

Article 13: Land Use and Special Requirements

Sections:

- 9-1.1300: Permitted, Conditional and Ancillary Land Uses – All Zoning Districts
- 9-1.1305: Special Requirements for Certain Permitted and Conditional Uses
- 9-1.1310: Determination of Use

Sec. 9-1.1300: Permitted, Conditional and Ancillary Land Uses – All Zoning Districts

- A. Land and facilities thereon shall only be developed, divided and/or used for those activities listed in Table 13-1 (Permitted, Conditional and Ancillary Land Uses – All Zoning Districts). Table 13-1 establishes uses that are permitted, conditionally permitted, not permitted or allowed as an ancillary use in association with a permitted or conditionally permitted use, within each zoning district established by Article 12 (Zoning Districts and Boundaries). A use that is not specifically allowed by Table 13-1 shall be deemed a prohibited use unless otherwise allowed by the Zoning Administrator in accordance with the provisions contained in § 9-1.1310 (Determination of Use) of this chapter.
- B. No land use shall be permitted that is not consistent with the objectives, policies, general land uses and programs specified in the General Plan. A land use is consistent with the General Plan if, considering all of its aspects, it is found to further the objectives and policies of the General Plan. Appeals of consistency determinations shall be as provided in Article 5 (Appeals) of this chapter.
- C. The land uses addressed in Table 13-1 are organized as follows:

AGRICULTURAL USES

- Agricultural Services
- Agricultural waste management facilities
- Animal hospitals/veterinarians
- Animal keeping
- Calf growing ranches
- Dairy and milk production
- Household pets
- Kennels and catteries
- Rodeos
- Stables
- Trade of livestock

RESIDENTIAL USES

- Caretaker units
- Guest houses
- Home occupations
- Live/work developments
- Mixed-use developments
- Mobile home parks
- Mobile/manufactured home
- Multiple family dwellings
- Second and senior second dwellings
- Senior citizen housing
- Single family dwellings
- Transitional shelter housing

INSTITUTIONAL USES

- Educational facilities
- Health care facilities
- Public services

Religious facilities
Non-profit/service organizations
Utilities

COMMERCIAL USES

Communications
Eating and drinking places and food services
Entertainment and recreation facilities
Lodging facilities
Motor vehicle services
Offices
Retail
Services

INDUSTRIAL USES

Construction
Industrial retail sales
Light industrial
Manufacturing
Transportation and warehousing
Wholesale trade

TEMPORARY AND INTERIM USES

Temporary alcoholic beverage sales
Temporary subdivision sales offices
Street fairs
Other temporary uses

D. The symbols shown in Table 13-1 have the following meanings:

1. "P" means that the use is permitted by right of being in the proper zoning district, subject to the provisions applicable to that district and any special criteria that have been established for the particular use
2. "C" means that the use is conditionally permitted, subject to the filing of a Conditional Use Permit (CUP) in accordance with the provisions established in Article (Conditional Use Permits) of this chapter, which must be granted by the Zoning Administrator or Planning Commission before the use is established within a particular zoning district.
3. "A" means that the use is an ancillary use that is permitted by right of being in the proper zoning district, provided the use is subordinate to a primary permitted or conditionally permitted use of the property.
4. "AP" means that the use is permitted by right of being in the proper zoning district, provided that the use first obtains an administrative permit issued by the Planning Department.
5. "U" means refer to the underlying zoning district to determine if the use is allowed. All special use requirements that are applicable to the underlying zoning district shall be complied with.
6. "---" means that the use is expressly prohibited within the specified zoning district.

Table 13-1: Permitted, Conditional, and Ancillary Land Uses – All Zoning Districts

Zoning Categories:

<u>Residential Zoning Districts</u>				<u>Commercial & Professional Zoning Districts</u>				<u>Industrial Zoning Districts</u>				<u>Other Zoning Districts</u>			
AR:	Agricultural-Residential	AP:	Administrative Professional	M1:	Limited Industrial	AG:	Agricultural Overlay								
RE:	Residential Estate Residential	NC:	Neighborhood Commercial	M2:	Industrial Park	PF:	Public Facilities								
R1:	Single Family Dwelling Residential	C1:	Shopping Center Commercial	M3:	General Industrial	OS:	Open Space								
R1.5:	Low-Medium Density Residential	C2:	Central Business District Commercial												
R2:	Medium Residential	C3:	Commercial Service												
R3:	High Density Residential	C4:	Airport Related Services												
MH:	Mobile Home Park	EA:	Euclid Avenue Overlay District												

Use Legend:
 P: Permitted use C: Conditional use permit required A: Ancillary use AP: Administrative permit required U: Refer to underlying zoning district ---: Prohibited

Uses	Zoning Districts																				Additional Regulations
	Residential Districts							Professional and Commercial Districts							Industrial Districts			Other Districts			
	AR	RE	R1	R1.5	R2	R3	MH	AP	NC	C1	C2	C3	C4	EA	M1	M2	M3	AG	PF	OS	

AGRICULTURAL USES

A. Accessory farm structures, including barns, stables storage tanks and other farming-related buildings	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	
B. Agricultural services																						
1. Agricultural support services	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	Note 1
2. Commercial growing establishments (row, field, tree and crop production)	C	C	---	---	---	---	---	---	---	P	P	P	P	---	P	P	P	P	P	P	See § 9-1.1305; Commercial growing establishments	
3. Feed and fuel yards	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---		
4. Mushroom farms (without use of manure)			---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---		
5. Plant nurseries																						
(i) Wholesale	P	C	---	---	---	---	---	---	---	P	---	P	---	---	P	P	P	P	P	P		
(ii) Retail	---	---	---	---	---	---	---	---	---	P	C	P	---	---				P				
6. Produce stands (sale of product grown on-site)	C	C	---	---	---	---	---	---	---	P	---	P	P	---	P	P	P	A	P	P	See § 9-1.1305; Produce stands	
C. Agricultural waste management facilities (in accordance with applicable local, state and federal laws)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---		
D. Animal hospitals/veterinarians	C	---	---	---	---	---	---	---	---	P	P	P	---	---	P	---	---	C	---	---		
E. Animal keeping																					See § 9-1.1305; Animal keeping and related uses	
1. Apiary	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---		
2. Aviary																						
(i) Less than 25 birds	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---		

Use Legend:
 P: Permitted use C: Conditional use permit required A: Ancillary use AP: Administrative permit required U: Refer to underlying zoning district ---: Prohibited

Uses	Zoning Districts																				Additional Regulations	
	Residential Districts							Professional and Commercial Districts							Industrial Districts			Other Districts				
	AR	RE	R1	R1.5	R2	R3	MH	AP	NC	C1	C2	C3	C4	EA	M1	M2	M3	AG	PF	OS		
(ii) 25 to 100 birds	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	
3. Cattle/buffalo	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	
4. Horses	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	
5. Llamas, burros, donkeys	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	
6. Ostriches, emus and rheas	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	
7. Poultry and fowl	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	
8. Rabbits and chinchillas	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	
9. Swine	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	
10. Sheep, goats and similar livestock	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	
F. Calf growing ranches	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	Note 1 and see § 9-1.1305; Animal keeping and related uses
G. Commercial poultry ranches	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
H. Commercial hog ranches	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
I. Dairy and milk production	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	See § 9-1.1305; Animal keeping and related uses
J. Household pets (3 or fewer animals)	A	A	A	A	A	A	A	---	---	---	---	---	---	U	---	---	---	---	---	---	---	See § 9-1.1305; Animal keeping and related uses
K. Kennels and catteries (4 or more animals)																						Note 3
1. Up to 8 animals	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	
2. More than 8 animals	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	C	P	C	---	---	
L. Rodeos	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	
M. Stables (commercial)	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	
N. Trade of livestock	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	

RESIDENTIAL USES

A. Accessory structures, including guesthouses, garages, carports, garden and tool sheds, and other ancillary buildings and structures	A/C	A/C	A/C	A/C	A/C	A/C	---	---	---	---	---	---	---	U	---	---	---	A	---	---	See § 9-1.1440.A and § 9-1.1305; Residential accessory structures
B. Caretaker quarters	---	---	---	---	---	---	---	---	---	---	---	A/C	---	U	A/C	A/C	A/C	A	---	A/C	See § 9-1.1305; Caretaker quarters
C. Home occupations	P	P	P	P	P	P	P	---	---	---	---	---	---	U	---	---	---	P	---	---	See § 9-1.1305; Home occupations
D. Live/work developments	---	---	---	---	---	---	---	---	---	---	---	---	---	U	---	---	---	---	---	---	---
E. Mixed-use developments (commercial developments incorporating multiple family dwellings)	---	---	---	---	---	---	---	---	---	C	P	C	---	U	---	---	---	---	---	---	See § 9-1.1635.A (Mixed Use Developments)

Use Legend:
 P: Permitted use C: Conditional use permit required A: Ancillary use AP: Administrative permit required U: Refer to underlying zoning district ---: Prohibited

Uses	Zoning Districts																				Additional Regulations
	Residential Districts							Professional and Commercial Districts							Industrial Districts			Other Districts			
	AR	RE	R1	R1.5	R2	R3	MH	AP	NC	C1	C2	C3	C4	EA	M1	M2	M3	AG	PF	OS	
F. Mobile home parks	---	---	---	---	---	---	P	---	---	---	---	---	---	---	---	---	---	---	---	---	
G. Multiple family dwellings	---	---	---	P	P	P	---	---	---	---	---	---	---	U	---	---	---	---	---	---	
H. Second and senior second (granny flats) dwellings (only allowed within Community Planning Areas 3, 4 and 9, on a lot containing a single family dwelling,)	P	P	P	P	P	---	---	---	---	---	---	---	---	U	---	---	---	P	---	---	See § 9-1.1440.A
I. Senior citizen housing	---	---	---	---	C	C	---	---	---	C	P	C	---	---	---	---	---	---	---	---	Note 10
J. Single family dwellings (one unit per lot)	P	P	P	P	P	P	---	---	P	---	---	---	---	---	---	---	---	P	---	---	Note 2
K. Transitional shelter housing	---	---	---	---	C	C	---	---	---	---	C	C	---	---	C	C	C	---	C	---	See § 9-1.1305; Transitional shelter housing

INSTITUTIONAL USES

A. Educational facilities																					
1. Schools: grades K through 12																					
(i) Private	C	C	C	C	C	C	---	---	C	C	C	C	C	---	---	---	---	C	---	---	
(ii) Public	P	P	P	P	P	P	---	---	P	P	P	P	P	---	---	---	---	P	P	---	
2. Universities/Colleges																					
(i) Private	C	C	C	C	C	C	---	C	---	C	C	C	C	---	---	---	---	C	C	---	
(ii) Public	P	P	P	P	P	P	---	P	---	P	P	P	P	---	---	---	---	P	P	---	
3. Vocational/trade schools	---	---	---	---	---	---	---	C	---	C	C	C	C	---	C	C	C	---	---	---	
B. Healthcare facilities																					
1. Ambulance service	---	---	---	---	---	---	---	---	---	C	C	C	---	---	C	C	C	---	---	---	
2. Assisted living/congregate care facilities	---	---	---	---	C	C	---	---	---	C	---	C	---	---	---	---	---	C	---	---	See § 9-1.1305; Congregate care facilities
3. Convalescent care facilities (with continuous skilled nursing care)	---	---	---	---	C	C	---	---	---	---	C	C	---	---	---	---	---	---	---	---	
4. Health care offices & clinics, including medical, dental, psychiatry/psychology, acupuncture, chiropractic, physical therapy and other similar therapeutic offices and clinics, substance abuse clinics, and other related health and support facilities	---	---	---	---	---	---	---	C		P	C	P	P	C	---	---	---	---	---	---	Notes 7 and 8
5. Hospitals	---	---	---	---	---	---	---	---	---	---	C	C	---	---	---	---	---	---	---	---	
6. Industrial clinics	---	---	---	---	---	---	---	C	---	P	C	P	---	---	P	P	P	---	---	---	
7. Medical marijuana dispensary (Ordinance No. 2858)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
C. Public services																					
1. Convention center	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	---	P	---	
2. Cultural facilities																					

Use Legend:
 P: Permitted use C: Conditional use permit required A: Ancillary use AP: Administrative permit required U: Refer to underlying zoning district ---: Prohibited

Uses	Zoning Districts																			Additional Regulations	
	Residential Districts							Professional and Commercial Districts						Industrial Districts			Other Districts				
	AR	RE	R1	R1.5	R2	R3	MH	AP	NC	C1	C2	C3	C4	EA	M1	M2	M3	AG	PF		OS
(i) Cultural facility	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	---	---	P	C	
(ii) Exhibit hall	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---	---	P		
(iii) Museum	---	---	C	C	C	C	---	---	---	P	P	P	P	---	---	C	---	---	P	P	
(iv) Zoos, aquariums, planetariums and botanical gardens	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	P	C	
3. Public facilities																					
(i) Government offices	---	---	---	---	---	---	---	P	---	P	P	P	P	U	---	---	---	---	P	---	
(ii) Libraries	---	---	C	C	C	C	---	---	---	P	P	P	P	U	---	---	---	---	P	---	
(iii) Maintenance and storage yards	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	---	P	---	
(iv) Other government facilities	---	---	---	---	---	---	---	---	---	C	C	C	P	U	C	C	C	---	P	---	
(v) Parks and recreation facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	U	P	P	P	P	P	P	
(vi) Police and fire stations	C	C	C	C	C	C	C	C	C	P	P	P	C	U	P	P	P	---	P	---	
(vii) Police storefront facilities and substations	P	P	P	P	P	P	P	P	P	P	P	P	P	U	P	P	P	P	P	P	
D. Religious facilities																					
1. Religious assembly/places of worship	C	C	C	C	C	C	---	C	C	C	C	C	C	U	C	C	---	C	---	---	
2. Monasteries, convent or similar religious quarters	---	---	---	---	C	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
E. Non-profit/service organizations(501(c)(3))																					
1. Campaign offices	---	---	---	---	---	---	---	P	---	P	P	P	P	U	---	---	---	---	---	---	
2. Charitable distribution services (i.e. food banks, etc.)	---	---	---	---	---	---	---	---	---	---	---	C		---	C	C	C	---	---	---	See § 9-1.1305; Non-profit social service uses
3. Charitable, philanthropic, service and other non-profit organization offices	---	---	---	---	---	---	---	P		P	P	P	P	U	---	---	A	---	---	---	See § 9-1.1305; Non-profit social service uses
F. Utilities																					
1. Power plant (less than 100 MW - natural gas only)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	
2. Public utility/service structure	C	C	C	C	C	C	C	C	C	C	C	C	C	U	C	C	C	---	C	C	
3. Public utility office	---	---	---	---	---	---	---	P	---	P	P	P	---	U	C	C	C	---	---	---	
4. Sewage systems (waste water treatment facilities)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	
5. Solid waste management (collection and transfer facilities)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	
6. Water systems (water wells, water storage, treatment and filtration facilities)	C	C	C	C	C	C	C	C	C	C	C	C	C	U	C	C	C	C	C	C	

Use Legend:
 P: Permitted use C: Conditional use permit required A: Ancillary use AP: Administrative permit required U: Refer to underlying zoning district ---: Prohibited

Uses	Zoning Districts																				Additional Regulations
	Residential Districts							Professional and Commercial Districts							Industrial Districts			Other Districts			
	AR	RE	R1	R1.5	R2	R3	MH	AP	NC	C1	C2	C3	C4	EA	M1	M2	M3	AG	PF	OS	

COMMERCIAL USES

A. Communications																					
1. Antennas and wireless telecommunications facilities	---	---	P/C	P/C	P/C	P/C	---	---	---	P/C	See § 9-1.3289 (Antennas and Wireless Telecommunications Facilities)										
2. Radio and television broadcasting studios	---	---	---	---	---	---	---	---	---	C	C	P	---	---	P	P	P	---	---	---	
3. Recording and sound studios	---	---	---	---	---	---	---	---	---	C	P	P	---	---	P	P	P	---	---	---	
4. Satellite dishes/ham radio antennas and other facilities (for private use only)	P	P	P	P	P	P	P	P	P	P	P	P	P	---	P	P	P	P	P	P	
B. Eating and drinking places, and food services																					
1. Alcoholic beverage sales for consumption on the premises (includes all retailer's on-sale licenses issued by the State of California Department of Alcoholic Beverage Control)	---	---	---	---	---	---	---	C	C	C	C	C	C	U	C	C	C	---	---	C	
2. Banquet facilities	---	---	---	---	---	---	---	---	A	A/C	A/C	A	A	U	A	A	A	---	---	A	
3. Bars/cocktail lounges	---	---	---	---	---	---	---	---	---	C	C	C	C	---	---	---	---	---	---	C	
4. Catering establishments	---	---	---	---	---	---	---	---	---	P	P	P	P	C	P	P	---	---	---	---	
5. Restaurants																					
(i) Fast and specialty food restaurants	---	---	---	---	---	---	---	---	---	P/C	P/C	P/C	P/C	U	P/C	P/C	P/C	---	---	---	See § 9-1.1305; Drive-thru facilities
(ii) Full service (sit down) restaurants	---	---	---	---	---	---	---	---	P	P	P	P	P	U	P	P	P	---	---	C	
C. Entertainment and recreation facilities																					
1. Adult-oriented businesses	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	See § 9-1.1305; Adult businesses
2. Amusement parks	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	C	---	---	C	
3. Athletic fields	---	---	---	---	---	---	---	---	---	---	---	---	C	U	---	C	C	---	P	P	
4. Auditoriums and other public assembly facilities	---	---	---	---	---	---	---	---	---	C	C	P	P	U	---	---	---	---	P	C	
5. Batting cages – Indoor	---	---	---	---	---	---	---	---	---	---	---	P	---	U	---	P	P	---	---	P	
6. Batting cages – Outdoor	---	---	---	---	---	---	---	---	---	---	---	C	---	U	---	P	P	---	---	P	
7. Billiard parlors and pool halls	---	---	---	---	---	---	---	---	---	C	C	C	---	U	---	---	---	---	---	---	
8. Bowling alley	---	---	---	---	---	---	---	---	---	C	C	C	---	U	---	---	---	---	---	---	
9. Dance studios (instructional)	---	---	---	---	---	---	---	---	---	P	P	P	---	U	P	---	---	---	---	---	Note 6
10. Golf courses	C	C	C	C	C	C	---	---	---	C	---	C	---	U	---	C	C	---	C	C	
11. Golf driving ranges	---	---	---	---	---	---	---	---	---	C	---	C	C	U	---	C	C	---	C	C	
12. Health club and gymnasiums																					
(i) Less than 2,000 sq. ft.	---	---	---	---	---	---	---	P	---	P	P	P	P	U	P	P	P	---	---	---	

Use Legend:
 P: Permitted use C: Conditional use permit required A: Ancillary use AP: Administrative permit required U: Refer to underlying zoning district ---: Prohibited

Uses	Zoning Districts																				Additional Regulations
	Residential Districts							Professional and Commercial Districts							Industrial Districts			Other Districts			
	AR	RE	R1	R1.5	R2	R3	MH	AP	NC	C1	C2	C3	C4	EA	M1	M2	M3	AG	PF	OS	
(ii) 2,000 or more SF	---	---	---	---	---	---	---	P	---	---	C	P	P	U	C	C	C	---	---	C	
13. Live entertainment and dancing	---	---	---	---	---	---	---	---	---	C	C	C	C	U	C	C	C	---	---	---	
14. Miniature golf courses	---	---	---	---	---	---	---	---	---	---	---	C		U	---	---	C	---	---	---	
15. Motion picture theaters	---	---	---	---	---	---	---	---	---	---	C	C	P	U	---	---	---	---	---	---	
16. Motocross and off-road racing and riding facilities	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	See § 9-1.1305; Motocross, mini-bike and similar recreational vehicle courses
17. Recreational facilities (as part of a residential Development)	A	A	A	A	A	A	A	---	---	A	A	A	---	U	---	---	---	---	---	---	
18. Simulated racing (go carts, slick track, dragsters, radio controlled vehicles, etc.)	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	
19. Simulated shooting games – Indoor (Laser tag, etc.)	---	---	---	---	---	---	---	---	---	C	C	C	---	U	---	---	---	---	---	---	
20. Shooting range	---	---	---	---	---	---	---	---	---	---	---	---	---	U	---	C	C	---	---	---	
21. Skate park	---	---	---	---	---	---	---	---	---	---	---	C	---	U	---	C	C	---	---	P	
22. Skating rinks	---	---	---	---	---	---	---	---	---	C	C	C	---	U	---	C	C	---	---	---	
23. Stadiums and sports arenas	---	---	---	---	---	---	---	---	---	---	---	C	---	U	---	---	---	---	---	---	
24. Tennis and swim clubs	C	C	C	C	C	C	---	---	---	C	---	C	---	U	---	---	---	---	---	---	
25. Theaters	---	---	---	---	---	---	---	---	---	---	C	C	C	U	---	---	---	---	---	---	
26. Video/electronic game arcades, cyber cafes, and on-line and internet gaming facilities	---	---	---	---	---	---	---	---	---	C	C	C	---	U	---	---	---	---	---	---	See § 9-1.1305; Video, pinball and electronic game arcades, cyber cafes, and on-line and internet gaming facilities
D. Lodging facilities																					
1. Bed and breakfast inns	C	C	C	C	P	P	---	C	---	C	C	---	---	U	---	---	---	---	---	---	See § 9-1.1305; Bed and breakfast inn establishments
2. Boarding, lodging or rooming houses	AP	AP	AP	AP	AP	AP	---	---	---	---	---	---	---	U	---	---	---	AP	---	---	See § 9-1.1305; Boarding, lodging or rooming houses
3. Hotels/motels	---	---	---	---	---	---	---	---	---	---	C	---	C	U	---	---	---	---	---	---	See § 9-1.1305; Hotels, motels, apartment hotels and residence inns
4. Residence inns	---	---	---	---	---	---	---	---	---	---	---	---	C	U	---	---	---	---	---	---	See § 9-1.1305; Hotels, motels, apartment hotels and residence inns
5. Recreational vehicle parks and campgrounds	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	

Use Legend:
 P: Permitted use C: Conditional use permit required A: Ancillary use AP: Administrative permit required U: Refer to underlying zoning district ---: Prohibited

Uses	Zoning Districts																				Additional Regulations
	Residential Districts							Professional and Commercial Districts							Industrial Districts			Other Districts			
	AR	RE	R1	R1.5	R2	R3	MH	AP	NC	C1	C2	C3	C4	EA	M1	M2	M3	AG	PF	OS	
6. Single room occupancy (SRO) facilities	---	---	---	---	---	---	---	---	---	---	C	C	C	U	---	---	---	---	---	---	See § 9-1.1305; Single room occupancy (SRO) hotels
E. Motor vehicle services																					
1. Auctions—Automobiles, light trucks, vans, motorcycles and boats	---	---	---	---	---	---	---	---	---	---	---	C	C	---	---	C	---	---	---	---	
2. Automated fueling facilities	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	C	P	---	---	---	See § 9-1.1305; Automated fueling facilities
3. Body, paint and customization shops—Automobiles, light trucks, vans, motorcycles and boats																					
(i) Body and paint work and major customization	---	---	---	---	---	---	---	---	---	---	---	C	---	---	C	C	P	---	---	---	
(ii) Minor customization work involving the replacement or addition of parts only (cutting, welding, body and paint work, custom fabrication and similar activities are not permitted)	---	---	---	---	---	---	---	---	---	---	---	P	---	---	P	P	P	---	---	---	
4. Body, paint and customization shops—Trucks, buses, motorhomes and similarly large vehicles	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	P	---	---	---	
5. Fueling stations	---	---	---	---	---	---	---	C	---	C	C	C	C	---	P	P	P	---	---	---	See § 9-1.1305; Motor vehicle fueling stations
6. Mobile motor vehicle repair/services																					
(i) Mobile body and paint repair services	---	---	---	---	---	---	---	---	---	---	---	P	---	---	P	P	P	---	---	---	See § 9-1.1305—Mobile motor vehicle body and paint repair services
(ii) Mobile washing, cleaning and detailing services	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
(iii) Mobile glass installation	---	---	---	---	---	---	---	---	---	---	---	P	P	---	P	P	P	---	---	---	See § 9-1.1305—Mobile motor vehicle glass repair and replacement services
(iv) All other mobile repair services	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
7. Motor vehicle storage																					
(i) Indoor	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	---	---	---	
(ii) Outdoor—operable vehicles (with screening)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	P	---	---	---	
(iii) Outdoor—inoperable vehicles (with screening)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	C	---	---	---	
8. Parking—commercial lot/garage	---	---	---	---	---	---	---	P	---	---	C	C	C	U	C	---	---	---	---	---	
9. Parking—interim airport lot	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	See § 9-1.1305; Interim Off-Airport Parking Lots
10. Parts and accessories sales	---	---	---	---	---	---	---	---	---	P	---	P	---	---	---	---	---	---	---	---	

Use Legend:
 P: Permitted use C: Conditional use permit required A: Ancillary use AP: Administrative permit required U: Refer to underlying zoning district ---: Prohibited

Uses	Zoning Districts																				Additional Regulations
	Residential Districts							Professional and Commercial Districts							Industrial Districts			Other Districts			
	AR	RE	R1	R1.5	R2	R3	MH	AP	NC	C1	C2	C3	C4	EA	M1	M2	M3	AG	PF	OS	
11. Repair and servicing—Automobiles, light trucks, vans, motorcycles and boats																					
(i) Servicing, including tune-up, emissions testing, battery replacement oil change, etc. No use of impact wrenches or other equipment that could create noise impacts)	---	---	---	---	---	---	---	---	---	C	---	P	C	---	P	P	P	---	---	---	
(ii) Minor repair, including brakes, tires, radiators, electrical, etc.	---	---	---	---	---	---	---	---	---	---	---	P	C	---	P	P	P	---	---	---	
(iii) Major repair, including engine and transmission repair and rebuilding, etc.	---	---	---	---	---	---	---	---	---	---	---	C	---	---	C	C	P	---	---	---	
12. Repair and servicing—Trucks, buses, motorhomes and similarly large vehicles	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	---	---	---	
13. Retail sales, leasing and rental																					
(i) Automobiles, light trucks, vans, motorcycles and recreational vehicles	---	---	---	---	---	---	---	---	---	---	---	P	C	---	---	C	---	---	---	---	See § 9-1.1305; Sales, leasing and rentals
(ii) Trucks, buses and similarly large vehicles	---	---	---	---	---	---	---	---	---	---	---	C	---	---	P	P	P	---	---	---	
14. Tire stores	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	---	
15. Towing service (no on-site storage of towed vehicles permitted)	---	---	---	---	---	---	---	---	---	---	---	P	---	---	P	P	P	---	---	---	
16. Upholstery shops	---	---	---	---	---	---	---	---	---	---	---	P	---	---	P	P	P	---	---	---	
17. Washing, cleaning and detailing																					
(i) Automobiles, light trucks and vans (includes full-service and self-service facilities)	---	---	---	---	---	---	---	---	A	A	A	A/C	A	---	A	A	A	---	---	---	See § 9-1.1305; Motor vehicle washing, cleaning and detailing facilities
(ii) Trucks, buses and similarly large vehicles	---	---	---	---	---	---	---	---	---	---	---	C	---	---	A/C	A/C	P	---	---	---	See § 9-1.1305; Motor vehicle washing, cleaning and detailing facilities
F. Offices (administrative, professional and other offices)	---	---	---	---	---	---	---	P	A	P	P	P	P	U	A	A	A	A	---	---	Note 11
G. Retail trade																					
1. Building materials, garden equipment and supplies, and home improvement warehouse stores [NAICS 444]																					
(i) Stores without outdoor storage	---	---	---	---	---	---	---	---	---	P	C	P	---	---	---	---	---	---	---	---	
(ii) Stores with outdoor storage	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	
2. Clothing and clothing accessories stores [NAICS 448]																					
(i) Clothing stores	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	---	---	---	---	
(ii) Jewelry stores	---	---	---	---	---	---	---	---	---	P	P	P	P	U	---	---	---	---	---	---	

Use Legend:
 P: Permitted use C: Conditional use permit required A: Ancillary use AP: Administrative permit required U: Refer to underlying zoning district ---: Prohibited

Uses	Zoning Districts																				Additional Regulations
	Residential Districts							Professional and Commercial Districts							Industrial Districts			Other Districts			
	AR	RE	R1	R1.5	R2	R3	MH	AP	NC	C1	C2	C3	C4	EA	M1	M2	M3	AG	PF	OS	
(iii) Luggage and leather goods	---	---	---	---	---	---	---	---	---	P	P	P	P	U	---	---	---	---	---	---	
(iv) Shoe stores	---	---	---	---	---	---	---	---	---	P	P	P	P	U	---	---	---	---	---	---	
3. Electronics and appliance stores [NAICS 443]																					
(i) Appliance, television and other electronics stores	---	---	---	---	---	---	---	---	---	P	C	P	---	---	---	---	---	---	---	---	
(ii) Camera and photographic supplies stores	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	---	---	---	---	
(iii) Computer and software stores	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	---	---	---	---	
4. Food and beverage stores [NAICS 445]																					
(i) Alcoholic beverage sales for consumption off the premises (includes all retailer's off-sale licenses issued by the State of California Department of Alcoholic Beverage Control)	---	---	---	---	---	---	---	C	C	C	C	C	C	U	C	C	C	---	---	C	
(ii) Certified farmers' markets	---	---	---	---	---	---	---	---	---	---	C	C	---	U	---	---	---	---	---	---	
(iii) Convenience stores	---	---	---	---	---	---	---	---	P	P	P	P	---	---	P	P	P	---	---	---	
(iv) Grocery stores	---	---	---	---	---	---	---	---	---	P	C	P	---	---	---	---	---	---	---	---	
(v) Specialty food stores	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	---	---	---	---	
5. Furniture and home furnishings stores [NAICS 442]																					
6. General merchandise stores [NAICS 452]																					
(i) Department and variety stores	---	---	---	---	---	---	---	---	---	---	C	P	---	---	---	---	---	---	---	---	
(ii) Discount stores	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	---	
(iii) Indoor swap meets	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	
(iv) Warehouse and club/membership stores	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	---	
7. Health and personal care stores [NAICS 446]																					
(i) Cosmetics and beauty supplies stores	---	---	---	---	---	---	---	---	---	P	P	P	---	U	---	---	---	---	---	---	
(ii) Optical goods	---	---	---	---	---	---	---	---	---	P	P	P	---	U	---	---	---	---	---	---	
(iii) Pharmacies and drug stores	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
(a) With drive-thru facilities	---	---	---	---	---	---	---	---	---	P/C	---	P/C	P/C	U	---	---	---	---	---	---	
(b) Without drive-thru facilities	---	---	---	---	---	---	---	P	P	P	P	P	P	U	---	---	---	---	---	---	
8. Miscellaneous retail stores [NAICS 453]																					
(i) Antique stores	---	---	---	---	---	---	---	---	---	P	P	P	---	U	---	---	---	---	---	---	
(ii) Art galleries and dealers, and art supply stores	---	---	---	---	---	---	---	P	---	P	P	P	---	U	---	---	---	---	---	---	
(iii) Florists	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	---	---	---	---	
(iv) Gift and novelty stores	---	---	---	---	---	---	---	---	---	P	P	P	---	U	---	---	---	---	---	---	
(v) Hookah and smoking lounges, and similar facilities	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
(vi) Office supplies and stationery stores	---	---	---	---	---	---	---	---	---	P	P	P	P	U	---	---	---	---	---	---	

Use Legend:
 P: Permitted use C: Conditional use permit required A: Ancillary use AP: Administrative permit required U: Refer to underlying zoning district ---: Prohibited

Uses	Zoning Districts																				Additional Regulations
	Residential Districts							Professional and Commercial Districts							Industrial Districts			Other Districts			
	AR	RE	R1	R1.5	R2	R3	MH	AP	NC	C1	C2	C3	C4	EA	M1	M2	M3	AG	PF	OS	
(vii) Pawnbrokers/pawnshops	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	
(viii) Pet and pet supply stores	---	---	---	---	---	---	---	---	---	P	P	P	---	---	---	---	---	---	---	---	
(ix) Postal products, supplies and services	---	---	---	---	---	---	---	---	---	P	P	P	P	U	---	---	---	---	---	---	
(x) Tobacco products stores (excluding hookah bars, smoking lounges and similar facilities)	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	---	---	---	---	
(xi) Used merchandise (thrift and second hand) stores	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	---	
9. Non-store retailers— <i>electronic shopping and mail-order houses</i> [NAICS 454]	---	---	---	---	---	---	---	---	---	---	---	P	---	---	P	P	P	---	---	---	
10. Outdoor sales, displays and activities (permanent)	---	---	---	---	---	---	---	---	---	---	C	C	---	U	---	---	---	---	---	---	
11. Sporting goods, hobby, book and music stores [NAICS 451]																					
(i) Book stores	---	---	---	---	---	---	---	P	P	P	P	P	P	U	---	---	---	---	---	---	
(ii) Guns and ammunition stores	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	---	---	---	---	
(iii) Hobby, toy and game stores	---	---	---	---	---	---	---	---	---	P	P	P	---	---	---	---	---	---	---	---	
(iv) Music and video stores	---	---	---	---	---	---	---	---	---	P	P	P	P	U	---	---	---	---	---	---	
(v) Sporting goods stores	---	---	---	---	---	---	---	---	---	P	P	P	P	U	---	---	---	---	---	---	
H. Services																					
1. Business services																					
(i) Advertising agencies	---	---	---	---	---	---	---	P	---	P	P	P	P	U	P	---	---	---	---	---	
(ii) Data processing services	---	---	---	---	---	---	---	C	---	---	---	---	---	U	P	P	P	---	---	---	
(iii) Exterminating services	---	---	---	---	---	---	---	---	---	---	---	C	---	U	C	C	P	---	---	---	
(iv) Equipment sales and rentals	---	---	---	---	---	---	---	---	---	---	---	C	---	U	C	C	C	---	---	---	
(v) Photocopying printing and duplicating services	---	---	---	---	---	---	---	P	---	P	P	P	P	U	P	P	P	---	---	---	
(vi) Photography studios	---	---	---	---	---	---	---	P	---	P	P	P	P	U	---	---	---	---	---	---	
2. Financial services																					
(i) Banks, credit unions and other depository institutions																					
(ii) Without drive-thru facilities	---	---	---	---	---	---	---	P	C	P	P	P	P	U	---	---	---	---	---	---	
(iii) With drive-thru facilities	---	---	---	---	---	---	---	C	---	P	C	P	P	U	---	---	---	---	---	---	
(iv) Check cashing	---	---	---	---	---	---	---	---	---	A	A	A/C	A/C	U	---	---	---	---	---	---	
(v) Payday advances	---	---	---	---	---	---	---	---	---	---	---	C	C	U	---	---	---	---	---	---	
(vi) Money transmitting	---	---	---	---	---	---	---	P	C	P	---	P	P	U	---	---	---	---	---	---	
(vii) Other financial services	---	---	---	---	---	---	---	P	C	P	---	P	P	U	---	---	---	---	---	---	

Use Legend:
 P: Permitted use C: Conditional use permit required A: Ancillary use AP: Administrative permit required U: Refer to underlying zoning district ---: Prohibited

Uses	Zoning Districts																				Additional Regulations		
	Residential Districts							Professional and Commercial Districts							Industrial Districts			Other Districts					
	AR	RE	R1	R1.5	R2	R3	MH	AP	NC	C1	C2	C3	C4	EA	M1	M2	M3	AG	PF	OS			
3. Personal services																							
(i) Barber shop and beauty/nail salons	---	---	---	---	---	---	---	---	P	P	P	P	P	U	---	---	---	---	---	---	---		
(ii) Cemeteries and mausoleums	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C		
(iii) Dry cleaners	---	---	---	---	---	---	---	---	P	P	P	P	P	U	---	---	---	---	---	---	---		
(iv) Funeral parlors and mortuaries	---	---	---	---	---	---	---	---	---	---	C	P	---	U	---	---	---	---	---	---	---		
(v) Laundries—commercial	---	---	---	---	---	---	---	---	---	---	---	P	---	U	P	P	P	---	---	---	---		
(vi) Laundries—self-serve	---	---	---	---	---	---	---	---	P	P	---	P	P	U	---	---	---	---	---	---	---		
(vii) Massage Services	---	---	---	---	---	---	---	---	P	P	P	P	P	U	---	---	---	---	---	---	---	See § 9-1.1305; Massage establishments and services	
(viii) Pet grooming	---	---	---	---	---	---	---	---	---	C	---	P	---	U	---	---	---	---	---	---	---		
(ix) Public/self storage	---	---	---	---	---	---	---	---	---	C	---	C	---	U	P	P	P	---	---	---	---		
(x) Tailors	---	---	---	---	---	---	---	---	P	P	P	P	P	U	---	---	---	---	---	---	---		
(xi) Tattoo and body piercing	---	---	---	---	---	---	---	---	---	---	---	C	---	U	---	---	---	---	---	---	---		
(xii) Taxidermy	---	---	---	---	---	---	---	---	---	---	---	---	---	U	---	P	---	---	---	---	---	See § 9-1.1305; Taxidermy	
(xiii) Travel agencies (ticket sales and trip planning services)	---	---	---	---	---	---	---	P	P	C	P	P	P	U	---	---	---	---	---	---	---		
4. Repair services																							
(i) Computers, home electronics and small home appliances (toaster, iron, etc.)	---	---	---	---	---	---	---	---	---	P	A	P	A	U	P	P	P	---	---	---	---		
(ii) Electrical equipment	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	---	---	---	---		
(iii) Furniture refinishing	---	---	---	---	---	---	---	---	---	---	---	---	---	U	P	P	P	---	---	---	---		
(iv) Furniture re-upholstery	---	---	---	---	---	---	---	---	---	---	A	C	---	U	P	P	P	---	---	---	---		
(v) Home appliances—Large (washer, stove, refrigerator, etc.)	---	---	---	---	---	---	---	---	---	---	---	C	---	---	P	P	P	---	---	---	---		
(vi) Jewelry and watches/clocks	---	---	---	---	---	---	---	P	P	P	P	P	---	U	---	---	---	---	---	---	---		
(vii) Lawnmower and garden equipment	---	---	---	---	---	---	---	---	---	---	---	C	---	U	P	P	P	---	---	---	---		
(viii) Locksmith/key shops	---	---	---	---	---	---	---	---	P	P	P	P	---	U	---	---	---	---	---	---	---		
(ix) Shoe repair	---	---	---	---	---	---	---	---	P	P	P	P	P	U	---	---	---	---	---	---	---		
5. Social assistance services																							
(i) Child care																							
(a) Child day care centers (more than 14 children)	C	C	C	C	C	C	C	C	C	C	C	C	C	U	C	C	---	---	---	---	---	See § 9-1.1305; Child care facilities	
(b) Family child day care																							
(1) Large family (7 to 14 children)	P	P	P	P	C	C	---	---	C	C	C	C	C	U	---	---	---	---	---	---	---		
(2) Small family (8 or fewer children)	P	P	P	P	P	P	---	---	P	---	---	---	---	U	---	---	---	---	---	---	---		

Use Legend:
 P: Permitted use C: Conditional use permit required A: Ancillary use AP: Administrative permit required U: Refer to underlying zoning district ---: Prohibited

Uses	Zoning Districts																				Additional Regulations
	Residential Districts							Professional and Commercial Districts							Industrial Districts			Other Districts			
	AR	RE	R1	R1.5	R2	R3	MH	AP	NC	C1	C2	C3	C4	EA	M1	M2	M3	AG	PF	OS	
(ii) Children's residential facilities (group homes, small family homes (SFH), foster family homes (FFH) and transitional shelter care facilities)																					
(a) 6 or fewer children	P	P	P	P	P	P	---	---	P	---	---	---	---	U	---	---	---	---	---	---	Note 9
(b) More than 6 children	---	---	---	---	C	C	---	---	C	---	---	---	---	U	---	---	---	---	---	---	
(iii) Adult and elderly residential facilities (adult day programs, adult residential facilities (ARF), residential care facilities for the elderly (RCFE) and social rehabilitation facilities)																					
(a) 6 or fewer adults	P	P	P	P	P	P	---	---	---	---	---	---	---	U	---	---	---	---	---	---	
(b) More than 6 adults	---	---	---	---	C	C	---	---	---	C	---	C	---	U	---	---	---	---	---	---	

INDUSTRIAL USES

A. Construction																					
1. Contract construction service office																					
(i) Office only	---	---	---	---	---	---	---	---	---	---	---	---	---	U	P	P	P	---	---	---	
(ii) Equipment and/or material storage yard	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	P	---	---	---	
2. Sandblasting and beadblasting	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	
B. Hazardous waste collection facilities, excepting household hazardous waste facilities	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	---	C	---	
C. Hazardous waste facilities																					
1. Cement kiln incinerator	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
2. Class I disposal facilities	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
3. Class II disposal facilities	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
4. Class III disposal facilities	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	
5. Deep well injection	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
6. Hazardous waste landfill	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
7. Incinerator	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
8. Land disposal facility	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
9. Land farming	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
10. Off-site hazardous waste facility	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
11. On-site hazardous waste facility	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	---	C	---	
12. Residuals repository	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
13. Specified hazardous waste facility	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
14. Storage facility, limited to storage of hazardous waste generated in the City of Ontario	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	---	C	---	

See Article 28 (Hazardous Waste (HW) Overlay District)

Use Legend:
 P: Permitted use C: Conditional use permit required A: Ancillary use AP: Administrative permit required U: Refer to underlying zoning district ---: Prohibited

Uses	Zoning Districts																			Additional Regulations
	Residential Districts							Professional and Commercial Districts							Industrial Districts			Other Districts		
	AR	RE	R1	R1.5	R2	R3	MH	AP	NC	C1	C2	C3	C4	EA	M1	M2	M3	AG	PF	
15. Surface impoundment	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
16. Transportable treatment unit	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
17. Treatment facility, limited to treatment of hazardous waste generated in the City of Ontario	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	---	C	---
18. Transfer station, limited to the transfer of hazardous waste generated in the City of Ontario	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	---	C	---
19. Waste pile	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
D. Household hazardous waste collection facilities	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	P	---
E. Industrial retail sales (retail of goods and/or product either manufactured, warehoused or wholesaled on-site)																				
1. Maximum 15% of building floor area or 8,000 sq-ft, whichever is less)	---	---	---	---	---	---	---	---	---	---	---	---	---	U	A	A	A	---	---	---
2. Over 8,000 Sq. ft. or 15%	---	---	---	---	---	---	---	---	---	---	---	---	---	U	C	C	C	---	---	---
F. Light Industrial																				
1. Recyclable material salvage facilities	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---
2. Recycling collection facilities																				See § 9-1.1305; Recycling facilities
(i) Small (500 sq-ft or less in area)	---	---	---	---	---	---	---	---	---	C	---	C	---	---	P	---	P	---	P	---
(ii) Large (greater than 500 sq-ft in area)	---	---	---	---	---	---	---	---	---	---	---	C	---	---	P	---	P	---	---	---
3. Recycling processing facilities	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---
4. Research and development services/laboratories [NAICS 541710]	---	---	---	---	---	---	---	---	---	---	---	---	---	U	---	P	P	---	---	---
G. Manufacturing [NAICS 31 through 33]																				
1. Apparel manufacturing [NAICS 315]	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	---	---	---
2. Beverage and tobacco product manufacturing [NAICS 312]	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---
3. Chemical manufacturing [NAICS 325]																				
(i) Basic chemical manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---
(ii) Paint, coating and adhesive manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---
(iii) Pesticides, fertilizer and other agricultural chemical manufacturing																				
(a) Fertilizer manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	---	---

Use Legend:
 P: Permitted use C: Conditional use permit required A: Ancillary use AP: Administrative permit required U: Refer to underlying zoning district ---: Prohibited

Uses	Zoning Districts																				Additional Regulations
	Residential Districts							Professional and Commercial Districts							Industrial Districts			Other Districts			
	AR	RE	R1	R1.5	R2	R3	MH	AP	NC	C1	C2	C3	C4	EA	M1	M2	M3	AG	PF	OS	
(b) Pesticide and other agricultural chemical manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
(iv) Pharmaceutical and medicine manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	---	---	---	---
(v) Other chemical product and preparation manufacturing (printing ink, explosives and all others)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---
(vi) Soap, cleaning compound and related product manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	---	---	---	---
4. Computer and electronic products manufacturing [NAICS 334]	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	---	---	---	---
5. Electrical equipment, appliance and component manufacturing [NAICS 335]																					
(i) Electric lighting equipment	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---
(ii) Household appliances	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---
(iii) Electrical equipment	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---
6. Food manufacturing [NAICS 311]																					
(i) Animal food manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---
(ii) Animal slaughtering and processing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---
(iii) Bakeries and tortilla manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	---	---	---	---
(iv) Dairy product manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---
(v) Fruit and vegetable preserving and specialty food manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---
(vi) Grain and oilseed milling	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---
(vii) Other food manufacturing (snack foods, coffee, tea, syrup, seasoning, dressing, etc.)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---
(viii) Seafood product preparation and packaging	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	---	---	---	---
7. Fabricated metal product manufacturing [NAICS 332]																					
(i) Architectural and structural metals manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---
(ii) Boiler, tank and shipping container manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	---	---	---	---
(iii) Coating engraving, heat treating and allied activities																					
(a) Metal heat treating	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---
(b) Metal coating, engraving and allied services to manufacturers	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---
(c) Electroplating, plating, polishing, anodizing and coloring	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	---	---	---	---
(iv) Cutlery and hand tool manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---

Use Legend:
 P: Permitted use C: Conditional use permit required A: Ancillary use AP: Administrative permit required U: Refer to underlying zoning district ---: Prohibited

Uses	Zoning Districts																				Additional Regulations
	Residential Districts							Professional and Commercial Districts							Industrial Districts			Other Districts			
	AR	RE	R1	R1.5	R2	R3	MH	AP	NC	C1	C2	C3	C4	EA	M1	M2	M3	AG	PF	OS	
(v) Forging and stamping	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	---	---	---	
(vi) Hardware manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	
(vii) Machine shops, turned product and screw, nut and bolt manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	P	---	---	---	
(viii) Other fabricated product manufacturing																					
(a) Metal valve manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	
(b) Other																					
(1) Ammunition manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	---	---	---	
(2) Other ordnance and accessories	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	---	---	---	
8. Furniture and related products manufacturing (includes household and institutional furniture, and kitchen cabinet, office and related products manufacturing) [NAICS 337]																					
(i) Leather and allied products manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	
(ii) Leather and hide tanning and finishing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
(iii) Footwear manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	
(iv) Other leather and allied product manufacturing, including luggage, handbags/purses, personal leather goods and all other leather goods manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	
9. Wood product manufacturing [NAICS 321]																					
(i) Sawmills and wood preservation	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	
(ii) Veneer, plywood and engineered wood product manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	
(iii) Other wood product manufacturing, such as millwork, wood container and palette manufacturing and manufactured home (mobile home) and prefabricated wood structure manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	
10. Machinery manufacturing [NAISC 333]																					
(i) Agriculture, construction and mining machinery manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	
(ii) Industrial machinery manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	
(iii) Commercial and service industry machinery manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	
(iv) Ventilation, heating, air conditioning and commercial refrigeration equipment manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	
(v) Metalworking machinery manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	

Use Legend:
 P: Permitted use C: Conditional use permit required A: Ancillary use AP: Administrative permit required U: Refer to underlying zoning district ---: Prohibited

Uses	Zoning Districts																				Additional Regulations
	Residential Districts							Professional and Commercial Districts							Industrial Districts			Other Districts			
	AR	RE	R1	R1.5	R2	R3	MH	AP	NC	C1	C2	C3	C4	EA	M1	M2	M3	AG	PF	OS	
(vi) Engine, turbine and power transmission equipment manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	
(vii) Other general purpose machinery manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	---	---	---	
11. Miscellaneous manufacturing [NAICS 339]																					
(i) Medical equipment and supplies manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	---	---	---	
(ii) Other miscellaneous manufacturing, such as jewelry and silverware, sporting and athletic goods, office supplies, signs, musical instruments, fasteners, buttons, needles, pins, brooms, brushes, mops and burial caskets	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	---	---	---	
12. Nonmetallic mineral product manufacturing [NAICS 327]																					
(i) Clay product and refractory manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	
(ii) Glass and glass product manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	
(iii) Cement and concrete product manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	
(iv) Lime and gypsum product manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	
(v) Other nonmetallic mineral product manufacturing, such as abrasives, stone products and mineral wool	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	
13. Paper manufacturing [NAICS 332]																					
(i) Pulp, paper and paperboard mills	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	
(ii) Converted paper product manufacturing, such as boxes, bags, stationery products and sanitary paper products	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	---	---	---	
14. Petroleum and coal products manufacturing [NAICS 324], such as refineries; asphalt paving, roofing and saturated materials; grease; and lubricating oils	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	
15. Plastics and rubber product manufacturing (excluding tire manufacturing) [NAICS 326]																					
(i) Plastic products manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	---	---	---	
(ii) Rubber products manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	---	---	---	
16. Printing and related support activities [NAICS 323]	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	---	---	---	
17. Primary metal manufacturing [NAICS 331]																					
(i) Iron and steel mills, and ferroalloy manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	
(ii) Steel product manufacturing from purchased steel	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	
(iii) Alumina and aluminum production and processing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	
(iv) Nonferrous metal production and processing (except aluminum)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	
(v) Foundries	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	

Use Legend:
 P: Permitted use C: Conditional use permit required A: Ancillary use AP: Administrative permit required U: Refer to underlying zoning district ---: Prohibited

Uses	Zoning Districts																				Additional Regulations
	Residential Districts							Professional and Commercial Districts							Industrial Districts			Other Districts			
	AR	RE	R1	R1.5	R2	R3	MH	AP	NC	C1	C2	C3	C4	EA	M1	M2	M3	AG	PF	OS	
18. Textile mills [NAICS 313]																					
(i) Fiber, yarn and thread materials	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---
(ii) Fabric mills	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---
(iii) Textile and fabric finishing, and fabric coating mills	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---
19. Transportation equipment manufacturing [NAICS 336]																					
(i) Motor vehicle manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	---	---	---	
(ii) Motor vehicle body and trailer manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	---	---	---	
(iii) Motor vehicle parts manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	---	---	---	
(iv) Aerospace product and parts manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	---	---	---	
(v) Railroad rolling stock manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	
(vi) Other transportation equipment manufacturing, such as motorcycles, bicycles, military armored vehicles, tanks and tank components	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	---	---	---	
H. Transportation and warehousing [NAICS 48-49]																					
1. Air transportation [NAICS 481]																					
(i) Airport	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	
(ii) Helipad/heliport																					
(a) As primary use	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	C	C	---	---	---	
(b) In conjunction with and incidental to a permitted or conditionally permitted uses	---	---	---	---	---	---	---	C	---	---	C	C	C	---	---	C	C	---	---	---	
2. Couriers & messengers [NAICS 492]																					
(i) Courier services	---	---	---	---	---	---	---	---	---	---	---	P	C	U	P	P	P	---	---	---	
(ii) Local messengers & delivery services	---	---	---	---	---	---	---	---	---	---	---	P	P	U	P	P	P	---	---	---	
3. Postal services [NAICS 491]	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	---	---	---	
4. Rail transportation [NAICS 482]																					
(i) Railroad passenger terminals	---	---	---	---	---	---	---	---	---	---	C	C	C	U	C	C	C	---	---	---	
(ii) Railroad equipment maintenance yards	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	
5. Transit & ground passenger transportation [NAICS 485]																					
(i) Urban transit services	C	C	C	C	C	C	C	C	C	C	C	C	C	U	P	P	P	C	C	---	
(ii) Interurban and rural bus transportation services	---	---	---	---	---	---	---	---	---	---	C	---	C	U	P	P	P	---	---	---	
(iii) Taxi & limousine services	---	---	---	---	---	---	---	---	---	---	---	---	C	---	P	P	P	---	---	---	
(iv) School & employee bus transportation services	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	---	---	---	
(v) Charter bus services	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	---	---	---	
6. Truck transportation [NAICS 484]																					

Use Legend:
 P: Permitted use C: Conditional use permit required A: Ancillary use AP: Administrative permit required U: Refer to underlying zoning district ---: Prohibited

Uses	Zoning Districts																			Additional Regulations
	Residential Districts							Professional and Commercial Districts						Industrial Districts			Other Districts			
	AR	RE	R1	R1.5	R2	R3	MH	AP	NC	C1	C2	C3	C4	EA	M1	M2	M3	AG	PF	
(i) General & specialized freight trucking services (includes local and/or long distance pickup, sorting and terminal operations; line-haul; destination sorting and terminal operations; and local and/or long distance delivery)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---
(ii) Freight forwarding service (truck to truck)	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---
(iii) Truck stops	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---
7. Warehousing and storage [NAICS 493]																				
(i) Within a wholly enclosed building	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	---	---	---
(ii) Outside																				
(a) In conjunction with a permitted or conditionally permitted use	---	---	---	---	---	---	---	---	---	---	---	---	---	---	A	A	A	---	---	---
(b) Primary use of property	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	P	---	---	---
I. Wholesale trade [NAICS 42]																				
1. Within a wholly enclosed building	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	---	---	---
2. With outdoor storage	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---

TEMPORARY AND INTERIM USES

A. Temporary alcoholic beverage sales for consumption on the premises in conjunction with a temporary event	---	---	---	---	---	---	---	---	---	AP	AP	AP	AP	U	AP	AP	AP	---	---	---
B. Temporary subdivision sales offices	AP	AP	AP	AP	AP	U	AP	AP	AP	AP	---	---								
C. Street fairs	---	---	---	---	---	---	---	---	---	P	P	P		U	---	---	---	---	---	---
D. Other temporary uses																				
1. Temporary facilities	---	---	---	---	---	---	---	AP	AP	AP	AP	AP	AP	---	AP	AP	AP	AP	AP	AP
2. Temporary office structures	---	---	---	---	---	---	---	AP	AP	AP	AP	AP	AP	---	AP	AP	AP	AP	AP	---
3. Temporary outdoor sales, displays and activities																				
(i) Retail sales events	AP	---	AP	AP	AP	AP	AP	U	AP	AP	AP	---	---	---						
(ii) Holiday sales events	AP	---	---	AP	AP	AP	---	U	AP	AP	AP	AP	---	---						
(iii) Shows and exhibits	AP	---	---	AP	AP	AP	AP	U	---	---	---	---	---	---						
(iv) Amusement events	AP	---	---	AP	AP	AP	---	U	---	AP	AP	---	---	---						
(v) Tent revivals	AP	---	---	AP	AP	AP	---	---	---	---	---	---	---	---						
(vi) Charitable and fund raising events	AP	---	---	AP	AP	AP	---	U	---	---	---	---	---	---						

See § 9-101305; Temporary and interim uses

NOTES:

1. Minimum parcel size is 5 acres.

2. *Within the AG zoning district, the minimum lot size is 10 acres. A specific plan is required for any subdivision/master planned development pursuant to the New Model Colony General Plan (Policy 1.1.3 NMCGP).*
3. *Any lot or premises upon which 4 or more dogs or cats over the age of 4 months are kept for boarding, breeding, training or sale, shall only be permitted on lots or parcels 2.5 or more acres in size*
4. *Within the M2 zoning district, facilities shall only be allowed within existing buildings or as part of an expansion of existing religious facilities. Establishment of new facilities is only permitted within a specific plan allowing such use.*
5. *This is intended for administrative offices that do not generate high volumes of pedestrian or vehicular traffic. For facilities that generate high traffic levels, please see Other Government Facilities.*
6. *Only within the general plan land use designation "Town Center Study Area."*
7. *This use is prohibited on the ground floor within the Euclid Avenue Overlay District (EA).*
8. *This use requires a Conditional Use Permit (CUP) within the general plan land use designation "Town Center Study Area."*
9. *Whether or not unrelated persons are living together, a community care facility licensed by the State of California that serves 6 or fewer persons shall be considered a residential use of property for the purposes of this chapter. A community care facility that is not licensed by the State of California shall be deemed a "boarding, lodging or rooming house."*
10. *Senior citizen housing developments in the R2 and R3 zoning districts shall not exceed the densities contained in the General Plan and Development Code. Senior citizen housing development in the C1, C2 and C3 zoning districts shall be developed in compliance with § 9-1.1635.E of this chapter.*
11. *Within the AG overlay district, one (1) office structure, not to exceed 1,500 SF in area, shall be permitted in conjunction with and ancillary to row, field, tree, plant nursery or crop production operations.*

Sec. 9-1.1305: Special Requirements for Certain Permitted and Conditional Uses

The uses, activities and/or facilities contained in Table 13-1 (Permitted, Conditional and Ancillary Land Uses—All Zoning Districts), which are subject to “additional regulations,” shall comply with the following corresponding operational standards, which are organized in alphabetical order:

----A----

ADULT BUSINESSES. Adult businesses shall only be permitted in the M3 (General Industrial) zoning district, subject to the following:

- A. Purpose.** It is the intent of this Chapter to prevent community-wide adverse economic impacts, increased crime, decreased property values, and the deterioration of neighborhoods which can be brought about by locating Adult Businesses in close proximity to each other or proximity to other incompatible uses such as schools, churches, and residentially zoned districts or uses. The City Council finds that it has been demonstrated in various communities that the concentration of Adult Businesses causes an increase in the number of transients in the area, and an increase in crime, and in addition to the effects described above, can cause other businesses and residents to move elsewhere. It is, therefore, the purpose of this article to establish reasonable and uniform regulations to ameliorate the harmful effects of Adult Businesses or their close proximity to incompatible uses, while providing reasonable alternative avenues of communication.

Moreover, it is also the purpose of this Chapter to facilitate regulation of Adult Businesses and the Performers that may be employed by such establishments pending resolution of the prior permitting issues raised in *Baby Tam & Co., Inc. v. City of Las Vegas*, 154 F.3d 1097 (9th Cir. 1998). The intent of the registration requirements in this Chapter is to provide enforcement agencies with sufficient information to assist them in ensuring that criminal elements do not infiltrate Adult Businesses, that minors are not employed by such establishments, and that the establishments will comply with the zoning and operational standards imposed by this Chapter.

- B. Findings.** The City Council of the City of Ontario, California, hereby, adopts the following findings:

1. The City Council finds that various studies and court decisions presented to the City Council have determined that the establishment of Adult Businesses are linked to increases in crime and other adverse effects. The City of Ontario in enacting this ordinance more specifically finds that these Studies provide convincing evidence that:
 - (i) Adult businesses are linked to, and associated with, increases in crime rates in those areas in which they are located and in surrounding areas;
 - (ii) Both the proximity of Adult Businesses to sensitive land uses and the concentration of Adult Businesses tend to result in the blighting and deterioration of the areas next to which, and near which, they are located;
 - (iii) There is substantial evidence that an increase in crime tends to accompany, concentrate around and be aggravated by Adult Businesses, including but not limited to an increase in the crimes of narcotics distribution and use, prostitution, pandering, and violence against persons and property. The studies from other cities establish convincing evidence that Adult Businesses which are not regulated as to permissible locations often have a deleterious effect on nearby businesses and residential areas, causing, among other adverse secondary effects, an increase in crime and a decrease in property values;
 - (iv) Studies concerning increases in crime surrounding Adult Businesses are further supported by the City's own experiences confirming an inordinate amount of police response calls to the City's two existing Adult Businesses, “the Reel One” and “the Villa Theater.” The police response statistics from the Ontario Police Department for the period from 1996 to 1998 indicate that city police have been called out to these locations over 70 times to investigate solicitation and prostitution activities, lewd conduct, indecent exposure, illegal drug use and possession, use of counterfeit money, thefts, burglaries, and other disturbances;
2. Based on the forgoing, the City Council finds and determines that special regulation of Adult Businesses is necessary to ensure that their adverse secondary effects will not cause or contribute to an increase in crime rates or the blighting or deterioration of the areas in which they are located or surrounding areas. The need for such special regulations is based upon the recognition that Adult Businesses not only cause adverse secondary effects but have seriously objectionable operational characteristics, particularly when several of them are concentrated

- under certain circumstances or located in direct proximity to sensitive uses thereby having a deleterious effect upon an adjacent area. It is the purpose and the intent of these regulations to prevent or mitigate such adverse secondary effects;
3. The protection and preservation of the public health, safety and welfare require that certain distances be maintained between Adult Businesses and other sensitive uses, including residential, religious and educational uses, as well as to minimize the adverse secondary effects between the proximity of Adult Businesses and other Adult Businesses and truck stops. Moreover, the locational requirements established by this Chapter do not unreasonably restrict the establishment or operation of constitutionally protected Adult Businesses in the City of Ontario. A sufficient and reasonable number of appropriate locations for the operation of Adult Businesses will remain available after the enactment of this Chapter.
 4. The City Council also finds that locational criteria alone do not adequately protect the health, safety and general welfare of the citizens of the city of Ontario, and thus certain requirements with respect to the ownership and operation of Adult Businesses are in the public interest. In addition to the findings and Studies conducted in other cities regarding increases in crime rates, decreases in property values, and the blighting of areas in which such businesses are located, the city Council also takes legislative notice of the facts recited in the case of *Kev, Inc., v. Kitsap County* (9th Cir. 1986) 793 F.2d 1053, and *Colacurcio v. City of Kent*, 1998 WL 848036 (9th Cir.), regarding how live adult entertainment results in adverse secondary effects such as prostitution, drug dealing, and other law enforcement problems;
 5. Zoning, permitting, licensing, and other police power regulations are legitimate, reasonable means of accountability to help protect the quality of life in the City of Ontario and to help assure that Owners, Operators and Performers of Adult Businesses comply with reasonable regulations are located in places that minimize the adverse secondary effects which naturally accompany the operation of such businesses;
 6. The City Council recognizes that possible harmful effects on children and minors exposed to the secondary effects of Adult Businesses, the deterioration of respect for family values, and the need and desire of children and minors to stay away from and avoid such businesses, which causes children to be fearful and cautious when walking through or visiting the immediate neighborhood of such businesses. The City Council desires to minimize and control the adverse secondary effects associated with the operation of Adult Businesses and thereby protect the health, safety, and welfare of the citizens of Ontario; and in particular the health, safety and welfare of children and minors in the City; protect the citizens from increased crime; preserve their quality of life; preserve property values and the character of surrounding neighborhoods and businesses; deter the spread of urban blight and protect against the threat to health from the spread of communicable and sexually transmitted diseases;
 7. Nothing in this Chapter is intended to authorize, legalize, or permit the establishment, operation, or maintenance of any business, building, or use which violates any applicable City ordinance or any statute of the State of California relating to public nuisances, unlawful or indecent exposure, sexual conduct, lewdness, obscene or harmful matter, or the exhibition or public display thereof;
 8. The City Council further finds the following in part, based upon its understanding of the judicial decisions and the reports, Studies and other documents in the public record;
 - (i) Evidence indicates that the existence of Adult Businesses which permit nudity have been shown in some cities to increase the secondary effects of crime and decrease property values;
 - (ii) Evidence indicates that the existence of Adult Businesses which permit nudity have been shown in some cities to increase the secondary effects of crime and decrease property values;
 - (iii) Evidence has demonstrated that Performers employed by Adult Businesses have been found to offer and provide private shows to Patrons who, for a price, are permitted to observe and participate with the Performers in live sex shows;
 - (iv) Evidence indicates that Performers at Adult Businesses have been found to engage in acts of prostitution with Patrons of the establishment;

- (v) Evidence indicates that fully enclosed booths, individual viewing areas, and other small rooms whose interiors cannot be seen from public areas of the Adult Business regularly have been found to be used as locations for engaging in unlawful sexual activity.
 - (vi) As a result of the above, and the increase in the incidence of AIDS and Hepatitis B, which are both sexually transmitted diseases, the City Council has a substantial interest in adopting regulations which will reduce to the greatest extent possible, the possibility for the occurrence of casual sex acts at Adult Businesses;
9. In regulating nudity and semi-nudity in Adult Businesses, the City Council does not intend to proscribe the communication of erotic messages or any other communicative element or activity, but rather only to regulate such nudity due to the adverse secondary effects associated therewith, including prostitution, sexual assault and associated crimes; and
 10. The city Council also finds, as a wholly independent basis, that it has a substantial public interest in preserving societal order and morality, and that such interest is furthered by the regulation of nudity; and
 11. While the city Council desires to protect the rights conferred by the United States and California Constitutions on Adult Businesses, it does so in a manner that ensures the continued and orderly development of property within the City and diminishes, to the greatest extent feasible, those undesirable secondary adverse effects which the Studies have shown to be associated with the development and operation of Adult Businesses; and
 12. In enacting nudity and semi-nudity regulations pursuant to this ordinance, the City Council declares that the regulations do not create or regulate a criminal offense. The City Council has not provided a criminal penalty for a violation of these regulations; and
 13. The City Council finds that preventing the direct exchange of money between Performers and Patrons also reduces the likelihood of drug and sexual transactions occurring in Adult Businesses; and
 14. Requiring a 10-FT separation between Performers and Patrons reduces the likelihood that such persons will negotiate narcotics sales or negotiate for the purpose of engaging in sexual activities or obtaining sexual favors within the Adult Businesses; and
 15. Enclosed or concealed booths and dimly lit areas within Adult Businesses greatly increase the potential for misuse of the premises, including unlawful conduct of a type which facilitates transmission of disease. Requirements that all indoor areas be open to view by management at all times, and that adequate lighting be provided are necessary in order to reduce the opportunity for, and therefore the incidence of illegal conduct within Adult Businesses, and to facilitate the inspection of the interior of the premises thereof by law enforcement personnel.
- C. Definitions.** For purposes of adult business regulations contained in the Municipal Code, the following definitions shall apply. To the extent there is a conflict with any definition contained in the Municipal Code, the definitions in this section shall apply.
1. "Applicant" shall mean a person who is required to file an application for a registration certificate under this Chapter, including an individual owner, managing partner, officer of a corporation, or any other Operator, manager, employee, or agent of an Adult Business.
 2. "Bar" shall mean any commercial establishment licensed by the State Department of Alcoholic Beverage Control to serve any alcoholic beverages on the premises.
 3. "Chief of Police" shall mean the Chief of Police of the City of Ontario or his or her designee.
 4. "City Council" shall mean the City Council of the City of Ontario.
 5. "Day" shall mean calendar day and not business day. Whenever "day" is used to identify requirements of this Chapter to be performed on a particular day, which day falls upon a holiday, Saturday or Sunday, the day for performance of the requirements of this Chapter will be the next business day after such holiday, Saturday or Sunday.

6. "Distinguished or characterized by an emphasis upon" shall mean and refer to the dominant or essential theme of the object described by such phrase. For example, when the phrase refers to films "which are distinguished or characterized by an emphasis upon "the depiction or description of specified Sexual Activities or Specified Anatomical Areas, the films so described are those whose dominant or predominant character and theme are the depiction of the enumerated sexual activities or anatomical areas.
7. "Establishment of an Adult Business" shall mean and include any of the following:
 - (i) The opening or commencement of any Adult Business as a new business;
 - (ii) The conversion of an existing business, whether or not an Adult Business, to any Adult Business defined herein;
 - (iii) The addition of any of the Adult Businesses defined herein to any other existing Adult Business; or
 - (iv) The relocation of any such Adult Business.
8. "Figure model" shall mean any person who, for pecuniary compensation, consideration, hire or reward, poses in a modeling studio to be observed, sketched, painted, drawn, sculptured, photographed or otherwise depicted.
9. "Health Officer" shall mean the Health Officer of the County of San Bernardino or his or her duly authorized representative.
10. "Nudity or state of nudity" shall mean the showing of the human male or female genitals, pubic area, buttocks or anus with less than a full opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernible turgid state.
11. "Patron" shall mean a customer of an Adult Business.
12. "Permit" shall mean any permit or registration certificate issued pursuant to this Chapter.
13. "Permittee" shall mean any Person to whom an Adult Business registration certificate is issued.
14. "Person" shall mean any individual, partnership, copartnership, firm, association, joint stock company, corporation or combination of the above in whatever form or character.
15. "Regularly Features" shall mean, with respect to an Adult Theater, Adult Cabaret, Adult Arcade or Adult Motion Picture Theater, a regular and substantial course of conduct. Performances which are distinguished or characterized by an emphasis upon the display of Specified Anatomical Areas or Specified Sexual Activities, occur on two or more occasions within a 30 day period; three or more occasions within a 60 day period; or four or more occasions within a 180 day period shall to the extent permitted by law be deemed to be a regular and substantial course of conduct.
16. "Religious Institution" shall mean a structure which is used primarily for religious worship and related religious activities.
17. "School" shall mean any child or day care facility, or an institution of learning for minors, whether public or private, offering instruction in those courses of study required by the California Education code and maintained pursuant to standards set by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college, or university.
18. "Semi Nude" or "Semi-Nudity" shall mean state of dress in which clothing covers no more than the genitals, pubic region, buttocks, areola of the female breast, as well as portions of the body covered by supporting straps or devices.
19. "Adult Businesses" shall mean any one of the following:

- (i) "Adult Arcade" shall mean an establishment which, for any form of consideration, provides one or more still or motion picture projectors, or similar machines, for viewing by Patrons and which shows films, computer generated images, motion pictures, video cassettes, slides or similar photographic reproductions, more than 30 percent of which showings are distinguished or characterized by an emphasis upon the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.
- (ii) "Adult Bookstore" shall mean an establishment having a substantial and a significant portion of its business derived from the sale or rental of books, magazines, periodicals or other printed matter, or of photographs, films, motion pictures, video cassettes, slides, tapes, or other form of visual or audio representations which are distinguished or characterized by an emphasis upon the depiction or description of Specified Sexual Activities or Specified Anatomical Areas, or Sexually Oriented Merchandise. The fact that more than 30 percent of the establishment's inventory is composed of such materials, 30 percent of its floor area is devoted to such materials, or that 30 percent of its gross income is derived from such materials, or that the establishment advertises itself as "adult" in nature, shall, to the extent permitted by law, be evidence that the establishment is an "Adult Bookstore".
- (iii) "Adult Business" shall mean any business establishment or concern which operates as an Adult Bookstore, Adult Video Store, Adult Arcade, Adult Cabaret, Adult Theater, Adult Motion Picture Theater, Adult Motel, Escort Agency, Massage Establishment, Modeling Studio, Sexual Encounter/Rap Studio, Sexual Novelty Store or any other business or concern which Regularly features or offers to its Patrons as a substantial significant portion of its business, products, merchandise, services, or entertainment which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified anatomical Areas but not including those uses or activities, the regulation of which is preempted by State law. "Adult Business" also includes any establishment which as a regular and substantial course of conduct provides or allows performers, models, or employees to appear in any public place dressed only in lingerie. "Adult Business" does not include those uses, businesses or activities of licensed professionals who are otherwise exempt from classification as a "Massage Establishment" pursuant to § 6-10.03 of Chapter 10 of Title 6 (Sanitation and Health) of the Ontario Municipal Code.
- (iv) "Adult Cabaret" or "Adult Theater" shall mean a nightclub, restaurant, or business establishment which Regularly Features live performances which are distinguished or characterized by an emphasis upon the display of Specified Sexual Activities; Regularly Featured persons who appear semi-nude; or which shows films, computer generated images, motion pictures, video cassettes, slides, or other photographic reproductions 30 percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.
- (v) "Adult Hotel or Motel" shall mean a hotel or motel or similar business establishment offering public accommodations for any form of consideration, which provides patrons with closed circuit television transmissions, films, computer generated images, motion pictures, video cassettes, slides, or other photographic reproductions 30 percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description for less than a 6-hour period, or rents, leases, or lets any single room more than twice in a 24-hour period.
- (vi) "Adult Motion Picture Theater" shall mean a business establishment where, for any form of consideration, films, computer generated images, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and 30 percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.
- (vii) "Escort Agency" shall mean a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
- (viii) "Massage Establishment" shall mean an establishment having a fixed place of business where any person association, firm, or corporation engages in, conducts, or carries on or permits to be engaged in, conducted, or carried on, any business of giving Turkish, Russian, Swedish vapor, sweat, electric, salt, or any other kind of character of baths and where alcohol rubs, fomentations, baths, or manipulations of the body, or similar procedures, are given including acupressure clinics or establishments.

- (ix) "Modeling Studio" shall mean a business which regularly features, for pecuniary compensation, monetary or other consideration, hire or reward, figure models who, for the purposes of sexual stimulation of Patrons, display "Specified Anatomical Areas" to be observed, sketched, photographed, painted, sculpted or otherwise depicted by persons paying such consideration. "Modeling Studio" does not include schools maintained pursuant to standards set by the State Board of Education. "Modeling Studio" does not include a studio or similar facility owned, operated or maintained by an individual artist or group of artists, which does not provide, permit or make available "Specified Sexual Activities."
20. "Adult Business Operator" or "Operator" shall mean a person who supervises, manages, inspects, directs, organizes, controls or in any other way is responsible for or in charge of the premises of an Adult Business or the conduct or activities occurring on the premises thereof.
21. "Adult Business Performer" or "Performer" shall mean any person who is an employee or independent contractor of the Adult Business, and any person who, with or without any compensation or other form of consideration, performs live entertainment dressed in no more than a state of semi-nudity for Patrons of an Adult Business.
22. "Sexually Oriented Merchandise" shall mean sexually oriented implements and paraphernalia, including, but not limited to: dildos, auto-sucks, sexually oriented vibrators, edible underwear, ben-wah balls, inflatable orifices, anatomical balloons with orifices, simulated and battery-operated vaginas and similar sexually oriented devices, or other merchandise characterized by an emphasis on sexual activities or specified anatomical parts.
23. "Sexually Oriented Merchandise" shall mean sexually oriented implements and paraphernalia, including, but not limited to: dildos, auto-sucks, sexually oriented vibrators, edible underwear, ben-wah balls, inflatable orifices, anatomical balloons with orifices, simulated and battery-operated vaginas and similar sexually oriented devices, or other merchandise characterized by an emphasis on sexual activities or specified anatomical parts.
24. "Specified Anatomical Areas" shall mean and include any of the following:
- (i) Less than completely and opaquely covered human:
 - (ii) genitals or public region;
 - (iii) buttocks;
 - (iv) female breast below a point immediately above the top of the areola;
 - (v) Human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
 - (vi) Any device, costume or covering that simulates any of the body parts included in subdivisions (i) or (ii) above.
25. "Specified Sexual Activities" shall mean and include any of the following, whether performed directly or indirectly through clothing or other covering:
- (i) The fondling or other erotic touching of human genitals, public region, buttocks, anus, or female breast;
 - (ii) Sex acts, actual or simulated, including intercourse, oral copulation or sodomy;
 - (iii) Masturbation, actual or simulated; or
 - (iv) Excretory functions as part of or in connection with any of the other activities described in subdivision (i) through (iii) of this subsection.
26. "Studies" shall mean the studies and reports prepared by other cities and judicial rulings referred to in Section 2 (a) herein, including studies and reports prepared by the City of Ontario, relating to the adverse secondary impacts of existing Adult Businesses.

D. Minimum separation and locational requirements.

1. No Adult Business shall be located within 1,500 FT of any property classified in an AR, Agricultural Residential District, RE, Residential Estate District, R1, One Family Dwelling District, R2, Multiple Family Dwelling District, R3, Multiple Family Dwelling District or MH, Mobile Home Park District, or any residential designation in a SP Specific Plan district.
2. No adult business shall be located within 1,000 FT of the following:
 - (i) Any church, chapel, or similar place of worship, whether inside or outside of Ontario City limits;
 - (ii) Any school or day care establishment, or public or private park or playground, whether inside or outside of Ontario City Limits;
 - (iii) Any retirement or convalescent hospital, whether inside or outside of Ontario City limits;
 - (iv) Any recreational facility, such as game arcade, bowling alley, skateboard rink, skating rink or similar area where minors regularly congregate, whether inside or outside Ontario City limits;
 - (v) City Hall, City offices, and other government buildings normally open to the public;
 - (vi) Libraries, whether inside or outside Ontario City limits;
 - (vii) Any truck stop, whether inside or outside Ontario City limits.
3. No adult business shall be located within 300 FT of another adult business, whether inside or outside Ontario City limits;
4. For purposes of the proceeding subsections, all distances shall be measured in a straight line, without regard for intervening structures, from the nearest property line for which the adult business is proposed to be located to the nearest property line of a use or district listed in this section.

E. Adult Business development and performance standards. The following development and performance standards shall be applicable to Adult Businesses in the City of Ontario.

1. No Adult Business shall be operated in any manner that permits the observation of any materials or activities depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas from any public way or from any location outside the building or area of such establishment. No Adult Business shall be operated in any manner that permits the observation of any live performance depicting, describing or relating to Specified Sexual Activities or Semi-Nudity from any public way or from any location outside the building or area of such establishment. This provision shall apply to any display, decoration, sign, show window or other opening. No exterior door or window on the premises shall be propped or kept open at any time while the business is open, and any exterior windows shall be covered with opaque covering at all times.
2. All off-street parking area and premise entries of the Adult Business shall be illuminated from dusk to closing hours of operation with a lighting system which provides an average maintained horizontal illumination of one foot candle of light on the parking surface or walkways. The required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the Adult Business for the personal safety of Patrons and employees and to reduce the incidence of vandalism and criminal conduct.
3. The premises within which the Adult Business is located shall provide sufficient sound-absorbing insulation so that noise generated inside the premises shall not be audible anywhere on any adjacent property or public right-of-way or within any other building or other separate unit within the same building.
4. Except for those businesses also regulated by the California Department of Alcoholic Beverage Control, an Adult Business shall be open for business only between the hours of 8:00 a.m. and midnight on any particular day.
5. The building entrance to an Adult Business shall be clearly and legibly posted with a notice indicating that persons under 18 years of age are precluded from entering the premises. The notice shall be constructed and posted to the satisfaction of the Chief of Police. No person under the age of 18 years shall be permitted within the premises at any time.

6. All indoor areas of the Adult Business within which Patrons are permitted, except restrooms, shall be open to view by the management at all times.
7. Any Adult Business which is also an Adult Arcade which provides viewing area(s), shall comply with the following additional requirements:
 - (i) Each Adult Arcade shall have at least one manager’s station. It shall be the duty of the Operator(s) to ensure that at least one employee is on duty and situated at each manager’s station at all times that any Patron is present inside the Adult Arcade.
 - (ii) The interior of the Adult Arcade shall be configured in such a manner that there is an unobstructed view from a manager’s station of every area of the Adult Arcade to which any Patron is permitted access for any purpose, excluding restrooms. If the Adult Arcade has two or more manager’s stations designated, then the interior of the Adult Arcade shall be configured in such a manner that there is an unobstructed view of each area of the Adult Arcade to which any Patron is permitted access for any purpose, excluding restrooms, from at least one of the manager’s stations. The view required in this subsection must be by direct line of sight from the manager’s station. There shall be a security system which visually records each viewing booth at all times that the business is open or occupied for business.
 - (iii) It shall be the duty of the Operator(s) and also the duty of all employees present in the Adult Arcade to ensure that the individual viewing areas remains unobstructed by any doors, walls, persons, merchandise, display rack or other materials at all times and to ensure that no Patron is permitted access to any area of the Adult Arcade which has been designated as an area in which Patrons will not be permitted.
 - (iv) No individual viewing area may be occupied by more than one person at any one time. “Individual Viewing Area” shall mean a viewing area designed for occupancy by one person. Individual Viewing Areas of the Adult Arcade shall be operated and maintained without any hole or other opening or means of direct communication or visual or physical access between the interior space of two or more Individual Viewing Areas.
 - (v) No individual viewing area shall contain booths, stalls, or partitioned portions of such individual viewing area used for the viewing of Sexually Oriented Material or other forms of entertainment, having doors, curtains or portal partitions, unless such Individual Viewing Areas containing booths, stalls or partitioned portions have at least one side open to the manager’s station and is visible to such manager’s station. Any booth, stall or partitioned portion of an Individual Viewing Area authorized under this subparagraph shall be constructed so as to allow 12 inches of open space between the bottom of the stall or partition and the floor. Such open space shall remain unobstructed at all times.
 - (vi) The Adult Arcade shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which Patrons are permitted access, but such lighting shall not be of an intensity as to prevent the viewing of the Sexually Oriented Material.
 - (vii) It shall be the duty of the Operator(s) and also the duty of all employees present at the Adult Arcade to ensure that the illumination described above is maintained at all times that any Patron is present in the Adult Arcade.
 - (viii) The floors, seats, walls and other interior portions of all booths shall be maintained clean and free from waste and bodily secretions. Presence of human excrement, urine, semen or saliva in any such booths shall be evidence of improper maintenance and inadequate sanitary controls.
8. All areas of the Adult Business which are accessible to the public shall be illuminated at a minimum of the following foot candles, minimally maintained and evenly distributed at ground level:

<i>Area</i>	<i>Foot-Candles</i>
Bookstores and other retail establishments	20
Theaters and cabarets (except during performances, at which time lighting shall be at least 1.25 foot-candles)	5
Arcades	10

Motels/Hotels (in public areas)	20
Modeling Studios	20

9. Patrons and employees shall not use the same restrooms. The Adult Business shall provide and maintain separate restroom facilities for male Patrons and employees, on the one hand, and female Patrons and employees, on the other. Male Patrons and employees shall be prohibited from entering any restroom for females, and female Patrons and employees shall be prohibited from entering any restroom for males, except when an employee carries out duties of repair, maintenance or cleaning of the restroom facilities. All restrooms shall be free from any Sexually Oriented Materials. All restrooms shall not contain television monitors or other motion picture or video projection, computers, recording or reproduction equipment. The foregoing provisions of this paragraph shall not apply to an Adult Business which deals exclusively with sale or rental of Sexually Oriented Materials which are not used or consumed on the premises, such as an Adult Bookstore, or Adult Video Store, and which does not provide restroom facilities to its Patrons or the general public.

10. The following additional requirements shall pertain to Adult Businesses which provide live performances in Adult Cabarets or Adult Theaters:
 - (i) No person shall perform live entertainment for Patrons of an Adult Business except upon a stage at least 2 FT above the level of the floor which is separated by a distance of at least 10 FT from the nearest area occupied by Patrons, and no Patron shall be permitted within 10 FT of the stage while the stage is occupied by an Adult Business Performer.
 - (ii) The Adult Business shall provide separate dressing room facilities for Performers which are exclusively dedicated to the Performers' use. No public access will be permitted to any dressing room facility.
 - (iii) The Adult Business shall provide an entrance and exit for Performers which is separate from the entrance and exit used by Patrons.
 - (iv) The Adult Business shall provide access for Performers between the stage and the dressing rooms which is completely separated from the Patrons. If such separate access is not physically feasible, the Adult Business shall provide a minimum three foot wide walk aisle for Performers between the dressing room area and the stage, with a railing, fence or other barrier separating the Patrons and the Performers capable of, and which actually results in, preventing any physical contact on the premises of the Adult Business.
 - (v) No Performer, either before, during or after performances, shall have any physical contact with any Patron and no Patron shall have physical contact with any Performer either before, during or after performances by such Performer. This subsection shall only apply to physical contact on the premises of the Adult Business.
 - (vi) Fixed rails at least 30 inches in height shall be maintained establishing the separations between Performers and Patrons required by this section.
 - (vii) No Patron shall directly pay or give any gratuity to any Performer and no Performer shall solicit any pay or gratuity from any Patron.

11. No Operator, owner or other person with managerial control over an Adult Business shall permit any person on the premises of an Adult Business to engage in a live showing of any Specified Anatomical Areas. This provision may not be complied with by applying an opaque covering simulating the appearance of the Specified Anatomical Areas required to be covered. Notwithstanding any other penalties that may be provided in this Code or the Ontario Municipal Code, a violation of this subsection shall be grounds for revocation of an Adult Business registration certificate.

12. No Adult Business Performer on the premises of an Adult Business shall engage in a live showing of any Specified Anatomical Areas. This provision may not be complied with by applying an opaque covering simulating the appearance of the specified Anatomical Areas required to be covered. Notwithstanding any other penalties that may be provided in the Municipal Code, a violation of this subsection shall be grounds for revocation of an Adult Business registration certificate.

13. Adult Businesses shall employ security guards in order to maintain the public peace and safety to prevent any illegal activity from occurring on the premises, based upon the following standards;

- (i) Adult Businesses featuring live entertainment shall provide at least one security guard at all times while the business is open. If the occupancy limit of the premises is greater than 35 persons, an additional security guard shall also be on duty at all times while the business is open.
 - (ii) Security guards for other Adult Businesses may be required if it is determined by the Chief of Police that their presence is necessary in order to maintain public peace and safety and to prevent any illegal activity from occurring on the premises.
 - (iii) Security guards shall be charged with preventing violations of law and enforcing compliance by Patrons of the requirements of these regulations. Each security guard shall be uniformed in such a manner so as to be readily identifiable as a security guard by the public and shall be duly licensed as a security guard as required by applicable provisions of state law. No security guard required pursuant to this subsection shall act as a door person, ticket seller, ticket taker, admittance person or sole occupant of the manager's station while acting as a security guard.
14. The Adult Business shall provide a security system that visually records and monitors all parking lot areas, at all times that the business is open or occupied for business.
15. Views of parking areas and doorways of Adult Businesses shall be unobstructed so as to allow visibility of these areas from the public right-of-ways.
16. The Adult Business shall comply with the City's sign regulations.
17. The Adult Business shall comply with the development, parking and design requirements of the underlying zone for the specific underlying use. All exterior areas of an Adult Business, including buildings, landscaping and parking areas, shall be maintained in a clean and orderly manner.
- F. Employment of and services rendered to persons under the age of 18 years prohibited.**
- 1. It shall be unlawful for any Operator or other person in charge of any Adult Business to employ any person who is not at least 18 years or age.
 - 2. It shall be unlawful for any Operator or other person in charge of any Adult Business to permit to enter, or remain within the Adult Business, any person who is under the age of 18.
- G. Inspection and operators.** All Operators shall permit the Chief of Police, representatives of the San Bernardino County Health Department and the city of Ontario Fire Department to conduct unscheduled inspections of the premises of the Adult Business for the purpose of insuring compliance with the laws and the development and performance standards applicable to Adult Businesses, at anytime it is occupied or opened for business.
- H. Regulations nonexclusive.** The provisions of this Chapter regulating Adult Businesses are not intended to be exclusive and compliance therewith shall not excuse noncompliance with any other regulations pertaining to the operation of businesses as adopted by the City Council of the City of Ontario.

ANIMAL KEEPING AND RELATED USES. The following standards shall govern the development and/or operation facilities for animal keeping related uses:

- A. Keeping of household pets.** The following standards apply to the keeping of household pets within all residential zoning districts:
- 1. The keeping of household pets is limited to a maximum of any combination of dogs, cats and similar small domesticated animals, not to exceed a total of 3 animals.
 - 2. The keeping of pot bellied pigs (as defined and regulated by Ontario Municipal Code § 6-1.230) as a household pet is restricted to one (1) animal for non-breeding purposes per detached single family residential lot. A fenced yard shall be designed to confine the animal when out of doors.

- B. Animal keeping within the AR zoning district.** The following standards apply to the keeping of animals other than household pets within the AR zoning district:
1. Not more than one (1) large animal, including horses, bovine animals, ostriches, llamas and mules, may be kept for each 6,000 SF of site area.
 2. Not more than one (1) medium animal, including sheep, goats, ponies, donkeys and burros, may be kept for each 3,600 SF of site area.
 3. Not more than one swine may be kept per 9,000 SF of site area; provided however, not more than 3 swine may be kept on any lot, regardless of size.
 4. A maximum of 50 poultry (except roosters or other crowing fowl) and/or rabbits may be kept per 10,000 SF of site area.
 5. Private kennels in which up to 8 dogs over 4 months of age are kept, shall be for breeding or training for private purposes on a site of not less than 18,000 SF, provided all such dogs are owned by the occupant of the premises.
 6. For combinations of animals, the maximum number which may be kept shall be determined by the application of the ratios of animals by type to the site area set forth in subsections (a) through (e) of this section.
 7. Large or medium animal or swine must be kept at least 50 FT from any structure used for human habitation, other than the residence of the owner, or any structure used for educational, convalescent, religious, institutional or governmental purposes.
 8. Any animal, except household pets, must be kept a minimum of 20 FT from any property line.
 9. Any hobby, show, or game bird or any poultry or rabbit, other than a household pet must be kept a minimum of 30 FT from any inhabited structure, other than that of the owner, used for human habitation, educational, convalescent, religious or governmental purposes.
 10. No animal is to be stabled, kept or maintained in any front yard or street-side yard area.
 11. Existing animals kept on properties in the AR zoning district, which become non-conforming by reason of development occurring on adjoining sites that were vacant when the animal keeping was established, may be continued indefinitely; provided, that if the animal keeping is abandoned or discontinued for a period of 90 or more consecutive days, the nonconforming animal keeping activity must comply with the provisions of Article 7 (Nonconforming Uses, Lots, Structures and Signs) of this chapter, if and when the use is resumed.
- C. Animal keeping within the RE zoning district.** Within the RE zoning district, the raising of poultry (except roosters or other crowing fowl), rabbits, chinchillas and other small animals for educational or hobby purposes is permitted, limited to a total of 10 animals, exclusive of household pets. Animal cages and pens shall not be located within a front yard or street side yard, and must also be kept a minimum of 20 FT from a property line.
- D. Animal keeping within the R1 zoning district.** Within the R1 zoning district, the keeping of animals is restricted to a maximum of 10 rabbits, chinchillas, guinea pigs, birds (other than poultry, which are prohibited), or similar small animals for educational or hobby purposes, exclusive of household pets. Animal cages and pens shall not be located within a front yard or street side yard, and must also be kept a minimum of 20 FT from a property line.
- E. Animal keeping within the AG overlay district.** The following standards apply to the keeping of animals other than household pets within the AG overlay district:
1. Animal keeping must be on a legally recognized parcel no less than 2 acres. Lot area used to qualify one animal type shall not be reused to qualify another animal type.
 2. Proper management of animal waste shall be carried out in accordance with all requirements of the State Regional Water Quality Control Board or regulating agency.

3. Small animal keeping: Aviary, or similar small animal ranches or farms (excluding chicken and hog ranches) shall be permitted on parcels that are at least 1/2-acre. Fish farming shall be limited to one (1) pond per acre, with a maximum of 4 ponds per parcel. Each pond shall not exceed 1/2-acre in area.
4. Maximum animal densities shall be as follows:

<i>Animal Type</i>	<i>Maximum Animal Density</i>
A. Dairy Cow	As permitted by approving authority ⁽¹⁾
B. Non-dairy Cattle/Buffalo	One (1) animal for each 6,000 SF of lot area
C. Horses	One (1) animal for each 6,000 SF of lot area
D. Swine (5 maximum)	One (1) animal for each 12,000 SF of lot area
E. Sheep, female goats and similar livestock	One (1) animal for each 3,000 SF of lot area
F. Male adult goats	
1. Parcel < 10 acres	One (1)
2. 10 acres and above	1/5 acres of lot area (4 maximum)
G. Rabbits and chinchillas (200 maximum)	50 animals for each 10,000 SF of lot area
H. Ostriches	One (1) animal for each 6,000 SF of lot area
I. Emus and rheas	One (1) animal for each 6,000 SF of lot area
J. Poultry	
1. Female	
(i) Parcel < 10 acres	25
(ii) 10 acres and above	25 animals for each 10 acres of lot area (50 maximum)
2. Male (9 maximum)	
(i) Parcel < 10 acres	2 species per parcel
(ii) 10 acres and above	2 species for each 5 acres of lot area

Notes:

1. *New or expansions to existing dairy or other animal confinement facilities will be considered on a case-by-case basis, subject to a Conditional Use Permit. Animal density shall be as determined by the appropriate approving authority (i.e. Regional Water Quality Control Board) which may impose special operational conditions, requirements or standards deemed necessary to insure the public health, safety and general welfare. Animal density shall be based on measures to prevent the unacceptable nitrification or salt pollution of soils and the pollution of groundwater by nitrates and salts emanating from the facility as defined by the Regional Water Quality Control Board.*

AUTOMATED FUELING FACILITIES. The following standards shall govern the development and/or operation of automated fueling (card lock) facilities and are intended to result in fueling facilities that are well designed, appropriate in scale, and enhance the adjacent land use areas of which they are a part:

- A. Location Standards.** Automated (card lock) fueling facilities shall not interfere with the normal use of adjoining industrial and/or commercial properties. Self-service fueling facilities shall not locate within 1,000 FT of a residential property or residential zoning district without issuance of a Conditional Use Permit as set forth in section (3).
- B. Development Standards.**
 1. Lot Area. Self-service fueling facilities shall be located on lots having a maximum area of 1.5 acres.
 2. Setbacks. Setbacks shall be determined in accordance with development standards for the zone. All on-site structures (occupied or unoccupied) shall have adequate setbacks in accordance with development standards for the zone in which the use is located.
 3. Access. Each developed site shall not have more than one (1) access per street frontage.
 4. Landscape. At least 40 percent of the site must be improved with landscaped area.
 5. Canopy. All pump island areas must be covered by a canopy structure. The maximum height of pump island canopy shall be 17 FT.

6. Driveway. The maximum driveway width shall be 40 FT.
- C. **Conditional Use Permits**. The following shall require a Conditional Use Permit:
1. Any automated fueling facility located closer than 1000 FT to a residential property or residential zoning district. This distance shall be measured from property line to property line or zoning district boundary.
 2. Automated fueling facilities shall be located on lots larger than 1.5 acres in size
- D. **Findings**. The Approving Authority may grant a Conditional Use Permit for an automated fueling facility, either in whole or in part, if from the evidence presented at the public hearing, the following findings of fact can be clearly established, in addition to the findings as set forth in § 9-1.0935 (Findings) of this chapter.
- E. The proposed conditional use is compatible with existing industrial and/or commercial uses in the vicinity in terms of scale, design and character.
- F. The proposed conditional use is well integrated with surrounding industrial and/or commercial development through plazas, courtyards, and pedestrian and automobile traffic.
- G. The proposed conditional use has outstanding architectural features and is of excellent design.

----B----

BED AND BREAKFAST INN ESTABLISHMENTS. The following standards shall govern the development and/or operation of bed and breakfast inns establishments:

- A. The inn structure shall be officially designated as a Local Historic Landmark or a Contributing Structure within a Designated Historic District, per the criteria of the City's Historic Preservation Ordinance (Article 26 of this chapter) and shall be subject to the regulations therein during the life of the permit.
- B. The inn structure shall serve as the primary residence of the owner(s), and if a corporation is the owner, a majority shareholder shall reside primarily in the inn structure. The bed and breakfast use shall be operated as an accessory use to the owner's residential use.
- C. The permit to operate is granted solely to the property owner(s). If a change of ownership occurs, the new owner will be required to abide by all of the conditions of approval of the conditional use permit.
- D. The lot on which the bed and breakfast establishment is operated shall conform to all standards of the zoning district in which it is located.
- E. The number of guest rooms shall not exceed the number of dwelling units permitted in the underlying zone, applying the provision that when a fractional number is obtained in the density calculation, the density is rounded up to the next highest whole number, and the owners quarters are not counted.
- F. No long-term rental of rooms shall be permitted. The maximum length of stay for any guest shall be fourteen (14) days.
- G. Guests may check in only between the hours of 9:00 a.m. and 9:00 p.m.
- H. Breakfast shall be the only full meal served, excepting light snacks and refreshments, and may only be served to guests of the bed and breakfast rooms, excepting light snacks and refreshments. Restaurants are not permitted, and no cooking facilities shall be allowed in guestrooms.
- I. In addition to the parking required for the primary residential use of the property, one additional unobstructed parking space shall be required for each guest unit.
- J. Only one sign shall be permitted, not to exceed 4 SF in area, or 3 FT in height if free standing, and may only be indirectly illuminated. No sign shall include the words "hotel," "motel," "motor hotel," or "lodge," but may use the word "inn."

- K. The applicant shall comply with all applicable building code regulations concerning the change of use of the structure.

BOARDING, LODGING OR ROOMING HOUSES. The following standards shall govern the development and/or operation of boarding, lodging or rooming houses in the City:

- A. All boarding, lodging or rooming houses shall require the submittal and approval of an administrative permit application and business license prior to establishing the boarding, lodging or rooming house use.
- B. Boarding, lodging or rooming houses shall comply with the parking requirements of Table 30-1 of the Ontario Municipal Code.
- C. No more than one (1) federal, state or youth authority parolee shall be allowed to live in a boarding, lodging or rooming house.
- D. The application submitted for approval of a boarding, lodging or rooming house shall identify whether any boarders are currently federal, state or youth authority parolees. That information shall be provided by the landlord to each lessee or renter upon signing a lease or other rental agreement. Owners and/ or operators of approved boarding, lodging or rooming houses shall update the information required by this Section anytime a person that is a federal, state or youth authority parolee is provided accommodation in the approved boarding, lodging or rooming house.
- E. All boarding, lodging and rooming houses shall require boarders to sign a Crime Free Lease Addendum to their lease or rental agreement. A sample Crime Free Lease Addendum shall be provided by the City as an attachment to the Planning Permit application. The Crime Free Lease Addendum shall provide that any criminal violations perpetrated by boarders shall be grounds for termination of the written or oral lease, sublease or agreement.
- F. Boarding, lodging or rooming houses shall be in compliance with all requirements of the Ontario Development Code prior to the issuance of a Planning Permit authorizing the use and at all times after issuance of a Planning Permit. Violation of any local, state or federal laws by individual boarders while on the premises shall be grounds for revocation of the permit, including but not limited to violations of California Penal Code § 3003.5.
- G. No boarding, lodging or rooming house shall be maintained as a nuisance.
- H. Violations of any of the provisions in this Section shall be grounds for revocation of the Planning Permit authorizing the boarding, lodging or rooming house use. The revocation procedures contained in § 9-1.0955 of this Development Code shall be followed.
- I. Boarding, lodging or rooming houses existing prior to the effective date of the ordinance creating this Section shall be required to comply with the requirements of this Section, within 6 months of the effective date.
- J. All boarding, lodging and rooming houses shall be required to pay to the City, an administrative fee in an amount determined by separate resolution of the City Council to cover the costs of permit review inspection of the facilities and issuance of the permit required by this Section.

-----C-----

CARETAKER QUARTERS. Caretaker quarters may be permitted in conjunction with and ancillary to a permitted or conditionally permitted use, for the purpose of providing 24-hour on-site property surveillance and shall not exceed 1,500 SF in total floor area.

CHILD CARE FACILITIES. The following standards shall govern the development and/or operation of child care facilities:

- A. **Small family child day care.** A small family day care home may provide care to no more than 8 children, if all of the following conditions are met:
1. At least two of the children are at least 6 years of age.
 2. No more than two infants are cared for during any time when more than six children are cared for.

3. The licensee notifies each parent that the facility is caring for two additional school age children and that there may be up to seven or eight children in the home at one time.
 4. The licensee obtains the written consent of the property owner when the family day care home is operated on property that is leased or rented.
- B. Large family child day care.** A large family day care home may provide care to no more than 14 children, subject to the following conditions:
1. The use shall be clearly incidental and subordinate to the primary residential use.
 2. All required state licenses and permits shall be obtained or applied for prior to applying for a permit to operate a large family daycare home. No City permit, as provided herein, shall be effective until satisfactory evidence has been provided to the City demonstrating that all necessary state licenses and permits have been obtained.
 3. Comply with all standards, rules and regulations of the zoning district in which the facility is located.
 4. In addition to those off-street parking spaces required of the primary residential land use, one off-street parking space shall be provided for each employee of the day care provider. The driveway may be used to fulfill this requirement.
 5. Any residential unit located on a standard or divided arterial street as identified in the Master Plan of Streets and Highways shall provide a circular driveway for use as a drop-off/pick-up area.
 6. Comply with all fire and life safety standards required by the State Fire Marshall and the City of Ontario Fire Department pursuant to California Administrative Code Title 24.
 7. All areas designated for active play, or any play structures, shall only be permitted in a street side yard or rear yard. In addition, a 6-FT high fence or wall shall enclose all play areas. Property line fences or walls may be used to fulfill this requirement.
 8. Any swimming pool, pond, wading pools or similar bodies of water greater than 18 inches in depth shall be fully enclosed by a minimum 5-FT high non-climbable fence. Additionally, all entrances and exits shall have self closing and latching gates. All latches shall be located at least 54 inches above adjacent grade.
 9. All trash receptacles and air-conditioning units located outdoors and next to any active play area shall be fully enclosed by a wall or fence to protect children.
 10. Pursuant State of California Health and Safety Code § 1520.5 et. Sec., to prevent over concentrations of residential care facilities which impair the integrity of residential neighborhoods, a minimum of 300 FT separation shall be provided between a large family daycare home and any other residential care facility, as measured from any point upon the outside walls of the structures housing those facilities.
 11. Trash receptacles shall be maintained in a sanitary condition with no odor detectable from adjacent properties.
 12. Any interior expansion, modification or alteration of a residential unit necessary for the operation of a large family daycare home shall be reviewed and approved by the Zoning Administrator.
 13. Not less than 10 days prior to the date on which the Zoning Administrator will make a determination whether to approve or deny the application for a large family daycare center, the City shall give notice by mail of the proposal. Notice shall be sent to all owners shown on the last equalized assessment roll as owning real property within a 100-FT radius of the exterior boundaries of the subject property.
- C. Child day care centers.** The following requirements must be met for Day nurseries and day care centers.
1. The applicant shall have obtained, or applied for, all required state licenses and permits to operate the facility. A City permit shall not be issued until the applicant presents satisfactory evidence that state permits and licenses have been secured.

2. Only one (1) employee who resides away from the provider's home may work at the day care center at any given time.
3. Off-street parking for the dwelling unit must be provided in accord with Article 30 (Parking & Loading Requirements) of this Development Code.
4. Any day care center located on a standard or divided arterial street as identified in the Master Plan of Streets and Highways must provide a circular driveway or equivalent for use as a drop-off-pick up area.
5. Exterior play areas shall not be located within any required setback area and shall be fenced with a minimum 6-FT high fence.
6. A day care center may be located in an area in which the measurable noise level does not exceed a CNEL of 65 dBA.
7. The operator shall obtain all necessary governmental permits. A City permit shall not be granted until all state and/or County permits have been secured.

COMMERCIAL GROWING ESTABLISHMENTS. Commercial growing establishments, such as row, field, tree & nursery crops cultivation, including cultivation of open field or greenhouse crops, fruits, vegetables, grain, fibers, flowers, ornamental and nursery plant materials for wholesale or retail sales and ultimate consumption by others, shall only be permitted as an interim land use on unimproved, undeveloped, underdeveloped or vacant property.

CONGREGATE CARE FACILITIES. The following standards shall govern the development and/or operation of congregate care facilities:

- A. The maximum density for these types of uses may exceed that which is ordinarily permitted in the zoning district in accordance with State Law. The maximum density shall be determined based on an equivalent impact of traffic and transportation, use of water and generation of sewerage as would normally be associated with a standard residential project on the same site. Applicants for congregate care/senior citizen housing projects shall submit appropriate traffic, water and sewer information to the Planning and Engineering Departments to assist in determining allowed densities.
- B. Off-street parking is to be provided as set forth in Article 30 (Off-Street Parking and loading Requirements).
- C. Public transit linkages are to be provided. This may include dedication and improvement of a bus or transit facility on or adjacent to the site, if the site lies on an existing or planned bus route, provision for a dial-a-ride or regular shuttle service to a regular transit route, or equivalent alternative methods as approved by the Planning Director.
- D. A minimum of 75 square feet of private open space and 75 square feet of common open space shall be provided per dwelling or room used for dwelling purposes. Common spaces shall be provided with recreation room(s), swimming pools, lawn bowling courts and similar recreational facilities, depending on the size of proposed complex.
- E. Common laundry and eating areas may be provided.
- F. Age restrictions and/or deed restrictions may be placed on occupants of senior citizen housing facilities as part of development plan review.

CONVENIENCE MARKET. The following standards shall govern the development and/or operation of convenience markets:

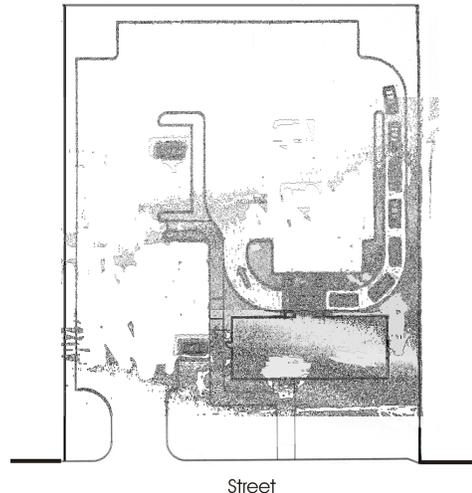
- A. Hours of operation for commercial uses are to be limited to between 7:00 a.m. and 10:00 p.m., daily;
- B. Convenience businesses shall provide secure bicycle parking, designed for the safety and security of at least three bicycles. Candy stores, confectioneries, convenience food stores and ice cream stores shall provide a minimum of five secure bicycle parking spaces;
- C. All convenience businesses involved in the retail sale of food items or packaged food must provide and maintain outdoor trash receptacles for use by customers, adjacent to the business entry and outside of any public right-of-way;
- D. Article 31 (Signs) of this chapter establishes provisions for temporary window signs;

- E. Within an NC District, conversion from a commercial use to a residential use or from residential use to a commercial use requires site plan approval, per Article 8 (Development Plan) of this chapter;
- F. Recycling facilities for use by patrons are to be provided for neighborhood convenience facilities selling food items in accordance with State Law. These facilities are to be approved in writing by the Planning Director.

-----D-----

DRIVE-THRU FACILITIES. The following standards shall govern the development and/or operation of drive-thru facilities and are intended to result in facilities that are well designed, encourage pedestrian activity, and enhance the commercial areas of which they are a part:

- A. **Location Standards.** Drive-thru businesses shall not disrupt the pedestrian activity of adjacent or nearby commercial uses or commercially zoned property. The use shall not interfere with the normal use of adjoining properties or potential for planned commercial development. Drive-thru businesses shall not be located within 300 FT of a property used for residential purposes or a residential zoning district without issuance of a Conditional Use Permit as set forth in subsection (3), below.
- B. **Development Standards.** Commercial uses incorporating drive-thru facilities shall comply with each of the following development standards:
 - 1. Lot Area. Drive-through businesses shall be located on lots having a minimum area of 1 acre. This area may be modified when the business is within an integrated shopping center.
 - 2. Lot Coverage. The maximum lot coverage shall be 40 percent of the lot area.
 - 3. Floor Area. The minimum interior/ covered area for drive-through businesses shall be 3,000 SF with a minimum interior floor area of 2,500 SF.
 - 4. Setbacks.
 - (i) Setbacks shall be provided in accordance with development standards for the applicable zoning district in which the facility is proposed.
 - (ii) A minimum 25-FT landscaped setback shall be maintained between any drive-thru facility, including drive-up windows, drive-thru lane and menu/order stations, and any adjacent residentially zoned property or residential land use.
 - (iii) The building shall maintain a minimum 20-FT landscaped setback from street property lines. Design elements, such as trellises, may encroach into the setback when well integrated with the landscape.
 - 5. Building orientation. Buildings shall orient toward the street.
 - 6. Access. Each developed site shall not have more than one (1) drive approach per street frontage. Drive-thru aisles shall not take direct entry access from a public street or thoroughfare, but instead take access from a parking area or on-site drive aisle.
 - 7. Building height. Buildings shall not exceed a height of 35 FT.
 - 8. Site design.
 - (i) Buildings shall be oriented toward the street.



Street-Oriented Site Design

- (ii) Decorative low garden walls shall be provided to screen the parking lot and drive-through aisle from view of the public street.
- (iii) All service and loading areas shall be screened from public view to the extent possible.
- (iv) Restrooms shall not be accessed from outside the structure.
- (v) Ladders for roof access shall be mounted on the inside of the building or shall be completely concealed from public view.
- (vi) The site design shall minimize pedestrian/vehicle conflicts by creating opportunities for courtyards, plazas, outdoor dining and landscaped pathways that promote safe and convenient pedestrian movement.

9. Drive-thru lane design.

- (i) Drive-thru restaurants shall have a drive-through lane that measures a minimum of 144 FT in length, measured from entry to pick-up window, accommodating a minimum of 6 vehicles
- (ii) The lane shall not enter directly from the street.
- (iii) The lane shall have a minimum width of 11 FT on straight sections and 12 FT on curved sections.
- (iv) Drive-thru lanes shall be screened through building orientation, landscaping, low screen walls and trelliswork

10. Trash enclosures.

- (i) A fully enclosed trash containment area shall be provided and constructed of a material that is consistent with the architecture of the building. Trash enclosures shall not be located adjacent to combustible construction or underneath windows or unprotected areas. All outdoor trash enclosures shall be constructed, screened and covered in accordance with city standards.
- (ii) Provisions for adequate vehicular access to and from such areas for the collection of trash and garbage shall be provided. Service and trash areas shall be screened from public view. Loading areas shall be designed to provide for backing and maneuvering on-site and not from a public street.

C. Conditional Use Permits. The following shall require a Conditional Use Permit:

1. Any drive-thru business locating closer than 300 FT to a residential property or residential zoning district. This distance is measured from property line to property line or zoning district boundary.
2. The construction of a kiosk.
3. A drive-thru business locating on lots less than 1 acre in size.
4. Drive-through businesses with total indoor/ outdoor covered areas under 3,000 SF, or interior floor area under 2,500 SF.

D. Findings. The Approving Authority may grant a Conditional Use Permit for a drive-thru facility, either in whole or in part, if from the evidence presented at the public hearing, the following findings of fact can be clearly established, in addition to the standard findings as set forth in § 9-1.0935 (Findings) of this chapter.

1. The proposed conditional use is compatible with existing commercial uses in the vicinity in terms of scale, design and character.
2. The proposed conditional use is well integrated with surrounding commercial development through plazas, courtyards, and pedestrian and automobile traffic.
3. The proposed conditional use has outstanding architectural features and is of excellent design.

- E. Maintenance.** The premises shall be kept clean, and the operator shall make all reasonable efforts to see that no trash or litter originating from the use is deposited on adjacent properties. Adequate trash containers shall be required, and employees shall be required daily to pick up trash originating from the site, both on site and within 50 FT of the perimeter of the property. All graffiti shall be removed within 72 hours. No undesirable odors shall be generated on site. All merchandise, wares and crates in the form of temporary and permanent storage, displays or goods offered for sale shall be within the building. Storage of any kind shall be contained completely within an enclosed structure.
- F. Trash.**
1. A fully enclosed trash area shall be provided and constructed of a material that is in harmony with the architecture of the building. Trash enclosures shall not be located adjacent to combustible construction or underneath windows or unprotected areas. All outdoor trash enclosures shall be constructed and screened in accordance with city standards.
 2. Provisions for adequate vehicular access to and from such areas for the collection of trash and garbage shall be provided. Service and trash areas shall be screened from public view. Loading areas shall be designed to provide for backing and maneuvering on-site, and not from a public street.
- G. Noise.** Noise emanating from sound systems, including intercom and public address systems, shall not be audible beyond the property line.
- H. Signs.** All signs shall conform to the sign provisions of Article 31 of this code. Facilities within an integrated shopping center or plan must comply with the uniform sign program as established in the center. Menu signs will be limited to two 6-FT high signs with a maximum size of 24 SF each. Menu board signs shall not obscure vehicular visibility.
- I. Design Guidelines.** The following design guidelines are intended as a reference to assist the designer in understanding the City's goals and objectives for high quality commercial development. The guidelines compliment the mandatory development standards (Subsection B, above) by providing good examples of potential design solutions and by providing design interpretations of the various mandatory regulations.

The design guidelines are general and may be interpreted with some flexibility in their application to specific projects. The guidelines will be utilized during the City's development review process to encourage the highest level of design quality, while at the same time providing the flexibility necessary to encourage creativity on the part of the project designer(s). However, unless there is a compelling reason, these design guidelines shall be observed.

1. Architecture.

- (i) **Style.** The construction of the building should depict a specific architectural style through the use of distinctive elements and features consistent with the chosen style. Accessory structures should portray the style through their features as well. The style of the building should also reflect and complement the styles of surrounding commercial buildings. The building should employ 360o architectural treatments, and be individually designed for its site. Standardized corporate architectural styles shall be discouraged.
- (ii) **Materials.** A variety of quality building materials should be incorporated into the building, such as brick, wood, marble, stone, tinted/textured concrete masonry and ceramic tile. These materials should have a substantial and long-lasting appearance. Veneers that are visibly prefabricated shall not be used.
- (iii) **Structure.** Pay and pick-up windows should be covered by a structure that reflects the style of the building and is substantial in character; however, it should remain subsidiary to the main structure. Entries should project eight to 10 FT from the building in order to add depth and variation to the façade.
- (iv) **Entry design.** Gables, awnings, sign locations or other features should clearly express the location of doorways. Greater attention should be given to materials and detailing adjacent to entries.
- (v) **Arcades and awnings.** Outdoor arcades are encouraged to protect pedestrians from summer heat and winter rain. Where an arcade is not provided, a separate awning or other architectural feature should be used for each business to enhance the individual identity of small shops. Because they can quickly deteriorate, canvas awnings are discouraged, or should be properly maintained.

- (vi) Roof forms. Roof forms should reflect the architectural style and internal organization of buildings. Hipped and gable roofs are encouraged. Flat roof parapets should be accompanied by a cornice or other shadow-creating detail at its "top."
 - (vii) Drive-up Windows. Construct roofs or trellises over drive-up windows. Posts supporting roofs or trellises should be substantial in appearance. Integrate these features into the overall architecture of the project. The stacking area for drive-up windows should be screened from the street through a combination of berming, low walls and landscaping.
2. Lighting. On-site lighting must be directed away from adjacent freeways, roads, streets and adjacent properties. All exterior lighting shall be of an indirect nature, coming from under eaves and canopies, or at ground level in landscaped areas. Any visible exterior lighting elements should be a decorative fixture, reflective of the stylistic concerns of the building's architecture. These light fixtures will provide ambient light only. Light standards under 15 FT in height (including lighting bollards) should illuminate all street sidewalks and connecting walkways, and are encouraged throughout the project.
 3. Landscaping. The minimum amount of on-site landscaping, including defined plazas and courtyards, shall be 15 percent of the net lot area, excluding public street rights-of-way. Landscaping should be used on the site to show transition from adjacent uses, define a circulation pattern on the lot, screen the parking lot from the street, highlight entries, provide shade for parking as well as outdoor eating areas, and to soften the appearance of the building

All required landscaping shall include plantings of minimum 15-gallon trees minimum, planted no more than 20 FT apart on center, within a minimum 5-FT wide planter. A suitable plant material (grasses, ivy, etc.) should be used as ground cover. Landscape material, including hedges and low walls, shall be used to screen drive-through aisles from adjacent public right-of-ways. Such landscaping shall be a minimum of 10 FT in width. Pedestrian walks and aisles should not intersect drive-through aisles. In the event this occurs, adequate visibility for pedestrians and vehicles shall be provided and pedestrian crossings shall be clearly marked with signs
 4. Play Structures. Play structures should be built indoors, becoming an integral part of the architecture, yet remaining a subordinate element. Outdoor play structures shall be no higher than 11 FT tall. Indoor restaurant playground facilities shall be ancillary to the restaurant use. Scale and massing shall not dominate the main structure and the height of the playground facility shall not exceed the height of the main roof of the main structure. Building design shall be consistent with all applicable design guidelines.

-----E-----

EXTERMINATING SERVICES. The following standards shall govern the development and/or operation of exterminating services:

- A. Storage of commercial vehicles/service trucks shall be within an enclosed building or within an area enclosed by an 8-FT high sight-obscuring wall or fence. Outdoor storage of hazardous chemicals or materials is not permitted.
- B. Prior to consideration of a Conditional Use Permit for a disinfecting and exterminating service, an application for Development Plan Review shall be filed pursuant to Article 8 (Development Plan) of this chapter.
- C. Conditional Use Permits for disinfecting and exterminating services shall be subject to annual review.
- D. An emergency contingency plan shall be filed with the Ontario Fire Department.
- E. An Industrial, Commercial and Professional Wastewater Survey and Permit Application shall be filed with the Ontario Engineering Department.
- F. A list of all types and amounts of chemical used or stored on the site shall be submitted to the Ontario Engineering Department as well as a Chemical Spillage Control Plan. Storage of chemicals or service trucks is not allowed within a 100-year flood zone. Storage and handling of hazardous materials are to be limited to those quantities specified in the Uniform Building and Fire Codes.

- G. A disposal plan for chemicals shall be submitted to the City of Ontario Building Department, Fire Department, Engineering Department and Public Services Agency. Hazardous chemicals and their containers shall be disposed only at an approved hazardous materials disposal site and not in City sewers or within solid waste dumpsters.
- H. Individuals and firms owning and operating businesses relating to disinfecting and exterminating services shall be licensed by the State of California according to their particular discipline.
- I. The site of a disinfecting and exterminating service shall be adequately signed indicating that hazardous substances are stored or handled on the site.
- J. Access to hazardous materials shall be limited to authorized personnel only.

-----G-----

-----H-----

HOME OCCUPATIONS. The following standards shall govern the operation of home occupations:

- A. **Purpose and intent.** The purpose of these provisions is to allow for the operation of home-based businesses that are incidental to and compatible with residential uses permitted within each of the City's residential zoning districts. A home occupation represents a legal income producing activity by the occupant of a residential dwelling unit.
- B. **Applicability.**
 - 1. Home occupation permit required. No person shall engage in a home occupation unless such person holds a valid home occupation permit issued by the City.
 - 2. Prohibited uses. The following list represents example uses that are not considered to be incidental to and/or compatible with residential activities, and for which a home occupation permit shall not be issued:
 - (i) Gun/munitions repair or sales;
 - (ii) Ammunition loading or sales;
 - (iii) Barber and beauty shops;
 - (iv) Businesses which involve the harboring, training, breeding, raising or grooming of cats, dogs or other animals on the premises;
 - (v) Carpentry and cabinet making;
 - (vi) Medical and dental offices, clinics or laboratories;
 - (vii) Repair or fix-it shops;
 - (viii) Storage of equipment, materials and other accessories to the construction or service trades;
 - (ix) Motor vehicle repair (body or mechanical), upholstery or painting;
 - (x) Welding or machining;
 - (xi) Sales of motor vehicles (New or Used)
 - (xii) Massage services, excepting out-call and chair massage services operated pursuant to Ontario Municipal Code Title 6, Chapter 10;
 - (xiii) Mobile motor vehicle service and repair; such as detailing and vehicle repair; and

(xiv) Any other use determined by the Zoning Administrator that is not incidental to and/or compatible with residential activities.

C. Application and filing.

1. Any person desiring to obtain a home occupation permit shall make application to the Zoning Administrator, along with a nonrefundable filing fee set by resolution of the City Council, to defray the City's cost of application processing.
2. The application and fee required under this Section shall be in addition to any license, permit or fee required under any other Chapter of this Code.

D. Investigation.

1. The Zoning Administrator shall investigate the facts bearing on the application and compile the information necessary for action on the application.
2. The Zoning Administrator may refer applications to the Building Department, Fire Department and Code Enforcement, which shall inspect the proposed premises and make recommendations concerning compliance with the foregoing provisions.

E. Review and action.

1. The Zoning Administrator shall approve, conditionally approve or deny the application within thirty (30) days of filing. The decision of the Zoning Administrator shall be final and conclusive in the absence of a timely filed appeal. Any appeal of such action shall be subject to the provisions of Title 9, Chapter 1, Part 2, Article 5 of this Code.
2. All permits issued pursuant to the provisions of this Section shall be nontransferable.

F. Operating requirements. Home occupations shall comply with the following operating standards:

1. A home occupation shall be clearly incidental and subordinate to the primary residential use.
2. Only the occupants of the dwelling may engage in the home occupation.
3. Not more than one client or customer shall visit the premises at any one time, excepting in-home educational activities, including, but not limited to, music lessons, academic tutoring or religious instruction, provided no more than 3 students are present at any one time and each of the operating requirements enumerated herein are complied with.
4. There shall be no change in the outward appearance of the premises.
5. There shall be no advertising that identifies the home occupation by street address.
6. No on premise signs advertising the location of the business shall be permitted.
7. The home occupation shall be conducted within an enclosed structure, completely confined to one room of the dwelling and occupying no more than 10% of the GFA of the dwelling, except that horticulture activities may be conducted outdoors in conjunction with a single family dwelling located in the appropriate zoning district; however, all activities shall take place within the rear one-half (½) of the lot and occupy no more than 5% of the net lot area.
8. Only one vehicle, no larger than a one (1)-ton pick-up truck or van, may be maintained on the property, either directly or indirectly in connection with the home occupation.
9. There shall be no use or storage of materials, chemicals, compounds or equipment not typically recognized as being part of a normal household or hobby use.

10. Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises.
 11. The home occupation shall not generate vehicular or pedestrian traffic in greater volumes than normal in a residential neighborhood.
 12. The home occupation shall not involve the use of commercial vehicles for delivery of materials either to or from the premises, excepting the use of standard parcel delivery services.
 13. No equipment or processes shall be used which creates noise, odor, smoke, glare, dust, fumes, vibration, or result in interference with radio or television reception detectable to the normal senses outside the dwelling unit in which the home occupation is conducted.
 14. If the home occupation is to be conducted on rental property, the property owner's written authorization shall be provided on the home occupation permit application.
 15. No home occupation shall be conducted without a current business license obtained pursuant to the provisions of Title 3, Chapter 1 (Business Licensing Regulations) of this Code.
- G. Change in information or circumstance.** If during the life of a home occupation permit the applicant has any change in information or circumstance concerning the original application, notification must be made to the Zoning Administrator, in writing, within thirty (30) days of the change.
- H. Inspections.** Authorized representatives of the City's Police Department, Building Department, Fire Department or Code Enforcement Officers shall have the right to enter the property upon which a home occupation permit has been granted, during normal business hours, for the purpose of making reasonable unscheduled inspections to observe and enforce compliance with applicable regulations, laws and provisions of this Code.
- I. Permits not assignable.** No home occupation permit may be sold, transferred or assigned by the permittee, or by operation of law, to any other person or persons. Any such sale, transfer or assignment, or attempted sale, transfer or assignment shall be deemed to constitute a voluntary surrender of such permit and such permit shall thereafter be deemed terminated and void.
- J. Permit suspension and revocation.**
1. The Zoning Administrator shall have jurisdiction to revoke a home occupation permit granted in accordance with the provisions of this Section. The Zoning Administrator may order any permits suspended, pending such action. It shall be unlawful for any person to carry on a home occupation until the suspended permit has been reinstated by the Zoning Administrator.
 2. An action to revoke a home occupation permit shall be accomplished in the following manner:
 - (i) The Zoning Administrator shall conduct a hearing to determine whether the permit should be revoked. The Zoning Administrator shall prepare and deliver to the permittee, a written statement setting forth the factual basis for the proposed revocation, and shall state the time and place such hearing will be held, at least 10 days prior to the hearing.
 - (ii) A permit may be revoked by the Zoning Administrator based upon any one or more of the following grounds:
 - (a) Permit approval was obtained by fraud;
 - (b) The permit granted is not being exercised;
 - (c) The permit is being, or has been, exercised contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, law or regulation; or
 - (d) The permit has been so exercised as to be detrimental to the public peace, health, safety, welfare, or so as to constitute a nuisance to the annoyance of surrounding businesses or residents.

- (iii) The decision of the Zoning Administrator to revoke a permit shall be final and conclusive in the absence of a timely filed appeal. Any appeal of such action shall be subject to the provisions of Title 9, Chapter 1, Part 2, Article 5 of this Code.

- K. Burden of proof at hearings.** Unless otherwise specifically provided by law, the burden is on the permittee-applicant in any hearing under this Section, to prove that the determination of the Zoning Administrator is unreasonable, erroneous or clearly abusive of discretion.

HOTELS, MOTELS AND APARTMENT HOTELS AND RESIDENCE INNS. The following standards shall govern the development and/or operation of hotels, motels, apartment hotels and residence inns:

- A.** Kitchens, kitchenettes and other cooking facilities shall not be permitted within motel or hotel units except the manager's unit. Kitchens, kitchenettes or other cooking facilities may be permitted within apartment hotels and residence inns;
- B.** An application for a Conditional Use Permit for a hotel, motel, apartment hotel or residence inn shall be accompanied by market feasibility report prepared by a professional economist and shall include the following information:
1. A complete listing of proposed facilities, amenities, and services (i.e.: number and type of rooms, meeting space square footage, recreational amenities, business services such as data ports-workstations-etc., refrigerators in room, laundry service, restaurant-coffee shop-food service, etc.);
 2. History of proposed developer and potential operators (i.e.: years in business, principals, capitalization, experience, listing of projects, number of units owned, average rates charged, occupancy rates, etc.);
 3. Analysis of economic environment projecting likely future economic conditions as they relate to the operation of the subject hotel;
 4. Subjects competitive market (i.e.: identification of their market, three and five year history of occupancy-average daily rate-revenue per available room trends for that market, estimated share of the market the hotel will capture during the first five years of operation, etc.);
 5. Analysis of the economic impacts on existing hotel markets within Ontario (i.e.: estimate of the dilution of the market due to addition of proposed hotel, etc.). Note: new hotel projects should only be approved if competitive market occupancy remains at or above 65percent for a five year projection period;
 6. Relationship to demand generators (i.e.: airport, convention center, corporate market, shopping and entertainment);
 7. Public cost/revenue projections;
- C. Amenity Package.** The following amenities shall be incorporated into all new hotels:
1. Guestrooms shall include voicemail, data ports, desk, hairdryers, iron and ironing board, color television, alarm clock or wake-up service.
 2. Minimum of 15 FT of meeting space per guestroom for limited –service hotels and 30 SF for full-service hotels.
 3. Recreational facilities shall include a pool, whirlpool/spa and a fitness room.
 4. A restaurant shall be provided for full-service hotels and a guest courtesy lounge (for light meals and snacks) will be provided for limited-service hotels.
 5. Any decision by the Planning Commission granting a Conditional Use Permit for a hotel, motel, apartment hotel or residence inn shall be automatically deemed appealed to the City Council.
 6. Occupancy shall be limited to 30 consecutive calendar days or less, counting portions of calendar days as full days.

-----I-----

INTERIM OFF-AIRPORT PARKING LOTS. The following standards shall govern the development and/or operation of interim off-airport parking lots:

- A. The Conditional Use Permit shall expire up to a maximum of five (5) years from the date the Conditional Use Permit becomes effective, unless renewed. Renewals may be granted by the Planning Commission for one-year periods not to exceed a total of 3 years;
- B. Applicants filing for interim parking lots can seek a waiver from the Planning Director on applicable off-street parking standards as set forth in Article 30 (Parking and Loading Requirements) of this chapter;
- C. Interim off-airport parking lots and/or pay parking lots are not to be used or counted toward providing required parking for any other land use;
- D. Article 31 (Signs) of this chapter establishes standards for interim airport signs;
- E. Interim off-airport parking lots are subject to Development Plan approval pursuant to Article 8 (Development Plans) of this chapter.

-----J-----

-----K-----

KENNELS AND CATTERIES. Any lot or premises upon which dogs or cats over the age of 4 months are kept for boarding, breeding, training or sale, shall only be permitted on lots or parcels 2.5 or more acres in size.

-----L-----

-----M-----

MESSAGE ESTABLISHMENTS AND SERVICES. The following operational standards shall govern any business engaged in massage or any person acting as a massage practitioner or massage therapist:

- A. No person shall engage in the business of massage, or act as a massage practitioner or massage therapist, unless:
 - 1. Such person holds valid massage practitioner or massage therapist certification issued by the Massage Therapy Organization pursuant to Business and Professions Code Section 4600 et seq.; or
 - 2. Such person holds a valid massage therapist permit issued by the the City, pursuant to the following provisions:
 - (a) Application and filing.
 - (1) Any person desiring a massage therapist permit shall make application to the Zoning Administrator, along with a nonrefundable filing fee set by resolution of the City Council, to defray the City's cost of the investigation, inspections and report required by this chapter.
 - (2) The application and fee required under this section shall be in addition to any license, permit or fee required under any other chapter of this Code.
 - (3) Separate permits need not be obtained by a massage therapist operating in more than one location within the City, provided that the application for a single permit discloses each location at which the therapist may operate.
 - (4) The application for a permit does not authorize the applicant to practice massage until such permit has been granted.
 - (5) Each application for a massage therapist permit shall contain the following information:

- (i) The full true name under which the business will be conducted.
- (ii) The present or proposed address where the business is to be conducted.
- (iii) The applicant's full, true name, any other names used, date of birth, California driver's license number or California identification number, social security number, present residence address and telephone number and the sex, height, weight, color of hair, and color of eyes of the applicant.
- (iv) The address of the previous 2 residences of the applicant and the inclusive dates at each address.
- (v) Two (2) portrait photographs measuring 2 inches in width by 2 inches in height, taken within the 6 month period prior to application submittal.
- (vi) The applicant's business, occupation, and employment history for 5 years preceding the date of application, and the inclusive dates of same.
- (vii) At least 3 written statements, including dates of relationships, signed by persons who have knowledge of the applicant's background, qualifications and suitability for the position of massage therapist. Those persons shall have known the applicant for at least 3 years preceding the date of application.
- (viii) The permit history of the applicant, including whether such person has ever had any permit or license issued by any agency, board, city, county, territory or state, and the date of issuance for such permit or license and whether such permit or license was revoked or suspended. In addition, whether a vocational or professional license or permit was issued, revoked, or suspended, and the reason therefor.
- (ix) Convictions for any crime involving conduct which requires registration under any state law similar to and including California Penal Code § 290, or for conduct which is a violation of the provisions of any state law similar to and including California Penal Code § 266i, 315, 316, 318 or § 647(b), or any crime involving pandering, dishonesty, fraud, deceit, or moral turpitude.
- (x) Convictions of any felony offense involving the sale of a controlled substance specified in California Health & Safety Code § 11054, 11055, 11056, 11057 or 11058, or conviction in any other state of any offense which, if committed or attempted in this State, would have been punishable as one or more of the above-mentioned offenses of this division.
- (xi) A complete definition of all services to be provided.
- (xii) The name and address of any massage business or other like establishment owned or operated by any person whose name is required to be given pursuant to this section wherein the business or profession of massage is carried on.
- (xiii) Acceptable written proof that the applicant is at least 18 years of age.
- (xiv) If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its Articles of Incorporation or Charter together with the state and date of incorporation, and the names and residence addresses of each of its current officers and directors, and of each stockholder holding more than 5 percent of the stock of that corporation.
- (xv) If the applicant is a partnership, the application shall set forth the name and residence address of each of the partners, including limited partners. If the applicant is a limited partnership, it shall furnish a copy of its certificate of limited partnership as filed with the County Clerk. If one or more of the partners is a corporation, the provisions of this subdivision pertaining to corporate applicants shall apply.
- (xvi) The name of the person designated by the applicant, corporation or partnership to act as its responsible managing officer in charge of the premises.

- (xvii)** Acceptable written proof that the person designated by the applicant, corporation or partnership to act as its responsible managing officer in charge of the premises, is at least 18 years of age.
 - (xviii)** The applicant and the person designated by the applicant, corporation or partnership to act as its responsible managing officer in charge of the premises shall be required to furnish fingerprints for the purpose of establishing identification. Any required fingerprinting fee will be the responsibility of the applicant.
 - (xix)** A description of any other business to be operated on the same premises, or on adjoining premises, owned or controlled by the applicant.
 - (xx)** The name and address of the owner and lessor of the real property upon or in which the business is to be conducted. In the event the applicant is not the legal owner of the property, the application must be accompanied by a copy of the lease and a notarized acknowledgment from the owner of the property that a massage establishment will be located on his or her property.
 - (xxi)** Authorization for the City, its agents and employees, to seek information and conduct an investigation into the truth of the statements set forth in the application.
 - (xxii)** A certificate from a medical doctor stating that the applicant (other than an owner not acting as a massage therapist) has, within 30 days immediately prior thereto, been examined and found to be free of any contagious or communicable disease.
 - (xxiii)** The applicant (other than an owner not acting as a massage therapist) shall furnish a diploma or certificate of graduation from a recognized school or other institution of learning wherein the method, profession, and work of massage therapists is taught.
 - (xxiv)** The applicant shall, within 7 calendar days of the change, submit any change of address or fact that may occur during the procedure of applying for a massage establishment permit.
 - (xxv)** Such other identification and information as the Police Chief may require in order to discover the truth of the matters hereinbefore specified as required to be set forth in the application.
 - (xxvi)** Nothing contained in these provisions shall be construed to deny to the Police Chief the right to take additional photographs of the applicant, nor shall anything contained in this chapter be construed to deny the right of the Police Chief to confirm the height and weight of the applicant.
- (6)** The applicant must furnish proof of education and training in accordance with one of the following:
- (i)** A diploma or certificate of graduation and transcripts from a 500 hour course of instruction from either a recognized school of massage or from an existing school or institution of learning outside the State, together with a certified transcript of the applicant's school records showing date of enrollment, hours of instruction and graduation from a course having at least a minimum requirement prescribed by Title 5, Division 21, of the California Administrative Code, wherein the theory, method, profession and work of massage are taught, and a copy of the school's approval by its State Board of Education. For the purpose of this provision, the term "recognized school of massage" shall mean any school or institution of learning which teaches the theory, ethics, practice, profession or work of massage, which has been approved pursuant to the California Education Code. Schools offering a correspondence course not requiring attendance shall not be deemed a State-recognized school. The City shall have a right to confirm that the applicant has actually attended class in a State-recognized school; or
 - (ii)** A diploma or certificate of graduation and transcripts from a minimum 200 hour course of instruction from schools or institutions as described in subparagraph (i), above, and furnish proof of completion of up to 300 hours of continuing education courses in massage from schools or institutions as described in subparagraph (i), above, or from equivalent organizations as determined by the Zoning Administrator. The minimum combined total course hours and continuing education hours shall equal no less than 500 hours.

- (7) Each applicant must furnish proof that they hold and maintain a current national certification. For the purpose of this provision, the term "national certification" shall mean an independently prepared and administered national certification exam, which has been recognized by objective standards to fairly evaluate professional levels of skill, safety and competence, as determined by the National Commission for Certifying Agencies (NCCA) or a similar certifying body.
 - (8) Each applicant must furnish proof of membership in a state or national professional massage therapy organization or association, and that they are in good standing. For the purpose of this provision, the term "state or national professional massage therapy organization or association" means an organization or association for massage professionals, which meets each of the following requirements:
 - (i) Requires that its members meet minimal educational requirements appropriate to the nature of their work;
 - (ii) Offers and encourages participation in continuing education programs;
 - (iii) Has an established code of ethics and has enforcement procedures for the suspension and revocation of membership of persons violating the code of ethics; and
 - (iv) The organization does not discriminate on the basis of race, sex, creed, color, age or sexual orientation.
 - (9) Each applicant must furnish the full name, address and telephone number of each massage establishment where the therapist will be employed.
 - (10) Such other identification and information as the Zoning Administrator may require in order to discover the truth of the matters herein specified as required to be set forth in the application.
- (b) Investigation.
- (1) The Zoning Administrator shall refer massage therapist applications to the Police Chief for an investigation and recommendation.
 - (2) The Police Chief shall conduct an investigation in such manner deemed appropriate, in order to ascertain whether such permit should be issued as requested. Upon completion of the investigation, the Police Chief shall recommend that the permit be granted if it is found:
 - (i) All required fees have been paid.
 - (ii) The application conforms in all respects to the provisions of this chapter.
 - (iii) The applicant has not made a material misrepresentation in the application.
 - (iv) The applicant has not been convicted in a court of competent jurisdiction of an offense involving conduct which requires registration under any state law similar to and including California Penal Code § 290, or for conduct which is a violation of the provisions of any state law similar to and including California Penal Code § 266i, 315, 316, 318 or 647(b), or any crime involving pandering, dishonesty, fraud, deceit, or moral turpitude.
 - (v) The applicant has not been convicted in a court of competent jurisdiction of an offense involving the sale of a controlled substance specified in California Health & Safety Code § 11054, 11055, 11056, 11057 or 11058, or conviction in any other state of any offense which, if committed or attempted in this State, would have been punishable as one or more of the above-mentioned offenses of this division.
 - (vi) The applicant has not had a massage therapist, or other similar permit or license denied, revoked, or suspended by the City, or any other state or local agency prior to the date of approval.

- (vii) The applicant is at least 18 years of age.
- (c) Review and action.
- (1) The Zoning Administrator shall approve, conditionally approve or deny the application within 45 days of filing. The decision of the Zoning Administrator shall be final and conclusive in the absence of a timely filed appeal. Any appeal of such action shall be subject to the provisions of Article 5 (Appeals) of this chapter.
 - (2) All permits issued pursuant to the provisions of this chapter shall be nontransferable; provided, however, a change of location of a massage establishment may be permitted pursuant to the provisions of division (e) of these provisions.
- (d) Permits not assignable. No massage therapist permit may be sold, transferred or assigned by the permittee, or by operation of law, to any other person or persons. Any such sale, transfer, assignment, or attempted sale, transfer or assignment shall be deemed to constitute a voluntary surrender of such permit and such permit shall thereafter be deemed terminated and void.
- (e) Change of location.
- (1) A change of location of any massage therapist must first be approved by the Zoning Administrator, who must determine prior to approval that all ordinances and regulations of the City will be complied with at any proposed new location.
 - (2) No permittee shall operate under any name or conduct any establishment under any designation not specified in permittee's permit.
 - (3) Separate permits need not be obtained by a massage therapist operating in more than one location within the City for each such location; provided, that the application for a single permit for more than one location shall disclose each location at which the therapist may operate.
- (f) Renewal of permit.
- (1) Massage therapists licensed pursuant to these provisions shall have 30 days from the date of expiration to renew their permit.
 - (2) A massage therapist permit shall be renewed on a biannual basis. Permit renewal shall be contingent upon satisfactory compliance with all requirements of this chapter pertinent to massage services, including a current medical clearance and submission to a background investigation subsequent to fingerprint examination.
 - (3) Every massage therapist licensed under this chapter shall annually complete at least 20 hours of continuing education courses in massage from schools or institutions as described in division A.2(a)(6) of these provisions, or from equivalent organizations as determined by the Zoning Administrator. Failure to complete such hours and submit proof of such completion in a form satisfactory to the Zoning Administrator at the time of permit renewal shall be grounds for denial of permit renewal.
- (g) Permit suspension and revocation.
- (1) The Zoning Administrator shall have jurisdiction to revoke any massage therapist permit granted in accordance with paragraphs (a) through (f), above. The Zoning Administrator may order any permits suspended, pending such action. It shall be unlawful for any person to carry on the business of a massage therapist until the suspended permit has been reinstated by the Zoning Administrator.
 - (2) An action to revoke a permit granted pursuant to these provisions shall be accomplished in the following manner:

- (iii) The Zoning Administrator shall conduct a hearing to determine whether the permit should be revoked. The Zoning Administrator shall prepare and deliver to the permittee, a written statement setting forth the factual basis for the proposed revocation, and shall state the time and place such hearing will be held, at least 10 days prior to the hearing.
 - (iv) A permit may be revoked by the Zoning Administrator based upon any one or more of the following grounds:
 - (A) Permit approval was obtained by fraud;
 - (B) The permit is being, or has been, exercised contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, law or regulation; or
 - (C) The permit has been so exercised as to be detrimental to the public peace, health, safety, welfare, or so as to constitute a nuisance to the annoyance of surrounding businesses or residents.
 - (v) The decision of the Zoning Administrator to revoke a permit shall be final and conclusive in the absence of a timely filed appeal.
 - (h) Burden of proof at hearings. Unless otherwise specifically provided by law, the burden is on the permittee-applicant in any hearing conducted in accordance with paragraphs (a) through (g), above, to prove that the decisions made or action taken is unreasonable, erroneous or clearly abusive of discretion.
- B.** Every massage establishment shall maintain facilities meeting the following requirements:
1. If wet and dry heat rooms, steam and vapor rooms or cabinets, toilet rooms, shower and bath rooms, tanning booths, whirlpool baths and pools are offered, they shall be thoroughly cleaned and disinfected as needed, and at least once each day the premises are open. Bathtubs shall be thoroughly cleaned and disinfected. All walls, ceilings, floors and other physical facilities for the establishment must be in good repair and maintained in a clean and sanitary condition.
 2. Instruments for performing massage shall not be used on more than one patron unless they have been sterilized using sterilizing methods approved by the San Bernardino County Health Department.
 3. All employees, including massage practitioners and/or therapists, shall be clean, and wear clean, nontransparent outer garments. Said garments shall cover the body from a point not to exceed 4 inches above the center of the kneecap to the base of the neck, excluding the arms, except that shorts may be worn, provided they extend they extend down the leg, a minimum of 3 inches below the crotch and the body above that point is fully covered to the base of the neck, excluding the arms.
 4. No person shall enter, be or remain in any part of a massage establishment while in possession of, consuming or using any alcoholic beverage or drugs, except pursuant to a prescription for such drugs. The owner, operator, responsible managing employee, manager or permittee shall not permit any such person to enter or remain upon such premises.
 5. No massage service may be carried on within any cubicle, room, booth or any area within a massage establishment which is not immediately accessible to supervisory, safety or inspection personnel during all hours of operation.
 6. No massage establishment employing massage therapists shall be equipped with tinted or "one-way" glass in any room or office.
 7. Pads used on massage tables, or on other furniture upon which massage services are performed, shall be covered with a durable, washable plastic or other waterproof material acceptable to the City.
- C.** As a condition of business license issuance for a massage establishment, the permittee shall consent to the right of authorized representatives of the City's Police Department, Building Department, Fire Department, Code Enforcement Officers or San Bernardino County Health Department to enter the massage establishment during regular business

hours for the purpose of making reasonable unscheduled inspections, to observe and enforce compliance with applicable regulations, laws, and provisions of this chapter.

D. The provisions of this section pertaining to massage services shall not apply to the following institutions or classes of individuals, while engaged in the performance of the duties of their respective professions:

1. Hospitals, nursing homes, sanatoriums or other similar health facilities duly licensed by the State;
2. Recognized schools of massage;
3. Physicians, surgeons, chiropractors, osteopaths, or physical therapists, who are duly licensed to practice their respective professions in the State, or other persons licensed to practice any healing art pursuant to Business and Professions Code Section 500 et seq.;
4. Nurses registered under the laws of the State;
5. Barbers, cosmetologists, beauticians and manicurists who are duly licensed under the laws of the State while engaging in practices within the scope of their licenses, except that this provision shall apply solely to the massaging of the neck, face, scalp, hands and/or feet of the customer client;
6. Coaches and trainers in accredited high schools, junior colleges, and colleges or universities, acting within the scope of their employment; and
7. Trainers of amateur, semi-professional or professional athletes or athletic teams.”

E. Chair massage services.

1. Any person, corporation or partnership wishing to perform chair massage in the City must first be doing business at a fixed location in the City, having a valid business license, or a valid home occupation pursuant to the “home occupations” provisions of this section.
2. Chair massage services may be performed only by a person with a valid massage practitioner or massage therapist certification issued by the Massage Therapy Organization (MTO) pursuant to Business and Professions Code Section 4600 et seq. or a valid City massage therapist permit.
3. Chair massage services may only be offered at commercial or industrial places of business, within the AP, NC, C1, C2, C3, C4, M1, M2 and M3 zoning districts.
4. The massage therapist offering chair massage must have a signed contract for service at each location the service is provided. A copy of such contract shall be provided for inspection upon demand, to any City official with responsibility for enforcement of this chapter. The contract shall specify the location, days and times the service is to be offered.
5. Chair massage shall be offered at a set time and day at each location and shall not be offered at any other time. Such service shall only be conducted between the hours of 7:00 a.m. and 10:00 p.m. of the same day.

F. Unlawful conduct.

1. It shall be unlawful for any person, for financial or other consideration, to massage any other person, or give or administer any bath, or give or administer any of the other service set forth in this chapter for immoral purposes or in a manner intended to arouse, appeal to, or gratify the lust or passions or sexual desires.
2. It shall be unlawful for any massage therapist to massage the genital area of any patron or the breasts of any female patron or for any responsible managing officer in charge of the premises of a massage establishment to allow or permit such massage.
3. It shall be unlawful for a person serving as a massage therapist not to be fully clothed in nontransparent garments. Said garments shall cover the body from a point not to exceed 4 inches above the center of the kneecap to the base of the neck, excluding the arms, except that shorts may be worn, provided they extend down the leg a

minimum of 3 inches from the crotch and the body above that point is fully covered to the base of the neck, excluding the arms. Massage therapists shall maintain their permit identification card clearly visible on their person during business hours.

4. It shall be unlawful for a massage therapist issued a permit by the City in accordance with division A.2 of these provisions, to perform any massage service at any location other than that location specified on the therapist's permit. If during the life of a permit, the applicant has any change in information concerning the original application, notification must be made to the Zoning Administrator, in writing, within 30 days of the change.
5. It shall be unlawful for any owner, manager, operator, responsible managing employee, or permittee in charge of or in control of a massage establishment to employ or permit a person to act as a massage therapist who is not in possession of a valid, unrevoked massage therapist permit issued pursuant to division A.2 of these provisions, or a valid massage practitioner or massage therapist certification issued by the Massage Therapy Organization (MTO) pursuant to Business and Professions Code Section 4600 et seq.
6. It is unlawful for any massage establishment, massage therapist or massage practitioner to provide, or to offer to provide, out-call massage services in the City. For the purpose of this provision, the term "out-call massage services" shall mean to engage in or carry on massage, not at a fixed location, but at a location designated by the customer or client. "Out-call massage services" shall not include chair massage services conducted pursuant to division E of these provisions.

G. Violations and penalties.

1. Every person, except those persons who are specifically exempted by the massage services provisions pursuant to division D herein, whether acting as an individual, owner, employee of the owner, or operator or employee of the operator, or whether acting as a mere helper for the owner, employee, or operator, or whether acting as a participant or worker in any way who gives massages or conducts a massage establishment or room, or who gives or administers, or who practices the giving or administering of steam baths, electric light baths, electric tub baths, shower baths, sponge baths, vapor baths, fomentations, sunbathes, mineral baths, alcohol rubs, Russian, Swedish, or Turkish baths, or any other type of baths, salt glows, or any type of therapy, or who does or practices any of the other services or acts set forth in these provisions, without first obtaining a valid, unrevoked massage therapist permit issued pursuant to division A.2 of these provisions, or a valid massage practitioner or massage therapist certification issued by the Massage Therapy Organization (MTO) pursuant to Business and Professions Code Section 4600 et seq., or who shall violate any operational standard of the massage services provisions, shall be guilty of a misdemeanor.
2. Any owner, operator, manager, or permittee in charge or in control of a massage establishment who knowingly employs a person performing as a massage therapist, as defined in this chapter, who is not in possession of a valid, unrevoked massage therapist permit issued pursuant to division A.2 of these provisions, or a valid massage practitioner or massage therapist certification issued by the Massage Therapy Organization (MTO) pursuant to Business and Professions Code Section 4600 et seq., or who allows such an employee to perform, operate, or practice within such a place of business shall be guilty of a misdemeanor.
3. Any massage establishment operated, conducted, or maintained contrary to the massage services provisions of this section shall be, and the same is hereby declared to be, unlawful and a public nuisance, and the City may, in addition to or in lieu of prosecuting a criminal action hereunder, commence actions or proceedings for the abatement, removal, and enjoinder thereof in the manner provided by law and shall take such other steps and apply to such courts as may have jurisdiction to grant such relief as will abate or remove such massage establishment and restrain and enjoin any person from operating, conducting or maintaining a massage establishment contrary to the provisions of this chapter.

METAL SALVAGE YARDS AND SCRAP PROCESSING. The following standards shall govern the development and/or operation of metal salvage yards and scrap processing facilities:

- A. These operations must be conducted on a site at least 300 FT away from any dwelling, unless the owner and the occupants of the dwelling consent in writing to the use or operation. The written consent must be submitted with the application for a conditional use permit.

- B. Open storage areas in conjunction with the use or operation shall be completely enclosed by a fence or wall not less than 8 FT in height, constructed of solid block, masonry, or metal approved by the Planning Director. The fence or wall shall have gates capable of being locked and set back not less than 10 FT from all interior property lines and not less than 10 FT from any property line adjoining a street. No materials within the enclosed area are to be stored to a height greater than 8 FT.
- C. Except for necessary access drives, all setbacks are to be landscaped with dense growing evergreen plant materials which will achieve a height of at least 8 FT and shall be permanently maintained. Outside storage or recycling operations shall not be conducted within a required setback
- D. All compaction operations are to be conducted within a completely enclosed structure designed to minimize the noise generated by the operations.
- E. A Conditional Use Permit for such use or operation shall be denied if the Planning Commission finds that existing uses or operations of the same type are adequate to meet the City's salvaging or recycling needs.
- F. The Conditional Use Permit may be reviewed from time to time by the Planning Commission to verify that conditions of approval are being met. Failure to comply with the conditions of approval is subject to revocation of the Conditional Use Permit in accord with the provisions of Article 9 (Conditional Use Permits) of this chapter.
- G. All such existing uses and operations, regardless of their location with respect to zoning districts, must conform with the requirements of this section within one (1) year after notification by the Planning Director; provided however, the Planning Commission may modify the requirements because unusual circumstances related to the site or its location make full compliance unfeasible.

MOBILE MOTOR VEHICLE BODY AND PAINT REPAIR SERVICES. Mobile motor vehicle body and paint repair services shall be operated in compliance with the following standards:

- A. The mobile operation shall be based at a fixed location within the City of Ontario. The base operation shall be located within a zoning district that allows body and paint shops as a permitted or conditionally permitted use in the zone.
- B. All applicable requirements of the South Coast Air Quality Management District (SCAQMD) shall be complied with. Regulatory compliance with SCAQMD regulations shall be demonstrated to the Planning Department prior to business license issuance by the City.
- C. Mobile body and paint repair services shall be limited to minor dent and blemish removal/repair on motor vehicles and the performing of minor reparative and touch-up painting to damaged or blemished areas of motor vehicles.
- D. Client sites shall be limited to automobile dealerships, car rental agencies and fleet vehicle operators. Repair services shall not be provided to individuals.
- E. All work shall be performed within areas that are completely screened from public view.
- F. Paint shall be applied using a high volume low pressure coating delivery and application system utilizing a turbine motor to produce high volumetric flow rates at a low pressure, not to exceed five (5) pounds per square inch (psi).
- G. Prior to business license issuance, the business owner or operator shall provide to the Planning Department for review and approval, written policies and procedures and for:
 - 1. The storage, use and disposal of cleaning solvents and thinners used in conjunction with painting and repair activities in accordance with federal, state, county and local laws, regulations, ordinances and orders;
 - 2. The recording of daily use of solvents, thinners, coating materials and formulations used in conjunction with painting and repair activities;
 - 3. The packaging, handling and transportation of hazardous materials used in conjunction with painting and repair activities;

4. The control of solids and liquids produced during grinding, sanding or coating, to prevent contact with the ground and potentially contaminating storm water runoff;
 5. The storage, handling and disposal of hazardous wastes created as a result of painting and repair activities, in accordance with federal, state, county and local laws, regulations, ordinances and orders; and
 6. Work space safety and organization.
- H. As a condition of business operations, the licensee shall fully comply with the approved policies and procedures established under subsection (7) and shall consent to the following requests by the authorized representatives of the City's Police Department, Fire Department, Planning Department, Engineering Department or Code Enforcement Officers, during regular business hours, for the purpose of making reasonable unscheduled inspections to observe and enforce compliance with the applicable regulations, laws and provisions of this ordinance:
1. Review of business records pertaining to the daily use of solvents, thinners, coating materials and formulations used in conjunction with painting and repair activities;
 2. Observation of vehicle repair and painting activities; and
 3. Inspection of vehicles, materials and equipment used in conjunction with painting and repair activities.
- I. Failure to fully comply with the provisions of this ordinance may result in business license revocation by the City.

MOBILE MOTOR VEHICLE GLASS REPAIR AND REPLACEMENT SERVICES. Mobile motor vehicle glass repair and replacement services shall be operated in compliance with the following standards:

- A. The service shall be based at a fixed location within the City of Ontario.
- B. The base operation shall be located within a zoning district that allows such use as a permitted or conditionally permitted use in the zone.

MOTOCROSS, MINI-BIKE AND SIMILAR RECREATIONAL VEHICLE COURSES.

- A. The course shall be located a minimum of 200 FT from any Residential District or adjoining residential use;
- B. A minimum of 30 FT of dense landscaping shall be provided between the off-road course and any adjacent Residential District or use;
- C. The off-road course shall be surrounded by a solid wood fence of at least 6 FT in height, or sufficient to screen the off-road course from surrounding uses, as determined by the Planning Director;
- D. A minimum setback of 20 FT shall be provided along all abutting streets. The setback area shall be permanently landscaped and an automatic irrigation system provided;
- E. A responsible supervisor holding a valid first aid credential shall be on duty during all hours of operation;
- F. Vehicle noise on the course shall not exceed seventy decibels at the site boundary, and all vehicles using the facility shall be equipped with mufflers and spark arresters;
- G. Dust control measures and all site ingress and egress to the site are subject to approval by the Engineering Department;
- H. Fueling, storage of vehicles and equipment and repair operations are subject to review and approval by the Fire Department;
- I. Permanent restrooms with wash basins and flush toilets shall be provided.

MOTOR VEHICLE FUELING STATIONS. The following standards shall govern the construction and operation of motor vehicle fueling stations:

- A. A service station may only be located at:
 - 1. The intersection of 2 primary arterial streets;
 - 2. The intersection of a primary and secondary arterial street; or
 - 3. The intersection of a primary arterial street and a freeway.
- B. The project site shall have a minimum area of 15,000 SF.
- C. The project site shall have a minimum width and depth of 150 FT.
- D. Landscaping shall comprise a minimum of 20 percent of the lot area.
- E. Provide enhanced pavement sections to relieve visually dominant asphalt surfaces.

MOTOR VEHICLE SALES FACILITIES. The following standards shall govern the development and operation of new and used vehicle sales facilities requiring a license issued by the State of California Department of Motor Vehicles:

- A. Servicing of vehicles shall be done within an enclosed building and service bay doors shall be located so as not to be visible from public rights-of-way.
- B. There shall be no outside storage of new or used auto parts.
- C. Prior to the issuance of a business license by the City, a site plan shall be submitted to the Planning Department for review and approval, which demonstrates compliance with the following:
 - 1. Motor vehicle display areas shall meet the minimum drive aisle and parking setback requirements of the zoning district within which it is located, pursuant to the provisions of Article 16 (Commercial and Professional Districts) of this chapter. The setback area shall be fully landscaped and provided with an automatic irrigation system.
 - 2. On-site lighting shall be directed away from adjacent public rights-of-way and from adjacent parcels of land.
 - 3. One vehicle loading and unloading area shall be provided per vehicle sales facility. This area shall be clearly demarcated by signs and pavement markings. The loading area shall not encroach into required parking areas or block fire access lanes, and shall occur on-site, at a location approved by the Ontario Fire Department.
- D. A minimum of 6 queuing (waiting) spaces for service write-ups shall be provided on-site (if vehicle servicing or repairs are to be conducted) and shall not encroach into required parking or loading spaces.
- E. Required on-site parking will be clearly identified with appropriate signs.
- F. Motor vehicle sales are prohibited as a Home Occupation.
- G. Motor vehicle sales within a shopping center or on any property containing shared parking shall only be permitted if all vehicle sales, display and storage areas are located within a fully enclosed building. Outdoor sales and display shall only be permitted in conjunction with a Retail Sales Event conducted pursuant to the Temporary Outdoor Sales, Displays and Activities requirements contained in this section and the requirements of Article 11 (Temporary Use Permits) of this chapter.

MOTOR VEHICLE STORAGE. The following standards shall govern the development and operation of motor vehicle and equipment storage facilities:

- A. Any vehicle, mobile home, recreational vehicle, dismantled camper unit, inoperative vehicle, trailer or boat or other equipment kept on a property for a continuous period of seventy-two (72) hours shall be deemed to be stored for the purposes of administration and enforcement of this section.
- B. All vehicles and equipment shall be stored on a paved surface.

- C. Any requirements for outdoor storage shall apply to the storage of vehicles or equipment outdoors.

MOTOR VEHICLE WASHING, CLEANING AND DETAILING FACILITIES. The following standards shall govern the development and placement of motor vehicle washing, cleaning and detailing facilities (full service and self service):

- A. **Automobiles, light trucks and vans.** Within the C3 zoning district, automobile, light truck and van washing, cleaning and/or detailing establishments, whether full service and self service facilities, shall be permitted by right of being in the proper zoning district, provided the use is subordinate to a primary permitted or conditionally permitted use of the property. An establishment that is not an ancillary use shall require Conditional Use Permit approval.
- B. **Trucks, buses and similarly large vehicles.** Within the M1 and M2 zoning districts, truck, bus and similarly large vehicle washing, cleaning and/or detailing establishments, whether full service and self service facilities, shall be permitted by right of being in the proper zoning district, provided the use is subordinate to a primary permitted or conditionally permitted use of the property. An establishment that is not an ancillary use shall require Conditional Use Permit approval.

----N----

NON-PROFIT SOCIAL SERVICE USES INCLUDING PHILANTHROPIC AND CHARITABLE INSTITUTIONS, PRIVATE NON-COMMERCIAL CLUBS AND SIMILAR USES. The following standards shall govern the development and operation of non-profit social service uses:

- A. These uses must comply with noise level criteria (interior and exterior) as established in Chapter 29 (Noise) of Title 5 of the Ontario Municipal Code;
- B. Such uses shall only be located in a structure specifically designed or altered to accommodate this type of use;
- C. Off-street parking must be provided as required in Article 30 (Parking and Loading Requirements) of this chapter.

----O----

----P----

PRODUCE STANDS. Produce sales stands shall comply with the following:

- A. One stand shall be permitted on lots greater than 10,000 SF in size, with a floor area not to exceed 100 SF;
- B. The stand shall not have a permanent foundation;
- C. The owner (s) shall remove such stand at their expense when the use has terminated;
- D. Stands shall be located a minimum of 20 FT behind the right-of-way line of any street or highway;
- E. Stands shall only be for the retail sales of plant or animal products grown or produced on-site;
- F. Off-street parking areas shall be improved with compacted gravel or other material as may be approved by the City to control dust and/or erosion; and
- G. Adequate provision for traffic circulation, off-street parking and pedestrian safety shall be provided to the satisfaction of the Planning Director.

----Q----

----R----

RECYCLING FACILITIES. The following standards shall govern the development and/or operation of recycling facilities:

- A. **Reverse Vending Machines.**

1. Reverse vending machines shall be established in conjunction with a fixed base host business that is in compliance with the zoning, building and fire code of the City.
2. Reverse vending machines shall be located within 30 FT of the entrance of the host business and shall not obstruct pedestrian or vehicular circulation.
3. Reverse vending machines shall be constructed and maintained with durable waterproof and rustproof material and shall be covered.
4. Reverse vending machines shall be clearly marked to identify the type of material to be deposited, operating instructions and the identity and telephone number of the operator or manager if the facilities become inoperable.
5. Reverse vending machines shall be limited to 3 machines per host business.
6. Reverse vending machines shall occupy a maximum of 50 SF of floor space per installation, including any protective enclosure with a maximum height of 9 FT.
7. Reverse vending machines shall not occupy parking spaces required by the primary use.
8. Reverse vending machines shall be maintained in a clean, litter free condition on a daily basis.
9. Reverse vending machine operating hours shall be the operating hours of the host use.
10. Reverse vending machines shall be illuminated to ensure comfortable and safe operation if open between dusk and dawn.

B. Small Collection Facilities.

1. Small collection facilities must be established in conjunction with a fixed base host business which is in compliance with the zoning, building, and fire codes of the City of Ontario and shall occupy a maximum area of 500 SF of floor space.
2. Containers shall be constructed and maintained with durable, waterproof and rustproof material and shall be enclosed.
3. Containers shall be clearly marked to identify the type(s) of recyclables that may be deposited.
4. The name and telephone number of the owner or manager of the facility shall be conspicuously posted.
5. The site shall be swept and maintained in a dust-free and litter-free condition on a daily basis.
6. A minimum setback of 20 FT shall be maintained from any street right-of-way and shall not obstruct pedestrian or vehicular circulation.
7. The facility shall not impair the landscaping required for any concurrent use or any permit issued thereto.
8. The noise level shall not exceed 65 dBA at any time as measured at the property line of residentially zoned or occupied property.
9. The facility shall not operate power-driven sorting and/or consolidating equipment, such as crusher or balers.
10. Use of the facility for deposit of solid waste or hazardous waste is not permitted.
11. If a permit expires without renewal, the collection facility shall be removed from the site on the day following permit expiration.
12. Attended facilities located within 100 FT of property zoned or occupied for residential use shall be in operation during the hours between 9:00 a.m. and 7:00 p.m. and otherwise during the hours of the operation of the host

business. Containers for the twenty-four (24) hour donation of materials shall be located at least 30 FT from any property zoned or occupied for residential use unless there is a recognized service corridor and acoustical shielding between the containers and the residential use.

- 13. Mobile recycling facilities shall have an area clearly marked to prohibit other vehicular parking during the hours when the mobile unit is scheduled to be present.
- 14. Occupation of parking spaces by the facility and by the attendant may not reduce the number of parking spaces below the minimum required for the primary host use unless all of the following conditions exist:
 - (i) The facility is located in a convenience zone or a potential convenience zone, as designated by the California Department of Conservation;
 - (ii) A parking study completed by a registered traffic engineer shows that existing parking capacity is not fully utilized during the time the recycling facility will be on the site;
 - (iii) The permit will be reconsidered at the end of 12 months; and
 - (iv) Parking credits in an established parking facility for a commercial host use may then be granted as follows:

Required Maximum Parking	Parking Space Reduction
0-25	0
26-35	2
36-49	3
50-99	4
100+	5

- 15. Off-street parking and loading facilities shall be provided pursuant to Article 30 (Parking and Loading Requirements) of this chapter. On-site signs shall comply with Article 31 (Signs) of this chapter.

C. Large Collection Facilities.

- 1. All large collection facilities must be operated within a fully enclosed building.
- 2. The facility must be located a minimum of 150 FT from the property line of any lot zoned or planned for residential use.
- 3. The facility must be screened from adjacent public rights-of-way by operating within an enclosed building and within an area enclosed by an opaque fence a minimum of 6 FT in height with perimeter landscaping and which meets all applicable noise standards.
- 4. Setbacks and landscape requirements shall be those provided for the zone/land use district in which the facility is located.
- 5. All exterior storage shall be in storage containers that are covered, secured and maintained in good condition. Storage containers for flammable material shall be constructed of non-flammable material. Oil storage must be in containers approved by the Department of Health Services. Storage shall not be visible above the height of screen fencing.
- 6. The site shall be maintained free of litter and any other undesirable materials, and shall be cleaned of loose debris on a daily basis.
- 7. Space shall be provided on the site for 6 vehicles or the anticipated peak customer load, whichever is higher, to circulate and deposit recyclable materials, except where the Planning Director determines that allowing overflow traffic above six (6) vehicles is compatible with surrounding business and public safety.
- 8. Noise levels shall not exceed 65 dBA as measured at the property line of residentially zoned property.

9. If the facility is located within 500 FT of property zoned, planned or occupied for residential use, it shall not be in operation between 6:00 p.m. and 8:00 a.m.
10. Containers that may be provided for after-hours donation shall be located at least 50 FT from any property zoned, planned or occupied for residential use. Containers shall be of sturdy, rustproof construction, have sufficient capacity to accommodate materials collected, and be secured from unauthorized entry or removal of material. Containers shall be located at least 10 FT from any building.
11. Donation areas shall be kept free of litter and any undesirable material and clearly marked to identify the type of material which may be deposited; the facility shall display a notice stating that no material shall be left outside the containers.
12. The facility shall be clearly marked with the name and telephone number of the facility operator and the hours of operation; directional signs may be posted with the approval of the Planning Director.
13. Power-driven processing, including aluminum foil and can compacting, baling, plastic shredding or other light processing activities necessary for efficient temporary storage and shipment of material may be approved by the Planning Director if noise and other conditions are met.
14. The operator and host business shall, on a daily basis, remove any and all recyclable material which have accumulated or are deposited on the site. Upon failure to remove said materials, the City may deem the site abandoned and may enter the site to remove the materials. The property owner(s) of the premises and the operator of the facility shall be liable for any work done by the City.

D. Processing Facilities:

1. All processing facilities must be operated within a fully enclosed building.
2. The facility must be located a minimum of 150 FT from property planned, zoned or occupied for residential use. Operations shall take place within an enclosed building and within an area enclosed by an opaque fence a minimum of 6 FT in height.
3. Setbacks and landscape requirements shall be those provided for the zone/land use district in which the facility is located. If less than 25 FT, the facility shall be buffered by a landscape strip at least 10 FT wide along each property line.
4. If the facility is located within 500 FT of property zoned, planned or occupied for residential use, it shall not be in operation between 6:00 p.m. and 8:00 a.m. The facility shall be managed on-site personnel during hours of operation.
5. Noise levels shall not exceed 65 dBA as measured at the property line of residentially zoned property.
6. Containers that may be provided for after-hours donation shall be located at least 50 FT from any property zoned, planned or occupied for residential use. Containers shall be of sturdy, rustproof construction, have sufficient capacity to accommodate materials collected, and be secured from unauthorized entry or removal of material. Containers shall be located at least 10 FT from any building.
7. Donation areas shall be kept free of litter and any undesirable material and clearly marked to identify the type of material which may be deposited; the facility shall display a notice stating that no material shall be left outside the containers.
8. The facility shall comply with environmental performance standards established in Article 33 (Environmental Performance Standards) of this chapter.
9. Power-driven processing equipment shall be permitted, provided all noise standards are met. Light processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting or source-separated recyclables and repairing of reusable materials

10. Facility size shall not exceed 45,000 SF and shall have no more than average of 2 outbound truck shipments of materials per day and may not shred, compact, bale ferrous metals other than food and beverage containers.
11. Used motor oil may be accepted for recycling in accordance with the provisions of the California Health and Safety Code.
12. All exterior storage shall be in storage containers that are covered, secured and maintained in good condition. Storage containers for flammable material shall be constructed of non-flammable material. Oil storage must be in containers approved by the Department of Health Services. Storage shall not be visible above the height of screen fencing.
13. The site shall be maintained free of litter and any other undesirable materials, and shall be cleaned of loose debris on a daily basis, and shall be secured from unauthorized entry and removal of materials when unattended.
14. Space shall be provided on the site for 6 vehicles or the anticipated peak customer load, whichever is higher, to circulate and deposit recyclable materials. If the facility is open to the public, space shall be provided for at least 10 customers, except when the Planning Director determines that allowing overflow traffic above 6 vehicles is compatible with surrounding business and public safety.
15. The operator and host business shall, on a daily basis, remove any and all recyclable material which have accumulated or are deposited on the site. Upon failure to remove said materials, the City may deem the site abandoned and may enter the site to remove the materials. The property owner(s) of the premises and the operator of the facility shall be liable for any work done by the City.
16. Off-street parking and loading facilities shall be provided pursuant to Article 30 (Parking and Loading Requirements) of this chapter. On-site signs shall comply with Article 31 (Signs) of this chapter.

RESIDENTIAL ACCESSORY STRUCTURES. Within all residential zoning districts, detached accessory structures in excess of 650 SF in area or 14 FT in height shall require Conditional Use Permit approval, processed pursuant to the requirements of Article 9 (Conditional Use Permits) of this chapter, or Certificate of Appropriateness approval, processed pursuant to § 9-1.2625 (Certificate of Appropriateness) of this chapter, as applicable, except that the maximum area allowed without benefit of Conditional Use Permit or Certificate of Appropriateness approval may be increased to 1,050 SF for detached accessory structures containing parking required pursuant to § 9-1.3010 of this chapter. Conditional Use Permit approval shall not be required for accessory structures within the AG overlay district, regardless of the building area or height.

RESIDENTIAL FACILITIES FOR ADULTS & THE ELDERLY. Residential facilities for adults & the elderly, for more than 6 persons, shall comply with the following:

A. Adult and elderly facilities are defined as follows:

1. "Adult group homes" shall mean facilities having more than 6 persons that provide 24-hour non-medical care and/or supervision to persons 18 or more years of age, in a structured or non-structured environment.
2. "Adult day care facilities" shall mean facilities any capacity that provide programs for frail elderly and developmentally disabled and/or mentally disabled adults in a day care setting.
3. "Adult day support center" ("ADSC") shall mean facilities that provide a community-based group program designed to meet the needs of functionally impaired adults through an individual plan of care in a structured comprehensive program that provides a variety of social and related services in a protective setting on less than 24-hour basis.
4. "Adult residential facilities" ("ARF") shall mean facilities of any capacity that provide 24-hour non-medical care for adults ages 18 through 59, who are unable to provide for their own daily needs. Adults may be physically handicapped, developmentally disabled and/or mentally disabled.
5. Residential care facilities for the chronically ill" shall mean facilities with a maximum state licensed capacity of 25 that provide care and supervision to adults who have Acquired Immune Deficiency Syndrome (AIDS) or the Human Immunodeficiency Virus (HIV).

6. "Residential care facilities for the elderly" ("RCFE") shall mean facilities for the elderly that provide care, supervision and assistance with activities of daily living, such as bathing and grooming. They may also provide incidental medical services under special care plans. The facilities provide services to persons 60 years of age and over and persons under 60 with compatible needs. RCFEs may also be known as assisted living facilities, retirement homes and board and care homes. The residents in these facilities require varying levels of personal care and protective supervision.
 7. "Social rehabilitation facilities" shall mean any facility that provides 24-hour-a-day non-medical care and supervision, in a group setting, to adults recovering from mental illnesses, who temporarily need assistance, guidance, or counseling.
- B.** Facilities for more than 6 persons shall comply with the following:
1. The maximum residential density for these types of uses may exceed that which is ordinarily permitted in the zoning district in accordance with State Law. The maximum residential density shall be determined based on an equivalent impact of traffic and transportation, use of water and generation of sewerage as would normally be associated with a standard residential project on the same site. It shall be the responsibility of the project proponent to provide appropriate traffic, water and sewer information to the Planning and Engineering Departments to assist in determining allowed densities.
 2. Off-street parking is to be provided as set forth in Article 30 (Parking & Loading Requirements).
 3. Public transit linkages shall be provided. This may include dedication and improvement of a bus or transit facility on or adjacent to the site, if the site lies on an existing or planned bus route, provision for a dial-a-ride or regular shuttle service to a regular transit route or equivalent alternative methods as approved by the Planning Director.
 4. A minimum of 75 SF of private open space and 75 SF of common open space shall be provided per dwelling or room used for dwelling purposes. Common spaces shall be provided with recreation room(s), swimming pools, lawn bowling courts and similar recreational facilities, depending on the size of proposed complex.
 5. Common laundry and eating areas may be provided.
 6. The Planning Commission or City Council may impose age restrictions on facility occupants.

----S----

SINGLE ROOM OCCUPANCY (SRO) HOTELS. The following standards shall govern the development and/or operation of SRO hotels:

- A. A full common kitchen shall be provided on each floor if complete kitchens are not provided within each unit. Complete kitchens shall include a range/stove/oven, sink and refrigerator;
- B. If complete bathrooms are not provided in each unit, shared showers shall be provided at a ratio of 1 shower per 8 residents or fraction thereof on the same floor. Lockers shall be provided for use of the residents;
- C. SRO hotels shall not be located within 500 FT of any public or private school used for children under the age of 18, church, child day care facility or other existing SRO facility;
- D. A comprehensive management plan shall be submitted with applications for conditional use permits. The plan shall include the company or agency responsible for resident selection, day-to-day maintenance of the facility, proposed security arrangements and background information and references about the proposed management company or agency.

----T----

TAXIDERMISTRY SERVICES. The following standards shall govern the development and/or operation of taxidermy services:

- A. Applicable permits required by the County of San Bernardino Environmental Health Services (Hazardous Materials, Field Services Division), or successor agencies and/or departments, for the disposal of any waste shall be received prior to the issuance of a business license by the City.
- B. Applicable permits required by the Utilities Division of the Ontario Engineering Department must be received prior to the issuance of a business license by the City.

TEMPORARY AND INTERIM USES. The following standards shall govern the development and/or operation of temporary and interim uses:

- A. **Temporary subdivision sales offices.** Temporary subdivisions sales offices are subject to the following regulations:
 - 1. A temporary subdivision sales office may be conducted in a model home or a temporary structure designed for such use in a subdivision or a residential development occupying a site of not less than 5 acres in a location not less than 200 FT from any existing dwelling outside of the subdivision or development measured along street lines;
 - 2. The provisions of Article 31 (Signs) of this chapter governing signs shall apply;
 - 3. A certificate of occupancy for a temporary subdivision sales office shall not be issued until after recordation of the subdivision or the issuance of a building permit for a residential unit in the development;
 - 4. Unless a time extension of one year is obtained from the Zoning Administrator, the certificate of occupancy shall become null and void one year following the date of issuance, and all structures, including signs, authorized by the certificate shall be removed.
- B. **Street fairs.** Street fairs may be allowed upon issuance of a temporary use permit issued by the Zoning Administrator. The approval of the City Engineer shall also be obtained if any public street, alley or other public right-of-way is to be closed or blocked.
- C. **Other temporary uses.** Other temporary uses may be allowed with the issuance of a temporary use permit as described in Article 11 (Temporary Use Permits) of this chapter, subject to the following regulations:
 - 1. Temporary facilities. The use of temporary facilities, such as parking lots for interim use, may be considered in any commercial, industrial or agricultural zoning district, subject to approval of a temporary use permit issued pursuant to Article 11 of this Development Code, and shall be subject to the following conditions and limitations:
 - (i) The temporary use permit may be approved for a period of up to 2 years. The time in which such permit expires may be extended by the Zoning Administrator for a maximum of one (1) year.
 - (ii) In approving a temporary facility, the Zoning Administrator may require the installation of certain minimum improvements, such as paved parking, lighting and landscaping, and other improvements necessary to protect the public health, safety and welfare.
 - (iii) A temporary facility and all its appurtenances shall be removed from all affected property within 48 hours following the expiration of the temporary use permit.
 - (iv) To ensure removal of a temporary facility within the approved period, the project proponent shall provide a performance security in the amount of \$10,000, which may be in the form of a bond, cash deposit or other method acceptable to the City.
 - 2. Temporary office structures. The use of temporary structures, such as trailers or prefabricated "modular" structures for use as interim offices, may be considered in any commercial, industrial or agricultural zoning district, subject to approval of a temporary use permit issued pursuant to Article 11 (Conditional Use Permits) of this chapter, and shall be subject to the following conditions and limitations:
 - (i) The temporary use permit may be approved for a period of up to 2 years. The time in which such permit expires may be extended by the Zoning Administrator for a maximum of one (1) year.

- (ii) In approving temporary office structure, the Zoning Administrator may require the installation of certain minimum improvements, such as paved parking, lighting and landscaping, and other improvements necessary to protect the public health, safety and welfare.
 - (iii) A temporary office structure and all its appurtenances shall be removed from all affected property within 48 hours following the expiration of the temporary use permit.
 - (iv) To ensure removal of a temporary facility within the approved period, the project proponent shall provide a performance security in the amount of \$10,000, which may be in the form of a bond, cash deposit or other method acceptable to the City.
3. Temporary outdoor sales, displays and activities. Temporary outdoor sales, displays and activities may be allowed, subject to the provisions of Article 11 of this Development Code and following conditions and limitations:
- (i) Retail sales events. A commercial business shall be permitted to hold special outdoor sales, sidewalk sales and parking lot sales, subject to the following:
 - (a) Events shall be limited to the holiday sale periods of President's Day, Memorial Day, Independence Day and Labor Day, and 4 additional periods per calendar year, per business location. Events shall be limited to maximum 4 days duration.
 - (b) The outdoor display of merchandise shall be restricted to an area directly adjacent to the business' exterior storefront. However, in the case of shopping centers, when it is not practical for the outdoor display area to be located directly adjacent to the business front, the sale area shall be located in an area as close as practically possible, to the business' exterior storefront.
 - (c) The display of merchandise shall not impede pedestrian or vehicular circulation.
 - (d) All merchandise, materials, signs and debris shall be removed from the outdoor area by 9:00 a.m. following the last day of the sale.
 - (e) Retail sales events shall comply with all applicable provisions of Article 11 (Temporary Use Permits) of this chapter.
 - (f) Within residential zoning districts, temporary retail sales events shall only be allowed in conjunction with a legally established religious facility.
 - (ii) Holiday sales. Christmas tree and pumpkin sales shall be permitted to operate, subject to the following:
 - (a) Such uses shall not be permitted on any residentially zoned property.
 - (b) Sales shall be limited to 30 days duration, 2 times per calendar year per sales location.
 - (c) Within residential zoning districts, temporary holiday sales shall only be allowed in conjunction with a legally established religious facility.
 - (iii) Shows and exhibits. Religious, historic, patriotic or other similar outdoor displays may be permitted within a yard, parking lot or landscaped area, by or for the benefit of nonprofit organizations, subject to the following:
 - (a) Events shall be limited to 30 days within 90 day period.
 - (b) The display shall not impede pedestrian or vehicular traffic.
 - (c) Shows and exhibits shall not be conducted within 1,000 FT of any residential land use. This separation requirement may be reduced by the Zoning Administrator when, in the opinion of the Zoning Administrator, the type and size of event proposed would not adversely affect residential land uses.
 - (d) All equipment, materials, signs and debris shall be removed from the outdoor area by 9:00 a.m. following the last day of the display.

- (e) Within residential zoning districts, temporary shows and exhibits shall only be allowed in conjunction with a legally established religious facility.
- (iv) Amusement events. Bazaars, circuses, carnivals, rodeos, pony rides and other similar temporary amusement events may be permitted, subject to the following:
 - (a) Events shall be limited to 2 periods of 7 days duration per calendar year per event location. The 2 event periods may be used consecutively.
 - (b) Amusement events shall not be conducted within 1,000 FT of any residential land use. This separation requirement may be reduced by the Zoning Administrator when, in the opinion of the Zoning Administrator, the type and size of event proposed would not adversely affect residential land uses.
 - (c) All equipment, merchandise, materials, signs and debris shall be removed from the event location within 24 hours following the last day of the event.
 - (d) Within residential zoning districts, temporary amusement events shall only be allowed in conjunction with a legally established religious facility.
- (v) Tent revivals. Tent revivals and other similar temporary events involving the large assemblage of people and/or equipment within a temporary structure or in the open air, may be permitted, subject to the following:
 - (a) Events shall be limited to 2 periods of 7 days duration per calendar year per event location. The 2 event periods may be used consecutively.
 - (b) The event shall not be conducted on any residentially zoned property or within 1,000 FT of any residential land use. This separation requirement may be reduced by the Zoning Administrator when, in the opinion of the Zoning Administrator, the type and size of event proposed would not adversely affect residential land uses.
 - (c) All equipment, materials, signs and debris shall be removed from the event location within 24 hours following the last day of the event.
 - (d) Within residential zoning districts, temporary tent revivals shall only be allowed in conjunction with a legally established religious facility.
- (vi) Charitable and fund raising events. Fund raising events for charitable organizations and other non-profit organizations, such as churches, schools, clubs and other similar organizations, shall be permitted to hold special outdoor fund raising events, hosted by and in conjunction with a legally established commercial use, subject to the following:
 - (a) Events shall be limited to the holiday periods of President's Day, Memorial Day, Independence Day and Labor Day. Twelve (12) additional events per calendar year shall also be permitted per location, not to exceed one event per month per location. Events shall be limited to maximum 4 days duration.
 - (b) The event shall be restricted to an area directly adjacent to the host business' exterior. However, when it is not practical for the event to be located directly adjacent to the host business, such as in the case of a commercial shopping center, the event shall be located in an area as close as practically possible to the host business' exterior.
 - (c) The event shall not impede pedestrian or vehicular circulation.
 - (d) All materials, signs and debris associated with the event shall be removed from the site by 9:00 a.m. following the last day of the event.
 - (e) The event shall comply with all applicable provisions of Article 11 (Temporary Use Permits) of this chapter.

- (f) Within residential zoning districts, temporary charitable and fund raising events shall only be allowed in conjunction with a legally established religious facility.

TRANSITIONAL SHELTER HOUSING. In addition to the requirements for a Conditional Use Permit pursuant to Table 13-1 (*Permitted, Conditional & Ancillary Land Uses – All Zoning Districts*), transitional shelter housing uses shall comply with the following:

- A. No more than one (1) federal, state or youth authority parolees shall be allowed to live in a transitional shelter house that is located in an R2 or R3 zone. A maximum of two (2) federal, state or youth authority parolees shall be allowed to live in a transitional shelter house that is located within a C2, C3, M1, M2 or M3 zoning district.
- B. The Conditional Use Permit application submitted for approval of a transitional shelter house shall identify whether any boarders are currently federal, state or youth authority parolees. Owners and or operators of approved transitional shelters housing shall update the information required by this Section anytime a person that is a federal, state or youth authority parolee is provided accommodations at a transitional shelter housing facility.
- C. All transitional shelters houses shall require boarders to sign a Crime Free Lease Addendum as part of their lease or rental agreement. A sample Crime Free Lease Addendum shall be provided by the City as an attachment to the Planning Permit application. The Crime Free Lease Addendum shall provide that any criminal violations perpetrated by boarders shall be grounds for termination of the written or oral lease sublease or agreement under which they reside at the transitional shelter house.
- D. Transitional shelter houses shall be in compliance with all requirements of the Ontario Development Code and their approved Conditional Use Permit at all times. Violation of any local, state or federal laws by individual boarders while on the premises shall be grounds for revocation of the permit, including but not limited to, violations of California Penal Code § 3003.5.
- E. No transitional shelter house shall be maintained as a nuisance.
- F. Violations of any of the provisions in this Section or the approved Conditional Use Permit authorizing the transitional shelter house shall be grounds for revocation. The procedures for revocation contained in § 9-1.0955 (Modification or Revocation of a Conditional Use Permit) of this chapter shall be followed.

----U----

----V----

VIDEO, PINBALL AND ELECTRONIC ARCADES, CYBER CAFES, ON-LINE AND INTERNET GAMING, AND SIMILAR FACILITIES (consisting of 5 or more machines, computers or gaming stations). The following standards shall govern the operation of video, pinball and electronic game arcades, cyber cafes, and on-line and internet gaming facilities:

- A. All video games, pinball machines, computers, gaming stations and similar devices are to be located so as to be visible at all times by one (1) or more employees of the business;
- B. Arcades are to be located a minimum of 1,000 FT from adjacent public or private schools.
- C. A Conditional Use Permit shall be required for all facilities. If at any time the ownership changes or the use is discontinued for 90 days on an existing facility that does not have a Conditional Use Permit, the new owner shall obtain a Conditional Use Permit.
- D. Minors (under 18 years of age) shall not be permitted to enter or remain in a facility during the following periods unless accompanied by a parent or legal guardian:
 1. Between 8:00 a.m. and 3:00 p.m., or after 10:00 p.m. on Monday through Friday of each week;
 2. Saturday and Sunday after 10: 00 p.m.
 3. The weekday daytime hours of restriction shall not apply to vacation days or school holidays as established by any public school district or private school, kindergarten through twelfth grade, operating within the City of Ontario.

4. Notice of these hours of restriction for minors shall be posted at the entrance in lettering of at least 2 inches in size.
- E. The establishment shall not be open to customers, patrons or any member of the public between the hours of 12:00 a.m. to 7:00 a.m.
- F. "No Loitering" signs shall be posted at the front and rear of the business. In addition, a waiting area with not less than 8 seats shall be provided for customers waiting to use a computer or game/gaming station. No outside waiting or seating area is permitted.
- G. No person shall be permitted to consume or sell alcohol on the premises.
- H. Employees shall be at least 21 years of age. There shall be a minimum of one (1) employee managing the facility during all working hours. If the business has more than 30 games/gaming stations or computers, the business is required to add one additional employee for every additional 30 computers, or portion thereof, and for every 30 computers thereafter, or any portion thereof. During each employee's working hours, the employee shall wear a badge identifying the business and the employee's full name.
- I. Occupancy shall not exceed that required under the City's building and fire codes, and the maximum occupancy load shall be posted at the main entrance.
- J. The establishment shall maintain and operate a camera/video surveillance system during all business hours. The system shall cover the entire interior of the premises and all entrances to and exits from the establishment. The camera/video surveillance system shall be capable of delineating on playback of the system the activity and physical features of persons or areas within the premises.
 1. Tapes/disks shall be kept a minimum of 7 days.
 2. The business owner shall permit the City to inspect the tapes/disks during business hours. The system shall be maintained in good working order, including the running of the tape/disks.
 3. A sign shall be posted inside and at the entrances to the establishment indicating that the premises are under camera/video surveillance.
- K. The business owner shall submit and receive approval of a fire exit plan from the Fire Department. The plan shall address all existing requirements of the building and fire codes. This includes, but is not limited to, providing an exiting plan showing equipment location, aisle locations and dimensioned widths, and having approved exit doors and panic hardware.
- L. Any display of or access to adult-oriented materials for minors is prohibited. Access to adult-oriented materials, if permitted by the business owner, shall be restricted from 10:30 p.m. to 12:00 a.m.
- M. Window areas shall not be covered or made opaque in any way. All windows and entrances must be unobstructed at all times so as to allow an unimpaired line of sight by a police officer.
- N. The Chief of Police is authorized to require a specific owner/operator to provide a security guard on the premises in the event that there are significant calls for service relating to assaults, gang-related activity, weapons offenses, disturbances and juvenile related crime, including truancy, or other good causes.
 1. Any decision of the Chief of Police may be appealed to the City Council. Any appeal shall be made within 10 calendar days following the date of the decision by the Chief of Police. Further, such appeal period shall end at 5:00 p.m. on the tenth calendar day following such date of the written decision by the Chief of Police. Further, such appeal period shall end at 5:00 p.m. on the tenth calendar day following such date of the written decision by the Chief of Police. If such tenth calendar day ends on a Saturday, Sunday or holiday, the 10-day period shall end at 5:00 p.m. on the next regular business day.

- 2. All appeals shall be in writing and on forms provided by the Planning Department and shall specify wherein there was any error of decision or requirement by the Chief of Police. Furthermore, a copy of such appeal shall be filed with the Planning Department and the City Clerk.
- 3. The City Council may, after public hearing, affirm, reverse, change, or modify the original decision and may make any additional determination it shall consider appropriate within the limitations imposed by this chapter. Such decisions shall be filed with the City Clerk and the Planning Department; one (1) copy thereof shall be sent to the applicant.
- O. No exterior pay phones shall be permitted.
- P. No pool tables or other amusement devices not directly related to video, pinball and electronic games, and internet computer devices shall be permitted.
- Q. No gaming tournaments for cash prizes shall be permitted.

-----W-----

-----X-----

-----Y-----

-----Z-----

Sec 9-1.1310: Determination of Use

- A. **Purpose and authorization.** It is recognized that every conceivable use cannot be identified by this Development Code, and anticipating that new uses will evolve over time, this provision establishes the Zoning Administrator's authority to compare a proposed use and measure it against those listed in this Development Code having similar impacts, functions and characteristics. When a use is not specifically listed in this Development Code, the use may be permitted if the Zoning Administrator determines that the use is similar to other uses listed. In determining "similarity," the Zoning Administrator shall consider the following:
 - 1. Volume and type of sales (retail or wholesale), the size and type of items sold and nature of inventory on the premises;
 - 2. Processing, assembly, manufacturing, smelting, warehousing, shipping and distribution done on the premises; and dangerous, hazardous, toxic or explosive materials used in processing;
 - 3. 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);
 - 4. Type, size and nature of buildings and structures supporting the use;
 - 5. Number and density of employees and customers, business hours and employment shifts;
 - 6. Transportation requirements (including modal split for people and freight) by volume, type and characteristics of traffic generation to and from the site and trip purposes;
 - 7. Parking characteristics, turnover and generation, and the ratio of the number of spaces required per unit area or activity;
 - 8. Predilection for attracting or repelling criminal activity;
 - 9. Amount and nature of nuisances generated on the premises (smoke, noise, odor, glare, vibration, radiation, fumes, etc.); and

10. Special public utility and services requirements (water supply, wastewater discharge, pre-treatment of wastes or emissions, power structures, communications towers/antennas).
- B. Applications and fees.** An application for a Determination of Use shall be filed with the Planning Department on a City application form, together with all required fees, plans, maps, reports, special studies, exhibits, and any other information deemed necessary by the Department to process the application.
- C. Time limits for action.** An application for a Determination of Use shall be reviewed and acted upon within the following time limits:
1. Within 30 calendar days after the submittal of an application for a Determination of Use, the Planning Department shall notify the applicant, in writing, if the application is not complete. If not complete, the Planning Department shall specify those parts of the application that are incomplete and shall identify the manner by which it can be made complete. If written notification is not provided to the applicant within 30 calendar days, the application shall be deemed complete.
 2. The Zoning Administrator shall take action to approve, modify or deny a Determination of Use application within sixty (60) days following the determination that an application is complete.
- D. Investigation.** The Planning Department shall investigate the facts bearing on the application and provide the information necessary for action on the application, consistent with this Development Code and the General Plan, and shall report all findings to the Zoning Administrator.
- E. Review and action.**
1. An application for a Determination of Use shall be reviewed by the Zoning Administrator, whom shall then approve, modify or deny such application. The decision of the Zoning Administrator shall be final and conclusive in the absence of a timely filed appeal to the Planning Commission.
 2. In granting a Determination of Use, the Zoning Administrator may attach reasonable conditions and restrictions to the use, in addition to those required by this Development Code, which will ensure that the use:
 3. Will not endanger the public health, safety or general welfare;
 4. Will not injure the value of adjoining or abutting property;
 5. Will not result in any significant environmental impacts;
 6. Will be in harmony with the area in which it is located; and
 7. Will be in conformity with the General Plan and/or applicable specific plan(s).
- F. Findings.** In making a Determination of Use, the Zoning Administrator shall clearly establish the following findings of fact:
1. The proposed use meets the intent of, and is consistent with, the goals, objectives and policies of the adopted General Plan;
 2. The proposed use meets the stated purpose and general intent of the zoning district in which the use is proposed to be located;
 3. The proposed use will not adversely impact the public health, safety or general welfare of the City's residents; and
 4. The proposed use shares characteristics common with, and is not of a greater intensity, density or generate more environmental impact than, those listed in the zoning district in which it is to be located.
- G. Codification.** In completing of a "determination of use," the Zoning Administrator shall prepare a written analysis to determine if the new use is significant enough to require codification into this Development Code. The analysis should consider whether the use 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 zones within which the new use could be listed, as well as any special operational conditions, standards or limitations that need to be imposed on the use.