



## 6.0 Development Regulations

### 6.1 INTRODUCTION

The provisions contained herein will regulate design and development within the Subarea 29 Specific Plan. The regulations contained herein provide for the development of all land use categories with development regulations established for residential uses, commercial uses, parks and recreation, and landscaping.

### 6.2 DEFINITION OF TERMS

The meaning and construction of words, phrases, titles, and terms shall be the same as provided in the City of Ontario Development Code Article 2, "Definitions," unless otherwise specifically provided herein.

### 6.3 APPLICABILITY

The development regulations contained herein provide specific standards for land use development within the Subarea 29 Specific Plan. Regulations address residential, commercial, and parks and recreation land uses. General landscaping regulations are also provided. Application of the following regulations is intended to encourage the most appropriate use of the land, ensure the highest quality of development, and protect the public health, safety, and general welfare. The adoption of the Subarea 29 Specific Plan by ordinance, supersedes otherwise applicable City of Ontario zoning regulations unless stated herein to the contrary. Whenever the provisions and development standards contained herein conflict with those contained in the City of Ontario Development Code, the provisions of the Subarea 29 Specific Plan shall take precedence. Where the Specific Plan is silent, City codes shall apply. These regulations shall reinforce specific site planning, architectural design, and landscape design guidelines contained in *Chapter 7, Residential Design Guidelines*, and *Chapter 8, Commercial Design Guidelines*, of the Specific Plan.

### 6.4 ADMINISTRATION

The Specific Plan is adopted by ordinance and will serve as the implementation tool for the General Plan as well as the zoning for the site. The Specific Plan Development Regulations address general provisions, permitted uses, and development standards for the project.

### 6.5 METHODS AND INTERPRETATION

Development within the Specific Plan shall be implemented through the approval by the City of Ontario of parcel maps, tract maps, and

development permits. The administration process described herein provides the mechanisms for review and approval of development projects within the project, consistent with the Specific Plan objectives.

### 6.6 GENERAL SITE DEVELOPMENT CRITERIA

The following general site development criteria shall apply to all land development proposed in the Specific Plan.

- ♦ Gross Acres-Except as otherwise indicated, gross acres for all development areas are measured to the centerline of streets;
- ♦ Grading-Development within the site shall utilize grading techniques as approved by the City of Ontario. Grading concepts shall respond to the grading design included in this Specific Plan which guide the development of land use toward the goal of providing for a livable community with streets and entries designed for walking and resident interaction;
- ♦ Building Modification-Additions shall match the architectural style of the primary unit and shall be constructed of the same materials and colors as the primary unit;
- ♦ Utilities-All new and existing public utility distribution lines of 66 kV or less shall be subsurface throughout the planned community;
- ♦ Technology-All homes and businesses shall accommodate the most modern technology for computer internet access, phone, fax, and television. Broadband fiber optics cable will be installed on all peripheral streets per the approved Broadband Master Plan;
- ♦ Density-The Specific Plan Land Use Plan allocates a total number of units to each residential neighborhood as indicated in the "Land Use Summaries" Tables 1 and 1b, included in Section 4, Land Use, of the Specific Plan. Variations in the number and type of dwelling units within each residential neighborhood may occur at the time of final design of the neighborhood, depending upon the residential product identified for development. Increases in allocation of residential units up to a maximum of fifteen (15) percent are permitted among the residential neighborhoods within the Specific Plan, provided the total number of units established for the Specific Plan area is not exceeded; and
- ♦ Maximum Number of Dwelling Units-The maximum number of dwelling units permitted within the Subarea 29 Specific Plan shall be 2,293 dwelling units, as set forth in the *Specific Plan Land Use Summaries*. The maximum number of residential dwelling units permitted within Park Place shall be 1,249 dwelling units. The maximum number of residential dwelling units permitted within



Richland Communities, Inc. controlled properties shall be 936 dwelling units. The maximum number of residential dwelling units permitted within Brookfield Homes controlled property shall be 108 dwelling units.

- ✦ The measurement of the width of the lots on curvilinear streets shall be taken from the front and rear setback lines. The front setback lines shall be displayed by dotted lines or by plotting the footprint of the dwelling unit.
- ✦ Buildings or parts of buildings, in particular roof overhangs, shall not encroach into the 3-foot building setback from the property line.

## 6.7 IMPLEMENTATION

- ✦ Development proposals within the project site shall be subject to the implementation procedures established herein. The provisions and development standards contained herein supercede those contained in the City of Ontario Development Code. However, where the development standards are silent, the City's Development Code shall apply;
- ✦ Severability - If any portion of these regulations is declared to be invalid or ineffective in whole or in part, such decision shall not affect the validity of the remaining portions thereof. The legislative body hereby declares that they would have enacted these regulations and each portion thereof irrespective of the fact that any one or more portions be declared invalid or ineffective;
- ✦ Unless otherwise provided, any ambiguity concerning the content or application of the Specific Plan shall be resolved by the Planning Director or his/her designee, hereinafter referred to as Director, in a manner consistent with the goals, policies, purpose, and intent established in this Specific Plan; and
- ✦ Any major deviation from the design guidelines within the Specific Plan shall require a Specific Plan Amendment. The Director shall determine whether a proposed change constitutes a major deviation.

## 6.8 DEVELOPMENT PERMIT

All development projects within the Specific Plan shall be subject to the Development Plan Review Process as established in Article 8: Development Plan Review, City of Ontario Development Code. Adoption of the Specific Plan by the City includes adoption of the design guidelines contained within the Specific Plan. Where the Specific Plan design guidelines are silent, the applicant's design guidelines contained within the City's Development Code shall apply. The design guidelines are intended to be flexible in nature while establishing basic evaluation criteria for the review by the City of developer projects during design review.

Pursuant to these provisions, the Development Permit process constitutes a design review of project architecture, site plans, and landscape plans. All development project applications shall include a landscape and irrigation plan describing plant materials and their growth habits, plant size and spacing, methods of irrigation and landscaping maintenance, site plans, architectural elevations, floor plans, grading plans, and other requirements as specified by the City. Development permits will be approved with conditions of approval.

## 6.9 SUBDIVISION MAPS

Approval of the Tentative Tract Map(s) and Parcel Maps will create legal lots for development. All Tentative Tract Maps and Parcel Maps will be reviewed and approved pursuant to applicable provisions of the City of Ontario Subdivision Ordinance and consistent with the applicable provisions contained within this Specific Plan.

## 6.10 SPECIFIC PLAN MODIFICATIONS AND AMENDMENTS

### 6.10.1 Minor Modifications

The following constitute minor modifications to the Specific Plan, not requiring a Specific Plan Amendment, and are subject to review and approval by the Zoning Administrator. The Zoning Administrator shall have the discretion to refer any such request for modification to the Planning Commission or the City Council.

- ✦ Change in utility and/or public service provider;
- ✦ An increase of more than fifteen (15) percent to the number of units within an individual neighborhood, provided the total number of units for the entire Specific Plan areas does not exceed that established in the approved Specific Plan;
- ✦ Adjustment of a neighborhood boundary, provided the total acreage of the affected area does not increase or decrease by more than fifteen (15) percent of the total acreage stated in the approved Specific Plan;
- ✦ Minor changes to the design guidelines, which are intended to be conceptual in nature only, and are intended to be flexible in implementation; and
- ✦ Other modifications of a similar nature to those listed above, which are deemed minor by the Director, which are in keeping with the purpose and intent of the approved Specific Plan and which are in conformance with the General Plan.



## 6.10.2 Specific Plan Amendments

Amendments to the Specific Plan may be requested by the applicant or by the City at any time pursuant to Section 65433(a) of the Government Code. Amendments shall be processed pursuant to the provisions of the Government Code for Specific Plan Amendments. In the event the proposed amendment requires supplemental environmental analysis pursuant to the California Environmental Quality Act (CEQA), the applicant(s) will be responsible for preparing the necessary CEQA documentation.

## 6.11 APPEALS

Appeals from any determination of the Zoning Administrator shall be made to the Planning Commission. The applicant(s) or any other entity shall have the right to appeal the decision of the Planning Commission on any determination. Appeals shall be submitted by filing an application on forms provided by the City of Ontario within ten (10) days following the final date of action for which an appeal is made. Appeals shall be processed consistent with the provisions of Article 5, "Appeals" of the City of Ontario Development Code.

## 6.12 PROJECT FINANCING

Construction and maintenance of public improvements and facilities to serve the Specific Plan will be financed through a combination of financing mechanisms including the use of public and private funds. In order for the project to be fiscally self-sufficient the following options can be considered for implementation:

### ***Maintenance***

A lighting and landscape district can be implemented in order to defray the costs associated with street maintenance and street light costs.

### ***Facilities and Services***

A variety of other financing options can be considered by the City of Ontario for financing facilities and services to be provided within the Specific Plan to include:

- ✦ Establishment of a Mello-Roos Community Facilities District, which enables governmental entities to finance public infrastructure on a tax-exempt basis;
- ✦ Special assessment districts;
- ✦ Benefit assessment financing for improvements such as storm drains and street lighting; and
- ✦ Integrated financing districts such as landowner assessments that are contingent upon development.

City Council approval is required for the establishment of all special district financing mechanisms. Establishment of a district would enable the City to levy a special tax and to issue bonds for the financing of improvements and/or services. Among the facilities that potentially could be financed are flood control, drainage, utilities, street improvements, and other infrastructure and related facilities. The district provisions for those services would cover all phases, including planning, design, acquisition, construction, operations, and maintenance. These assessments would only affect the Subarea 29 Specific Plan area, and the debt service incurred by these assessments would be paid by landowners or homeowners within the Specific Plan area.

## 6.13 MAINTENANCE RESPONSIBILITIES

The public and private improvements constructed within the Specific Plan area will be maintained through a combination of public and private entities as described below and in *Table 4, Maintenance Responsibilities*. During the course of maintenance of public utilities (including storm drain) within private and public streets, the City will pave the streets and restore landscaping per City standards. Restoration of any enhancements above and beyond City standards, including but not limited to architectural, hardscaping, and landscaping enhancements shall be the responsibility of the HOA or other entity maintaining those enhancements. This applies to all areas where public utilities are located including but not limited to public and private streets, gated communities, alleys, etc.

### 6.13.1 Public Maintenance

Water, recycled water, and sewer utilities may be designated as "public utilities" if located within public or private streets. All public utilities within private streets shall be designed and constructed per City standards and contained within acceptable easements. The CC&RS shall contain language that requires all proposed work by the HOA within said easements to be plan checked and inspected by the City, including applicable fees. Generally, utilities will not be accepted as public within alleys, parking areas or driveways. Utilities within commercial and industrial parking lots and loading areas shall be designated as private. The extent to which said utilities would be accepted as public utilities shall be determined, at the full discretion of the City, during final design plan review. Refer to *Table 4, Maintenance Responsibilities*.



**Table 3—MAINTENANCE RESPONSIBILITIES**

	City CFD	Private Homeowners Association (HOA)	Private (Homeowner, Commercial/Property Owners)	Utility Entity
Master Plan Roadways (Archibald Avenue, Merrill Avenue, Bellegrave Avenue, Haven Avenue)	X			
Interior Project Streets ( curb to curb Primary Entry Street, Secondary Entry Streets, Neighborhood Streets)	X			
Parkways and Neighborhood Edges of Master Plan Roadways and Entry Streets (curb to perimeter walls including landscape, sidewalks, trees)	X			
Parkways of Local Streets (landscaping, sidewalks, trees) <sup>(1)</sup>		X		
Interior Tract Graffiti Removal		X		
Private Recreation Areas		X		
Monument Signs (within Neighborhood edges on Master Plan Roadways)	X			
Monument Signs within tract entry		X		
Traffic Signals/Street Lights	X			
Traffic Control Signs (Public)	X			
Traffic Control Signs (Private)		X		
Public Roadways	X			
Lanes (Private Alleys)		X		
Driveways and Parking Areas Serving Commercial			X	
Community Trail (SCE Corridor Trail)	X			
Off-site and on-site water, sewer, and storm drain improvements (excluding laterals) <sup>(2)</sup>	X			
Neighborhood Parks	X			
Pocket Parks		X		
Paseos		X		
Front Yard/Corner Streetside Landscaping Areas			X	
Private Interior Yard Walls			X	
Landscaped Common Areas		X		
Private Exclusive Use Landscaped Areas			X	
Community Theme Wall and Entry Monuments on Master Planned Roadways (outside face for graffiti removal and paint)	X			
Community Theme Wall and Entry Monuments on Master Planned Roadways: Surface (interior) opposite streetside (structural integrity and face repairs)		X		
Lane (Private Alley) Landscaping and Lighting		X		
Electricity				X
Natural Gas				X
Communication Systems	X			X
Police	X			
Fire	X			
NPDES Facilities (On-site)/W.Q.M.P. <sup>(2)</sup>	X			
Interim Detention Basin		X		
NPDES Facilities (On-site) in Public Right-of-Way		X		
NPDES Facilities on Arterial Streets (Off-site)	X			

1. Including restoration work following public street repairs.
2. Only those facilities in the public right-of-way and/or easements.



### 6.13.2 Homeowner Association

Refer to *Table 4, Maintenance Responsibilities*.

## 6.14 Residential Development Standards

### 6.14.1 Residential Detached

#### **General**

This category includes the development of all single-family detached dwelling units. The purpose of the residential standards for single-family detached housing is to establish the minimum criteria for the development of these product types on individual lots within the neighborhoods specified within the Subarea 29 Specific Plan. Further residential design guidelines are in Chapter 7.0.

#### **Permitted Uses**

- † Public or private parks, recreational buildings, newsstands, coffee concessions, and sales of grocery items, greenbelts, or open space.
- † Accessory uses to include the following:
- † Garages (minimum 2-car);
- † Granny Flats (i.e. Second Dwelling Units, in accordance with the City's Zoning Code;
- † Home occupations;
- † Swimming pools, spas, sports courts, and other similar outdoor recreational amenities;
- † Patios and patio covers;
- † Storage, garden structures, cabanas, and greenhouses;
- † Monument signage;
- † Temporary uses such as model home and subdivision sales trailers; temporary construction parking, offices, and facilities; real estate signs, signage indicating future development and directional signage with the approval of a Temporary Use Permit; and
- † Second story additions to existing single story dwelling units.

#### **Conditionally Permitted Uses**

- † Places of worship including but not limited to churches and synagogues; and
- † Child care facilities/day care facilities.

## 6.15 NEIGHBORHOOD SERVING COMMERCIAL LAND USE DEVELOPMENT STANDARDS

#### **General**

This section sets forth the development regulations for development of commercial land uses within the Specific Plan.

#### **Permitted Uses**

- † Bakery (Retail);
- † Barber Shop and Beauty/Nail Salon;
- † Book Stores;
- † Camera and Photographic Supply Stores;
- † Clothing and Accessory Stores;
- † Convenience Market;
- † Delicatessen;
- † Dry Cleaner;
- † Florist;
- † Jewelry and Watches/Clocks;
- † Laundry – Self-Service;
- † Locksmith/Key Shop;
- † Police Storefront/Sub-Station;
- † Satellite Dishes/Ham Radio Antennas (private use);
- † Shoe Repair;
- † Specialty Food Stores;
- † Tailor; and
- † Travel Agency

#### **Conditionally Permitted Uses**

- † Alcoholic Beverage Sales;
- † Commercial Day Care Facility (including Adult Day Care);
- † Banks, Credit Unions and Other Depository Institutions;
- † Church;
- † Money Transmitting;
- † Other Financial Services;
- † Police/Fire Station;
- † Recreation Center; and
- † Senior Citizen Center



**Table 4—NEIGHBORHOOD SERVICE COMMERCIAL SITE DEVELOPMENT STANDARDS**

<i>Planning Area 2</i>	
<i>Minimum Parcel Area</i>	N/A
<i>Minimum Lot Size</i>	Shall be large enough to accommodate the proposed use and meet all Development Standards as specified within the Specific Plan. Minimum site area shall be 7 acres; however, the site area may be less when developed as part of an integrated commercial center.
<i>Maximum Development Floor Area Ratio</i>	.35
<i>Minimum Building Setbacks</i> <sup>(1)(2)</sup>	
♦ From Public Street Property Lines	20'
♦ From Private Street Property Lines	15'
♦ From Interior Property Lines	0'
♦ From Haven Avenue Right-of-Way	14'
♦ From Archibald Avenue Right-of-Way	19'
♦ From Eucalyptus Avenue Right-of-Way	
♦ From Private or Local Street	15'
♦ From Interior Property Line	0'
♦ From Interior Property Line Adjacent to Residential District	25'
<i>Parking &amp; Drive Aisle Setbacks</i>	
♦ From Public Arterial Streets	25'
♦ From Private Streets & Drive Aisles to Bldgs.	10'
♦ From Interior Property Line	5'
♦ From Rear Property Line	5'
♦ From Haven Avenue Right-of-Way	14'
♦ From Archibald Avenue Right-of-Way	19'
♦ From Merrill Avenue Right-of-Way	N/A
♦ From Private or Local Street	10'
♦ From Interior Property Line	5'
♦ From Interior Property Line Adjacent to Residential District	5'
<i>Minimum Landscape Coverage</i>	15%
<i>Maximum Building Height</i>	
♦ Main Structure	35'



**Table 4—NEIGHBORHOOD SERVICE COMMERCIAL SITE DEVELOPMENT STANDARDS CONTINUED**

<i>Architectural Projections and Focal Elements such as Towers, Cupolas, and other<sup>(3)</sup></i>	55'
<i>Porte-Cocheres<sup>(4)</sup></i>	1 story
<i>Other Development Regulations</i>	Per Article 16, City of Ontario Dev. Code.
♦ Walls, Fences & Hedges	Per Article 16, City of Ontario Dev. Code. When a non-residential use adjoins a residential district, a 6-foot high masonry wall shall be required at the interior side or rear property lines.
♦ Parking	Per Article 30, City of Ontario Dev. Code.
♦ Screening	All loading areas shall be screened from adjacent public streets, residential, and open space uses through the use of landscaping, earthen berms, decorative walls, or fencing. All storage, including cartons, containers, materials, or trash shall be shielded from view within a building or area enclosed by a solid fence or wall not less than 6' in height
	All roof-mounted equipment, including but not limited to, mechanical equipment, satellite dishes, tanks, ducts, towers, and all equipment appurtenant thereto, shall be screened on all sides from public view from the street adjoining properties, and neighboring residential units, by a parapet wall, decorative enclosure, or other architectural element. Equipment screening shall appear as an integral part of the building architecture.
♦ Lighting	All interior and exterior lighting shall be directed away from residential and open space uses.

1. All setbacks areas shall be landscaped.
2. All setbacks are measured to habitable area not architectural appurtenance or projection. An architectural projection is defined as an element that articulates the building elevation such as eaves, window and door pop-out surrounds, bay windows, pot shelves, chimneys, enhanced window sills, shutter detail, window trim, and balconies, and other similar elements. Such elements may project a max. of 3' into setback areas. Building setbacks shall be determined by the hierarchy of streets (major arterial and local streets) and measured from PL for local streets and RW for major arterials.
3. Architectural element only, not to be used for signage, subject to Planning Director approval. Within commercial areas, towers and vertical projections are limited in size to 10% of the total building square footage.
4. Porte-Cocheres shall be open on three sides.



### ***Determination of Use***

Uses not specifically listed may be deemed permitted subject to a “determination of Use” as provided for in Section 9-1.1310 of the City of Ontario Development Code.

### ***Design Guidelines***

Prior to the approval of the first site development permit and/or parcel map within the Community Commercial land use area, a detailed set of design guidelines for the area shall be submitted by the developer and approved by the City. These guidelines shall be compatible with the residential architectural styles in this Specific Plan and discretion of the City.

## **6.16 LANDSCAPE STANDARDS**

### **6.16.1 General Provisions**

- ♦ All landscape plans, streetscape plans and graphic designs which create neighborhood identity or enhance entry monuments shall conform to the design guidelines and regulations as set forth herein and shall be subject to review and approval by the City of Ontario;
- ♦ The landscape/streetscape improvements for the Specific Plan shall establish a landscape theme reminiscent of the regional landscape character of the surrounding area;
- ♦ Installation of landscaping within the front yards of single-family detached housing products will be provided by the home builder. Front yard landscaping shall be installed prior to Certificate of Occupancy;
- ♦ Installation of landscaping in residential areas of Park Place may be provided by the home builder, based on future landscape plans submitted to the City during site plan review; and
- ♦ Installation of landscaping within the commercial area of the Specific Plan will be provided by the developer/builder.
- ♦ All loading areas shall be screened from adjacent public streets, residential, and open space use through the use of landscaping, earthen berms, and/or decorative walls or fencing. All storage including cartons, containers, materials, or trash shall be shielded from view within a building or area enclosed by a solid fence or wall not less than six feet in height.

### **6.16.2 Landscape Standards**

- ♦ Landscaping within the Specific Plan shall be provided in accordance with the Design Guidelines for Streetscapes and

Entries utilizing plant materials specified on the Plant Palette included in *Chapter 7, Residential Design Guidelines, and Chapter 8, Commercial Design Guidelines*, established for the Specific Plan;

- ♦ Boundary landscaping will be required adjacent to residential, commercial, park, and school areas. Landscaping shall generally be placed along the entire property line;
- ♦ Landscaping and irrigation systems within the public rights-of-way of the Specific Plan area shall be installed by the developer;
- ♦ Freestanding perimeter walls and view fencing shall be provided within and at the perimeter of the project as specified in the *Wall and Fence Master Plan, Chapter 7, Residential Design Guidelines*. Such walls and fences will be constructed concurrently with the construction of improvements required for development of the neighborhoods of the Specific Plan;
- ♦ Walls and Fencing—Perimeter walls shall be constructed in locations and of a design consistent with the Residential Design Guidelines and the Wall and Fence Master Plan, and Wall Details, provided in Chapter 7, Residential Design Guidelines, and shall not exceed six feet (6) in height from finished grade. Perimeter walls may exceed six feet (6) in height if required for sound attenuation. Perimeter walls shall be constructed of either decorative masonry (both sides) or other permanent, durable, low maintenance material subject to approval by the City;
- ♦ Residential—Side and rear yard walls and fencing shall not exceed six (6) feet in height from the highest adjacent finished grade. Walls and fencing within the residential front yard setback area shall not exceed three feet (3) in height. Walls shall be decorative masonry construction (both sides) or other permanent low maintenance materials. Front yard fences may be constructed of attractive, durable materials, including, but not limited to, wrought iron with pilasters, textured concrete block, formed concrete with reveals, or other materials approved by the Planning Director. View fencing may be of a decorative wrought iron, glass panels, or other durable material subject to approval by the City;
- ♦ All perimeter wall and fence materials throughout the Specific Plan will be of uniform manufacture with colors specified for the overall design theme;
- ♦ All interior walls (both sides) that are visible from the public street shall be constructed of attractive, durable materials, including, but not limited to, wrought iron with pilasters, textured concrete block, formed concrete with reveals, or other materials approved



by the Planning Director. Colors shall be consistent with the colors specified for the overall design theme and shall be decoratively capped. Decorative all-weather vinyl fencing is not permitted in the Specific Plan area;

- ✦ The developer will provide site inspection of all construction and installation of open space areas in accordance with City of Ontario requirements;
- ✦ Parking lot landscaping within commercial areas shall be required in accordance with Section 9-1.3040 of the City's Development Code; and
- ✦ Non-toxic and non-invasive vegetation shall be utilized adjacent to all public open space areas.

### 6.17 SIGNAGE

A Master Sign Program shall be submitted by the developer(s) of each land use component for the Specific Plan and approved by the City of Ontario pursuant to Article 31 of the City's Development Code to address residential project entries, residential neighborhood identification signs, commercial center identification, tenant signage, and "way-finding" signs within the Specific Plan area. All other signs shall be subject to the approval of a sign permit pursuant to the City's Development Code.

#### 6.17.1 Master Sign Program Contents

All sign programs shall address, at a minimum, the following:

- ✦ Permitted signs;
- ✦ Prohibited signs;
- ✦ The hierarchy of signage; and
- ✦ Definition of types of signs.
- ✦ Locations and dimensions for monument signs, neighborhood identification signs, and public facilities signs;
- ✦ Locations and dimensions of directional signage;
- ✦ Provision for size, location, and duration of display of temporary signs;
- ✦ Permitted sign types, styles, construction materials, colors, and lettering styles;
- ✦ Requirements for a sign permit application;
- ✦ Procedures for obtaining approval of a sign permit; and
- ✦ Procedures for amendments to the sign program.

### 6.18 PRIVATE RECREATIONAL FACILITIES

This category includes the development of all private recreation facilities and is subject to the Development Permit process contained herein.