

## Chapter 1.0:

# Development Code Enactment and General Provisions

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## Division 1.01—Development Code Enactment, Consistency and Severability

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#### 1.01.000: Title

This document shall be known and may be cited as the “Ontario Development Code.”

#### 1.01.005: Purpose

This Development Code is enacted to assist in the implementation of Federal and State planning, zoning, development, subdivision, and environmental laws, and The Ontario Plan, and guide the orderly development of the City in a manner that promotes and protects the public health, safety, comfort, convenience, prosperity, and welfare of its inhabitants. More specifically, this Development Code is intended to achieve the following objectives:

- A.** Create a guide for the establishment of a complete community, which includes opportunities for the development of housing, jobs, education, shopping and services, culture, and recreation for people at all ages and socioeconomic levels.
- B.** Establish standards for the orderly physical development of the City in a manner that incorporates smart growth principles, including the efficient use of land and mix of land uses, in preserving the character and quality of existing neighborhoods, fostering a harmonious, convenient, and workable relationship among all types of land uses, and promoting good urban design.
- C.** Achieve the proper arrangement of land uses envisioned in the Policy Plan component of The Ontario Plan, maintain the stability of existing neighborhoods, and promote the revitalization of areas that require enhancement.
- D.** Allow and encourage a full range of office, commercial, industrial, and transportation-related activities in appropriate locations as envisioned by the Vision, Policy Plan (General Plan),

and City Council Priorities components of The Ontario Plan, in a manner that will further strengthen the City's economic base.

**E.** Promote the economic stability of existing land uses that conform to the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, and protect them from intrusions by inharmonious or harmful land uses.

**F.** Achieve compatibility between LA/Ontario International Airport and the land uses and new development that surround it pursuant to the LA/Ontario International Airport Land Use Compatibility Plan.

**G.** Establish procedures that ensure land use, development, and subdivision decisions are made in compliance with the California Environmental Quality Act and Guidelines, and environmental impacts are mitigated to an acceptable level and appropriately monitored.

**H.** Establish comprehensive and thorough procedures for appropriate and effective public involvement in land use, development, subdivision, and environmental decisions, while at the same time processing land use, development, and subdivision applications in an expedient manner.

**I.** Establish procedures for the open and transparent processing of applications, and information sharing on the parts of administrators, board and commission members, and applicants with regard to all standards, the characterizes of development sites, and the potential impacts of development.

**J.** Establish reasonable standards and guidelines that promote and inspire innovative and sustainable subdivision, site, building, landscape and infrastructure design, which serves to advance the utility and splendor of the City.

**K.** Promote the preservation and protection of the City's historic character and resources.

**L.** Promote the preservation of the City's natural and historic setting by preventing the indiscriminate clearing of property and the destruction of trees, shrubs, and other desirable landscape features.

**M.** Ensure the provision of adequate and well-designed off-street parking and loading facilities, which are commensurate with the need.

**N.** 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.

**O.** Establish standards for providing sufficient systems of water supply, sanitary sewage disposal, storm drainage, street lighting, and other utilities needed for the public health, safety, and convenience.

**P.** 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 at large.

### 1.01.010: Authority

This Development Code is a principal tool for implementing the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan as they pertain to City growth, land use, and development as required by State Planning and Zoning Law (Government Code Section 65000 et seq.), the Subdivision Map Act (Government Code Section 66410 et seq.), the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), and other applicable Federal, State, and local requirements.

### 1.01.015: Applicability

**A. Changes in State Law.** Any provision of this Development Code referring to or citing a title, article, chapter, section, subsection, paragraph, subparagraph, sentence, clause, or phrase of State law, which is later amended or superseded, shall be deemed amended to refer to the provision of State law that most nearly corresponds to the superseded or amended title, article, chapter, section, subsection, paragraph, subparagraph, sentence, or clause.

**B. Jurisdiction.** This Development Code shall be effective throughout the City's planning jurisdiction. For the purposes of this Development Code, the planning jurisdiction shall be defined as the area within the corporate boundaries of the City of Ontario.

**C. Internal Inconsistencies.** Where any conflict occurs within the provisions of this Development Code, the more restrictive provision shall apply.

**D. External Inconsistencies.** Where any conflict occurs between the provisions of this Development Code and provisions of the Ontario Municipal Code, or other regulations adopted by the City, the more restrictive provisions shall apply.

**E. Affect Upon Other City Regulations.** This Development Code shall not be deemed to repeal or amend any other regulation of the City requiring a permit or license, or both, nor shall anything in this Development Code be deemed to repeal or amend provisions of the Ontario Municipal Code.

**F. City Properties.** The provisions of this Development Code shall not apply to any buildings, improvements, lots, or premises that are owned, leased, operated or controlled by the City, or any project for public purposes initiated by the City.

**G. Conflicting Land Use Permits.** Following the effective date of this Development Code or any amendment hereto, any legislative action, discretionary permit or action, or ministerial permit or decision (as established by Table 2.02-1 (Review Matrix) of this Development Code) shall be issued only in full compliance with its provisions. Any approval issued after the effective date of this Development Code that is in conflict with its provisions, shall be deemed invalid, except as established by Subsection H (Effect of Development Code Changes on Projects in Process) of this Section, below.

**H. Effect of Development Code Changes on Projects in Process.** The effect of Development Code adoption, changes, or revisions on projects in process at the time of enactment of Development Code adoption, or any changes or revisions thereto, are as follows:

**1.** A project for which a legislative action, discretionary permit or action, or ministerial permit or decision (as established by Table 2.02-1 (Review Matrix) of this Development Code) has

been approved, shall be subject to the Development Code regulations in effect on the effective date of the application approval.

**2.** A complete Building Permit application, for which all required City fees have been paid, shall be processed under the development regulations in effect on the date that the application was submitted. If the Building Permit has expired, the project shall be subject to the requirements of this Development Code.

**I. Need to Obtain Other Required Permits.** This Development Code shall not eliminate the need for obtaining any other permits required by the City, or any permit or approval required by provisions of the Ontario Municipal Code, or the regulations of any City department, or any County, regional State or federal agency.

**J. Public Nuisance.** The provisions of this Development Code shall not authorize the continuation of any public nuisance.

#### 1.01.020: Consistency with the Ontario International Airport Land Use Compatibility Plan

A land use, development, or subdivision of land located within the area affected by the Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be consistent with the requirements of the ALUCP. Furthermore, In the event of any conflict between the requirements of this Development Code and the provisions of the ALUCP, the requirements of the ALUCP shall govern.

#### 1.01.025: Consistency with The Ontario Plan

**A.** The Ontario Plan is a dynamic framework for sustained, comprehensive leadership in building our community, by integrating components of city governance that are typically disconnected. The Plan states community direction at a point in time and integrates it into a single guidance system that will shape the Ontario community 20 years or more into the future. The Ontario Plan provides for lasting policies to accommodate change through a six-part component framework: 1) Vision, 2) Governance Manual, 3) Policy Plan, 4) City Council Priorities, 5) Implementation, and 6) Tracking and Feedback.

**B.** This Development Code is intended to provide the legislative framework for the implementation of the Policy Plan and Governance Manual components of The Ontario Plan, guiding growth and development to achieve optimum results from the City's physical, economic, environmental and human resources. The Policy Plan component of The Ontario Plan states long-term principles, goals, and policies for achieving Ontario's vision, and serves as the City's General Plan, which is mandated by state law.

**C.** All land uses, developments, and subdivisions of land shall be consistent with The Ontario Plan Policy Plan goals, polices, and land uses. A land use, development, or subdivision is consistent with The Ontario Plan if, upon consideration of all of its aspects, it is found to further the purposes, principals, goals and policies of the Plan.

#### **1.01.030: Consistency with Area Plans**

A land use, development, or subdivision of land located within the boundaries of an Area Plan shall be consistent with the objectives, policies, and land uses specified within the Area Plan. Furthermore, in the event of any conflict between the requirements of this Development Code and the objectives, policies, and land uses specified within an adopted Area Plan, the requirements of the Area Plan shall govern.

#### **1.01.035: Relationship to Specific Plans**

**A.** In the event of any conflict between the requirements of this Development Code and the standards contained within an adopted Specific Plan, the requirements of the Specific Plan shall govern.

**B.** Wherein the provisions of a Specific Plan are silent on a specific matter, the regulations set forth in this Development Code shall apply.

#### **1.01.040: Relationship to Planned Unit Developments**

In the event of any conflict between the requirements of this Development Code and the standards contained within an adopted Planned Unit Development, the requirements of the Planned Unit Development shall govern.

#### **1.01.045: Relationship to Development Agreements**

In the event of any conflict between the requirements of this Development Code and the provisions of an adopted Development Agreement, the requirements of the Development Agreement shall govern.

#### **1.01.050: Relationship to Master Plans**

In the event of any conflict between the requirements of this Development Code and the provisions of a City Master Plan adopted pursuant to Section 4.02.015 (Master Plans and Amendments) of this Development Code, the requirements of this Development Code shall govern.

#### **1.01.055: Relationship to Prior Code**

The provisions of the Development Code, as they existed prior to the effective date of January 1, 2016, are hereby repealed and superseded in their entirety. No provision of this Development Code shall be so construed as to validate or legalize any subdivision of land or land use, or structure established, constructed, or maintained in violation of this Development Code as it existed prior to its repeal by Ordinance No. [insert #].

**1.01.060: Severability**

**A.** If any portion of this Development Code is held to be invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, the determination shall not affect the validity of the remaining portions of this Development Code. Moreover, the decision shall not affect, impair, or nullify this Development Code, either in whole or in part, and the remainder of this Development Code shall continue in full force and effect.

**B.** If the application of any provision of this Development Code to any area, property, or site is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared that the effect of the decision shall be limited to that area, property, or site immediately involved in the controversy, action, or proceeding in which the judgment or decree of invalidity was rendered. In addition, the decision shall not affect, impair, or nullify this Development Code as a whole or in the application of any provision to any other area, property, or site.



## Division 1.02—Development Code Interpretation and Enforcement

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Sections:

- [1.02.000:](#) Purpose
- [1.02.005:](#) Applicability to Existing City Laws
- [1.02.010:](#) Interpretations and Determinations
- [1.02.015:](#) Enforcement

### 1.02.000: Purpose

The purpose of this Division is to prescribe procedures for the interpretation and enforcement of the provisions of this Development Code.

### 1.02.005: Applicability to Existing City Laws

The provisions of this Development Code are not intended to repeal, abrogate, annul, impair, or otherwise interfere with any existing City law, except as specifically repealed by adoption of this Development Code. However, where the Development Code imposes a greater restriction than is imposed or required by an existing law, the provisions of this Development Code shall prevail.

### 1.02.010: Interpretations and Land Use Determinations

**A. Purpose.** The purpose of this Section is to establish [\[i\]](#) the authority to interpret the meaning or applicability of the requirements of this Development Code, either generally, or as applied to a specific case or situation; and [\[iii\]](#) the authority and procedure for land use determinations, as not every conceivable land use can be identified by this Development Code or applicable specific plans of the City.

**B. Applicability.**

**1.** Whenever the Zoning Administrator determines that the meaning or applicability of any of the requirements of this Development Code require interpretation, they shall be empowered to make such interpretation. Furthermore, as every conceivable land use cannot be identified by this Development Code or applicable specific plans of the City, the Zoning Administrator may compare and measure a proposed land use against those listed in this Development Code or an applicable specific plan, which have similar impacts, functions and characteristics.

**2.** When a land use is not specifically listed in Table 5.02-1 (Land Use Matrix) of this Development Code, or the list of allowed land uses in a specific plan of the City, the Zoning Administrator may determine that the land use is allowed, if it is determined to be similar to other land uses in the same zoning district or applicable specific plan land use district. In determining “similarity,” the Zoning Administrator shall consider the following, as applicable:

**a.** Volume and type of sales (retail or wholesale), the size and type of items sold and nature of inventory on the premises;

**b.** Processing, assembly, manufacturing, smelting, warehousing, shipping and distribution done on the premises; and dangerous, hazardous, toxic or explosive materials used in processing;

**c.** Nature and location of storage and display of merchandise (enclosed, open, inside or outside the principal building), and the predominant types of items stored (business vehicles, work-in-progress, inventory and merchandise, construction materials, scrap and junk);

**d.** Type, size and nature of buildings and structures supporting the use;

**e.** Number and density of employees and customers, business hours and employment shifts;

**f.** Transportation requirements (including modal split for people and freight) by volume, type, characteristics of traffic generation to and from the site, and trip purposes;

**g.** Parking characteristics, turnover and generation, and the ratio of the number of spaces required per unit area or activity;

**h.** Predilection for attracting or repelling criminal activity;

**i.** Amount and nature of nuisances generated on the premises, such as fumes, glare, noise, odor, radiation, smoke, and vibration; and

**j.** Special public utility and services requirements, such as communications towers/antennas, power structures, pretreatment of emissions or wastes, wastewater discharge and water supply.

**C. Request for Interpretation or Land Use Determination.** A request for an interpretation or land use determination shall be filed with the Planning Department, and shall identify each specific provision or land use in question, and any other information necessary to assist the Zoning Administrator in their review. Any interpretation or land use determination made pursuant to this Section may be appealed pursuant to Division 2.04 (Appeals) of this Development Code.

**D. Application of Interpretations/Land Use Determinations in Similar Situations.**

**1.** An interpretation or land use determination made pursuant to this Section shall apply in all similar situations, unless modified on appeal, or by subsequent Development Code Amendment.

**2.** Once an interpretation or land use determination is decided, an application for substantially the same interpretation or determination of use shall be not considered, and the filing of a Development Code Amendment pursuant to Section 4.01.020 (Development Code Amendments) of this Development Code shall be required.

**E. Promotion of the Public Health, Safety and Welfare.** Land use determinations and interpretations in the application of the provisions of this Development Code shall be held to the minimum requirements necessary for the promotion of the public health, safety and welfare.

**F. Clarifying and Interpretive Materials.**

**1. Incorporation of Clarifying and Interpretive Materials.** The Zoning Administrator may incorporate photographs and other graphic materials with this Development Code, and any interpretation thereof, for the purpose of clarifying its provisions. All clarifying and interpretive materials incorporated into this Development Code shall be clearly identified as such.

**2. Removal of Clarifying and Interpretive Materials.** The Zoning Administrator shall cause the immediate removal of any interpretive materials that have been included in this Development Code pursuant to Subsection C (Incorporation of Clarifying/Interpretive Materials), above, which have been affected by a Development Code amendment or modification on appeal.

**G. Establishment of Operational Performance Standards.**

**1.** In making a land use determination, the Zoning Administrator may require certain safeguards and impose certain operational performance standards established to ensure that the purposes of this Development Code or applicable specific plan are maintained; ensure that the project will not endanger the public health, safety or general welfare; ensure that the project will not result in any significant environmental impacts; ensure that the project will be in harmony with the area in which it is located; and ensure that the project will be in conformity with The Ontario Plan and any applicable specific and/or area plan(s).

**2.** All operational performance standards or other requirements authorized by this Section are enforceable in the same manner and to the same extent as any other applicable requirement of this Development Code or applicable specific plan.

**H. Codification.** In making an interpretation or land use determination pursuant to this Section, the Zoning Administrator shall prepare a written analysis to determine if the interpretation or land use determination is significant enough to require codification into this Development Code. The analysis should consider whether the interpretation or determination will be sufficiently common or recurring in the future, to justify a text amendment, or so unusual or rare that an amendment is not necessary. The analysis shall also identify all zoning districts where the new use(s) could be listed, as well as any special operational conditions, standards or limitations that should be imposed on the use(s).

**1.02.015: Enforcement**

The procedures for the enforcement of the provisions of this Development Code and any entitlement approved thereunder shall be as follows:

**A. Applicability.**

**1.** The Zoning Administrator shall have jurisdiction of, and be responsible for, the administration and application of the regulations and provisions of this Development Code. The Zoning Administrator may call upon the Building Official, Police Chief, Fire Chief or Code Enforcement Director, and their authorized agents, to assist in the enforcement of this Development Code.

**2.** All officials, departments, and employees of the City vested with the authority or duty to issue permits, certificates, or licenses shall comply with the provisions of this Development

Code and shall not issue a permit, certificate, or license that is in conflict with the provisions of this Development Code. Any permit, certificate, or license issued in conflict with the provisions of this Development Code shall be null and void.

**B. Enforcement Remedies.**

**1.** In exercising its jurisdiction, the City may request permission to enter a property from the property owner or a tenant. Should access be denied and the conditions indicate a public safety concern, a search warrant may be requested from the appropriate court serving the jurisdiction.

**2.** The City may serve notice requiring the removal of any structure or use in violation of this Development Code on the property owner or their authorized agent, on a tenant, or on an architect, builder, contractor, or other person who commits or participates in any violation.

**3.** The City may call upon the City Attorney to institute the legal proceedings necessary to enforce the provisions of this Development Code, and the City Attorney is authorized to institute appropriate actions to that end.

**4.** All remedies concerning this Development Code shall be cumulative and not exclusive. The conviction and punishment of any person(s) hereunder shall not relieve the person(s) from the responsibility of correcting prohibited conditions, or removing prohibited structures or improvements, and shall not prevent the enforced correction or removal thereof.

**5.** Any construction in violation of this Development Code, or any construction in violation of a condition imposed on a permit, license, or other entitlement, shall be subject to the issuance of a "Stop Work Order" by the City's Building Official.

**C. Violations.** The violation of any provision of this Development Code shall be punishable as set forth in OMC Title 1 (General Provisions), Chapter 2 (Penalty Provisions). Furthermore, any violation of the provisions of this Development Code shall be deemed a continuing violation until the violation has been abated.

**D. Voidable Conveyances.** Any deed of conveyance, sale, or contract to sell made contrary to the provisions of this Development Code shall be voidable at the sole option of the grantee, buyer, or person contracting to purchase, or heirs, personal representative, or trustee in insolvency or bankruptcy, within one year after the date of the execution of the deed of conveyance, sale, or contract to sell; however, the deed of conveyance, sale, or contract to sell shall be binding upon any assignee or transferee of the grantee, buyer, or person contracting to purchase, other than those previously enumerated, and upon the grantor, vendor, or person contracting to sell, or their assignee, heir, or devisee.

**E. Enforcement Fees.** The City may impose fees to cover all costs incurred by the City for the monitoring and enforcement of the requirements of this Development Code, as well as those conditions and mitigation measures imposed on a permit, license, or other entitlement granted pursuant to this Development Code.