation. Accessways necessary for the maintenance of open space lands and recreation trails shall be included.

“Patio Home” shall mean a detached or attached unit, usually with one side yard (when attached) and interior courtyards or atriums.

“Personal Services” shall mean the provision of services to an individual which are related to personal care and appearance, or the cleaning and repair of personal effects, excluding vehicles. Typical uses include barber and beauty shops, tailors, shoe repair shops, dry cleaning, laundromats, reducing salons, and animal care.

“Photographic, Reproduction, and Graphic Services” shall mean the provision of services involving technical skills, training, or talents for the reproduction of printed or graphic matter for business individuals. Typical uses including printing establishments, blueprint companies, photography laboratories, and photocopy companies.

“Planned Unit Development” or PUD, shall mean a residential project consisting of residential uses on a single parcel or a combination of residential lots and commonly owned recreation, open space, circulation and/or parking areas arranged in a comprehensive design or plan that treats the entire development or subdivision as a single project. The purpose of this type of development is to take advantage of modern site planning techniques in order to produce an environment of stable, desirable character which will be in harmony with existing and potential development of the surrounding community. A planned unit development shall incorporate open space and recreational amenities which compensate for the more flexible PUD development standards. PUD’s may include airspace condominiums, townhomes, patio homes, zero lot-line homes, patio homes, attached single-family dwellings, and detached single-family dwellings.

“Planning Area” shall mean any lettered and/or numbered site designated on *Figures 2-3 and 2-4*.

“Planning Commission” shall mean the Planning Commission of the City of San Clemente.

“Public Utility Uses” shall mean the facilities of a public service corporation, providing some public utility and subject to special governmental regulations, usually a protected monopoly. Typical uses shall include communication, reception, and relay facilities; transmission lines and facilities; and electrical substations.

“Recontour Grading” shall mean grading intended to present a recontoured natural appearance to blend with the natural topography on the site.

“Religious Uses” shall mean facilities for public assembly involving worship and ceremonies that pertain to a system of beliefs. Typical uses include churches, synagogues, and temples.

“Remedial Grading” shall mean grading necessary to remove and/or recompact existing geology that is undesirable or unstable, with respect to recommendations from a registered soils engineer and geologist.

“Research and Development Uses” means the pursuit of knowledge or creation of products in technology-intensive fields. Examples include but are not limited to research and development of computer software, information systems, communications systems, transportation, geographic information systems, multi-media and video technology, drugs, medical technology and genetics. Laboratories may also be included in this use (see also “Laboratory, dry” and “Laboratory, wet”). Development and construction of prototypes may be associated with this use.

“Retail Sales” shall mean general retail uses, primarily serving the community at large, located at the intersection of Pico and La Pata. Such uses include restaurants, grocery and food stores, hardware stores, clothing shops, and drug stores.

“Section” shall mean a section within this Specific Plan unless specifically identified as part of some other document.

“Setback” shall mean a minimum horizontal distance between the exterior surface of a building, exclusive of architectural projections, fireplaces, or eaves, and the abutting lot or property line; or,

when abutting a street, the minimum horizontal distance between the exterior surface of a building, exclusive of architectural projections, fireplaces, or eaves, and the ultimate street right-of-way line (whether public or private) or the sidewalk or curb if so specified.

“Single-Family Attached Dwelling” shall mean a single-family dwelling which occupies its own lot and is not physically connected to any other dwelling.

“Site Plan” shall mean an application for entitlement to use as defined in Section 17.84 of the Zoning Code or the Sign Ordinance in effect at the time of application filing.

“Subdivision Code or Subdivision Ordinance” shall mean the Subdivision Code of the City of San Clemente, as last revised.

“Supermarket” shall mean a retail food store of over 20,000 square feet in gross floor area.

“Talega Amended and Restated Development Agreement” shall mean the approved Development Agreement (December 12, 2001) for the Talega property executed by and among the City of San Clemente and Talega Associates, LLC, which superseded the original Development Agreement approved on October 2, 1998 by Ordinance No. 1209, and may be amended from time to time.

“Temporary Uses” shall be any use which is not prohibited by law but is more of a temporary nature than uses as defined within this Specific Plan.

“Townhouse” or “Townhome” shall mean a dwelling unit occupying its own lot but also physically attached to at least one (1) other dwelling unit.

“Usable Open Space” shall mean property held in private or common ownership, which is not occupied by structures, driveways, or parking areas. No open space area with a dimension less than ten (10) lineal feet, an area less than two hundred (200) square feet, or a slope of greater than three (3) percent may count toward this requirement. Recreational facilities, such as swimming pools, tennis courts, and tot lots, may be counted toward this requirement. Private Patios and balconies may also be counted toward this requirement, but only at a ratio of fifty (50) percent, with each one (1) square foot of patio or balcony equal to one-half (½) square foot of usable open space. In order to count as credit toward this requirement, ground-level patios shall have a minimum area of 150 square feet with no dimension less than ten (10) feet. Usable open space provided on a balcony shall have a minimum area of sixty (60) square feet, with no dimension less than five (5) feet.

“Warehousing and Storage Use” shall mean the storage of trade goods, personal goods, or service products and equipment by business and industrial establishments in an enclosed building. Typical uses include cold-storage plants, freight terminals, parcel delivery services, parking and storage garages and warehouses.

“Wholesaling” shall mean the large storage and distribution areas for receiving, selling, and shipping goods to retail outlets or dealers. Typical uses include wholesale distributors or trade goods and service products.

“Zero Lot Line Home” shall mean a detached dwelling unit constructed adjacent to a side lot line, with no setback on one side of the lot, providing additional usable open space within the increased setback area on the opposing side.

“Zoning Code” shall mean the San Clemente City Zoning Ordinance as last revised.