

ORDINANCE NO. 3028

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA11-003, A DEVELOPMENT CODE AMENDMENT FOR A COMPREHENSIVE UPDATE TO THE CITY OF ONTARIO DEVELOPMENT CODE (ONTARIO MUNICIPAL CODE TITLE 9), TO ESTABLISH CONSISTENCY WITH THE ONTARIO PLAN AND VARIOUS CHANGES IN STATE LAWS AND REGULATIONS, AND THE REPEAL OF VARIOUS PROVISIONS OF THE ONTARIO MUNICIPAL CODE TO PROVIDE FOR THE ELIMINATION OF DUPLICATIONS AND INCONSISTENCIES WITH THE PROPOSED DEVELOPMENT CODE, AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, THE CITY HAS INITIATED ("Applicant") has initiated an Application for the approval of a Development Code Amendment, File No. PDCA11-003, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Planning Department has prepared an ordinance, which will comprehensively update the City of Ontario Development Code, establishing consistency with The Ontario Plan, and includes various changes to provide for the logical arrangement of provisions, and the elimination of duplications and inconsistencies throughout the current Development Code document; and

WHEREAS, the City of Ontario consists of approximately 50 square miles (31,789 acres) of land, which is generally bordered by Benson Avenue and Euclid Avenue on the west; Interstate 10 Freeway, Eighth Street, and Fourth Street on the north; Etiwanda Avenue and Hamner Avenue on the east; and Merrill Avenue and the San Bernardino County/Riverside County boundary on the south; and

WHEREAS, in January 2010, the City Council approved The Ontario Plan ("TOP") component framework, along with the completed Vision, Governance Manual, and Policy Plan (General Plan) components. In conjunction with TOP, the City Council certified The Ontario Plan Environmental Impact Report (State Clearing House No. 2008101140) and Mitigation Monitoring Program. Mitigation Measure No. 6.3 (MM6.3) requires that the City amend the Municipal Code to incorporate provisions implementing numerous greenhouse gas (GHG) emission reduction concepts set forth in the mitigation measure; and

WHEREAS, rather than piecemealing necessary changes into the existing Development Code, staff took a more holistic approach, systematically considering the current Development Code and related Municipal Code provisions, recent changes in Federal and State laws, and necessary changes to the Development Code resulting from the adoption of The Ontario Plan. This holistic approach to the Development Code update ensured: [i] consistency with The Ontario Plan; [ii] the elimination of outdated Municipal Code and Development Code provisions; [iii] the elimination of duplicate Municipal Code and Development Code provisions; [iv] internal consistency throughout the Development Code document; and [v] external consistency with Federal, State, County, and City laws, codes, and ordinances.

WHEREAS, the Development Code update is intended to achieve the following objectives:

- Establish standards for the orderly physical development of the City;
- Preserve the character and quality of existing neighborhoods;
- Promote good urban design;
- Achieve the proper arrangement of land uses envisioned in The Ontario Plan;
- Provide for the establishment of a full range of residential, commercial agriculture, office, commercial, industrial, public, and transportation-related activities, as envisioned by The Ontario Plan;
- Promote the economic stability of land uses that conform to The Ontario Plan;
- Achieve compatibility between Ontario International Airport and the land uses and new development that surround it;
- Establish comprehensive procedures for appropriate and effective public involvement in land use, development, subdivision, and environmental decisions, and provide for the processing of applications in an expedient manner;
- Establish procedures for the open and transparent processing of applications;
- Establish standards and guidelines that promote and inspire innovative and sustainable subdivision, site, building, landscape, and infrastructure design;
- Promote the preservation and protection of the City's historic character and resources;
- Promote safe and efficient pedestrian and traffic circulation systems, and ensure that new development will not overburden the capacity of existing streets, utilities, or community facilities and services; and
- Ensure that the costs of providing land for streets, alleys, pedestrian ways, easements, and other rights-of-way, and for the improvements necessary to serve new developments, are borne by subdividers and developers rather than by the taxpayers of the City; and

WHEREAS, in fulfilling the objectives of the Development Code update, several revisions to the Development Code structure have been established, including the adoption of the Development Code as an independent document, adopted by reference as Title 9 (Development Code) of the Ontario Municipal Code, thereby providing more flexibility in the organization and content of the document, and ultimately, will allow the Development Code to be assimilated into a web-based document; and

WHEREAS, the resulting updated Development Code has been arranged into nine chapters, which are further subdivided into separate divisions, based upon common subject matter, processes, and procedures. Furthermore, the updated Development Code contains reference documents provided to assist City staff, property owners, business owners, developers, and design professionals, in understanding and implementing the City's goals, policies and objectives. The reference documents will be adopted by Resolution of the City Council, making it easier to apply future changes to the documents; and

WHEREAS, certain off-street parking and land use provisions found in Titles 4 through 6 of the Ontario Municipal Code have been moved to the Development Code, as follows:

- Title 4 (Public Safety), Chapter 13 (Parking on Unpaved Surfaces), has been moved to the Off-Street Parking and Loading provisions of the Development Code (Division 6.03);
- Title 5 (Public Welfare, Morals and Conduct), Chapter 22 (Property Appearance – Nuisance) has been moved to Development Code Division 6.10 (Property Appearance and Maintenance);
- Title 6 (Sanitation and Health), Chapter 1, Article (Animals and Fowl), has been moved to Development Code Division 5.03 (Standards for Certain Land Uses, Activities, and Facilities);
- Title 6 (Sanitation and Health), Chapter 2 (Fish Meal Storage and Handling), has been moved to Development Code Division 5.03 (Standards for Certain Land Uses, Activities, and Facilities); and

WHEREAS, the proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT; and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") and an initial study has been prepared to determine possible environmental impacts; and

WHEREAS, on June 23, 2015, the Planning Commission of the City of Ontario conducted a duly noticed public hearing, and issued Resolution No. PC15-041, recommending the City Council approve the Development Code Amendment, File No. PDCA11-003; and

WHEREAS, on September 1, 2015, the City Council of the City of Ontario conducted a duly noticed public hearing to consider the Development Code Amendment, File No. PDCA11-003, and concluded said hearing on that date; and

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

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND ORDAINED by the City Council of the City of Ontario, as follows:

SECTION 1. As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the Addendum, the initial study, and the administrative record for the Project, including all written and oral evidence provided during the comment period. Based upon the facts and information contained in the Addendum, the initial study, and the administrative record, including all written and oral evidence presented to the City Council, the City Council finds as follows:

a. The Addendum, initial study, and administrative record have been completed in compliance with CEQA, the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines; and

b. The Addendum and initial study contain a complete and accurate reporting of the environmental impacts associated with the Project and reflects the independent judgment of the City Council; and

c. There is no substantial evidence in the administrative record supporting a fair argument that the project may result in significant environmental impacts; and

d. All environmental impacts of the Project are either insignificant or can be mitigated to a level of insignificance pursuant to the mitigation measures outlined in the Addendum.

SECTION 2. Based upon the substantial evidence presented to the City Council during the above-referenced hearing and upon the specific findings set forth in Section 1 above, the City Council hereby concludes as follows:

a. The proposed Development Code Amendment is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan; and

b. The proposed Development Code Amendment is consistent with the goals and policies of the Development Code

c. The proposed Development Code Amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.

SECTION 3. Ontario Municipal Code Title 4, Chapter 13 (Sections 4-13.01 through 4-13.04) is hereby repealed.

SECTION 4. Chapter 22 (Property Appearance – Nuisance) of Ontario Municipal Code Title 5 (Public Welfare, Morals and Conduct) is hereby repealed.

SECTION 5. Article 1 (Animals and Fowl) of Chapter 1 (Animals and Fowl) of Ontario Municipal Code Title 6 (Sanitation and Health), is hereby repealed.

SECTION 6. Chapter 2 (Fish Meal Storage and Handling) of Ontario Municipal Code Title 6 (Sanitation and Health) is hereby repealed.

SECTION 7. The Introduction of Ontario Municipal Code Title 9 (Development Code) is hereby repealed.

SECTION 8. Chapter 1 (Zoning and Land Use Requirements) of Ontario Municipal Code Title 9 (Development Code) is hereby repealed.

SECTION 9. Chapter 2 (Subdivision Regulations) of Ontario Municipal Code Title 9 (Development Code) is hereby repealed.

SECTION 10. Chapter 1, titled Development Code, is hereby added to Ontario Municipal Code Title 9 (Development Code), and shall read as follows:

“Section 9-1.01. Adoption of the Development Code.

The Ontario Development Code, as published by the Planning Department of the City of Ontario, is hereby adopted by reference and made part of this Chapter as if fully set forth at length herein. One copy of the Ontario Development Code is on file in the office of the City Clerk for public review.”

SECTION 11. New zoning districts established by the Ontario Development Code shall correspond to the existing City of Ontario zoning districts as follows:

EXISTING ZONING DISTRICTS	CORRESPONDING NEW ZONING DISTRICTS
RESIDENTIAL ZONING DISTRICTS	
AR (Agricultural - Residential)	AR-2 (Agricultural-Residential – 0 to 2.0 DU/Acre)
<i>[New District]</i>	RE-2 (Residential Estate – 0 to 2.0 DU/Acre)
RE (Residential Estate)	RE-4 (Residential Estate – 2.1 to 4.0 DU/Acre)
R1 (Single Family Residential)	LDR-5 (Low Density Residential – 2.1 to 5.0 DU/Acre)
R1.5 (Low-Medium Density Residential)	MDR-11 (Low-Medium Density Residential – 5.1 to 11.0 DU/Acre)
R2 (Medium Density Residential)	MDR-18 (Medium Density Residential – 11.1 to 18.0 DU/Acre)
R3 (High Density Residential)	MDR-25 (Medium Density Residential – 18.1 to 25.0 DU/Acre)
HDR-45 (High Density Residential – 25.1 to 45.0 DU/Acre)	HDR-45 (High Density Residential – 25.1 to 45.0 DU/Acre)

EXISTING ZONING DISTRICTS	CORRESPONDING NEW ZONING DISTRICTS
COMMERCIAL ZONING DISTRICTS	
NC (Neighborhood Commercial District)	CS (Corner Store)
C1 (Shopping Center District)	CN (Neighborhood Commercial – 0.4 Maximum FAR)
C3 (Commercial Service District)	CC (Community Commercial – 0.4 Maximum FAR)
[New District]	CR (Regional Commercial – 0.4 Maximum FAR)
[New District]	CCC (Convention Center Core Commercial)
C4 (Airport Service Commercial District)	CCS (Convention Center Support Commercial)
AP (Administrative Professional Office District)	OL (Low Intensity Office)
[New District]	OH (High Intensity Office)
MIXED-USE ZONING DISTRICTS	
C2 (Central Business District)	MU-1 (Downtown Mixed-Use)
[New District]	MU-2 (East Holt Mixed-Use)
[New District]	MU-11 (Euclid/Francis Mixed-Use)
INDUSTRIAL ZONING DISTRICTS	
[New District]	BP (Business Park)
[New District]	IP (Industrial Park)
M1 (Limited Industrial District)	IL (Light Industrial)
M2 (Industrial Park District)	IG (General Industrial)
M3(VI) (General Industrial District—Vintage Industrial Overlay)	IH (Heavy Industrial)
SPECIALIZED USE ZONING DISTRICTS	
SP(AG) (Agricultural Overlay District)	AG (Interim Agricultural)
PF (Public Facilities District)	CIV (Civic)
MH (Mobile Home Park District)	MHP (Mobile Home Park)
M3 (General Industrial District)	ONT (Ontario International Airport)
[New District]	OS-C (Open Space-Cemetery)
OS (Open Space District)	OP-R (Open Space-Recreation)
PUD (Town Center Planned Unit Development District)	PUD (Planned Unit Development)

EXISTING ZONING DISTRICTS	CORRESPONDING NEW ZONING DISTRICTS
[New District]	RC (Rail Corridor)
SP (Specific Plan)	SP (Specific Plan)
[New District]	UC (Utilities Corridor)
OVERLAY DISTRICTS	
AG (Agricultural Overlay)	[Moved to Specialized Use zoning districts]
EA (Euclid Avenue) Overlay District	EA (Euclid Avenue) Overlay District
[New District]	ES (Emergency Shelter) Overlay District
[New District]	MTC (Multimodal Transit Center) Overlay District
HW (Hazardous Waste Overlay)	[Deleted]
PRD (Planned Residential District)	[Deleted]
SA (Special Area Combined)	[Deleted]
VI (Vintage Overlay)	[Moved to Industrial zoning districts]
[New District]	ICC (Interim Community Commercial) Overlay District

SECTION 12. City Council Action. Based upon the findings and conclusions set forth in Sections 1 through 10 above, the City Council hereby approves the Development Code Amendment, File No. PDCA11-003.

SECTION 13. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 14. Severability. If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The People of the City of Ontario hereby declare that they would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 15. Effective Date. This Ordinance shall become effective 30 days following its adoption.

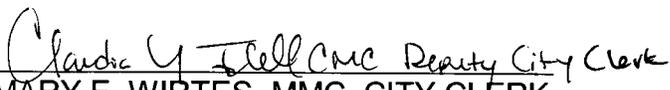
SECTION 16. *Signature and Certification.* The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within 15 days of the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this 1st day of December 2015.



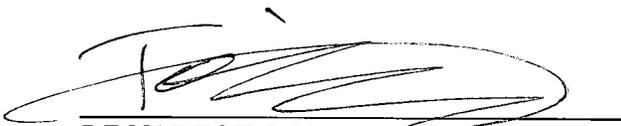
PAUL S. LEON, MAYOR

ATTEST:



MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO FORM:



BEST BEST & KRIEGER LLP
CITY ATTORNEY

