

ORDINANCE NO. 25-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO SANTA MARGARITA, CALIFORNIA, ADOPTING ZONING CODE TEXT AMENDMENT (ZCA) 25-002 AMENDING VARIOUS PROVISIONS OF CHAPTERS 9.01 (GENERAL PROVISIONS), 9.03 (ZONING DISTRICTS AND STANDARDS), AND 9.04 (REGULATIONS FOR SPECIAL USES AND STRUCTURES) OF THE RANCHO SANTA MARGARITA MUNICIPAL CODE RELATED TO THE REGULATION OF CHILD DAY CARE CENTERS, AND THRIFT STORES, INCLUDING AN EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PER CEQA GUIDELINES SECTIONS 15060(C)(2) AND (C)(3)

WHEREAS, on December 10, 2002, the City of Rancho Santa Margarita adopted the Rancho Santa Margarita General Plan; and

WHEREAS, on April 11, 2007, the City Council of the City of Rancho Santa Margarita adopted Title 9 of the Rancho Santa Margarita Municipal Code (the "Rancho Santa Margarita Zoning Code"), establishing standards for development within all zoning districts; and

WHEREAS, in 2024, the California legislature approved, and the Governor signed into law Assembly Bill 2632 (AB 2632) which imposes new limitations on how local agencies may regulate thrift stores that sell secondhand or donated items; and

WHEREAS, the City desires to update the Rancho Santa Margarita Zoning Code for compliance with AB 2632; and

WHEREAS, the City desires to update the Rancho Santa Margarita Zoning Code to remove unintended barriers related to the citing of child day care centers within the Public/Quasi-Public District; and

WHEREAS, the City of Rancho Santa Margarita has initiated Zoning Code Text Amendment (ZCA) 25-002 in accordance with Section 9.08.080 of the Rancho Santa Margarita Municipal Code, to amend the Rancho Santa Margarita Municipal Code related to the regulation of child day care centers and thrift stores as described in this ordinance; and

WHEREAS, on August 6, 2025, the Planning Commission held a duly noticed public hearing and considered public comments and the written and oral information and testimony presented by City staff, community residents, and other interested parties, and recommended that the City Council approve and adopt Zoning Code Text Amendment (ZCA) 25-002; and

WHEREAS, the City Council of the City of Rancho Santa Margarita held a duly noticed public hearing and considered public comments and the written and oral information and testimony presented by City staff, community residents, and other interested parties on September 10, 2025.

THE CITY COUNCIL OF THE CITY OF RANCHO SANTA MARGARITA, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

**SECTION 1.** The City Council of the City of Rancho Santa Margarita hereby finds, determines, and declares as follows:

In accordance with Section 9.08.080(d) of the Zoning Code, the following findings for approving Zoning Code Text Amendment (ZCA) 25-002; are hereby made:

(A) GENERAL PLAN

Finding: That the proposed Zoning Code text amendment is consistent with the goals, policies, programs, and land uses of applicable elements of the General Plan.

ZCA 25-002 is consistent with the goals, policies, programs and land uses of the General Plan because it clarifies and updates the Zoning Code. This update is consistent with the following goals and policies of the General Plan:

*Land Use Element Goal 1: Maintain a mix of land uses and a balance of jobs and housing to support a community in which people can live, work, shop, and play.*

ZCA 25-002 provides for additional permitted and conditionally permitted uses in certain zoning districts to support and enhance the available mix of land uses.

*Land Use Element Goal 2: Control and direct future land uses so that the community is protected and enhanced.*

ZCA 25-002 provides for additional permitted and conditionally permitted uses in certain zoning districts which have been determined to be consistent with the purpose and intent of the applicable zoning district. Uses may be conditionally permitted to allow for enhanced review and avoidance of secondary impacts. Additionally, new regulations for thrift stores include reasonable local rules related to the collection or receipt of used and donated items in compliance with State law.

(B) COMPATIBILITY

Finding: That the proposed Zoning Code text amendment will not adversely affect surrounding properties or the surrounding environment.

ZCA 25-002 includes clarification of the locations where child day care centers and thrift stores are permitted uses. The specific uses addressed in this ZCA 25-002 have been

determined to be compatible with the purpose and intent of the districts to which they will be added. Specifically, child day care centers will be conditionally permitted, and thrift stores will be subject to operational standards to ensure that they will not adversely affect surrounding properties or the surrounding environment.

**(C) GENERAL WELFARE**

Finding: That the proposed Zoning Code text amendment promotes public health, safety, and general welfare and serves the goals and purposes of Title 9 of the Rancho Santa Margarita Municipal Code.

ZCA 25-002 will promote public health, safety and general welfare and serve the goals and purpose of Title 9 by clarifying land uses allowable in the Commercial General, Commercial Neighborhood, and Public/Quasi-Public zoning districts. All uses will be required to comply with all applicable building and safety codes to ensure all life safety requirements are met.

**SECTION 2.** Section 9.01.250 ("S" Definitions) of Chapter 9.01 (General Provisions) of Title 9 (Planning and Zoning) of the City of Rancho Santa Margarita Municipal Code is hereby amended to replace the definition of *Second hand store* as follows:

*Secondhand store.* See "Thrift store".

**SECTION 3.** Section 9.01.260 ("T" Definitions) of Chapter 9.01 (General Provisions) of Title 9 (Planning and Zoning) of the City of Rancho Santa Margarita Municipal Code is hereby amended to add the following definition to read as follows, to be placed in alphabetical order:

"Thrift store" means a retail store and related donation facilities engaged primarily in the sale of secondhand clothing, shoes, apparel, toys, and standard household goods, including furniture, fixtures, and small household appliances, and the collection of those goods for resale. "Thrift store" does not include the sale of large household appliances such as refrigerators or stoves and does not include the sale of cars or anything automotive-related.

**SECTION 4.** Table 9.03.4 (Uses in Commercial Districts) of Chapter 9.03 (Zoning Districts and Standards) of Title 9 (Planning and Zoning) is hereby amended to include Thrift store as follows:

*Table 9.03.4  
Uses in Commercial Districts*

Use	CG	CN	Notes and Exceptions
Thrift store	P	P	Subject to regulations in 9.04.200

**SECTION 5.** Table 9.03.8 (Uses in Public/Quasi-Public (PQ) District) of Chapter 9.03 (Zoning Districts and Standards) of Title 9 (Planning and Zoning) is hereby amended to include Child day care centers as follows:

*Table 9.03.8  
Uses in Public/Quasi-Public (PQ) District*

Use	Notes and Exceptions
Child day care centers	C

**SECTION 6.** Table 9.03.19 (Non-Residential Uses in Mixed-Use District) of Chapter 9.03 (Zoning Districts and Standards) of Title 9 (Planning and Zoning) is hereby amended to include Thrift store as follows:

*Table 9.03.19  
Non-Residential Uses in Mixed-Use District*

Use	Classification	Notes and Exceptions
Thrift store	P	Subject to regulations in 9.04.200

**SECTION 7.** Section 9.04.200 (Thrift stores) is hereby added to Chapter 9.04 (Regulations for Special Uses and Structures) of Title 9 (Planning and Zoning) of the City of Rancho Santa Margarita Municipal Code to read as follows:

#### **9.04.200 Thrift Stores**

(a) *Purpose.* The purpose of this section is to comply with California Government Code Section 65630 et seq. to properly regulate thrift stores to ensure compatibility with surrounding land uses.

(b) *Standards.* All thrift stores shall conform to the following standards:

1. The delivery and storage of goods or donations must be conducted entirely indoors.
2. Outdoor display of merchandise is regulated by Section 9.04.110 of this Title.
3. Donations may only be accepted during business hours; no drop-off of donated goods may occur outside of business hours. No thrift store shall operate between 10:00 p.m. and 7:00 a.m.
4. The donation process must be supervised and operated by employees of the thrift store.
5. Any donated, discarded, or illegally dumped items left outside the building must be removed immediately.
6. Donation acceptance areas shall be clearly marked and must provide vehicular circulation which does not interfere with shopping center ingress, egress, or parking, and may not queue onto adjacent property or the public right-of-way.
7. All signage, including temporary and directional signage is regulated by Chapter 9.07 of this Title
8. Equipment utilized in the collection, receipt, processing or disposal of used and donated goods is subject to the restrictions of Chapter 5.04 (Noise Control) and shall be operated in accordance with all applicable noise standards; equipment

shall not be operated between 10:00 p.m. and 7:00 a.m. or on Sundays or Federal Holidays.

**SECTION 8.** The City Council of the City of Rancho Santa Margarita determines that Zoning Code Text Amendment (ZCA) 25-002 is not subject to the California Environmental Quality Act (CEQA) pursuant to the California Code of Regulations, Title 14, Chapter 3, Sections 15060 (c) (2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) because it has no potential for resulting in physical change to the environment, directly or indirectly. Approval of Zoning Code Text Amendment ZCA 25-002 would not approve any development project or prompt any direct or indirect physical changes to the environment.

**SECTION 9.** The City Council of the City of Rancho Santa Margarita determines that, pursuant to Section 711.4 of the California Fish and Game Code, this Ordinance is exempt from the required fees as it has been determined that no impacts to wildlife resources will result from the project.

**SECTION 10.** The City Council of the City of Rancho Santa Margarita determines that this Ordinance will not have any adverse impacts to any subregional Natural Communities Conservation Planning (NCCP) Program.

**SECTION 11.** If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subsection, subdivision, sentence, clause, phrase, or portion thereof be declared invalid or unconstitutional.

**SECTION 12.** This Ordinance shall take effect thirty (30) days after its adoption. The City Clerk shall certify to the adoption of this Ordinance and shall cause this Ordinance to be published as required by law.

PASSED, APPROVED AND ADOPTED THIS 8<sup>TH</sup> DAY OF OCTOBER 2025.

  
\_\_\_\_\_  
L. ANTHONY BEALL, MAYOR

ATTEST:

  
\_\_\_\_\_  
AMY DIAZ, CITY CLERK

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss  
CITY OF RANCHO SANTA MARGARITA )

I, Amy Diaz, City Clerk of the City of Rancho Santa Margarita, California, DO HEREBY CERTIFY that the foregoing Ordinance No. 25-04 was regularly introduced and placed upon its first reading at a Regular Meeting of the City Council on the 10<sup>th</sup> day of September, 2025, and that thereafter, said Ordinance was duly adopted and passed at a Regular Meeting of the City Council on the 8<sup>th</sup> day of October 2025, by the following vote, to wit:

AYES: Council Members Baert and Figueroa, Mayor Pro Tempore McGirr and Mayor Beall (4)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: Council Member Holloway (1)

  
\_\_\_\_\_  
AMY DIAZ, CITY CLERK

AFFIDAVIT OF POSTING  
AND PUBLICATION

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss  
CITY OF RANCHO SANTA MARGARITA )

AMY DIAZ, being first duly sworn, deposes and says:

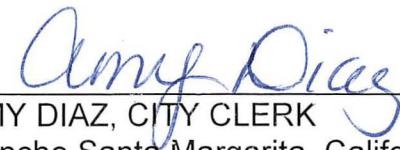
That she is the duly appointed and qualified City Clerk of the City of Rancho Santa Margarita;

That in compliance with State Laws of the State of California, ORDINANCE NO. 25-04, being:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO SANTA MARGARITA, CALIFORNIA, ADOPTING ZONING CODE TEXT AMENDMENT (ZCA) 25-002 AMENDING VARIOUS PROVISIONS OF CHAPTERS 9.01 (GENERAL PROVISIONS), 9.03 (ZONING DISTRICTS AND STANDARDS), AND 9.04 (REGULATIONS FOR SPECIAL USES AND STRUCTURES) OF THE RANCHO SANTA MARGARITA MUNICIPAL CODE RELATED TO THE REGULATION OF CHILD DAY CARE CENTERS, AND THRIFT STORES, INCLUDING AN EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PER CEQA GUIDELINES SECTIONS 15060(C)(2) AND (C)(3)

on the 3<sup>rd</sup> day of October 2025, was published in the Coto De Caza News; and was in compliance with City Resolution No. 00-01-06-07, on the 3<sup>rd</sup> day of October 2025, caused to be posted in three places in the City of Rancho Santa Margarita, to wit:

Rancho Santa Margarita City Hall  
Fire Station 45  
Trabuco Canyon Water District

  
\_\_\_\_\_  
AMY DIAZ, CITY CLERK  
Rancho Santa Margarita, California