2.0 GENERAL NOTES

2.1 Authority for Specific Plan

The California Government Code (Title 7, Division 1, Chapter 3, Article 8, Sections 65450 through 65457) authorizes cities and counties to adopt Specific Plans either by resolution as policy or by ordinance as regulation. When adopted by resolution, the Specific plan expands upon the broad policy direction of the general plan by further defining goals and objectives for a precise area with the intention of implementing that policy. Adoption by resolution is common when no existing zoning ordinance or other code is amended. When adopted by ordinance, the customized development regulations and guidelines of the Specific Plan supplement the municipal code and in effect become the zoning for the area.

Ordinance No. 2124, adopted by the Ontario City Council on March 16, 1981, allows for the creation, adoption and implementation of Specific Plans within the City.

2.2 Relationship to the Ontario General Plan

This is a regulatory Specific Plan. It serves as zoning for the property involved. Development plans, site plans and tentative parcel maps or tract maps in this area must be consistent with this Specific Plan. If a development agreement is sought, it must also be found to be consistent with the General Plan and this Specific Plan. Implementation of **The Exchange** carries out each of the commercial and industrial goals, principles and standards contained in the General Plan in an orderly and attractive fashion.

2.3 Relationship to Ontario Development Code, Standards, Policies and Other Requirements

Any standards or land use proposals not specifically covered by this plan are subject to the regulations of the City of Ontario Zoning Ordinance and Standard Specifications and Drawings of the City of Ontario. Unless otherwise specifically approved in this Specific Plan, all off-site improvements are subject to the City of Ontario policies and standards in effect at the time of submittal of improvement plans. Whenever there is a conflict between this Specific Plan and the Development Code requirements, the more stringent standard shall apply.

All construction within **The Exchange** shall be in compliance with the Uniform Building Code, Uniform Fire code and all other ordinances adopted by the City pertaining to construction and safety features. All other City standards and policies shall apply at the time of submittal.

2.4 Nuisance Factors

All nuisance factors associated with the implementation of the Specific Plan during construction and operation phases of the project, including the emission of light, glare, noise, dust and smoke, shall be governed in accordance with the mitigation measures from the Ontario Municipal Code and all other applicable codes and laws.

2.5 Definitions

For the purpose of carrying out the intent of this Specific Plan, words, phrases and terms shall be deemed to have the meaning ascribed to them in the following section. In construing the provisions of this text, specific provisions shall supersede general provisions relating to the

same subject. All other definitions shall be as per the Ontario Zoning Ordinance. Terms not defined in the Ontario Zoning Ordinance shall have the meaning ascribed in Webster's Collegiate Dictionary.

The word **"City"** shall refer to the City of Ontario.

The words **"City Council"** shall mean the City Council of the City of Ontario.

The words **"Planning Commission"** shall mean the Planning Commission of the City of Ontario.

The words **"Development Advisory Board"** or **"DAB"** shall mean the Development Advisory Board of the City of Ontario.

The words **"Specific Plan"** shall refer to this Specific Plan for **The Exchange** prepared pursuant to Section 65450 et seq. of the California Government Code and duly adopted by the Ontario City Council.

The words **"The Center", "The Development"** or **"The Exchange"** shall refer to those properties described in the attached Appendix.

The word **"shall"** is mandatory; **"should"** is encouraged, but not mandatory.

The word **"permitted"** means permitted without the requirement for further discretionary permits, but subject to all other applicable regulations.

The words **"acres"** or **"acreage"** shall mean approximate acres.

Administrative and Professional Office: A place of business for the rendering of service or general administration, but excluding retail sales.

Alteration: Any change of copy, color, size, shape, illumination, position, location, construction, or supporting structure of a sign.
Applicant: A person or entity making application for a Site Plan, subdivision map or other land use approval pursuant to the Specific Plan.

Sign Area: The entire face of a sign, including the advertising surface and framing, trim, or molding but not including the supporting structure.

Background Area of Sign: The entire area of a sign within which copy could be placed.

Banner, Flag, Pennant or Balloon: Any cloth, bunting, plastic, paper or similar material used for advertising purposes and attached to, or appended on or from any structure, staff, line, framing, or vehicle. Flags of a nation or of the State of California, when displayed in the appropriate manner, are exempt from these regulations.

Building Elevation: The total area of the building's elevation, excluding the area of the roof.

Building Height: The vertical distance measured from the finished hard surface or ground surface at the base of and directly adjacent to, a building to the top of the building's parapet or, in the case of a sloped roof, the highest point of its roof. On flat roofed structures, the building height does not include the height of mechanical penthouses or screens.

Building Site: A legally created parcel, which is to be improved in conjunction with a detailed site plan.

Business Park: An area used for industrial, support services and offices which is planned and maintained as a unit, wherein the development of any property and the conducting of any permitted use is subject to site development standards which include setback regulations and the installation and maintenance of common areas, parking, lighting, landscaping and screening.

Collector Street: Those minor roadways constructed as a part of **The Exchange** which have the minimum design characteristics shown on the adopted City of Ontario Master Plan of Streets and Highways.

Community Facility: A noncommercial use established primarily for the benefit and enjoyment of the population of the community in which it is located.

Comprehensive Sign Program: A voluntary alternative to the standards set forth in this manual for the application and review of large-scale sign programs. It is intended to provide additional standards relative to color materials, location and design.

Construction Sign: A temporary sign stating the name of the future site occupancy and may include the name, address and telephone number and businesses directly related to the construction project.

Development: Hospitality, commercial, industrial, retail or other construction, together with the land upon which the buildings or structures are constructed.

Development Intensity: The gross square footage of commercial or industrial buildings permitted on a given Planning Area.

Development Standards Committee (DSC): A Property Owners Association special committee responsible for reviewing and approving development plans as well as interpreting, reviewing and approving all proposed signage within **The Exchange** as documented in the Planned Sign Program. Final approval and permitting is under jurisdiction of the City of Ontario.

Directional Sign: A directional sign located within a complex boundary designed to direct vehicular traffic to a particular business or function.

Ground Sign: A sign supported by one or more uprights, poles, posts or braces placed on or upon the ground, which are not a part of, or attached to a building. This definition includes the terms: monument signs," "pylon signs," "free-standing signs," and "pole signs."

Height of Sign: The greatest vertical distance measured from the natural ground level directly beneath the sign or the grade to the top of the sign.

Identification Sign: A sign which serves to identify only the name, address, and lawful use of the activity to which it relates and which sets forth no other advertisement.

Illegal Sign: any sign placed without proper approval as required by **The Exchange** Specific Plan or permits required by the City of Ontario at the time said sign was placed.

Illuminated Sign: A sign, which has an artificial source of light. This definition shall include any sign containing electric wiring or any sign with an indirect light source.

Industrial Park: An area utilized for industrial manufacturing and support services, planned as a unit, pursuant to the standards contained in this Specific Plan.

Joint Use (of parking): The shared use of off-street parking facilities by more than one type of land use. The same parking spaces are counted to satisfy the off-street parking requirements of more than one land use when it can be demonstrated that the peak parking demands for each use vary and the total number of parking spaces will meet the total parking demand at all times.

Local Street: Those minor roadways constructed as a part of **The Exchange** which have the minimum design characteristics shown on the adopted City of Ontario Master Plan of Streets and Highways.

Master Plan: A master conceptual site plan indicating the intended uses for the Center.

Planning Area: A combination of multiple building sites demarcated by principal street or similar boundaries and which also contains similar land uses, as shown on Exhibit 3.1-A.

Planning Area Plan: A master conceptual site plan for a Planning Area or combination of Planning Areas prepared according to this document.

Principal Street: Those major thoroughfares bordering The Center, specifically Fourth Street and Inland Empire Boulevard.

Property Owners Association (POA): Refers to those Property Owners Association(s) as are established by CC&Rs for specific properties within **The Exchange** (such associations are formed pursuant to the non-profit mutual benefit corporation law of the state of California), and includes successors and assigns, who shall enforce compliance to all sign regulations set forth in this document.

Real Estate Sign: Any temporary sign indicating that the premises on which the sign is located, or any portion thereof, is for sale, lease, or rent.

Retail: The selling of goods, wares, or merchandise directly to the ultimate consumer.

Roof Sign: Any sign erected above a building parapet or between the lowest and highest points thereof.

Sign: Any device for visual communication or attraction including any announcement, declaration, demonstration, display, illustration, insignia or symbol used to advertise or promote the interest of any business entity or person; together with all parts, materials, frame, and background.

Site Plan: A precise, dimensioned drawing prepared pursuant to provisions contained within this Specific Plan and the Ontario Zoning Code regarding site plans, development plans and design concept reviews, indicating intended use for a parcel or building site, including the location and extent of building area, parking area, landscaping, recreation and open space areas, including exterior boundary dimensions, a legal description and summary of proposed uses. A site plan may also contain other data deemed important by the City Planner for review purposes.

Site Plan Review: The process, as outlined in this Specific Plan and the Ontario Zoning Code, deals with DAB review and approval of site plans, development plans, and design concept reviews, all submitted in accord with this Specific Plan.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the roof above.

Wall Sign: A sign attached to or erected on the exterior wall of a building or structure with the exposed face of the sign in a plane approximately parallel to the plane of the exterior wall.

2.6 Severability

If any term, provision, condition or requirement of this Specific Plan shall be haled invalid or unenforceable, the remainder of this specific Plan or the application of such term, provision, condition, or requirement to circumstances other than those in which it is held invalid or unenforceable shall not be affected thereby; and each term, provision, condition or requirement of the Specific Plan shall be valid and enforceable to the fullest extent permitted by law.