

CITY OF ONTARIO
CITY COUNCIL AND HOUSING AUTHORITY
AGENDA
MARCH 19, 2013

Paul S. Leon
Mayor

Jim W. Bowman
Mayor pro Tem

Alan D. Wapner
Council Member

Debra Dorst-Porada
Council Member

Paul Vincent Avila
Council Member



Chris Hughes
City Manager

John E. Brown
City Attorney

Mary E. Wirtes, MMC
City Clerk

James R. Milhiser
Treasurer

WELCOME to a meeting of the Ontario City Council.

- All documents for public review are on file with the Records Management/City Clerk's Department located at 303 East B Street, Ontario, CA 91764.
- Anyone wishing to speak during public comment or on a particular item will be required to fill out a blue slip. Blue slips must be turned in prior to public comment beginning or before an agenda item is taken up. The Clerk will not accept blue slips after that time.
- Comments will be limited to 3 minutes. Speakers will be alerted when they have 1 minute remaining and when their time is up. Speakers are then to return to their seats and no further comments will be permitted.
- In accordance with State Law, remarks during public comment are to be limited to subjects within Council's jurisdiction. Remarks on other agenda items will be limited to those items.
- Remarks from those seated or standing in the back of chambers will not be permitted. All those wishing to speak including Council and Staff need to be recognized by the Chair before speaking.

ORDER OF BUSINESS: The regular City Council and Housing Authority meeting begins with Closed Session and Closed Session Comment at 6:00 p.m., Public Comment at 6:30 p.m. immediately followed by the Regular Meeting and Public Hearings. No agenda item will be introduced for consideration after 10:00 p.m. except by majority vote of the City Council.

(EQUIPMENT FOR THE HEARING IMPAIRED AVAILABLE IN THE RECORDS MANAGEMENT OFFICE)

CALL TO ORDER (*OPEN SESSION*)

6:00 p.m.

ROLL CALL

Bowman, Wapner, Dorst-Porada, Avila, Mayor/Chairman Leon

CLOSED SESSION PUBLIC COMMENT The Closed Session Public Comment portion of the Council/Housing Authority meeting is limited to a maximum of 3 minutes for each speaker and comments will be limited to matters appearing on the Closed Session. Additional opportunities for further Public Comment will be given during and at the end of the meeting.

CLOSED SESSION

- GC 54956.9 (b), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION:
One (1) or more cases: City of Los Angeles/Los Angeles World Airports (LAWA).

In attendance: Bowman, Wapner, Dorst-Porada, Avila, Mayor/Chairman Leon

PLEDGE OF ALLEGIANCE

Council Member Dorst-Porada

INVOCATION

Pastor Vernard Williams, Loveland Worship Center

REPORT ON CLOSED SESSION

City Attorney

PUBLIC COMMENTS

6:30 p.m.

The Public Comment portion of the Council/Housing Authority meeting is limited to 30 minutes with each speaker given a maximum of 3 minutes. An opportunity for further Public Comment may be given at the end of the meeting. Under provisions of the Brown Act, Council is prohibited from taking action on oral requests.

As previously noted -- if you wish to address the Council, fill out one of the blue slips at the rear of the chambers and give it to the City Clerk.

AGENDA REVIEW/ANNOUNCEMENTS: The City Manager will go over all updated materials and correspondence received after the agenda was distributed to ensure Council Members have received them. He will also make any necessary recommendations regarding Agenda modifications or announcements regarding Agenda items to be considered.

CONSENT CALENDAR

All matters listed under CONSENT CALENDAR will be enacted by one motion in the form listed below – there will be no separate discussion on these items prior to the time Council votes on them, unless a member of the Council requests a specific item be removed from the Consent Calendar for a separate vote.

Each member of the public wishing to address the City Council on items listed on the Consent Calendar will be given a total of 3 minutes.

1. APPROVAL OF MINUTES

Minutes for the regular meeting of the City Council and Housing Authority of February 19, 2013, and approving same as on file in the Records Management Department.

2. BILLS/PAYROLL

Bills February 10, 2013 through February 23, 2013 and **Payroll** February 10, 2013 through February 23, 2013, when audited by the Finance Committee.

3. A CONSTRUCTION CONTRACT FOR THE HOLLOWELL/VESTA APARTMENTS REHABILITATION PROJECT/4-ACE CONSTRUCTION, INC.

That the Board of the Ontario Housing Authority award a construction contract (on file with the Records Management Department) with 4-Ace Construction, Inc., of Rancho Cucamonga, CA, in the amount of \$884,088 plus a 25% contingency of \$221,022 for a total authorized amount of \$1,105,110 for the Hollowell/Vesta Apartments Rehabilitation Project.

4. CONSTRUCTION CONTRACT FOR THE LAUREL AVENUE – “I” STREET SEWER IMPROVEMENT PROJECT/MIKE PRLICH & SONS, INC.

That the City Council approve the plans and specifications and award Contract No. UT 1213-04 to Mike Prlich & Sons, Inc. of Baldwin Park California, for the construction of the Laurel Avenue – “I” Street Sewer Improvement Project, in the amount of \$634,480 plus a 15% contingency of \$95,172, for a total of \$729,652; authorize the City Manager to execute said contract (on file with Records Management Department); and file a notice of completion at the conclusion of all construction activities related to the project.

5. AN ORDINANCE GRANTING A ONE-YEAR TIME EXTENSION TO APPROVED DEVELOPMENT PLAN, CONDITIONAL USE PERMIT AND VARIANCE APPLICATIONS

That the City Council adopt an ordinance granting a one-year time extension to approved Development Plan, Conditional Use Permit and Variance applications that are due to expire on or before March 1, 2014.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, GRANTING A ONE-YEAR TIME EXTENSION TO ANY APPROVED DEVELOPMENT PLAN, CONDITIONAL USE PERMIT OR VARIANCE APPLICATION THAT IS ACTIVE AND DUE TO EXPIRE ON OR BEFORE MARCH 1, 2014, AND MAKING FINDINGS IN SUPPORT THEREOF.

6. A RESOLUTION AUTHORIZING THE APPLICATION FOR GRANT FUNDS THROUGH THE STATE NATURAL RESOURCES AGENCY

That the City Council adopt a resolution authorizing the filing of an application for \$1.5 million in grant funds through the State Natural Resources Agency River Parkways Grant (Proposition 84) for the Cucamonga Creek Trails and Riparian Restoration Project (Mill Creek Wetlands).

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE CALIFORNIA RIVER PARKWAYS GRANT PROGRAM UNDER THE SAFE DRINKING WATER, WATER QUALITY AND SUPPLY, FLOOD CONTROL, RIVER AND COASTAL PROTECTION BOND ACT OF 2006 (PROPOSITION 84) AND AUTHORIZING THE CITY MANAGER TO EXECUTE ANY REQUIRED APPLICATIONS AND/OR AGREEMENTS.

PUBLIC HEARINGS

Pursuant to Government Code Section 65009, if you challenge the City's zoning, planning or any other decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the public hearing.

7. CONSIDERATION OF AN ORDINANCE AMENDING VARIOUS PROVISIONS OF TITLE 9, CHAPTER 1, OF THE ONTARIO MUNICIPAL CODE, INCLUDING PART 3, ARTICLE 13 (LAND USE AND SPECIAL REQUIREMENTS), AND PART 4, ARTICLE 14 (RESIDENTIAL DISTRICTS), ADDING THE RE-2 (RESIDENTIAL ESTATE—0 TO 2.0 DU/ACRE), RE-4 (RESIDENTIAL ESTATE—2.1 TO 4.0 DU/ACRE), AND HDR-45 (HIGH DENSITY RESIDENTIAL—25.1 TO 45.0 DU/ACRE) ZONING DISTRICTS, AND RELATED CHANGES TO THE RESIDENTIAL DEVELOPMENT STANDARDS

That the City Council introduce and waive further reading of an ordinance amending various provisions of Title 9, Chapter 1, of the Ontario Municipal Code, including Part 3, Article 13 (Land Use and Special Requirements), and Part 4, Article 14 (Residential Districts).

Notice of public hearing has been duly given and affidavits of compliance are on file in the Records Management Department.

Written communication.

Oral presentation.

Public hearing closed.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA13-001, A DEVELOPMENT CODE AMENDMENT REVISING TITLE 9 (DEVELOPMENT CODE), CHAPTER 1 (ZONING AND LAND USE REQUIREMENTS), OF THE ONTARIO MUNICIPAL CODE, INCLUDING PART 3 (ZONING DISTRICTS AND LAND USE), ARTICLE 13 (LAND USE AND SPECIAL REQUIREMENTS), AND PART 4 (BASE DISTRICT REGULATIONS), ARTICLE 14 (RESIDENTIAL DISTRICTS), ADDING THE RE-2 (RESIDENTIAL ESTATE—0 TO 2.0 DU/ACRE) ZONING DISTRICT, RE-4 (RESIDENTIAL ESTATE—2.1 TO 4.0 DU/ACRE) ZONING DISTRICT, HDR-45 (HIGH DENSITY RESIDENTIAL—25.1 TO 45.0 DU/ACRE) ZONING DISTRICT, AND RELATED CHANGES TO THE DEVELOPMENT STANDARDS, AND MAKING FINDINGS IN SUPPORT THEREOF.

COUNCIL MATTERS

Mayor Leon
Mayor pro Tem Bowman
Council Member Wapner
Council Member Dorst-Porada
Council Member Avila

STAFF MATTERS

City Manager Hughes

ADJOURNMENT

CITY OF ONTARIO
CLOSED SESSION REPORT
City Council / / Housing Authority / / (GC 54957.1)
March 19, 2013

ROLL CALL: Bowman __, Wapner __, Dorst-Porada __, Avila __
Mayor / Chairman Leon __.

STAFF: City Manager / Executive Director __, City Attorney __

In attendance: Bowman __, Wapner __, Dorst-Porada __, Avila __, Mayor / Chairman Leon __

- GC 54956.9 (b), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION:
One (1) or more cases: City of Los Angeles/Los Angeles World Airports (LAWA).

No Reportable Action	Continue	Approved
----------------------	----------	----------

/ /	/ /	/ /
-----	-----	-----

Disposition: _____

Reported by: _____
City Attorney / City Manager / Executive Director

CITY OF ONTARIO

Agenda Report
March 19, 2013

SECTION: CONSENT CALENDAR

SUBJECT: A CONSTRUCTION CONTRACT FOR THE HOLLOWELL/VESTA APARTMENTS REHABILITATION PROJECT

RECOMMENDATION: That the Board of the Ontario Housing Authority award a construction contract (on file with the Records Management Department) with 4-Ace Construction, Inc., of Rancho Cucamonga, CA, in the amount of \$884,088 plus a 25% contingency of \$221,022 for a total authorized amount of \$1,105,110 for the Hollowell/Vesta Apartments Rehabilitation Project.

COUNCIL GOALS: Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: The recommended contract amount is \$884,088 plus a 25% contingency of \$221,022 for a total authorized amount of \$1,105,110. The higher than usual contingency is recommended due to the age and current conditions of the previously privately owned buildings. This project is funded from U.S. Department of Housing and Urban Development Neighborhood Stabilization Program 3 funds as well as HOME Investment Partnership Program funds. No General Fund monies will be used for this project.

BACKGROUND: On June 19, 2012, the City Council and Ontario Housing Authority Board approved loans between the City of Ontario and the Ontario Housing Authority for the acquisition and rehabilitation of two four-unit multifamily structures located at 1164 West Vesta Street and 1165 West Hollowell Street. The properties were acquired by the Ontario Housing Authority in June and July of 2012.

A Notice Inviting Bids for the Hollowell/Vesta Apartments Rehabilitation Project was advertised on January 11, 2013 for the rehabilitation of the eight units at the Hollowell and Vesta sites. A mandatory pre-bid meeting was conducted on January 22, 2013; and the bid opening was held on February 25, 2013.

STAFF MEMBER PRESENTING: Brent Schultz, Housing & Neighborhood Revitalization Director

Prepared by: Katryna Gonzalez
Department: Housing Agency

City Manager
Approval: 

Submitted to Council/O.H.A. 03/19/2013
Approved: _____
Continued to: _____
Denied: _____

3

A total of four bids were received, and a summary of the bid results is shown below.

Contractor Name	Location	Bid Amount
4-Ace Construction, Inc.	Rancho Cucamonga, CA	\$884,088
MDE Group, Inc.	Riverside, CA	\$984,000
DRP National, Inc.	West Covina, CA	\$1,118,000
CJPro, Inc.	Brea, CA	\$1,176,000

The bid from MDE Group, Inc. was substantially incomplete and was therefore deemed unresponsive. The remaining three bids were complete, and 4-Ace Construction, Inc. was determined to be the lowest responsive bidder.

The Hollowell and Vesta properties will be rehabilitated to the same high level as the completed apartments on Begonia Avenue. The rehabilitation will include new electrical, plumbing, flooring, kitchen cabinets, roofing, exterior improvements, and landscaping. Of the eight apartment units within the project, two units will be reserved for very-low income tenants, five units for low-income tenants, and one unit for a moderate-income tenant. All units will remain affordable for a period of 55 years. Rents for the very-low income units will be \$628, \$873 for the low-income units, and \$1,200 for the moderate-income unit.

If approved, a Pre-Construction Conference will be conducted and a Notice to Proceed will be issued allowing 10 days to commence work. The rehabilitation is estimated to begin on April 1, 2013 and will take six months to complete (October 2013).

CITY OF ONTARIO

Agenda Report
March 19, 2013

SECTION: CONSENT CALENDAR

**SUBJECT: CONSTRUCTION CONTRACT FOR THE LAUREL AVENUE – “I” STREET
SEWER IMPROVEMENT PROJECT**

RECOMMENDATION: That the City Council approve the plans and specifications and award Contract No. UT 1213-04 to Mike Prlich & Sons, Inc. of Baldwin Park California, for the construction of the Laurel Avenue – “I” Street Sewer Improvement Project, in the amount of \$634,480 plus a 15% contingency of \$95,172, for a total of \$729,652; authorize the City Manager to execute said contract (on file with Records Management Department); and file a notice of completion at the conclusion of all construction activities related to the project.

COUNCIL GOALS: Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, to Minimize the Negative Impacts of the Global Financial Downturn on Ontario’s Economy and the City’s Fiscal Health
Invest in the City’s Infrastructure (Water, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: The Fiscal Year 2012-2013 Capital Improvement Program includes appropriations from the Sewer Capital Fund for the construction of the Laurel Avenue – “I” Street Sewer Improvement Project. The recommended contract award is for the bid amount of \$634,480 plus a 15% contingency of \$95,172, for a total authorized amount of \$729,652. There is no impact to the General Fund.

BACKGROUND: The City’s sewer system includes approximately 366 miles of pipeline, approximately 30% of which is more than 50 years old. The Sewer Master Plan has identified capacity deficiencies in the City’s sewer collection system and provides capital improvement recommendations to minimize the potential for sewer overflows. Improvement to the existing sewer along Laurel Avenue from Fourth Street to I Street has been prioritized based on such capacity deficiencies and the current level of maintenance activities required to provide adequate sewer service reliability. The proposed project consists of the installation of 1,300 linear feet of 8-inch diameter and 900 linear feet of 10-inch diameter sewer pipeline in order to correct existing deficiencies and minimize the potential for future overflows. See attached location map.

STAFF MEMBER PRESENTING: Scott Burton, Utilities General Manager

Prepared by: Dennis Mejia, P.E.
Department: MU/Engineering

City Manager
Approval: 

Submitted to Council/O.H.A. 03/19/2013

Approved: _____

Continued to: _____

Denied: _____

4

On January 24, 2013, sixteen (16) bids were received for the Laurel Avenue – “I” Street Sewer Improvement Project. The bids ranged for a low bid amount of \$634,480 to a high bid amount of \$1,265,836. The lowest five (5) bids are summarized below.

<u>Bidder</u>	<u>Location</u>	<u>Amount</u>
Mike Prlich & Sons inc.	Baldwin Park, CA	\$634,480
Ramona, Inc.	Arcadia, CA	\$665,500
Vasily Company, Inc.	Shadow Hills, CA	\$672,777
PK Mechanical Systems, Inc.	Wildomar, CA	\$675,500
WEKA, Inc.	Highland, CA	\$706,244

Staff recommends awarding the contract to Mike Prlich & Sons, Inc. of Baldwin, California. Mike Prlich & Sons has the expertise and ability to perform the work in a timely manner and successfully completed this type of work in the past.

The Project has been reviewed pursuant to the California Environmental Quality Act (CEQA) and has been determined to be Statutorily Exempt from CEQA pursuant to Section 15282(k). Other Statutory Exemptions states the installation of new pipeline or maintenance, repair, restoration, removal, or demolition of an existing pipeline as set forth in Section 21080.21 of the Public Resources Code, for projects that do not exceed one mile in length.

OMUC CONTRACT NO. UT1213-04

LAUREL AVENUE - "I" STREET SEWER IMPROVEMENT PROJECT



CITY OF ONTARIO

Agenda Report
March 19, 2013

SECTION: CONSENT CALENDAR

SUBJECT: AN ORDINANCE GRANTING A ONE-YEAR TIME EXTENSION TO APPROVED DEVELOPMENT PLAN, CONDITIONAL USE PERMIT AND VARIANCE APPLICATIONS

RECOMMENDATION: That the City Council adopt an ordinance granting a one-year time extension to approved Development Plan, Conditional Use Permit and Variance applications that are due to expire on or before March 1, 2014.

COUNCIL GOALS: Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Invest in the Growth and Evolution of the City's Economy

FISCAL IMPACT: Adoption of this ordinance could result in the loss of fees for the processing of time extension requests (at the rate of \$490 per application). Conversely, future building permit fees, development impact fees and property tax revenues could be lost should current development applications be allowed to expire.

BACKGROUND: At the meeting of March 6, 2013, the City Council introduced an ordinance to approve a one-year time extension to all Development Plan, Conditional Use Permit, and Variance approvals. The Development Code establishes the regulatory framework for controlling the development and use of land in the City. These regulations generally require an applicant to submit and have approved, a Development Plan, and in some cases, a Conditional Use Permit and/or Variance application. City regulations further provide for the expiration of a Development Plan, Conditional Use Permit or Variance approval within a specified one to two-year timeframe, unless a building permit is issued or the approved use has commenced.

To assist developers, landowners and business owners during the economic slowdown, in March 2009, the City Council approved Ordinance No. 2910, extending the expiration date for approved

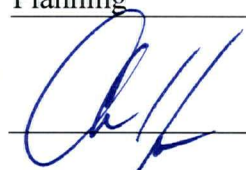
STAFF MEMBER PRESENTING: Jerry L. Blum, Planning Director

Prepared by: Charles Mercier

Department: Planning

City Manager

Approval:



Submitted to Council/O.H.A. 03/19/2013

Approved: _____

Continued to: _____

Denied: _____

5

Development Plan, Conditional Use Permit and Variance applications by one year. In January 2010, March 2011 and December 2011, the City Council approved Ordinances (Nos. 2917, 2933 and 2947, respectively) extending the expiration date an additional year each, for a total of 4 years.

Although the economy is showing signs of recovery, developers, and land and business owners face the prospect of having their Development Plan, Conditional Use Permit and Variance approvals expire before they can obtain financing. Therefore, staff is recommending the City Council grant an additional one-year time extension to all active Development Plan, Conditional Use Permit and Variance approvals, which were due to expire before March 1, 2014 (see Attachment 1 for a listing of the affected applications). This action would be consistent with the State Legislature and Governor's approval of several Senate and Assembly Bills over the past 3 years, which have extended the expiration date of any tentative subdivision map that has not yet expired, for a total of 5 years, as follows:

- SB 1185—Approved in July 2008, extending the expiration date of any tentative subdivision map that has not expired by January 1, 2011, by one year; and
- AB 333—Approved in July 2009, extending the expiration date of any tentative subdivision map that has not expired by January 1, 2012, by 2 years; and
- AB 208—Approved in July 2011, extending the expiration date of any tentative subdivision map that has not expired by July 15, 2011, by 2 years.

ENVIRONMENTAL REVIEW: The project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to § 15061(b) (3) of the CEQA Guidelines, which is the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Attachment 1—PDEV, PCUP & PVAR Applications

Due to Expire on or Before 03/01/2014

PCUP06-007: A Conditional Use Permit to establish: (1) alcoholic beverage sales for off-premise consumption (Type 21--Off-Sale General--ABC license); (2) a game arcade; and (3) a banking center, in conjunction with a proposed Wal-Mart Supercenter generally located at the northwest corner of Mountain Avenue & Fifth Street, within the Main Street District of the Mountain Village Specific Plan (APN: 1008-431-03). Related File: PDEV04-047.

Submitted: 03/22/2006

Approved: 11/26/2007

Expires: 11/26/2013

Staff: CM

PCUP06-037: A Conditional Use Permit request to operate an approximate 120 room 4-story hotel with subterranean parking on 1.4 acres of vacant land, located north of the I-10 Freeway, south of Shelby Street and west of Haven Avenue within the Urban Commercial land use district of Ontario Center Specific Plan. APN: 210-193-14. Related Files: PDEV06-058.

Submitted: 09/22/2006

Approved: 02/05/2008

Expires: 02/05/2014

Staff: CB

PCUP10-019: A request for Conditional Use Permit approval to construct a 925 square foot detached accessory structure (garage/workshop) in conjunction with an existing single-family home located at 124 W. Sixth Street, within the R1 (Single Family Residential) zoning district (APN: 1047-251-05).

Submitted: 04/23/2010

Approved: 06/25/2010

Expires: 06/25/2013

Staff:

PCUP10-028: A Conditional Use Permit to operate a T-Mobile stealth wireless telecommunication facility within a proposed cupola on an existing place of worship within 500 feet of residential property in the R2 (Medium Density Residential) zone, located at 602 North Virginia Street (APN: 1048-451-51). Related Files: PDEV10-007 & PVAR11-001.

Submitted: 06/09/2010

Approved: 06/28/2011

Expires: 06/28/2013

Staff: CB

PCUP10-051: A Conditional Use Permit to operate a T-Mobile stealth wireless telecommunication facility within a proposed 44 foot tall clock tower at an existing place of worship in the R1 (Single Family Residential) zone within 500 feet of residential development, located at 2713 South Grove Avenue (APN: 10216-441-61). Related File: PDEV10-016.

Submitted: 10/28/2010

Approved: 04/26/2011

Expires: 04/26/2013

Staff: CB

PCUP11-025: A Conditional Use Permit to establish a contractor's yard with office and outdoor storage on 3.7 acres of land located at 1701 South Bon View Avenue, within the M2 (Industrial Park) zone (APN: 1050-191-04).

Submitted: 11/18/2011

Approved: 02/27/2012

Expires: 02/27/2013

Staff: CB

PCUP12-009: A Conditional Use Permit to upgrade an existing ABC license from a Type 41 (On-Sale Beer and Wine for Bona Fide Public Eating Place) to a Type 47 license (On-Sale General for Bona Fide Public Eating Place) for an existing restaurant (Bombay Restaurant) totaling 2,000 square feet and allow live entertainment within an 8 foot by 8 foot area to include a live band, DJ or belly dancing, located at 405 North Vineyard Avenue, Suite A, within the C4 (Airport Service Commercial District) zoning district (APN: 0110-261-16).

Submitted: 03/05/2012

Approved: 08/13/2012

Expires: 08/13/2013

Staff: CB

PCUP12-012: A Conditional Use Permit to establish a temporary parking lot on 0.6-acre site located at the northeast corner of Euclid Avenue and C Street, within the C2 (Central Business District) zoning district (APN: 1048-551-05).

Submitted: 04/12/2012

Approved: 05/07/2012

Expires: 05/07/2013

Staff:

PCUP12-019: A Conditional Use Permit to establish religious assembly (Iglesia de Cristo Camino de Santidad) within an existing 6,918 SF building on 0.89 acres of land located at 1335 West Mission Boulevard, within the AR/C3 (Agricultural Residential/Commercial Service) zoning districts (APN: 1011-371-09).

Submitted: 07/27/2012

Approved: 09/18/2012

Expires: 09/18/2013

Staff: CB

Attachment 1—PDEV, PCUP & PVAR Applications

Due to Expire on or Before 03/01/2014

PDEV04-047: A Development Plan consisting of the demolition of existing on-site structures totaling 210,610 square feet and construction of an approximate 190,803 square foot Wal-Mart Supercenter, which includes 24-hour general merchandise and grocery sales, alcoholic beverage sales, banking services, game arcade, outdoor garden center, off-street parking and loading facilities and off-site public street and utility improvements necessary to the proposed development, on 16.29 acres generally located at the northwest corner of Mountain Avenue and Fifth Street, within the in the Main Street District of the Mountain Avenue Specific Plan (APN: 1008-431-03). (Related File: PCUP06-007).

Submitted: 08/13/2004

Approved: 11/26/2007

Expires: 11/26/2013

Staff: CM

PDEV05-006: A Development Plan to construct 196 multi-family residential dwellings on 14.87 acres located at the northwest corner of Euclid Avenue and Riverside Drive, in the Borba Village Specific Plan. Related Files: PSPA06-001 (Borba Village SPA), PDEV06-023 (Home Depot) & PMTT05-003 (Multi-Family Subdivision TT 17330).

Submitted: 01/18/2005

Approved: 01/23/2007

Expires: 1/23/2013

Staff: CM

PDEV05-042: A Development Plan to construct 9 residential condominium units on 0.85 acres of land in the R2 (Medium Density Residential) zone, located at 1655 & 1673 E. Fourth Street. (APN: 0108-551-10 and 11). Related files : PZC_05-004 & PMTT05-017.

Submitted: 07/18/2005

Approved: 05/23/2006

Expires: 05/23/2013

Staff: CB

PDEV06-048: A Development Plan to construct 3 units on a 0.30 acre parcel that is currently developed with a single family residence (to be removed) in the R3 (High Density Residential) zone located at 1516 Stoneridge Court (APN: 1010-551-10).

Submitted: 07/17/2006

Approved: 02/18/2009

Expires: 02/18/2014

Staff: CB

PDEV06-058: A Development Plan to construct an approximate 122 room 4-story hotel with subterranean parking on 1.4 acres of vacant land, located north of the I-10 Freeway, south of Shelby Street and west of Haven Avenue within the Urban Commercial land use district of Ontario Center Specific Plan (APN: 210-193-14). Related Files: PCUP06-037.

Submitted: 09/22/2006

Approved: 02/05/2008

Expires: 02/05/2014

Staff: CB

PDEV07-001: A Development Plan to construct 7 new industrial buildings totaling 178,368 square feet and to revise parking and landscaping on 3 existing buildings totaling 72,350 square feet on approximately 13.66 acres in the M3 (General Industrial) zone located on the north side of California Street from Campus Avenue to Taylor Avenue extending north above Sunkist Street (APNs: 1049-201-28, 1049-202-01 to 06, 16 to 20, & 1049-211-05 & 06). Related file: PMTT06-033 (PM 17855).

Submitted: 01/12/2007

Approved: 12/15/2008

Expires: 12/15/2013

Staff: CB

PDEV08-018: A Development Plan to construct a 19,530 square foot two-story office building on 2.05 acres of vacant land, within the Commercial/Food/Hotel land use district of the California Commerce Center Specific Plan located at the southeast corner of Francis Street and Haven Avenue. APN: 0211-281-56. Related File: PVAR09-003.

Submitted: 07/03/2008

Approved: 01/25/2011

Expires: 01/25/2014

Staff: CB

PDEV10-007: A Development Plan to construct a T-Mobile stealth wireless telecommunication facility within a proposed cupola on an existing place of worship within the R2 (Medium Density Residential) zone, located at 602 North Virginia Street (APN: 1048-451-51). Related Files: PCUP10-028 & PVAR11-001

Submitted: 06/09/2010

Approved: 06/28/2011

Expires: 06/28/2013

Staff: CB

Attachment 1—PDEV, PCUP & PVAR Applications

Due to Expire on or Before 03/01/2014

PDEV10-016: A Development Plan to construct a T-Mobile stealth wireless telecommunication facility within a proposed approximate 44 foot tall clock tower at an existing place of worship in the R1 (Single Family Residential) zone, located at 2713 South Grove Avenue (APN: 0216-441-61). Related File: PCUP10-051.

Submitted: 10/28/2010

Approved: 04/26/2011

Expires: 04/26/2013

Staff: CB

PDEV10-018: A Development Plan to construct 88 detached single family homes within the Edenglen Specific Plan, P6 residential land use designation, specifically within tracts 18789, 18790 and 18791 located south of Riverside Drive, north of Chino Avenue, west of Milliken Avenue and east of Mill Creek Avenue. Related Files: PMTT10-004, PMTT10-005, & PMTT10-006.

Submitted: 12/01/2010

Approved: 02/22/2011

Expires: 02/22/2014

Staff: CB

PDEV11-009: A Development Plan to construct three buildings totaling 804,547 square feet, located at the northeast and southeast corners of Jurupa Street and Archibald Avenue, within the Airport Business Park - Hofer Ranch Specific Plan. Relate Files: PMTT11-008 (PM 19341) & PMTT11-009 (PM 19342)

Submitted: 08/01/2011

Approved: 01/24/2012

Expires: 01/24/2014

Staff: JH

PDEV11-018: A revision to a previously approved Development Plan (File No. PDEV07-037) to facilitate the construction of 291 residential dwelling units on approximately 21.4 acres of land located on the north side of Inland Empire Boulevard, between Archibald and Turner Avenues, within the Ontario Festival Specific Plan area. The proposed revision will eliminate 20 townhouse units and modify the building elevations and floor plans (APNs: 211-631-05 through 11).

Submitted: 09/30/2011

Approved: 11/22/2011

Expires: 11/22/2013

Staff: CM

PVAR09-003: A Variance request to reduce the required street setbacks on Haven Avenue from 32 feet to 12 feet minimum and on Francis Street from 35 feet to 20 feet minimum while maintaining an average setback of 35 feet along both street frontages, in conjunction with a development plan to construct a 19,530 square foot two-story office building on 2.05 acres within the Commercial/Food/Hotel land use district of the California Commerce Center Specific Plan, located at the southeast corner of Haven Avenue and Francis Street. APN: 0211-281-56. Related File: PDEV08-018.

Submitted: 06/05/2009

Approved: 01/25/2011

Expires: 01/25/2014

Staff: CB

PVAR10-002: A Variance request to reduce the front parking setback from 20 feet to 10 feet in conjunction with a Development Plan (File No. PDEV08-008) to construct a 3,920 square foot commercial/retail building, on 0.43 acres of vacant land in the C1 (Shopping Center Commercial) zone, located south of the southeast corner of Archibald Avenue and Oakhill Street. (APN: 1083-071-25 (0218-051-98)). Related File: PDEV08-008.

Submitted: 08/16/2010

Approved: 12/20/2010

Expires: 12/20/2013

Staff: CB

PVAR11-001: A Variance to exceed the prescribed height limit (from 35 feet to 48 feet) in conjunction with the construction of a wireless telecommunication facility (T Mobile), within a proposed cupola on an existing place of worship located at 602 North Virginia Street, within the R2 zoning district (APN: 1048-451-51). Related Files: PDEV10-007 & PCUP10-028.

Submitted: 03/04/2011

Approved: 06/28/2011

Expires: 06/28/2013

Staff: CB

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, GRANTING A ONE-YEAR TIME EXTENSION TO ANY APPROVED DEVELOPMENT PLAN, CONDITIONAL USE PERMIT OR VARIANCE APPLICATION THAT IS ACTIVE AND DUE TO EXPIRE ON OR BEFORE MARCH 1, 2014, AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, existing City regulations establish, pursuant to the Development Code, a regulatory framework for controlling the development and use of land, which generally require a developer to submit and have approved by the City, a Development Plan, and in some cases, a Conditional Use Permit and/or Variance application. City regulations further provide for the expiration of Development Plans, Conditional Use Permits and Variances after specified periods of time, including two (2) years for Development Plans and one (1) year for Conditional Use Permits and Variances; and

WHEREAS, with the slow recovery in the economy, developers, and land and business owners face the prospect of having their Development Plan, Conditional Use Permit and Variance approvals expire before they can obtain financing or have their projects make any sort of economic sense to build; and

WHEREAS, the proposed measure is necessary to the support of the future economic recovery of the City. Over the past few years, the building industry has been mired in a deep recessionary trough and, because of the difficulty of securing financing, many projects for which Development Plans, Conditional Use Permits and Variances have already been approved, will expire within the next year, thereby, requiring developers to go through the entitlement process again, if a time extension is not requested; and

WHEREAS, the building industry wants to be in a position to take full advantage of any economic resurgence; and

WHEREAS, this measure is proposed in order to spare developers, landowners and business owners within the City the added time and expense of obtaining new approvals when the economic picture brightens in the future; and

WHEREAS, the activity is not a project as defined in Section 15378 of the California Environmental Quality Act Guidelines; and

WHEREAS, on March 5, 2013, the City Council of the City of Ontario conducted a public hearing to introduce the ordinance; and

WHEREAS, on March 19, 2013, the City Council of the City of Ontario conducted a public meeting to adopt the ordinance, and concluded said meeting on that date; and

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

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

SECTION 1. The City Council finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15061(b)(3) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment directly or indirectly it prevents changes in the environment pending the completion of the contemplated Zoning Ordinance review.

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

1. The proposed measure is necessary to the support of the future economic recovery of the City, as the building industry has been hindered by recession followed by a slow economic recovery, and because of the difficulty of securing financing, many projects for which Development Plans, Conditional Use Permits and Variances have already been approved will soon expire within the next year, thereby, requiring developers to go through the entitlement process again, if a time extension is not requested; and

2. The proposed measure will spare developers, landowners and business owners within the City the added time and expense of obtaining new approvals when the future economic picture brightens, thereby aiding the City in a rapid economic recovery.

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the City Council hereby approves the introduction of an ordinance granting a one (1) year time extension to all active Development Plan, Conditional Use Permit and Variance approvals, which are active and due to expire on or before March 1, 2014.

SECTION 4. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is for any reason held to be invalid, unconstitutional or otherwise struck-down by a court of competent jobs, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more portions of this ordinance might be declared invalid.

SECTION 5. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 E. B Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 6. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this 19th day of March 2013.

PAUL S. LEON, MAYOR

ATTEST:

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO FORM:

JOHN E. BROWN, CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 2960 was duly introduced at a regular meeting of the City Council of the City of Ontario held March 5, 2013 and adopted at the regular meeting held March 19, 2013 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 2960 duly passed and adopted by the Ontario City Council at their regular meeting held March 19, 2013 and that Summaries of the Ordinance were published on March 6, 2013 and _____, in the Inland Valley Daily Bulletin newspaper.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
March 19, 2013

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION AUTHORIZING THE APPLICATION FOR GRANT FUNDS THROUGH THE STATE NATURAL RESOURCES AGENCY

RECOMMENDATION: That the City Council adopt a resolution authorizing the filing of an application for \$1.5 million in grant funds through the State Natural Resources Agency River Parkways Grant (Proposition 84) for the Cucamonga Creek Trails and Riparian Restoration Project (Mill Creek Wetlands).

COUNCIL GOALS: Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Invest in the City's Infrastructure (Water, Streets, Sewer, Parks, Storm Drains, and Public Facilities)
Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in the New Model Colony

FISCAL IMPACT: The Mill Creek Wetlands is being constructed through the collection of Development Impact Fees (DIF) as development occurs in the New Model Colony. The River Parkways Grant is a competitive state grant for which the City is requesting \$1.5 million to supplement DIF funding. No matching funds are required for the grant. If successful in obtaining the grant award, revenue and appropriations adjustments will be included in future budget reports presented to the City Council.

BACKGROUND: The River Parkways Grant Program is designed to provide funding for enhancements to areas along rivers. The grant request for the Mill Creek Wetlands will allow for the enhancement of landscaping and amenities for the project, including additional tree and shrub plantings, interpretive signage, and an observation deck/lookout at a prominent vantage point. Adoption of the resolution is a requirement of the grant process.

STAFF MEMBER PRESENTING: Jerry L. Blum, Planning Director

Prepared by: Scott Murphy
Department: Planning

City Manager
Approval: 

Submitted to Council/O.H.A. 03/19/2013

Approved: _____

Continued to: _____

Denied: _____

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE CALIFORNIA RIVER PARKWAYS GRANT PROGRAM UNDER THE SAFE DRINKING WATER, WATER QUALITY AND SUPPLY, FLOOD CONTROL, RIVER AND COASTAL PROTECTION BOND ACT OF 2006 (PROPOSITION 84) AND AUTHORIZING THE CITY MANAGER TO EXECUTE ANY REQUIRED APPLICATIONS AND/OR AGREEMENTS.

WHEREAS, the Legislature and Governor of the State of California have provided funds for the program shown above; and

WHEREAS, the California Natural Resources Agency has been delegated the responsibility for the administration of this grant program, establishing necessary procedures; and

WHEREAS, said procedures established by the California Natural Resources Agency require a resolution certifying the approval of application by the Applicants governing board before submission of said application to the State; and

WHEREAS, the Applicant, if selected, will enter into an agreement with the State of California to carry out the project; and

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

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ONTARIO DOES HEREBY RESOLVE AS FOLLOWS:

1. The City Council approves the filing of an application for the Cucamonga Creek Trails and Riparian Restoration Project; and
2. The City Council certifies that Applicant understands the assurances and certification in the application; and
3. The City Council certifies that Applicant or title holder will have sufficient funds to operate and maintain the project consistent with the land tenure requirements; or will secure the resources to do so; and
4. The City Council certifies that it will comply with all provisions of Section 1771.5 of the California Labor Code; and
5. If applicable, the City Council certifies that the project will comply with any laws and regulations including, but not limited to, the California Environmental Quality Act (CEQA), legal requirements for building codes,

health and safety codes, disabled access laws, and, that prior to commencement of construction, all applicable permits will have been obtained; and

6. The City Council certifies that applicant will work towards the State Planning Priorities intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety as included in Government Code Section 65041.1; and
7. The City Council appoints the City Manager, or designee, as agent to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, payment requests and so on, which may be necessary for the completion of the aforementioned project(s).

The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 19th day of March 2013.

PAUL S. LEON, MAYOR

ATTEST:

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2013- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held March 19, 2013 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2013- duly passed and adopted by the Ontario City Council at their regular meeting held March 19, 2013.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
March 19, 2013

SECTION:
PUBLIC HEARINGS

SUBJECT: CONSIDERATION OF AN ORDINANCE AMENDING VARIOUS PROVISIONS OF TITLE 9, CHAPTER 1, OF THE ONTARIO MUNICIPAL CODE, INCLUDING PART 3, ARTICLE 13 (LAND USE AND SPECIAL REQUIREMENTS), AND PART 4, ARTICLE 14 (RESIDENTIAL DISTRICTS), ADDING THE RE-2 (RESIDENTIAL ESTATE—0 TO 2.0 DU/ACRE), RE-4 (RESIDENTIAL ESTATE—2.1 TO 4.0 DU/ACRE), AND HDR-45 (HIGH DENSITY RESIDENTIAL—25.1 TO 45.0 DU/ACRE) ZONING DISTRICTS, AND RELATED CHANGES TO THE RESIDENTIAL DEVELOPMENT STANDARDS

RECOMMENDATION: That the City Council introduce and waive further reading of an ordinance amending various provisions of Title 9, Chapter 1, of the Ontario Municipal Code, including Part 3, Article 13 (Land Use and Special Requirements), and Part 4, Article 14 (Residential Districts).

COUNCIL GOALS: Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: No direct fiscal impact.

BACKGROUND: In 2010, the City Council adopted an update to the City's General Plan and Preferred Land Use Plan (File No. PGPA06-001), requiring the completion of significant and comprehensive changes to the City's Development Code. Since then, staff has been working toward completing the necessary zoning and Development Code revisions.

The first phase of revisions are now being proposed to Articles 13 (Land Use and Special Requirements) and 14 (Residential Districts) of Chapter 1 (Zoning and Land Use Requirements) of the City's Development Code (Title 9 of the Ontario Municipal Code). A summary of the proposed changes is

STAFF MEMBER PRESENTING: Jerry L. Blum, Planning Director

Prepared by: Charles Mercier
Department: Planning

City Manager
Approval: 

Submitted to Council/O.H.A. 03/19/2013

Approved: _____

Continued to: _____

Denied: _____

7

provided below. Furthermore, a complete copy of each Article, identifying the proposed changes, is included with the attached Planning Commission report.

SUMMARY OF PROPOSED RESIDENTIAL DEVELOPMENT CODE CHANGES

Article 13: Land Use and Special Requirements

- The residential zoning districts are proposed to be renamed to reflect The Ontario Plan residential land use district descriptions and the allowed density for each zoning district, as follows:

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

- To further the policies of the Housing Element, the following uses are proposed to be added to Table 13-1 (Land Use Matrix):
 - Rename the “Transitional Shelter Housing” land use as “Temporary Shelters;” and
 - Add “Emergency Shelters,” “Supportive Housing,” “Transitional Housing,” and “Transitional Living Centers” as sub-uses

Article 14: Residential Districts

- The descriptions for each residential zoning district have been revised to bring them into consistency with The Ontario Plan land use district descriptions.

- The development standards for the new RE-2 and RE-4 zoning districts (Table 14-1: Conventional Single-Family Residential Development Standards) have been created, which reflect the previous RE zone development standards.
- The addition of development standards for the construction of pergolas and porticos within front and street side yard setback areas are proposed.
- Changes in maximum drive approach width are proposed to reflect current Engineering Department standards.
- The addition of development standards for small lot and cluster single-family residential development (Table 14-2: Small Lot and Cluster Single-Family Residential Development) within the LDR-5 (formerly R1), MDR-11 (formerly R1.5), and MDR-18 (formerly (R2) zones, are proposed. The standards are intended to:
 - Replace the Planned Residential Development provisions currently in the Development Code;
 - Promote the consolidation of smaller residential lots into larger lots; and
 - Allow for design flexibility for in-fill developments (standards are similar to those implemented within the New Model Colony).
- The minimum project area required by the previous Planned Residential Development standards are proposed to be reduced to one acre (from the previous 3 acres), to promote single-family small lot and cluster developments as in-fill development.
- In-fill single-family small lot and cluster projects that are smaller than one-acre in size may be developed; however, the maximum density is restricted to the minimum allowed by the applicable zoning district. In example, a less than one-acre project in the MDR-18 zone (having a density range of 11.1 to 18.0 dwelling units per acre) would be restricted to a maximum density of 11.1 dwelling units per acre.
- New development standards for the new HDR-45 zoning district (Table 14-3: Multiple-Family Residential Development Standards) have been proposed, implementing the High Density land use district established by The Ontario Plan.
- Other changes proposed to the multiple-family development standards include:
 - Replacing the “minimum lot area” and “minimum lot dimensions” for the MDR-11, MDR-25 and HDR-45 zoning districts, with “minimum project area” and “minimum project dimensions” standards. Like the standards for single-family small lot and cluster development projects, multiple-family projects smaller than the minimum project area or minim project dimensions may be developed; however, the maximum density is restricted to the minimum allowed by the applicable zoning district.
 - The minimum setback from arterial street property lines is proposed to be increased from 20 FT to 30 FT
 - A requirement to provide at least 240 cubic feet of storage space for each multiple-family dwelling is proposed. The storage area may be provided by increasing the area of a garage, providing additional large closet space accessible from within the dwelling, or by providing storage space accessible from private patios or balconies.

- An increase in building height within the MDR-18 zone, from 35 feet to 45 feet, and within the MDR-25 zone, from 35 feet to 60 feet. The increase in height will accommodate the increase in densities promoted by The Ontario Plan, as well as the increase in the floor to floor height on modern residential buildings, which accommodates the higher ceilings desired by most home buyers.

- Revision to the private and common open space requirements for all single-family small lot and cluster development, and multiple-family residential development projects, are proposed, as follows:

<i>Type</i>	<i>MDR-11 & MDR-18 (former R1.5 & R2)</i>	<i>MDR-25 (former R3)</i>	<i>HDR-45</i>
Private:	150 SF (37.5%)	150 <u>105</u> SF (30%)	<u>60</u> SF (20%)
Common:	250 SF (62.5%)	250 <u>245</u> SF (70%)	<u>240</u> SF (80%)
Total:	400 SF	400 <u>350</u> SF	<u>300</u> SF

- The ratio of private to common open space shown in the Development Code are the preferred standards by which all single-family small lot and cluster development, and multiple-family residential development projects are expected to follow.
- A developer may request that the applicable ratio of private to common open space be adjusted to address special circumstances of a particular project, such as environmental issues or the needs of the residents expected to reside within the project.
- Any change in the ratio of private to common open space area must be approved by the Planning Commission, based upon their consideration of the reasons for the change proposed by the developer.
- Standards for the development of infill housing within existing residential neighborhoods are proposed, which require that:
 - New housing projects must be integrated with surrounding homes to protect, enhance, and preserve the physical integrity of the existing neighborhood;
 - Projects must be plotted on a lot in a manner consistent with the surrounding neighborhood;
 - Garages must be oriented consistent with garages in the surrounding neighborhood; and
 - New street curb cuts are not be permitted on lots with alley access.

ENVIRONMENTAL REVIEW: The environmental impacts of this project were previously reviewed in conjunction with The Ontario Plan (File No. PGPA06-001), an update of the City of Ontario General Plan and Preferred Land Use Plan, for which an Environmental Impact Report (SCH No. 2008101140) was adopted by the City Council on January 27, 2010. This Project introduces no new significant environmental impacts.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA13-001, A DEVELOPMENT CODE AMENDMENT REVISING TITLE 9 (DEVELOPMENT CODE), CHAPTER 1 (ZONING AND LAND USE REQUIREMENTS), OF THE ONTARIO MUNICIPAL CODE, INCLUDING PART 3 (ZONING DISTRICTS AND LAND USE), ARTICLE 13 (LAND USE AND SPECIAL REQUIREMENTS), AND PART 4 (BASE DISTRICT REGULATIONS), ARTICLE 14 (RESIDENTIAL DISTRICTS), ADDING THE RE-2 (RESIDENTIAL ESTATE—0 TO 2.0 DU/ACRE) ZONING DISTRICT, RE-4 (RESIDENTIAL ESTATE—2.1 TO 4.0 DU/ACRE) ZONING DISTRICT, HDR-45 (HIGH DENSITY RESIDENTIAL—25.1 TO 45.0 DU/ACRE) ZONING DISTRICT, AND RELATED CHANGES TO THE DEVELOPMENT STANDARDS, AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, the City of Ontario ("Applicant") has initiated a Development Code Amendment, File No. PDCA13-001, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, an amendment is proposed to the provisions of Ontario Municipal Code Title 9 (Development Code), Chapter 1 (Zoning and Land Use Requirements), Part 3 (Zoning Districts and Land Use), Article 13 (Land Use and Special Requirements), which regulates the establishment of land uses, activities and facilities within each zoning district of the City, and prescribes special requirements for certain land uses, activities and facilities within the City; and

WHEREAS, an amendment is proposed to the provisions of Ontario Municipal Code Title 9 (Development Code), Chapter 1 (Zoning and Land Use Requirements), Part 4 (Base District Regulations), Article 14 (Residential Districts), which regulates the development of properties within each residential zoning district of the City; and

WHEREAS, in January 2010, the City Council adopted an update to the City's General Plan and Preferred Land Use Plan (File No. PGPA06-001), which requires the completion of numerous significant and comprehensive changes to the City's Development Code and Official Zoning Map, and over the past three years, staff has worked toward completing the necessary zoning and Development Code revisions; and

WHEREAS, the first phase of Development Code revisions is reflected in proposed changes to Articles 13 and 14 of Chapter 1 (Zoning and Land Use Requirements) of the Development Code, which include:

Article 13: Land Use and Special Requirements

- Renaming of Table 13-1 to “Land Use Matrix”;
- Addition of the RE-2 and RE-4 zoning districts to the Land Use Matrix. Proposed land uses reflect the former RE zoning district. The proposed RE-2 zone allows for single-family residential development and limited animal keeping on large lots, at a density of 0 to 2.0 dwellings per acre. The RE-4 zone allows for single-family residential development on estate sized lots, at a density of 2.1 to 4.0 dwellings per acre;
- Addition of the HDR-45 zoning district to the Land Use Matrix. Proposed allowed land uses reflect the MDR-25 (former R3) zoning district, allowing multiple-family residential development at a density of 25.1 to 45.0 dwellings per acre; and
- Addition of the “Temporary Shelters” use, and the “Emergency Shelters,” “Supportive Housing,” “Transitional Housing,” and “Transitional Living Centers” sub uses to the Land Use Matrix. These land uses are added in accordance with the City’s Housing Element, contained within the Policy Plan component of The Ontario Plan, adopted in 2010.

Article 14: Residential Districts

- A change in the description for each residential zoning district consistent with The Ontario Plan residential land use district descriptions;
- Addition of an applicability statement for Article 14;
- Addition of setback and separation standards for the child play structures, doghouses, and other similar structures, which are ancillary to single-family dwellings, reflecting the City’s current;
- Addition of standards for the development of small lot and cluster-type single-family residential units within the LDR-5 (former R1) zone at a density of 2.1 to 5.0 dwelling per acre, within the MDR-11 (former R1.5) zone at a density of 5.1 to 11.0 dwelling per acre, and within the MDR-18 (former R2) zone at a density of 11.1 to 18.0 dwellings per acre. The standards are intended to replace the current Planned Residential Development provisions contained in Article 14, and allow for design flexibility in in-fill development. The development standards proposed for this type of development are consistent with those implemented within the New Model Colony area;
- The establishment of a minimum project area (one acre) and dimensions (200 feet in width and depth) for small lot and cluster-type single-family residential developments. This standard is intended to promote the consolidation of smaller residential lots;

- Addition of standards for the development of high density residential units within the HDR-45 zone, at a density of 25.1 to 45.0 dwellings per acre;
- An increase in the minimum building setback requirement from an arterial street property line, from 20 feet to 30 feet, for small lot, cluster, and multiple-family development projects;
- Addition of a requirement to provide at least 240 cubic feet of storage space for multiple-family dwellings;
- Allow for the installation of pergolas and porticos within a front or street side setback area of a single-family residential property;
- Addition of purpose and applicability statements for the provision of private and common residential open space areas;
- Revision to private and common open space requirements for the MDR-11 (former R1.5), MDR-18 (former R2), and MDR-25 (former R3) zoning districts, and the addition of standards for the proposed R4 zoning district. The ratio of “private” to “common” open space may be adjusted by the developer, based upon the market a proposed development is intended to serve; however, at a minimum, the “required total” amount of open space must be provided for each dwelling, based upon the zoning district in which it is located;
- Addition of refuse and recyclable materials storage provisions consistent with the standards established by the Ontario Municipal Utilities Company.
- Revision to the maximum drive approach width requirement for conventional single-family residential developments;
- Establishment development of criteria for new infill development projects:
 - Must be integrated with surrounding homes to protect, enhance, and preserve the physical integrity of the existing neighborhood;
 - Projects must be plotted on a lot in a manner consistent with the surrounding neighborhood;
 - Garages must be oriented consistent with garages in the surrounding neighborhood; and
 - New street curb cuts should not be permitted on lots with alley access.
- Addition of standard exempting common interest subdivisions from minimum lot area and building setback regulations; and

- Addition of design guidelines that further clarify the City's desired level of residential development quality

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA"); and

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with The Ontario Plan (File No. PGPA06-001), an update of the City of Ontario General Plan and Preferred Land Use Plan, for which an Environmental Impact Report (SCH No. 2008101140) was adopted by the City Council on January 27, 2010; and

WHEREAS, on February 26, 2013, the Planning Commission of the City of Ontario conducted a duly noticed public hearing and issued a resolution recommending the City Council approve the application.

WHEREAS, on March 19, 2013, the City Council of the City of Ontario conducted a public hearing to consider the Project, and concluded said hearing on that date; and

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

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

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

(a) The environmental impacts of this project were previously reviewed in conjunction with The Ontario Plan (File No. PGPA06-001), an update of the City of Ontario General Plan and Preferred Land Use Plan, for which an Environmental Impact Report (SCH No. 2008101140) was adopted by the City Council on January 27, 2010;

(b) This Project introduces no new significant environmental impacts; and

(c) The determination reflects the independent judgment of the City Council.

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

(a) The proposed Development Code Amendment is consistent with the goals and policies of the Policy Plan component of The Ontario Plan; and

(b) The proposed Development Code Amendment is reasonable and beneficial, and in the interest of good zoning practice; and

(c) The proposed development code amendment will not have a significant adverse impact on the environment.

SECTION 3. Repeal and replace Ontario Municipal Code Title 9 (Development Code), Chapter 1 (Zoning and Land Use Requirements), Part 3 (Zoning Districts and Land Use), Article 13 (Land Use and Special Requirements), to read as shown in Attachment 1.

SECTION 4. Repeal and replace Ontario Municipal Code Title 9 (Development Code), Chapter 1 (Zoning and Land Use Requirements), Part 4 (Base District Regulations), Article 14 (Residential Districts), to read as shown in Attachment 2.

SECTION 5. Based upon the findings and conclusions set forth in Sections 1 through 4, above, the City Council hereby approves File No. PDCA13-001, amending Chapter 1, Articles 13 and 14 of the City's Development Code.

SECTION 6. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is for any reason held to be invalid, unconstitutional or otherwise struck-down by a court of competent jobs, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more portions of this Ordinance might be declared invalid.

SECTION 7. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 E. B Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 8. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this _____ day of _____ 2013.

PAUL S. LEON, MAYOR

ATTEST:

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO FORM:

JOHN E. BROWN, CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. _____ was duly introduced at a regular meeting of the City Council of the City of Ontario held March 19, 2013 and adopted at the regular meeting held _____, 2013 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. _____ duly passed and adopted by the Ontario City Council at their regular meeting held _____, 2013 and that Summaries of the Ordinance were published on _____ and _____, in the Inland Valley Daily Bulletin newspaper.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

Article 13:

Land Use and Special Requirements

Sections:

- Sec. 9-1.1300: Land Use Matrix
- Sec. 9-1.1305: Special Requirements for Certain Permitted and Conditional Uses
- Sec. 9-1.1310: Determination of Use

Sec. 9-1.1300: Land Use Matrix

- A. Land and facilities thereon shall only be developed, divided and/or used for those activities listed in Table 13-1 (Land Use Matrix). Table 13-1 (Land Use Matrix) 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 (Land Use Matrix) shall be deemed a prohibited use, unless otherwise allowed by the Zoning Administrator in accordance with the provisions contained in Sec. 9-1.1310 (Determination of Use) of this Division.
- 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 (Land Use Matrix) 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 (Land Use Matrix) 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 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.

This page intentionally left blank

Table 13-1: Land Use Matrix

Zoning District Categories:

RESIDENTIAL ZONING DISTRICTS	Commercial & Professional Zoning Districts	Industrial Zoning Districts	Other Zoning Districts
AR-2 (Agricultural-Residential—0 to 2.0 DU/Acre)	AP (Administrative Professional)	M1 (Limited Industrial)	AG (Agricultural Overlay)
RE-2 (Residential Estate—0 to 2.0 DU/Acre)	NC (Neighborhood Commercial)	M2 (Industrial Park)	PF (Public Facilities)
RE-4 (Residential Estate—2.1 to 4.0 DU/Acre)	C1 (Shopping Center Commercial)	M3 (General Industrial)	OS (Open Space)
LDR-5 (Low Density Residential—2.1 to 5.0 DU/Acre)	C2 (Central Business District Commercial)		MH (Mobile Home Park)
MDR-11 (Low-Medium Density Residential—5.1 to 11 DU/Acre)	C3(Commercial Service)		
MDR-18 (Medium Density Residential—11.1 to 18.0 DU/Acre)	C4 (Airport Related Services)		
MDR-25 (Medium Density Residential—18.1 to 25.0 DU/Acre)	EA (Euclid Avenue Overlay District)		
HDR-45 (High Density Residential—25.1 to 45.0 DU/Acre)			

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	Residential Zoning Districts							Professional and Commercial Zoning Districts							Industrial Zoning Districts			Other Zoning Districts				Additional Regulations
	AR-2	RE-2 & RE-4	LDR-5	MDR-11	MDR-18	MDR-25	HDR-45	AP	NC	C1	C2	C3	C4	EA	M1	M2	M3	AG	PF	OS	MH	
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 Sec. 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 Sec. 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																						
1. Apiary	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	See Sec. 9-1.1305; Animal keeping and related uses
2. Aviary																						
(i) Less than 25 birds	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	See Sec. 9-1.1305; Animal keeping and related uses
(ii) 25 to 100 birds	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	
3. Cattle/buffalo	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	
4. Horses	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	

Uses	Residential Zoning Districts							Professional and Commercial Zoning Districts							Industrial Zoning Districts			Other Zoning Districts				Additional Regulations
	AR-2	RE-2 & RE-4	LDR-5	MDR-11	MDR-18	MDR-25	HDR-45	AP	NC	C1	C2	C3	C4	EA	M1	M2	M3	AG	PF	OS	MH	
5. Llamas, burros, donkeys	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	See Sec. 9-1.1305; Animal keeping and related uses
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 Sec. 9-1.1305; Animal keeping and related uses
G. Commercial poultry ranches	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
H. Commercial hog ranches	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
I. Dairy and milk production	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	
J. Household pets (3 or fewer animals)	A	A	A	A	A	A	A	---	---	---	---	---	---	U	---	---	---	---	---	---	A	See Sec. 9-1.1305; Animal keeping and related uses
K. Kennels and catteries (4 or more animals)																						
1. Up to 8 animals	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	Note 3
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	A/C	---	---	---	---	---	---	U	---	---	---	A	---	---	---	See Sec. 9-1.1440.A and Sec. 9-1.1305; Residential accessory structures
B. Caretaker quarters	---	---	---	---	---	---	---	---	---	---	---	A/C		U	A/C	A/C	A/C	A	---	A/C	---	
C. Home occupations	P	P	P	P	P	P	P	---	---	---	---	---	---	U	---	---	---	P	---	---	P	See Sec. 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 Sec. 9-1.1635.A (Mixed Use Developments)
F. Mobile home parks	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	
G. Multiple family dwellings	---	---	---	P	P	P	P	---	---	---	---	---	---	U	---	---	---	---	---	---	---	
H. Second and senior second (granny flats) dwellings	P	P	P	P	P	---	---	---	---	---	---	---	---	U	---	---	---	P	---	---	---	See Sec. 9-1.1440.A
I. Senior citizen housing	---	---	---	---	C	C	P	---	---	C	P	C	---	---	---	---	---	---	---	---	---	Note 10
J. Single family dwellings (one unit per lot)	P	P	P	P	P	P	---	---	P	---	---	---	---	---	---	---	---	P	---	---	---	Note 2
K. Temporary Shelters																						
1. Emergency Shelters	---	---	---	C	C	C	---	---	---	---	C	C	---	---	P	C	C	---	C	---	C	See Sec. 9-1.1305; Transitional shelter housing
2. Supportive Housing	P	P	P	P	P	P	---	---	---	---	C	C	---	---	P	C	C	---	C	---	P	
3. Transitional Housing	P	P	P	P	P	P	---	---	---	---	C	C	---	---	P	C	C	---	C	---	P	
4. Transitional Living Centers	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	C	---	---	---	---	

Uses	Residential Zoning Districts							Professional and Commercial Zoning Districts							Industrial Zoning Districts			Other Zoning Districts				Additional Regulations
	AR-2	RE-2 & RE-4	LDR-5	MDR-11	MDR-18	MDR-25	HDR-45	AP	NC	C1	C2	C3	C4	EA	M1	M2	M3	AG	PF	OS	MH	
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	---	---	---	---	C	---	---	---	
(ii) Public	P	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	C	---	---	
(ii) Public	P	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	---	---	---	---	---	C	---	---	---	See Sec. 9-1.1305; Congregate care facilities
3. Convalescent care facilities (with continuous skilled nursing care)	---	---	---	---	C	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																						
(i) Cultural facility	---	---	---	---	---	---	---	---	---	P	P	P	P	---	---	---	---	---	P	C	---	
(ii) Exhibit hall	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---	---	P	---	---	
(iii) Museum	---	---	C	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	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	P	
(vi) Police and fire stations	C	C	C	C	C	C	C	C	C	P	P	P	C	U	P	P	P	---	P	---	C	
(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	P	
D. Religious facilities																						
1. Religious assembly/places of worship	C	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	C	---	---	---	---	---	---	---	---	---	---	---	---	---	---	

Uses	Residential Zoning Districts							Professional and Commercial Zoning Districts							Industrial Zoning Districts			Other Zoning Districts				Additional Regulations
	AR-2	RE-2 & RE-4	LDR-5	MDR-11	MDR-18	MDR-25	HDR-45	AP	NC	C1	C2	C3	C4	EA	M1	M2	M3	AG	PF	OS	MH	
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 Sec. 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	---	---	---	---	
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	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	C	
COMMERCIAL USES																						
A. Communications																						
1. Antennas and wireless telecommunications facilities	---	---	P/C	P/C	P/C	P/C	P/C	---	---	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	---	See Sec. 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	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 Sec. 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 Sec. 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	---	---	---	---	---	---	---	

Uses	Residential Zoning Districts							Professional and Commercial Zoning Districts							Industrial Zoning Districts			Other Zoning Districts				Additional Regulations
	AR-2	RE-2 & RE-4	LDR-5	MDR-11	MDR-18	MDR-25	HDR-45	AP	NC	C1	C2	C3	C4	EA	M1	M2	M3	AG	PF	OS	MH	
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	---	---	---	---	
(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 Sec. 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	---	---	---	---	---	---	A	
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	---	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 Sec. 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	C	---	---	U	---	---	---	---	---	---	---	See Sec. 9-1.1305; Bed and breakfast inn establishments
2. Boarding, lodging or rooming houses	AP	AP	AP	AP	AP	AP	AP	---	---	---	---	---	---	U	---	---	---	AP	---	---	---	See Sec. 9-1.1305; Boarding, lodging or rooming houses
3. Hotels/motels	---	---	---	---	---	---	---	---	---	---	C	---	C	U	---	---	---	---	---	---	---	See Sec. 9-1.1305; Hotels, motels, apartment hotels and residence inns
4. Residence inns	---	---	---	---	---	---	---	---	---	---	---	---	C	U	---	---	---	---	---	---	---	
5. Recreational vehicle parks and campgrounds	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	
6. Single room occupancy (SRO) facilities	---	---	---	---	---	---	---	---	---	---	C	C	C	U	---	---	---	---	---	---	---	See Sec. 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 Sec. 9-1.1305; Automated fueling facilities

Uses	Residential Zoning Districts							Professional and Commercial Zoning Districts							Industrial Zoning Districts			Other Zoning Districts				Additional Regulations
	AR-2	RE-2 & RE-4	LDR-5	MDR-11	MDR-18	MDR-25	HDR-45	AP	NC	C1	C2	C3	C4	EA	M1	M2	M3	AG	PF	OS	MH	
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 Sec. 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 Sec. 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 Sec. 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 Sec. 9-1.1305; Interim Off-Airport Parking Lots
10. Parts and accessories sales	---	---	---	---	---	---	---	---	---	P	---	P	---	---	---	---	---	---	---	---	---	
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 Sec. 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	---	---	---	---	

Uses	Residential Zoning Districts							Professional and Commercial Zoning Districts							Industrial Zoning Districts			Other Zoning Districts				Additional Regulations
	AR-2	RE-2 & RE-4	LDR-5	MDR-11	MDR-18	MDR-25	HDR-45	AP	NC	C1	C2	C3	C4	EA	M1	M2	M3	AG	PF	OS	MH	
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 Sec. 9-1.1305; Motor vehicle washing, cleaning and detailing facilities
(ii) Trucks, buses and similarly large vehicles	---	---	---	---	---	---	---	---	---	---	---	C	---	---	A/C	A/C	P	---	---	---	---	
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	---	---	---	---	---	---	---	
(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	---	---	---	---	See Sec. 9-1.1305; Convenience markets
(iv) Grocery stores	---	---	---	---	---	---	---	---	---	P	C	P	---	---	---	---	---	---	---	---	---	
(v) Specialty food stores	---	---	---	---	---	---	---	---	P	P	P	P	P	---	---	---	---	---	---	---	---	
5. Furniture and home furnishings stores [NAICS 442]	---	---	---	---	---	---	---	---	---	P	P	P	---	---	---	---	---	---	---	---	---	
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	---	---	---	---	---	---	---	See Sec. 9-1.1305; Drive-thru facilities
(b) Without drive-thru facilities	---	---	---	---	---	---	---	P	P	P	P	P	P	U	---	---	---	---	---	---	---	

Uses	Residential Zoning Districts							Professional and Commercial Zoning Districts							Industrial Zoning Districts			Other Zoning Districts				Additional Regulations
	AR-2	RE-2 & RE-4	LDR-5	MDR-11	MDR-18	MDR-25	HDR-45	AP	NC	C1	C2	C3	C4	EA	M1	M2	M3	AG	PF	OS	MH	
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	---	---	---	---	---	---	---	
(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	---	---	---	---	See Sec. 9-1.1305; Exterminating services
(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	---	---	---	---	---	---	---	See Sec. 9-1.1305; Drive-thru facilities
(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	---	---	---	---	---	---	---	

Uses	Residential Zoning Districts							Professional and Commercial Zoning Districts							Industrial Zoning Districts			Other Zoning Districts				Additional Regulations	
	AR-2	RE-2 & RE-4	LDR-5	MDR-11	MDR-18	MDR-25	HDR-45	AP	NC	C1	C2	C3	C4	EA	M1	M2	M3	AG	PF	OS	MH		
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 Sec. 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 Sec. 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	---	---	---	---	C	See Sec. 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	C	U	---	---	---	---	---	---	---		
(2) Small family (8 or fewer children)	P	P	P	P	P	P	P	---	P	---	---	---	---	U	---	---	---	---	---	---	---		
(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	---	P	---	---	---	---	U	---	---	---	---	---	---	---	Note 9	
(b) More than 6 children	---	---	---	---	C	C	C	---	C	---	---	---	---	U	---	---	---	---	---	---	---		

Uses	Residential Zoning Districts							Professional and Commercial Zoning Districts							Industrial Zoning Districts			Other Zoning Districts				Additional Regulations
	AR-2	RE-2 & RE-4	LDR-5	MDR-11	MDR-18	MDR-25	HDR-45	AP	NC	C1	C2	C3	C4	EA	M1	M2	M3	AG	PF	OS	MH	
(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	P	---	---	---	---	---	---	U	---	---	---	---	---	---	---	
(b) More than 6 adults	---	---	---	---	C	C	C	---	---	C	---	C	---	U	---	---	---	---	---	---	---	
INDUSTRIAL USES																						
A. Construction																						
1. Contract construction service office [NAICS 236, 237 & 238]																						
(i) Completely within a building	---	---	---	---	---	---	---	---	---	---	---	---	---	U	P	P	P	---	---	---	---	
(ii) Equipment and/or material storage yard	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	P	---	---	---	---	
2. Media Blasting [NAICS 332813]	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	
B. Hazardous waste collection facilities, excepting household hazardous waste facilities	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	C	---	C	---	---	
C. Hazardous waste facilities																						
1. Cement kiln incinerator	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	See Article 28 (Hazardous Waste (HW) Overlay District)
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	---	---	
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	---	---	---	---	

Uses	Residential Zoning Districts							Professional and Commercial Zoning Districts							Industrial Zoning Districts			Other Zoning Districts				Additional Regulations
	AR-2	RE-2 & RE-4	LDR-5	MDR-11	MDR-18	MDR-25	HDR-45	AP	NC	C1	C2	C3	C4	EA	M1	M2	M3	AG	PF	OS	MH	
2. Over 8,000 Sq. ft. or 15%	---	---	---	---	---	---	---	---	---	---	---	---	---	U	C	C	C	---	---	---	---	
F. Light Industrial																						
1. Recyclable material salvage facilities [NAICS 562111]	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	See Sec. 9-1.1305; Metal salvage yards and scrap processing
2. Recycling collection facilities [NAICS 562111]																						
(i) Small (500 sq-ft or less in area)	---	---	---	---	---	---	---	---	---	C	---	C	---	---	P	---	P	---	P	---	---	See Sec. 9-1.1305; Recycling facilities
(ii) Large (greater than 500 sq-ft in area)	---	---	---	---	---	---	---	---	---	---	---	C	---	---	P	---	P	---	---	---	---	
3. Recycling processing facilities [NAICS 562111]	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	See Sec. 9-1.1305; Recycling processing facilities
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	---	---	---	
(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	---	---	---	---	

Uses	Residential Zoning Districts							Professional and Commercial Zoning Districts							Industrial Zoning Districts			Other Zoning Districts				Additional Regulations
	AR-2	RE-2 & RE-4	LDR-5	MDR-11	MDR-18	MDR-25	HDR-45	AP	NC	C1	C2	C3	C4	EA	M1	M2	M3	AG	PF	OS	MH	
(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	---	---	---	---	
(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]	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	---	---	---	---	
9. Leather and allied product manufacturing [NAICS 316]																						
(i) Leather and hide tanning and finishing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
(ii) Footwear manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---		P	P	---	---	---	---	
(iii) Other leather and allied product manufacturing, including luggage, handbags/purses, personal leather goods and all other leather goods manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---	
10. Wood product manufacturing (includes (i) sawmills and wood preservation; (ii) veneer, plywood and engineered wood product manufacturing; and (iii) other wood product manufacturing, such as millwork, wood container and palette manufacturing and manufactured home (mobile home) and prefabricated wood structure manufacturing) [NAICS 321]	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	
11. 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	---	---	---	---	

Uses	Residential Zoning Districts							Professional and Commercial Zoning Districts							Industrial Zoning Districts			Other Zoning Districts				Additional Regulations
	AR-2	RE-2 & RE-4	LDR-5	MDR-11	MDR-18	MDR-25	HDR-45	AP	NC	C1	C2	C3	C4	EA	M1	M2	M3	AG	PF	OS	MH	
(iv) Ventilation, heating, air conditioning and commercial refrigeration equipment manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	
(v) Metalworking machinery manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---	
(vi) Engine, turbine and power transmission equipment manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	---	---	---	---	
(vii) Other general purpose machinery manufacturing	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	---	---	---	---	
12. Miscellaneous manufacturing (includes (i) medical equipment and supplies manufacturing; and (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) [NAICS 339]	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	---	---	---	---	
13. Nonmetallic mineral product manufacturing (includes (i) clay product and refractory manufacturing; (ii) glass and glass product manufacturing; (iii) cement and concrete product manufacturing; (iv) lime and gypsum product manufacturing; (v) other nonmetallic mineral product manufacturing, such as abrasives, stone products and mineral wool) [NAICS 327]	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	
14. Paper manufacturing [NAICS 322]																						
(i) Pulp, paper and paperboard mills	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	
(ii) Converted paper product manufacturing, such as boxes, bags, stationery products and sanitary paper products	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	---	---	---	---	
15. Petroleum and coal products manufacturing, such as refineries; asphalt paving, roofing and saturated materials; grease; and lubricating oils [NAICS 324]	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	
16. Plastics and rubber product manufacturing (excluding tire manufacturing) [NAICS 326]	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	P	---	---	---	---	
17. Printing and related support activities [NAICS 323]	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	P	P	---	---	---	---	
18. Primary metal manufacturing (includes (i) iron and steel mills, and ferroalloy manufacturing; ii) steel product manufacturing from purchased steel; (iii) Alumina and aluminum production and processing; (iv) Nonferrous metal production and processing (except aluminum); and (v) foundries) {NAICS 331]	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	C	---	---	---	---	
19. Textile mills (includes (i) fiber, yarn and thread materials; (ii) fabric mills; and (iii) textile and fabric finishing, and fabric coating mills) [NAICS 313]	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P	---	---	---	---	
20. 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	---	---	---	---	

Uses	Residential Zoning Districts							Professional and Commercial Zoning Districts							Industrial Zoning Districts			Other Zoning Districts				Additional Regulations
	AR-2	RE-2 & RE-4	LDR-5	MDR-11	MDR-18	MDR-25	HDR-45	AP	NC	C1	C2	C3	C4	EA	M1	M2	M3	AG	PF	OS	MH	
(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	---	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]																						
(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 423 & 424]																						
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	---	---	---	---	See Sec. 9-101305; Temporary and interim uses
B. Temporary subdivision sales offices	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	U	AP	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	---	

Uses	Residential Zoning Districts							Professional and Commercial Zoning Districts							Industrial Zoning Districts			Other Zoning Districts				Additional Regulations
	AR-2	RE-2 & RE-4	LDR-5	MDR-11	MDR-18	MDR-25	HDR-45	AP	NC	C1	C2	C3	C4	EA	M1	M2	M3	AG	PF	OS	MH	
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	AP	---	AP	AP	AP	AP	AP	U	AP	AP	AP	---	---	---	AP	
(ii) Holiday sales events	AP	AP	AP	AP	AP	AP	AP	---	---	AP	AP	AP	---	U	AP	AP	AP	AP	---	---	AP	
(iii) Shows and exhibits	AP	AP	AP	AP	AP	AP	AP	---	---	AP	AP	AP	AP	U	---	---	---	---	---	---	AP	
(iv) Amusement events	AP	AP	AP	AP	AP	AP	AP	---	---	AP	AP	AP	---	U	---	AP	AP	---	---	---	AP	
(v) Tent revivals	AP	AP	AP	AP	AP	AP	AP	---	---	AP	AP	AP	---	---	---	---	---	---	---	---	AP	
(vi) Charitable and fund raising events	AP	AP	AP	AP	AP	AP	AP	---	---	AP	AP	AP	---	U	---	---	---	---	---	---	AP	

Notes:

1. Minimum parcel size is 5 acres.
2. Within the AG zoning district, the minimum lot size is 10 acres. A specific plan shall be 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. Reserved
7. This use is prohibited on the ground floor within the Euclid Avenue Overlay District (EA).
8. Reserved
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 Sec. 9-1.1635.E of this chapter.
11. Within the AG overlay district, one 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.

This page intentionally left blank

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

The uses, activities and/or facilities contained in Table 13-1 (Land Use Matrix), 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:
 - a. Adult businesses are linked to, and associated with, increases in crime rates in those areas in which they are located and in surrounding areas;
 - b. 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;
 - c. 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;
 - d. 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 cautions 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;
 - a. 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;
 - b. 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;
 - c. 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;
 - d. Evidence indicates that Performers at Adult Businesses have been found to engage in acts of prostitution with Patrons of the establishment;
 - e. 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.
 - f. 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:
 - a. The opening or commencement of any Adult Business as a new business;
 - b. The conversion of an existing business, whether or not an Adult Business, to any Adult Business defined herein;

- c. The addition of any of the Adult Businesses defined herein to any other existing Adult Business; or
 - d. 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, public 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:
 - a. "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.

- b. "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".
- c. "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 Sec. 6-10.03 of Chapter 10 of Title 6 (Sanitation and Health) of the Ontario Municipal Code.
- d. "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.
- e. "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.
- f. "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.
- g.** “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.
 - h.** “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.
 - i.** “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:
- a.** Less than completely and opaquely covered human:
 - b.** genitals or public region;
 - c.** buttocks;

- d. female breast below a point immediately above the top of the areola;
 - e. Human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
 - f. 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:
 - a. The fondling or other erotic touching of human genitals, public region, buttocks, anus, or female breast;
 - b. Sex acts, actual or simulated, including intercourse, oral copulation or sodomy;
 - c. Masturbation, actual or simulated; or
 - d. 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 residentially zoned property, or the MH zoning 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:
 - a. Any church, chapel, or similar place of worship, whether inside or outside of Ontario City limits;
 - b. Any school or day care establishment, or public or private park or playground, whether inside or outside of Ontario City Limits;
 - c. Any retirement or convalescent hospital, whether inside or outside of Ontario City limits;
 - d. 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;
 - e. City Hall, City offices, and other government buildings normally open to the public;
 - f. Libraries, whether inside or outside Ontario City limits;
 - g. 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:
 - a. 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.
 - b. 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.

- c. 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.
 - d. 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.
 - e. 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.
 - f. 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.
 - g. 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.
 - h. 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

<i>Area</i>	<i>Foot-Candles</i>
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:
 - a. 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.
 - b. 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.
 - c. The Adult Business shall provide an entrance and exit for Performers which is separate from the entrance and exit used by Patrons.
 - d. 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.
 - e. 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.
 - f. Fixed rails at least 30 inches in height shall be maintained establishing the separations between Performers and Patrons required by this section.
 - g. 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;
 - a. 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.
 - b. 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.
 - c. 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 of 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 Sec. 6-1.230) as a household pet is restricted to one 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 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 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 LDR-5 Zoning District.** Within the LDR-5 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 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 animal for each 6,000 SF of lot area
C. Horses	One animal for each 6,000 SF of lot area
D. Swine (5 maximum)	One animal for each 12,000 SF of lot area
E. Sheep, female goats and similar livestock	One animal for each 3,000 SF of lot area

<i>Animal Type</i>	<i>Maximum Animal Density</i>
F. Male adult goats	
1. Parcel < 10 acres	One
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 animal for each 6,000 SF of lot area
I. Emus and rheas	One 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 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 Sec. 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 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 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 Sec. 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 Sec. 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 Sec. 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 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:

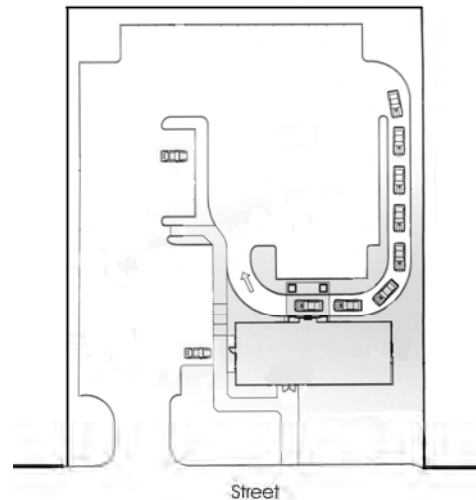
- A. Hours of operation for commercial uses are to be limited to between 7:00 a.m. and 10:00 p.m., daily;
- B. Convenience businesses shall provide secure bicycle parking, designed for the safety and security of at least three bicycles. Candy stores, confectioneries, convenience food stores and ice cream 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.
 - a. Setbacks shall be provided in accordance with development standards for the applicable zoning district in which the facility is proposed.
 - b. 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.
 - c. 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 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.
 - a. Buildings shall be oriented toward the street.
 - b. Decorative low garden walls shall be provided to screen the parking lot and drive-through aisle from view of the public street.
 - c. All service and loading areas shall be screened from public view to the extent possible.

- d. Restrooms shall not be accessed from outside the structure.
- e. Ladders for roof access shall be mounted on the inside of the building or shall be completely concealed from public view.
- f. 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.



Street-Oriented Site Design

9. Drive-Thru Lane Design.

- a. 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
- b. The lane shall not enter directly from the street.
- c. The lane shall have a minimum width of 11 FT on straight sections and 12 FT on curved sections.
- d. Drive-thru lanes shall be screened through building orientation, landscaping, low screen walls and trelliswork

10. Trash Enclosures.

- a. 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.
- b. 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 one 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 Sec. 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.
 - a. 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.
 - b. 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.
 - c. 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.
 - d. 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.
 - e. 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.
 - f. 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."
 - g. 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.

-----F-----

Reserved

-----G-----

Reserved

-----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:
 - a. Gun/munitions repair or sales;
 - b. Ammunition loading or sales;
 - c. Barber and beauty shops;
 - d. Businesses which involve the harboring, training, breeding, raising or grooming of cats, dogs or other animals on the premises;
 - e. Carpentry and cabinet making;
 - f. Medical and dental offices, clinics or laboratories;
 - g. Repair or fix-it shops;
 - h. Storage of equipment, materials and other accessories to the construction or service trades;
 - i. Motor vehicle repair (body or mechanical), upholstery or painting;
 - j. Welding or machining;
 - k. Sales of motor vehicles (New or Used)
 - l. Massage services, excepting out-call and chair massage services operated pursuant to Ontario Municipal Code Title 6, Chapter 10;
 - m. Mobile motor vehicle service and repair; such as detailing and vehicle repair; and

- n. 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-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 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:
 - a. 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.

- b.** A permit may be revoked by the Zoning Administrator based upon any one or more of the following grounds:

 - (i)** Permit approval was obtained by fraud;
 - (ii)** The permit granted is not being exercised;
 - (iii)** 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
 - (iv)** 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.
- c.** 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.

-----J-----

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-----

Reserved

-----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-----

Reserved

-----M-----

MASSAGE 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.
 - (i)** 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.
 - (ii)** 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.
 - (iii)** 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.
 - (iv)** The application for a permit does not authorize the applicant to practice massage until such permit has been granted.
 - (v)** Each application for a massage therapist permit shall contain the following information:
 - (1)** The full true name under which the business will be conducted.
 - (2)** The present or proposed address where the business is to be conducted.
 - (3)** 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.

- (4) The address of the previous 2 residences of the applicant and the inclusive dates at each address.
- (5) Two (2) portrait photographs measuring 2 inches in width by 2 inches in height, taken within the 6 month period prior to application submittal.
- (6) The applicant's business, occupation, and employment history for 5 years preceding the date of application, and the inclusive dates of same.
- (7) 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.
- (8) 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.
- (9) Convictions for any crime involving conduct which requires registration under any state law similar to and including California Penal Code Sec. 290, or for conduct which is a violation of the provisions of any state law similar to and including California Penal Code Sec. 266i, 315, 316, 318 or Sec. 647(b), or any crime involving pandering, dishonesty, fraud, deceit, or moral turpitude.
- (10) Convictions of any felony offense involving the sale of a controlled substance specified in California Health & Safety Code Sec. 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.
- (11) A complete definition of all services to be provided.
- (12) 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.
- (13) Acceptable written proof that the applicant is at least 18 years of age.
- (14) 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.

- (15) 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.
- (16) The name of the person designated by the applicant, corporation or partnership to act as its responsible managing officer in charge of the premises.
- (17) 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.
- (18) 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.
- (19) A description of any other business to be operated on the same premises, or on adjoining premises, owned or controlled by the applicant.
- (20) 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.
- (21) 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.
- (22) 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.
- (23) 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.
- (24) 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.

- (25)** 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.
- (26)** 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.
- (vi)** The applicant must furnish proof of education and training in accordance with one of the following:

 - (1)** 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
 - (2)** 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.
- (vii)** 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.
- (viii)** 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:

- (1) Requires that its members meet minimal educational requirements appropriate to the nature of their work;
 - (2) Offers and encourages participation in continuing education programs;
 - (3) 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
 - (4) The organization does not discriminate on the basis of race, sex, creed, color, age or sexual orientation.
- (ix) Each applicant must furnish the full name, address and telephone number of each massage establishment where the therapist will be employed.
- (x) 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.

- (i) The Zoning Administrator shall refer massage therapist applications to the Police Chief for an investigation and recommendation.
- (ii) 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:
 - (1) All required fees have been paid.
 - (2) The application conforms in all respects to the provisions of this chapter.
 - (3) The applicant has not made a material misrepresentation in the application.
 - (4) 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 Sec. 290, or for conduct which is a violation of the provisions of any state law similar to and including California Penal Code Sec. 266i, 315, 316, 318 or 647(b), or any crime involving pandering, dishonesty, fraud, deceit, or moral turpitude.
 - (5) 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 Sec. 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.

- (6) 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.
 - (7) The applicant is at least 18 years of age.
- c. Review and Action.
 - (i) 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.
 - (ii) 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.
 - (i) 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.
 - (ii) No permittee shall operate under any name or conduct any establishment under any designation not specified in permittee's permit.
 - (iii) 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.
 - (i) Massage therapists licensed pursuant to these provisions shall have 30 days from the date of expiration to renew their permit.
 - (ii) 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.
 - (iii) 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.

- (i)** 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.
- (ii)** An action to revoke a permit granted pursuant to these provisions shall be accomplished in the following manner:
 - (1)** 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.
 - (2)** 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.
 - (3)** 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, sunbaths, 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 injunction 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 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 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, dismounted 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-----

Reserved

-----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-----

Reserved

-----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:
 - a. The facility is located in a convenience zone or a potential convenience zone, as designated by the California Department of Conservation;
 - b. 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;
 - c. The permit will be reconsidered at the end of 12 months; and
 - d. 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 Sec. 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 Sec. 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-----

TAXIDERMY 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:
 - a. 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 year.
 - b. 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.
 - c. 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.
 - d. 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:
 - a. 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 year.
 - b. 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.
- c.** 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.
 - d.** 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:
- a.** Retail Sales Events. A commercial business shall be permitted to hold special outdoor sales, sidewalk sales and parking lot sales, subject to the following:

 - (i)** 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.
 - (ii)** 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.
 - (iii)** The display of merchandise shall not impede pedestrian or vehicular circulation.
 - (iv)** 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.
 - (v)** Retail sales events shall comply with all applicable provisions of Article 11 (Temporary Use Permits) of this chapter.
 - (vi)** Within residential zoning districts, temporary retail sales events shall only be allowed in conjunction with a legally established religious facility.
 - b.** Holiday Sales. Christmas tree and pumpkin sales shall be permitted to operate, subject to the following:

 - (i)** Such uses shall not be permitted on any residentially zoned property.
 - (ii)** Sales shall be limited to 30 days duration, 2 times per calendar year per sales location.
 - (iii)** Within residential zoning districts, temporary holiday sales shall only be allowed in conjunction with a legally established religious facility.

- c.** 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:

 - (i)** Events shall be limited to 30 days within 90 day period.
 - (ii)** The display shall not impede pedestrian or vehicular traffic.
 - (iii)** 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.
 - (iv)** 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.
 - (v)** Within residential zoning districts, temporary shows and exhibits shall only be allowed in conjunction with a legally established religious facility.
- d.** Amusement Events. Bazaars, circuses, carnivals, rodeos, pony rides and other similar temporary amusement events may be permitted, subject to the following:

 - (i)** 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.
 - (ii)** 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.
 - (iii)** All equipment, merchandise, materials, signs and debris shall be removed from the event location within 24 hours following the last day of the event.
 - (iv)** Within residential zoning districts, temporary amusement events shall only be allowed in conjunction with a legally established religious facility.
- e.** 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:

 - (i)** 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.
 - (ii)** 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.
 - (iii)** All equipment, materials, signs and debris shall be removed from the event location within 24 hours following the last day of the event.

- (iv) Within residential zoning districts, temporary tent revivals shall only be allowed in conjunction with a legally established religious facility.
- f. 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:
 - (i) 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.
 - (ii) 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.
 - (iii) The event shall not impede pedestrian or vehicular circulation.
 - (iv) 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.
 - (v) The event shall comply with all applicable provisions of Article 11 (Temporary Use Permits) of this chapter.
 - (vi) 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 federal, state or youth authority parolees shall be allowed to live in a transitional shelter house that is located in an MDR-18 or MDR-25 zone. A maximum of 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 Sec. 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 Sec. 9-1.0955 (Modification or Revocation of a Conditional Use Permit) of this chapter shall be followed.

-----U-----

Reserved

-----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 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 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 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-----

Reserved

-----X-----

Reserved

-----Y-----

Reserved

-----Z-----

Reserved

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.

Article 14:

Residential Districts

Sections:

Sec. 9-1.1400: Purpose
Sec. 9-1.1405: Applicability
Sec. 9-1.1410: Development Standards
Sec. 9-1.1415: Open Space Requirements
Sec. 9-1.1420: General Provisions
Sec. 9-1.1425: Special Requirements for Certain Residential Uses, Activities and Facilities
Sec. 9-1.1430: Density Bonus and Other Incentives
Sec. 9-1.1435: Walls, Fences, and Other Obstructions
Sec. 9-1.1440: Residential Design Guidelines

Sec. 9-1.1400: Purpose

A. General Purposes. The purpose of this Section is to ensure that development within residential zoning districts of the City will contribute toward an urban environment of stable, desirable character; which is harmonious with existing and future development; and is consistent with the goals and policies of the Policy Plan (General Plan) component of The Ontario Plan. These regulations are further established to:

1. Assist in implementing the goals and objectives of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan;
2. Reserve appropriate areas for residential living in a variety of dwelling types and tenures, at reasonable ranges of population densities, that will accommodate the City's future population growth;
3. Encourage the continued vitality of existing neighborhoods, and, where appropriate, encourage the revitalization of neighborhoods by the use of appropriate standards and incentives;
4. Provide a physical environment that contributes to, and enhances, the quality of life;
5. Promote stable neighborhoods that are well designed, safe, and pleasant places to live, and that contributes to the establishment of Ontario as a "complete community";
6. Ensure adequate light, air, privacy, and open space for dwellings;
7. Establish architectural and design guidelines to encourage a high quality appearance of new and remodeled structures;
8. Establish standards ensuring that new infill residential construction is consistent with the character and fabric of existing neighborhoods, including densities, design and exterior appearance;
9. Protect residential properties from the hazards of traffic congestion, noise, fire, explosion, noxious fumes, and other hazards;
10. Facilitate the provision of public utilities and services commensurate with their need; and

11. Allow for innovative and flexible methods of implementing the goals and policies of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.

B. Purpose of Residential Zoning Districts. The purpose of each residential zoning district is as follows:

1. AR-2 (Agricultural-Residential—0 to 2.0 DU/Acre) Zoning District. The AR-2 zoning district is intended to accommodate single-family residences on large lots, at a density range of 0 to 2.0 dwelling units per acre, and allow for limited agricultural activities and animal keeping within a rural environment. The AR zoning district is further intended to maintain a rural agricultural heritage and protect the area from suburban infringement, while maintaining a harmonious relationship between the rural and adjacent suburban land uses. The AR-2 zoning district is consistent with and implements the Rural Residential land use designation of the Policy Plan component of The Ontario Plan.
2. RE-2 (Residential Estate—0 to 2.0 DU/Acre) Zoning District. The RE-2 zoning district is intended to accommodate single-family residences on larger lots, at a density range of 0 to 2.0 dwelling units per acre, in a semi-rural environment where limited animal keeping is permitted. The RE-2 zoning district is consistent with and implements the Rural Residential land use designation of the Policy Plan component of The Ontario Plan.
3. RE-4 (Residential Estate—2.1 to 4.0 DU/Acre) Zoning District. The RE-4 zoning district is intended to accommodate single-family homes on estate-sized lots, in a suburban environment, at a density range of 2.1 to 4.0 dwelling units per acre. The RE zoning district is consistent with and implements the Low Density Residential land use designation of the Policy Plan component of The Ontario Plan.
4. LDR-5 (Low Density Residential—2.1 to 5.0 DU/Acre) Zoning District. The LDR-5 zoning district is intended to accommodate single-family homes on individual lots, in a suburban environment, at a density range of 2.1 to 5.0 dwelling units per acre. The R1 zoning district is consistent with and implements the Low Density Residential land use designation of the Policy Plan component of The Ontario Plan.
5. MDR-11 (Low-Medium Density Residential—5.1 to 11.0 DU/Acre) Zoning District. The MDR-11 zoning district is intended to accommodate a variety of attached and detached housing types, in a suburban environment, at a density range of 5.1 to 11.0 dwelling units per acre. The MDR-11 zoning district is consistent with and implements the Low-Medium Density Residential land use designation of the Policy Plan component of The Ontario Plan.
6. MDR-18 (Medium Density Residential—11.1 to 18.0 DU/Acre) Zoning District. The MDR-18 zoning district is intended to accommodate a variety of attached and detached housing types, in a suburban environment, at a density range of 11.1 to 18.0 dwelling units per acre. The MDR-18 zoning district is consistent with and implements the Medium Density Residential land use designation of the Policy Plan component of The Ontario Plan.
7. MDR-25 (Medium Density Residential—18.1 to 25.0 DU/Acre) Zoning District. The MDR-25 zoning district is intended to accommodate higher density residential developments, in a more urbanized environment, at a density range of 18.1 to 25.0 dwelling units per acre. The MDR-25 zoning district is consistent with and implements the Medium Density Residential land use designation of the Policy Plan component of The Ontario Plan.
8. HDR-45 (High Density Residential—25.1 to 45.0 DU/Acre) Zoning District. The HDR-45 zoning district is intended to accommodate high-density multiple-family developments in

an urban environment, generally located within 1/2-mile of a transit corridor or station, at a density range of 25.1 to 45.0 dwelling units per acre. The HDR-45 zoning district is consistent with and implements the High Density Residential land use designation of the Policy Plan component of The Ontario Plan.

Sec. 9-1.1405: Applicability

- A. New Development Projects and Land Uses.** The requirements of this Article shall apply to all proposed development projects and subdivisions, and new land uses, except as specified in Article 7 (Nonconforming Uses, Lots, Structures, and Signs) of this Chapter, and shall be considered in combination with the land use standards contained in Article 13 (Land Uses & Special Requirements) of this Chapter. If any provision of this Article conflicts with the land use standards contained in Article 13 (Land Uses & Special Requirements) of this Chapter, the standards contained in Article 13 (Land Uses & Special Requirements) shall control.
- B. Conformity with District Regulations.**
1. No site or structure shall be used for any purpose or in any manner other than in conformity with the regulations of the zoning district in which the site or structure is located.
 2. No structure is to be erected and no existing structure is to be moved, altered or enlarged, except in conformity with the regulations of the zoning district in which the structure or use is located.
 3. No required yard or open space area related to any structure or use shall be used, encroached upon, or reduced in any manner, except in conformity with the regulations of the zoning district in which the yard or open space is located.
 4. No lot or parcel shall be reduced in area to less than the minimum area prescribed for the district in which the site is located, unless a Variance is granted pursuant to Article 10 (Variances and Administrative Exceptions) of this Chapter.
 5. Any lot that is shown on a recorded map prior to November 5, 1947, and that had a legal area, width, and frontage at the time the subdivision map was recorded or the lot was legally created, may be used for an allowed land use, and shall be subject to all other regulations applicable to the zoning district in which the site is located.

Sec. 9-1.1410: Development Standards

- A. Development Standards.** The design and development of residentially zoned properties shall comply with the following:
1. Conventional Single-Family Residential Development Standards.
 - a. Conventional single-family residential developments shall comply with the requirements of Table 14-1 (Conventional Single-Family Residential Development Standards), which specifies development standards within the AR-2, RE-2, RE-4, LDR-5, and MDR-11 zoning districts.
 - b. Conventional single-family residential developments consist of a single detached dwelling unit constructed on a single lot of record, which meets or exceeds the minimum lot sizes (area and dimensions) prescribed by Table 14-1 (Conventional Single-Family Residential Development Standards) of this Article.

- 2. Small Lot and Cluster Single-Family Residential Development Standards.**
 - a.** Single-family residential small lot and cluster developments shall comply with the requirements of Table 14-2 (Small Lot and Cluster Single-Family Residential Development Standards), which specifies development standards within the LDR-5, MDR-11, and MDR-18 zoning districts.
 - b.** A small lot or cluster single-family residential development consists of 2 or more dwellings oriented closely together to form relatively compact groups (clusters), regardless of lot size or configuration, which meets the standards prescribed by Table 14-2 (Small Lot and Cluster Single-Family Residential Development Standards) of this Article. The space between groups of dwellings may be allocated to amenities for common use by residents of the development project. This pattern of development may result in a higher density of development than may otherwise be achieved by a conventional single-family residential development, and/or an opportunity for pedestrian circulation, cooperative or common open spaces, and recreation facilities.
- 3. Multiple-Family Residential Development Standards.**
 - a.** Multiple-family developments within residential zoning districts shall comply with the requirements of Table 14-3 (Multiple-Family Residential Development Standards), which specifies standards for the development of multiple-family dwellings within the MDR-11, MDR-18, MDR-25, and HDR-45 zoning districts.
 - b.** A multiple-family residential development consists of 2 or more attached dwelling units, regardless of lot size or configuration, which meets the standards prescribed by Table 14-3 (Multiple-Family Residential Development Standards) of this Article.
- 4. Nonresidential Land Uses within Residential Zoning Districts.** Nonresidential land uses allowed within residential zoning districts pursuant to Table 13-1 (Permitted, Conditional, and Ancillary Land Uses) of this Chapter shall comply with the setback requirements applicable to multiple-family developments, except as follows:
 - a.** The minimum building setback from any exterior (front and street side) property line that abuts a street or public alley shall meet the requirements of the zoning district upon which the building is located.
 - b.** The minimum building setback from any interior residential property line (a property line that abuts another residentially zoned property) shall be 25 FT.
 - c.** The minimum off-street parking space, drive aisle, or driveway setback, from any exterior property line or from any interior residential property line, shall be 10 FT. Off-street parking facilities shall not be located adjacent to a Euclid Avenue property line.

Table 14-1: Conventional Single-Family Residential Development Standards

Requirements	Residential Zoning Districts					Additional Regulations
	AR-2	RE-2	RE-4	LDR-5	MDR-11	
A. SITE DEVELOPMENT STANDARDS						
1. Allowed Density Range (in dwelling units per acre)	0 to 2.0	0 to 2.0	2.1 to 4.0	2.1 to 5.0	5.1 to 11.0	Notes 2 and 12
2. Lot Area						
a. Minimum (in SF)	18,000		10,000	7,200	5,000	Note 1
b. Average (in SF)	n/a	n/a	n/a	8,000	6,000	
3. Lot Coverage (max)	30%	40%		50%	60%	
4. Lot Dimensions (min)						
a. Lot Width						
(i) Interior Lots	100 FT	70 FT		60 FT	50 FT	Note 1
(ii) Corner Lots	120 FT	80 FT		65 FT	50 FT	Note 1
(iii) Cul-de-Sac Lots						
(1) Measured at Front Property Line	40 FT					Note 1
(2) Measured at Front Building Setback	70 FT			60 FT	40 FT	Note 1
b. Lot Depth	135 FT	100 FT		75 FT	100 FT	Note 1
5. Equestrian Trails Required	Yes Refer to Subsection 9-1.1425.E (Equestrian Trails and Related Facilities)		No			
6. Walls, Fences, and Obstructions	Refer to Sec. 9-1.1435 (Walls, Fences, and Other Obstructions)					
7. Off Street Parking	Refer to Article 30 (Parking and Loading Requirements)					
8. Landscaping	Refer to Subsection 9-1.1420.D (Landscaping), Sec. 9-1.3040 (Landscaping of Parking Facilities), and Sec. 9-1.3225 (Landscape Design)					
9. Environmental Performance Standards	Refer to Article 33 (Environmental Performance Standards) of this Chapter					
10. Property Appearance and Maintenance	Refer to OMC Title 5, Chapter 22 (Property Appearance - Nuisance)					
11. Historic Preservation	Certain portions of residential zoning districts are identified as historic or potentially historic, and are listed on the City's Historic Resources Eligibility List. Development regulations set forth in Article 26 (Historic Preservation) of this Chapter shall apply in these instances.					
12. Signs	Refer to Article 31 (Signs) of this Chapter					
13. Security Standards	Refer to Ontario Municipal Code Title 4, Chapter 11 (Security Standards for Buildings)					
14. Noise	Habitable structures shall be designed and constructed to mitigate noise levels from exterior sources. Refer to OMC, Tile 5, Chapter 29 (Noise)					
15. Airport Safety Zones	Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the requirements and standards of the ALUCP					

Table 14-1: Conventional Single-Family Residential Development Standards

Requirements	Residential Zoning Districts					Additional Regulations
	AR-2	RE-2	RE-4	LDR-5	MDR-11	
B. BUILDING DEVELOPMENT STANDARDS						
1. Building Setbacks (min)						
a. From Front Property Line						
(i) Public Street	30 FT		20 FT			
(ii) Private Street (measured from back-of-curb)	40 FT		30 FT			
b. From Street Side Property Line						
(i) Freeways	20 FT					
(ii) Public Street	20 FT		10 FT			
(iii) Private Street (measured from back-of-curb)	30 FT		20 FT			
c. From Interior Side Property Line	10 FT		5 FT			Note 3
d. From Rear Property Line	25 FT		20 FT			
2. Building Separations (min)	6 FT					
3. Building Height (max)	35 FT					
C. DETACHED ACCESSORY STRUCTURE AND SECOND DWELLING REQUIREMENTS						
1. Building/Structure Height (max)						
a. With Conditional Use Permit Approval	35 FT					Note 4
b. Without Conditional Use Permit Approval	14 FT					
2. Building/Structure Area (max)						
a. With Conditional Use Permit Approval	As deemed appropriate by the Approving Authority					Notes 5 and 6
b. Without Conditional Use Permit Approval	650/1,050 GFA					Notes 5 and 6
c. Guesthouses and Second Dwellings	650 GFA					Note 6
3. Building/Structure Setbacks (min)						
a. From Street Side Property Line	10 FT					Notes 7 and 8
b. From Interior Side Property Line						
(i) Depth of Structure <25 FT	10 FT			0/5 FT	0/5 FT	Notes 7 and 9
(ii) Depth of Structure >25 FT	10 FT			10 FT	0/5 FT	Notes 7 and 10

Table 14-1: Conventional Single-Family Residential Development Standards

Requirements	Residential Zoning Districts					Additional Regulations
	AR-2	RE-2	RE-4	LDR-5	MDR-11	
c. From Rear Property Line						
(i) Width of Structure <25 FT	5 FT			3 FT		Notes 7 and 11
(ii) Width of Structure >25 FT	10 FT					Note 7
d. From Alley Property Line(for alley-facing garages only)	6 FT					
4. Separation Between Buildings/Structures (min)	6 FT					Note 7

Notes:

1. An existing lot of record that is substandard as to minimum "lot" area and/or dimension(s) shall be granted all development rights of the zoning district in which it is located (refer to Sec. 9-1.0720 (Nonconforming Lots) of this Development Code).
2. A density bonus and other incentives pursuant to Government Code 65915 through 65918 may be granted by the City Council, upon written recommendation of the Planning Commission. Refer to Subsection 9-1.1410.E (Density Bonus and Other incentives) of this Article.
3. When vehicle parking is provided at the rear of a lot (whether within a garage or carport, or uncovered) that does not have alley access, a minimum 10-FT interior side building setback, which is clear of meters and mechanical equipment, shall be provided to ensure clear vehicular access to the rear of the lot.
4. Detached accessory structures in excess of 14 FT in height shall require Conditional Use Permit or Certificate of Appropriateness approval, as applicable.
5. Detached accessory structures in excess of 650 SF in area shall require Conditional Use Permit or Certificate of Appropriateness approval, 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 spaces required pursuant to Article 30 (Parking and Loading Requirements) of this Development Code.
6. Refer to Subsection 9-1.1425.A (Accessory Detached Residential Buildings and Structures) of this Article for additional regulations pertaining to accessory structures and second dwellings.
7. For child play structures, doghouses, and other similar accessory structures, there shall be no minimum required setback or separation between buildings/structures, provided:
 - a. The accessory structure is located within a side or rear yard area;
 - b. The accessory structure does not exceed 5 FT in length and/or width, and 6 FT in height; and
 - c. The accessory structure is screened from view of public or private streets.
8. Garages with vehicle doors facing a public street shall be setback a minimum of 20 FT behind the street property line.
9. Within the LDR-5, MDR-11 and MDR-18 zoning districts, the interior side setback shall be 5 FT for structures located 75 FT or less from the front property line, and 0 FT for structures located more than 75 FT from the front property line. For a setback less than 3 FT, the Zoning Administrator may require that an easement be provided on the contiguous lot to ensure access to all sides of the structure for the purpose of building maintenance.
10. Within the MDR-11 and MDR-18 zoning districts, the interior side yard setback shall be 5 FT for structures located 75 FT or less from the front property line, and 0 FT for structures located more than 75 FT from the front property line. For a setback less than 3 FT, the Zoning Administrator may require that an easement be provided on the contiguous lot to ensure access to all sides of the structure for the purpose of building maintenance.
11. A detached garage that takes access from a public alley shall be setback a minimum of 6 FT from the property line that is common to the public alley, measured from the wall containing the vehicle access door, for a minimum width of 10 FT for vehicle parking space.
12. Lots with a maximum density calculation of less than one dwelling shall be allowed to construct one dwelling unit.

Table 14-2: Small Lot and Cluster Single-Family Residential Development Standards

Requirements	Residential Zoning Districts			Additional Regulations
	LDR-5	MDR-11	MDR-18	
A. SITE DEVELOPMENT STANDARDS				
1. Allowed Density Range (in dwelling units per acre)	2.1 to 5.0	5.1 to 11.0	11.1 to 18.0	Notes 2 and 6
2. Project Area (min)	One acre			Note 1
3. Project Dimensions (min)				
a. Width	200 FT			Note 1
b. Depth	200 FT			Note 1
4. Project Coverage (min)	50%	60%		
5. Lot Area (min)	Refer to Sec. 9-1.1425.H (Common Interest Subdivisions)			
6. Lot Coverage (max)	n/a			
7. Lot Dimensions (min)				
a. Lot Width	Refer to Sec. 9-1.1425.H (Common Interest Subdivisions)			
b. Lot Depth	Refer to Sec. 9-1.1425.H (Common Interest Subdivisions)			
8. Parking Space (Uncovered), Drive Aisle, and Driveway Setbacks (min)				
a. From Project Boundary Street Property Lines				
(i) Freeways	20 FT			
(ii) Arterial Streets	30 FT			
(iii) Other Streets	20 FT			
b. From Project Boundary Interior Property Lines	5 FT			
9. Equestrian Trails Required	No			
10. Walls, Fences, and Obstructions	Refer to Sec. 9-1.1435 (Walls, Fences, and Other Obstructions)			
11. Off Street Parking	Refer to Article 30 (Parking and Loading Requirements)			
12. Open Space and Recreation Amenities	Refer to Subsection 9-1.1415 (Open Space Requirements)			
13. Landscaping	Refer to Subsection 9-1.1420.D (Landscaping), Sec. 9-1.3040 (Landscaping of Parking Facilities), and Sec. 9-1.3225 (Landscape Design)			
14. Environmental Performance Standards and Sustainable Development Practices	Refer to Article 33 (Environmental Performance Standards) of this Chapter			
15. Property Appearance and Maintenance	Refer to OMC Title 5, Chapter 22 (Property Appearance - Nuisance)			
16. Historic Preservation	Certain portions of residential zoning districts are identified as historic or potentially historic, and are listed on the City's Historic Resources Eligibility List. Development regulations set forth in Article 26 (Historic Preservation) of this Chapter shall apply in these instances.			
17. Signs	Refer to Article 31 (Signs) of this Chapter			
18. Security Standards	Refer to OMC Title 4, Chapter 11 (Security Standards for Buildings)			

Table 14-2: Small Lot and Cluster Single-Family Residential Development Standards

Requirements	Residential Zoning Districts			Additional Regulations
	LDR-5	MDR-11	MDR-18	
19. Noise	Habitable structures shall be designed and constructed to mitigate noise levels from exterior sources. Refer to OMC, Tile 5, Chapter 29 (Noise)			
20. Airport Safety Zones	Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the requirements and standards of the ALUCP			
B. BUILDING DEVELOPMENT STANDARDS				
1. Minimum Building Setback From Public Street Property Lines				
a. Freeways	20 FT			
b. Arterial Streets	30 FT			
c. Collector and Local Streets	20 FT			
2. Minimum Building Setback From Private Street Property Lines (measured from back-of-curb)	30 FT			
3. Minimum Building Setback From Interior Project Boundary Property Lines	10 FT			
4. Minimum Building Separations				
a. From Dwelling to Parking Space				
(i) From Habitable Areas (e.g., living and sleeping areas)	10 FT			
(ii) From Nonhabitable Areas (e.g., garages, laundry rooms, etc.)	5 FT			
b. From Dwelling to Drive Aisle				
(i) From Habitable Areas (e.g., living and sleeping areas)	15 FT			
(ii) From Nonhabitable Areas (e.g., garages, laundry rooms, etc.)	10 FT			
c. From Dwelling to Driveway				
(i) From Habitable Areas (e.g., living and sleeping areas)	10 FT			
(ii) From Nonhabitable Areas (e.g., garages, laundry rooms, etc.)	5 FT, except 0 FT at point of driveway access to garage			
d. From Dwelling Front to Front	30 FT			
e. From Dwelling Front to Rear	30 FT			
f. From Dwelling Front to Side	25 FT			

Table 14-2: Small Lot and Cluster Single-Family Residential Development Standards

Requirements	Residential Zoning Districts			Additional Regulations
	LDR-5	MDR-11	MDR-18	
Side g. From Dwelling Side to	10 FT			
Rear h. From Dwelling Rear to	20 FT			
i. From Garage to Garage				
(i) Garage Entry to	30 FT			
(ii) Garage Side to	10 FT			
5. Maximum Building Height	35 FT			
C. DETACHED ACCESSORY STRUCTURE AND SECOND DWELLING REQUIREMENTS				
1. Maximum Building/Structure Height				
a. With Conditional Use Permit Approval	35 FT			Note 3
b. Without Conditional Use Permit Approval	14 FT			
2. Maximum Building/Structure Area	650 SF			Note 4
3. Minimum Building/Structure Setbacks				
a. From Street Property Line	Same as main building			Note 5
b. From Interior Property Line	Same as main building			Note 5
c. From Alley Property Line (for alley-facing garages only)	6 FT			Note 5
4. Minimum Separation Between Buildings/Structures	6 FT			Note 5

Notes:

1. An existing lot of record that is substandard as to minimum "project" area and/or dimension(s) shall be permitted the development rights of the zone in which it is located, except that the maximum density shall be limited to the minimum allowed within the density range.
2. A density bonus and other incentives pursuant to Government Code 65915 through 65918 may be granted by the City Council, upon written recommendation of the Planning Commission. Refer to Subsection 9-1.1410.E (Density Bonus and Other incentives) of this Article.
3. Detached accessory structures in excess of 14 FT in height shall require Conditional Use Permit or Certificate of Appropriateness approval, as applicable.
4. Refer to Subsection 9-1.1425.A (Accessory Detached Residential Buildings and Structures) of this Article for additional regulations pertaining to accessory structures and second dwellings.
5. For child play structures, doghouses, and other similar accessory structures, there shall be no minimum required setback or separation between buildings/structures, provided:
 - a. The accessory structure is located within a side or rear yard area;
 - b. The accessory structure does not exceed 5 FT in length and/or width, and 6 FT in height; and
 - c. The accessory structure is screened from view of public or private streets.
6. Lots with a maximum density calculation of less than one dwelling shall be allowed to construct one dwelling unit.

Table 14-3: Multiple-Family Residential Development Standards

Requirements	Residential Zoning Districts				Additional Regulations
	MDR-11	MDR-18	MDR-25	HDR-45	
A. SITE DEVELOPMENT STANDARDS					
1. Density Range(min to max, in dwelling units per acre)	5.1 to 11.0	11.1 to 18.0	18.1 to 25.0	25.1 to 45.0	Notes 2 and 6
2. Project Area (min)	10,000 SF			20,000 SF	Note 1
3. Project Dimensions (min)					
a. Width	100 FT				Note 1
b. Depth	100 FT			200 FT	Note 1
4. Project Coverage (max)	60%			100%	
5. Lot Area (min)	Refer to Sec. 9-1.1425.H (Common Interest Subdivisions)				
6. Lot Coverage (max)	n/a				
7. Lot Dimensions (min)					
a. Lot Width	Refer to Sec. 9-1.1425.H (Common Interest Subdivisions)				
b. Lot Depth	Refer to Sec. 9-1.1425.H (Common Interest Subdivisions)				
8. Parking Space (Uncovered) and Drive Aisle Separations (min)					
a. Parking Space or Drive Aisle to Street Property Line					
(i) Freeways	20 FT			10 FT	
(ii) Arterial Streets	20 FT				
(iii) Collector and Local Streets	10 FT				
b. Parking Space or Drive Aisle to Interior Property Line	5 FT			5 FT	
c. Parking Space or Drive Aisle to Building					
(i) To habitable Space (e.g., living areas, sleeping areas, etc.):	10 FT			3 FT	
(ii) To Nonhabitable Space (garages, carports, laundry rooms, storage areas, etc.)	5 FT			3 FT	
d. Parking Space or Drive Aisle to Wall or Fence	5 FT				
9. Walls, Fences and Obstructions	Refer to Sec. 9-1.1435 (Walls, Fences, and Other Obstructions)				
10. Off Street Parking	Refer to Article 30 (Parking and Loading Requirements)				
11. Open Space and Recreation Amenities	Refer to Subsection 9-1.1415 (Open Space Requirements)				
12. Landscaping	Refer to Subsection 9-1.1420.D (Landscaping), Sec. 9-1.3040 (Landscaping of Parking Facilities), and Sec. 9-1.3225 (Landscape Design)				
5. Environmental Performance Standards and Sustainable Development Practices	Refer to Article 33 (Environmental Performance Standards) of this Chapter				

Table 14-3: Multiple-Family Residential Development Standards

Requirements	Residential Zoning Districts				Additional Regulations
	MDR-11	MDR-18	MDR-25	HDR-45	
13. Property Appearance and Maintenance	Refer to OMC Title 5, Chapter 22 (Property Appearance - Nuisance)				
14. Historic Preservation	Certain portions of residential zoning districts are identified as historic or potentially historic, and are listed on the City's Historic Resources Eligibility List. Development regulations set forth in Article 26 (Historic Preservation) of this Chapter shall apply in these instances				
15. Signs	Refer to Article 31 (Signs) of this Chapter				
16. Security Standards	Refer to OMC Title 4, Chapter 11 (Security Standards for Buildings)				
17. Noise	Habitable structures shall be designed and constructed to mitigate noise levels from exterior sources. Refer to OMC, Tile 5, Chapter 29 (Noise)				
18. Airport Safety Zones	Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the requirements and standards of the ALUCP				
B. BUILDING DEVELOPMENT STANDARDS					
1. Building Setbacks (min)					
a. From Public Streets					
(i) Freeways	20 FT				Note 3
(ii) Arterial Streets	30 FT			5 FT	
(iii) Collector and Local Streets	20 FT			5 FT	
b. From Private Streets (measured from back-of-curb)	30 FT			15 FT	
c. From Interior Project Boundary Property Lines	10 FT		10 FT		Notes 4
2. Building Separations (min)					
a. From Nonhabitable Structures (e.g., carports, garages, laundry rooms, equipment rooms, etc.)	10 FT				
b. From Dwelling Front to Front	30 FT				
c. From Dwelling Front to Dwelling Rear	30 FT				
d. From Dwelling Front to Dwelling Side	25 FT				
e. From Dwelling Side to Dwelling Side	10 FT				
f. From Dwelling Rear to Dwelling Rear	20 FT				
g. From Garage to Garage					
(i) Garage Entry to Garage Entry or Side	30 FT				
(ii) Garage Side to Garage Side or Rear	10 FT				
3. Storage Space (min)	240 CF				Note 5
4. Building Height (max)	35 FT	45 FT	60 FT	75 FT	

Notes (Table 14-3 — continued):

1. An existing lot of record that is substandard as to minimum “project” area and/or dimension(s) shall be permitted the development rights of the zone in which it is located, except that the maximum density shall be limited to the minimum allowed within the density range.
2. A density bonus and other incentives pursuant to Government Code 65915 through 65918 may be granted by the City Council, upon written recommendation of the Planning Commission. Refer to Subsection 9-1.1410.E (Density Bonus and Other incentives) of this Article.
3. A health risk assessment shall be required for multiple-family development projects located within close proximity to a freeway, as determined by the Zoning Administrator.
4. A dwelling that fronts onto an interior property line (front elevation facing the property line) shall be setback a minimum of 15 FT from that interior property line.
5. Adequate lockable private storage space shall be provided within a garage or storage building, or a space directly accessible from the dwelling. Exterior closets accessed from patios or balconies may be used if screened from public view.
6. Lots with a maximum density calculation of less than one dwelling shall be allowed the construction of one dwelling unit.

B. Exceptions to Development Standards. The following exceptions from the maximum height and minimum setback requirements stipulated in Table 14-1 (Conventional Single-Family Residential Development Standards), Table 14-2 (Single-Family Residential Small Lot and Cluster Development Standards), and Table 14-3 (Multiple-Family Residential Development Standards) shall be permitted:

1. Height.

- a. *Towers, Spires, Cupolas, Chimneys, Elevator Penthouses, Water Tanks, Flagpoles, Monuments, Aerials and Antennas, and Other Similar Structures.* Towers, spires, cupolas, chimneys, elevator penthouses, water tanks, flagpoles, monuments, aerials and antennas, and other similar structures, may be erected to a height of up to 25 percent above the prescribed height limit of the base zoning district.
- b. *Amateur (HAM) Radio Antennas.* HAM radio antennas may exceed the maximum prescribed height limit of a zoning district by a maximum of 10 FT. The Zoning Administrator, however, may allow HAM radio antennas to exceed this height limitation if it is necessary to accommodate amateur radio service communications. A HAM radio antenna that exceeds the maximum prescribed height limit of the zoning district in which it is located shall not exceed the minimum height and dimensions necessary to accommodate amateur radio service communications.
- c. *Wireless Telecommunication Facilities.* Wireless telecommunication facilities shall comply with Sec. 9-1.3289 (Antennas and Wireless Telecommunications Facilities) of this Chapter.

2. Encroachments into Required Setback Areas.

- a. *Attached Porte Cocheres.* Porte cocheres attached to the main dwelling may extend into a required side setback a maximum of 50 percent of the required setback, provided the porte cochere is no greater than 20 FT in width; however, in no case shall the side setback width be reduced to less than 2.5 FT.
- b. *Cornices, Eaves, Canopies, Decorative Wall Elements, and Similar Architectural Features.* Cornices, eaves, canopies, decorative wall elements, and similar architectural features may extend into a required front, street side, or rear

setback area, a maximum of 50 percent of the required setback, not to exceed 2.5 FT.

- c. *Fireplaces and Chimneys.* Fireplaces and chimneys may extend a maximum of 2 FT into a required front, rear, side or street side setback area; however, in no case shall the side setback be reduced to less than 3 FT.
- d. *Front Porches.* Front porches may extend a maximum of 6 FT into a required front setback area, provided the porch is no greater than 20 FT in width; however, in no case shall the side setback be reduced to less than 2.5 FT.
- e. *Archways, Pergolas, and Porticos.* Archways, pergolas, and porticos may be located within a front or street side setback area, provided the structure does not exceed 5 FT in width, 4 FT in depth, and 8 FT in height, and a minimum clear interior vertical dimension of 7 FT is maintained.
- f. *Patio Covers.* Support structure for patio covers (i.e., columns, beams and lintels) attached to single-family dwellings may extend into a required rear setback, to within 10 FT of the rear property line, to within 5 FT of an interior property line and to within 5 FT of a street side property line.
- g. *Signs.* Signs allowed pursuant to Article 31 (Signs) of this Development Code may encroach into a required front or street side setback area, or rear setback area of a through-lot.
- h. *Single-Story Additions to Single-Family Dwellings.* Single-story additions to single-family dwellings may extend into a required rear setback to within 10 FT of the rear property line, provided the building addition does not occupy more than 25 percent of the required rear setback area.
- i. *Stairwells and Balconies.* Open, unenclosed stairways and balconies, which are not covered by a roof or canopy, may extend a maximum of 4 FT into a required setback area; however, in no case shall the side setback be reduced to less than 2.5 FT.
- j. *Walls, Fences, and Obstructions.* Walls, fences, and obstructions may be permitted within required setback areas pursuant to the provisions of Sec. 9-1.1435 (Walls, Fences, and Other Obstructions) of this Article.

Sec. 9-1.1415: Open Space Requirements

- A. **Purpose.** The purpose of this Section is to ensure sufficient open space areas for the active enjoyment of recreational activities by residents and guests of single-family small lot and cluster development projects, and multiple-family development projects. In this regard, active open space elements shall be of sufficient size and location, and easily accessible to each dwelling unit.
- B. **Applicability.** Active open space areas that feature recreational amenities, such as pools, spas, court activities, etc., shall be placed and managed so as not to infringe upon the peacefulness of any neighboring conventional single-family development. The following open space areas shall contribute to the open space requirements for single-family small lot and cluster development projects, and multiple-family and the residential portion of mixed-use development projects:
- C. **Minimum Open Space Requirements.**
 - 1. Table 14-4 (Minimum Open Space Requirements), below, establishes the minimum open space requirements for multiple-family development projects and the residential portion of

mixed-use development projects. The required open space area shall be calculated on a per unit basis and includes private open space for the exclusive use of a dwelling's occupants and guests, and common open space areas for the enjoyment of all residents within a development project. Common open space consists of active areas, with recreation facilities, and passive areas incorporating features that enhance the appearance and desirability of a development project, such as turf areas, exotic plantings, pathways, waterscapes, hardscapes, rockscapes, benches, gazebos, raised planters, and other unique features.

Table 14-4: Minimum Open Space Requirements

Open Space Type	Zoning Districts		
	MDR-11 & MDR-18	MDR-25	HDR-45
Private:	150 SF (37.5%)	105 SF (30%)	60 SF (20%)
Common:	250 SF (62.5%)	245 SF (70%)	240 SF (80%)
Total:	400 SF (100%)	350 SF (100%)	300 SF (100%)

2. Single-family small lot and cluster development projects, and multiple-family development projects, shall provide open space pursuant to Table 14-4 (Minimum Open Space Requirements), above. The ratios of "private" open space area to "common" open space area specified by the Table are the preferred standards by which all single-family small lot and cluster development, and multiple-family residential development projects are expected to comply. A developer may request that the applicable ratio be adjusted to address special circumstances of a particular project, based upon environmental issues or the needs of residents expected to reside within the project. At a minimum, the "total open space" amount shall be provided for each dwelling, based upon the applicable zoning district's open space requirement. Any proposed change in the ratio of private to common open space area shall be approved by the Approving Authority, based upon a thorough consideration of the developer's reasons (basis) for the proposed change (i.e., special needs of the residents, environmental effects, such as proximity to freeways, highways, railroads, airports, etc.).
3. Private streets and drives, off-street parking spaces, drive aisles, driveways, loading or service areas, and required setback areas shall not be included in minimum open space calculations.

D. Private Open Space Areas.

1. For single-family small lot and cluster developments, at least one-half of the required private open space area shall be provided at the ground level, not including front setback areas, and not more than one-half of the open space requirement shall be satisfied by balconies or roof decks. Private open space located at ground level shall have a minimum contiguous clear area of 150 SF, with a minimum clear horizontal dimension of 10 FT and a minimum clear vertical dimension of 8 FT.
2. For multiple-family developments, private open space located at ground level shall have a minimum contiguous clear area of 50 SF, with a minimum clear horizontal dimension of 7 FT and a minimum clear vertical dimension of 8 FT.
3. Open space located on balconies or roof decks shall have a minimum contiguous clear area of 50 SF, with a minimum clear horizontal dimension of 6 FT and a minimum clear vertical dimension of 8 FT.

4. Private ground level open spaces located on the street side of a structure shall be screened from street public view by a decorative wall or fence, and densely planted landscaping.
5. Private open spaces shall be permanently maintained in an orderly manner, and kept clear of weeds and refuse, debris, rubble, or any other waste.

E. Active Open Space Areas.

1. Active open space containing recreation facilities shall be provided pursuant to Table 14-5 (Minimum Requirements for Common Recreation Amenities). For the purpose of this provision, required recreation facilities shall be categorized as follows:
 - a. *Major Recreation Facilities*—A major recreation facility is intended to be a significant recreation node or focal point for residents, and include recreation buildings, swimming or wading pools, tennis courts, water-play fountains, childcare facilities, and other major amenities requiring significant investment and appropriate to serve project residents, as determined by the City. (Note: For projects consisting of 25 or fewer dwellings, two minor recreation facilities may be provided in place of one major recreation facility.)
 - b. *Minor Recreation Facilities*—A minor recreation facility is intended to augment the variety and availability of recreation facilities, and include children's play areas, spas or saunas, picnic and barbecue areas, basketball courts, volleyball courts, community gardens, and other similar amenities requiring significant investment and appropriate to serve project residents, as determined by the City.

Table 14-5: Minimum Requirements for Common Recreation Amenities

Type	No. of Dwelling Units							
	< 10	10-25	26-100	101-150	151-200	201-250	251-300	> 300
Major Facilities:	0	1	1	1	2	2	3	One per 100 DUs
Minor Facilities:	1	0	1	2	2	3	3	One per 50 DUs

2. Active open space areas shall be located at least 10 FT from any habitable structure, and shall have a minimum contiguous area of 300 SF, with no horizontal dimension less than 15 FT, and no clear vertical dimension less than 8 FT.
3. All active open space areas shall be planted with permanent landscaping or be devoted to recreational facilities, such as swimming pools, tennis courts, tot lots, patios, or similar open space and recreational facilities.
4. Active open space areas are to be permanently maintained in an orderly manner.

F. Passive Open Space Area.

1. Passive open space areas shall be located a minimum of 5 FT from the habitable portion of any dwelling on the project site.
2. Only 50 percent of passive areas having a minimum dimension of 10 FT may be counted toward the minimum open space requirements required by Table 14-4 (Minimum Open Space Requirements) of this Article.

Sec. 9-1.1420: General Provisions

The following general provisions are applicable to all residential zoning districts:

A. Single-Family Dwellings.

1. **Minimum Dwelling Width.** All conventional single-family residential dwellings units, including mobile homes constructed outside of mobile home parks, shall have a minimum overall width of 24 FT, excepting accessory detached residential structures and second dwellings.
2. **Variety of Floor Plans and Elevations.** For the development of 5 or more single-family dwellings, a variety of floor plans and building elevations shall be provided pursuant to Table 14-6 (Minimum Requirements for Floor Plan and Exterior Elevation Variation), below.

Table 14-6: Minimum Requirements for Floor Plan and Exterior Elevation Variation for Single-Family Dwellings

<i>No. of Dwellings Proposed</i>	<i>Minimum No. of Differing Floor Plans Required</i>	<i>Minimum No. of Elevations for Each Floor Plan Required</i>
5 to 10:	2	2
11 to 25:	2	3
26 to 50:	3	3
51 to 75:	3	4
76 to 100:	4	4
> 100:	Requirement for 76 to 100 dwellings, plus one additional floor plan with 4 elevations for each additional 25 units exceeding 100	

- B. Roofing Materials on Sloped Roofs.** Roofing materials used on sloped roofs, whether new construction or replacement roofing, shall be of clay or concrete tile, architectural grade dimensional composition shingle, or decorative metal shingle. Built-up/rock, roll-roofing, or other similar roofing materials shall be prohibited.

- C. Refuse and Recycled Materials Storage.** The following standards shall regulate areas for the storage of refuse and materials to be recycled within residential districts:

1. Within all residential zoning districts, refuse and recyclable materials shall be stored in an appropriate container, out of view from public streets and adjacent properties.
2. Any new dwelling unit or residential development project, for which a building permit has been issued, shall provide adequate, accessible, and convenient areas and facilities for the collection and storage refuse and recyclable materials.
3. All animal keeping uses within residential zoning districts that generate a substantial amount of waste or refuse, as determined by the Ontario Municipal Utilities Company, shall provide refuse enclosures conforming to City standards.
4. New dwellings that have individual trash pick-up shall include an area for the storage of recyclable materials within a garage, or side or rear yard area. Furthermore, developers shall provide areas or systems containing recyclable materials receptacles, such as under-cabinet rollout drawers within kitchens, to make recycling more convenient and accessible to residents.

5. Single-family small lot and cluster developments, and multiple-family development projects that have not been approved by the City for individual dwelling unit pick-up of refuse and recyclable materials, shall provide “trash enclosures” for the storage of refuse and recyclable materials containers, as follows:
- a. Trash enclosures shall be designed to contain separate containers for the collection of refuse and recyclable materials, with an adequate number of containers provided to allow for the collection of both refuse and recyclable materials generated by the development, pursuant to standards established by the Ontario Municipal Utilities Company.
 - b. Trash enclosures shall be designed in accordance with standard drawings adopted by the City, which shall consist of a minimum 6-FT high decorative masonry wall, with appropriate view-obstructing gates for container access, and separate pedestrian access that is designed to screen the interior of the enclosure from view from the exterior and prevent refuse dispersion. The enclosure design shall be consistent with the architectural design of adjacent buildings and shall include a decorative overhead roof structure to protect bins containing recyclable materials from adverse environmental conditions, which might render the collected materials unusable. The number of enclosures, and their precise locations, dimensions, and design shall be in accordance with City standards.
 - c. Trash enclosure dimensions shall be of adequate size to accommodate containers consistent with the City’s current methods of collection within the area in which the project is located.
 - d. Signs clearly identifying all recycling and refuse collection areas, and the materials accepted for recycling shall be posted adjacent to all points of access to each trash enclosure.
 - e. Trash enclosures shall be located a minimum of 10 FT from the interior project boundary/property line.
 - f. Particular care shall be given when placing trash enclosures immediately adjacent to dwelling units; however, no trash enclosure shall be located within 10 FT of the livable portion of a structure.
 - g. Trash enclosures shall be bordered by a minimum 5-FT wide planter and screened with landscaping on all exposed sides, excluding the side with bin access gates.
 - h. Prior to the issuance of an occupancy permit, a developer or home owners association may be required to develop a written recycling plan, which specifies the identification of targeted materials to be recycled, and methods of recycling program promotion to tenants or home owners.

D. Landscaping.

- 1. Conventional and Small Lot Single-Family Development. The front and street side yards of lots developed with single-family dwellings shall be fully landscaped and provided with an automatic irrigation system prior to Certificate of Occupancy issuance.
- 2. Maximum Allowed Area Devoted to Hardscape. A maximum of 45 percent of the front yard and street side yard area that is open to public view may be comprised of hardscape

materials, including, but not limited to, paved porches, patios, courtyards, walkways, and driveways, and areas of synthetic/artificial turf, gravel and/or decomposed granite.

3. Single-Family Cluster and Multiple-Family Development. All areas of a development project not covered by structures, drive aisles, off-street parking facilities, or hardscape, shall be fully landscaped and provided with a permanent automatic irrigation system prior to Certificate of Occupancy issuance, excepting private open space areas that are enclosed by a minimum 6-FT high decorative wall or fence.

E. Driveways. The standards contained in this Subsection shall regulate driveways constructed within residential districts:

1. Drive Aisles and Driveways. Drive aisles and driveways shall only be constructed for the purpose of access to off-street parking facilities constructed pursuant to Article 30 (Parking and Loading Requirements) of this Chapter, except as follows:
 - a. A driveway constructed in conjunction with conventional single-family dwellings may be used to meet the off-street parking requirement for second dwellings;
 - b. On lots developed with conventional single-family dwellings, a driveway shall lead to a garage or carport, and shall not exceed the overall width of the garage or carport, unless necessary for vehicular access (maximum 10 FT in width) to the side or rear yard area of lot, and such area is out of view from public streets and is screened by a 6-FT high decorative wall or fence, with appropriate view-obstructing gate; and
 - c. On corner lots developed with conventional single-family dwellings, a rear yard access drive, maximum 10 FT in width, may be constructed from a side street, which leads to a parking area that is screened by a view-obstructing wall or fence, and appropriate view-obstructing gate.
2. Circular Driveways. Circular driveways shall not exceed 10 FT in width and shall only be allowed under the following circumstances:
 - a. The property is located, and takes access from, an arterial street, as identified on Exhibit M1 (Mobility Plan Map) of the Policy Plan component of The Ontario Plan, and does not front onto Euclid Avenue; or
 - b. The property meets each of the following:
 - (i) The lot is located within the AR-2, RE-2, RE-4, or LDR-5 zoning district, or AG overlay zoning district, and is developed with a single-family dwelling;
 - (ii) The dwelling is setback at least 30 FT behind the front property line;
 - (iii) The lot is at least 10,000 SF in area; and
 - (iv) The lot does not front onto or take vehicular access from Euclid Avenue.
3. Maximum Drive Approach Width.
 - a. *Driveway Access for Conventional Single-Family Developments.* A drive approach shall not exceed the maximum widths prescribed by Table 14-7 (Maximum Single-Family Residential Drive Approach Widths), below, based upon the width of the lot.

Table: 14-7: Maximum Single-Family Residential Drive Approach Widths

<i>Lot Width Range</i>	<i>Maximum Drive Approach Width</i>
0 to 50 FT:	12 FT
51 to 80 FT:	16 FT
81 FT or more:	20 FT

- b. Drive Aisle Access for Single-Family Cluster and Multiple-Family Developments.** A drive approach providing street access to an intersecting drive aisle shall not exceed the width of the corresponding drive aisle (26 FT maximum), unless otherwise required by the Planning Director and City Engineer. Drive aisle approaches serving developments of 5 or more units shall be delineated with enhanced paving treatment, such as interlocking pavers, or color pigmented textured or stamped concrete.

- F. Conversion of Garages.** No garage shall be converted to another use unless a replacement garage is constructed on-site, which meets the minimum requirements of Article 30 (Parking and Loading Requirements) of this Chapter.
- G. Gutters, Vents, and Downspouts.** Gutters, vents, and downspouts shall be concealed from public view to the extent possible. Exposed gutters and downspouts, where necessary, shall be colored to match the fascia or wall material to which they are attached. Roof vents shall be colored to match the roof material or the dominant trim color of the structure, as appropriate.
- H. Swimming Pools, Hot Tubs, Spas, and Ponds.** Swimming pools, hot tubs, spas, and decorative bodies of water shall be permitted ancillary to those land uses allowed within residential zoning districts pursuant Table 13-1 (Permitted, Conditional, and Ancillary Land Uses), subject to the following regulations governing their placement, construction, and security:
1. A swimming pool, hot tub, or spa that is 1.5 FT or more in depth, shall be secured by a minimum 5-FT high nonclimbable decorative fence or wall, measured on the exterior side, to prevent unauthorized access.
 2. All gates or doors within the fence or wall shall be kept securely closed at all times when not in use. The gate or door is to be equipped with a self-closing and self-latching device, which enables the gate or door to be securely closed.
 3. A clear path, minimum 3 FT in width, shall be provided around the entire perimeter of a pool, spa, or hot tub, to allow for emergency access. For properties containing 2 or fewer dwellings, a clear path shall be provided around at least 50 percent of the pool perimeter;
 4. Swimming pools, hot tubs, or spas shall not be constructed within a front yard area, and shall be setback a minimum 5 FT from any side or rear property line.
 5. Diving boards, slides, waterfalls, fountains, decorative rockscapes, and other similar appurtenances shall be setback a minimum of 5 FT from side and rear property lines, except that said equipment and appurtenances that exceed 6 FT in height, measured from adjacent grade to the highest point, shall comply with the minimum building setback requirements of the applicable zoning district.
 6. Swimming pools, hot tubs, spas, and decorative bodies of water shall comply with all applicable provisions of the City's building code.

Sec. 9-1.1425: Special Requirements for Certain Residential Uses, Activities and Facilities

A. Accessory Detached Residential Buildings and Structures. The regulations prescribed by this Subsection shall govern the development and use of buildings and structures that are detached from main single-family dwellings, such as carports, garages, garden and tool sheds, guesthouses, and other similar ancillary buildings and structures.

1. General Requirements. Accessory detached residential buildings and structures shall only be allowed on a lot containing a single-family dwelling, and shall comply with the following:
 - a. Accessory buildings and structures may be attached to the main dwelling or may be an independent structure that is detached from the main dwelling. An accessory building or structure that is attached to the main dwelling by either a common wall or solid roof (having a minimum width equal to the width of the accessory structure roof) shall be considered part of the main dwelling and is subject to all setback requirements applicable to the main dwelling. Accessory detached residential buildings and structures shall comply with the applicable conventional single-family, and small lot and cluster single-family residential development standards and guidelines contained in Sec. 9-1.1410 (Development Standards) of this Article.
 - b. The structure shall not contain a kitchen or cooking facilities, excepting second dwellings designed pursuant to Subsection B (Second Dwellings), of this Section.
 - c. The size, footprint, height, bulk, and scale of accessory structures shall be compatible with the main dwelling and other accessory structures and dwellings in the surrounding neighborhood.
 - d. The area of an accessory structure shall be the minimum necessary to house, shelter, or secure the use proposed within the structure; however, in no case shall the total floor area of all accessory structures on a lot or parcel exceed the area contained in the main dwelling, excepting those accessory structures used for animal keeping purposes. In calculating the area of all accessory structures on a lot, required parking within a garage shall be excluded from the calculation, up to a maximum of 3 covered parking stalls (maximum 651 SF).
 - e. Accessory buildings and structures shall match the main dwelling with respect to architectural design and detailing, roof material and design, exterior color, exterior finish materials, window and door design, and design and placement of attic vents, excepting those accessory buildings and structures less than 120 SF in area, and those used solely for animal keeping purposes within the AR-2 and RE-2 zoning districts, and the AG overlay district. For the purposes of this Section, accessory buildings and structures used solely for animal keeping purposes shall include the storage of vehicles, machinery, and equipment used in animal keeping.
 - f. Detached accessory structures shall not be located within front yards or within street side yards of corner lots, or in front of the main dwelling.
 - g. No accessory structure containing mechanical or other fixed equipment capable of creating a noise audible beyond the property line shall be placed closer than 5 FT to a side or rear property line.
 - h. Detached accessory structures may be placed within the side or rear yard area of a lot pursuant to the development standards for detached accessory residential

buildings and structures contained in Sec. 9-1.1410 (Development Standards) of this Article; however, a minimum useable rear yard shall be maintained, which is equal to a minimum of 10 percent of the lot area. In addition, conventional single-family dwellings shall have a rear yard minimum dimension of 20 FT in any direction, and single-family small lot, and cluster dwellings shall have a rear yard with a minimum dimension of 8 FT in any direction.

- i. On a reversed corner lot, a detached accessory building or structure placed within the rear yard shall not project beyond the minimum required front yard setback of the adjoining key lot, and shall be located no closer than 5 FT to the side property line of the key lot (rear property line of the reverse corner lot).
 - j. On reverse corner lots, a detached accessory building or structure shall not be closer to the rear property line than the minimum required side yard setback applicable to the adjoining key lot.
- 2. Second Dwellings. In addition to the provisions of State law governing second units (GC Sec. 65852.150 et seq.), the following standards shall govern the establishment and use of second units:
 - a. Second dwellings shall only be permitted in conjunction with a single-family dwelling. The use of the second dwelling as an independent living space may continue only if one dwelling on the property is owner occupied.
 - b. The second dwelling may either be:
 - (i) An independent unit attached to an existing single-family dwelling;
 - (ii) A unit attached to the main single-family dwelling, sharing living space; or
 - (iii) An independent unit detached from the main single-family dwelling.
 - c. A second dwelling that is detached from the main single-family dwelling shall comply with the requirements applicable to accessory detached residential structures contained in Subsection A (Accessory Detached Residential Buildings and Structures) of this Section, in addition to the provisions of this Section.
 - d. No more than one second dwelling is allowed on a lot, and a second dwelling shall not be constructed if a guesthouse already exists on the lot, as the guesthouse may be converted to a second dwelling.
 - e. Separate sale of second dwellings shall not be permitted; however, a dwelling may be rented.
 - f. Second dwellings may be metered separately from the main dwelling for gas, electricity and water services. A sewer connection separate from the main single-family dwelling may also be provided.
 - g. If an entrance to a second dwelling is provided separate from the main single-family dwelling, the entrance shall not be on the same street elevation as the main dwelling.
 - h. A second dwelling shall include a kitchen or food preparation area.

- i. Prior to the issuance of a building permit for a second dwelling, a restrictive covenant to run with the land, which specifies that the use of the second dwelling as an independent living space may continue only if one unit on the property is owner occupied, shall be submitted to the San Bernardino County Recorder for recordation.
 - 3. Guesthouses. In addition to the General Requirements established by Paragraph A.1 of this Section, guesthouses shall comply with the following:
 - a. No more than one guesthouse shall be constructed on a lot;
 - b. A guesthouse shall not be constructed if a second dwelling exists, or a building permit has been issued for its construction, on the lot; and
 - c. Guesthouses shall be for the sole use of the family of the occupants of the main dwelling and persons employed on the premises, or for temporary use by non-paying guests for a period not to exceed 90 days within any 120-day period. In addition, guesthouses shall not be rented or otherwise used as a separate, independent residence.
- B. **Carports.** Carports, whether attached to or detached from the main single-family dwelling on a lot, shall not be constructed within a front or street side yard area. A carport may be constructed within the rear or interior side yard area of a lot, provided it is screened from public view by a solid 6-FT high fence or wall, with an appropriate view-obstructing access gate. Carports shall not be permitted in lieu of a two-car garage required pursuant to the provisions of Article 30 (Parking and Loading Requirements) of this Chapter.
- C. **Storage of Automobiles, Recreational Vehicles, Light Trucks, Trailers, and Other Similar Vehicles.** The following standards shall regulate the storage of automobiles, recreational vehicles, light trucks, trailers, and other similar vehicles in residential districts:
 - 1. The storage of automobiles, boats, recreational vehicles, trucks, trailers and other similar vehicles within a front or street side yard area is prohibited. For the purposes of this Section, the term “stored” means continuously parked in the same location for more than 72 hours.
 - 2. Automobiles, boats, recreational vehicles, trucks, trailers, and other vehicles similarly used that are not stored within an enclosed structure, shall comply with the following:
 - a. Vehicles shall be stored on a paved surface and screened from public view by buildings, decorative screen walls or fences, or a combination thereof.
 - b. Vehicles shall only be stored on property owned by the owner of the vehicle or on property where the registered owner resides.
 - c. Vehicles shall bear current vehicle registration (as required by state law).
 - d. Vehicles shall not be stored in a wrecked, dismantled, or inoperative condition.
 - e. Vehicles stored within side and rear yard areas shall be limited to 5 percent of the total lot area.
- D. **Temporary Structures.** No temporary structure shall be located within a front or street side yard area. A temporary structure may be located within the rear or interior side yard area, provided it is screened from view by a solid 6-FT high fence or wall with appropriate view-obstructing access gate.

E. Equestrian Trails and Related Facilities. The following standards shall govern the establishment of equestrian trails and easements within the City:

1. An unobstructed 8-FT wide easement shall be required to be dedicated for equestrian trails, located adjacent and parallel to the front property line. If determined necessary by the Planning Director, at the end of blocks, additional 8-FT wide easements along side or rear property lines may be required to create connections to adjacent streets or easements. Furthermore, if determined by the Planning Director that providing equestrian easements on both sides of a street is not necessary or practical, this requirement may be waived.
2. Trails shall not be surfaced with hard materials such as concrete or asphalt. Preferred surface materials include wood chips, decomposed granite, and shale;
3. Fencing built at the edge of an easement shall not be over 48 inches in height; an additional inch of height shall be allowed for every 2 inches that the fence is setback from the easement. Within 4 FT of the easement, fences shall not be opaque for more than 50% of their surface area. Wooden rail and wood plank fencing are preferred, while chainlink and wrought iron fencing should be avoided. Entries to individual properties should be accentuated with hitching posts and gates;
4. Entrances to an equestrian trail from the street shall allow the free movement of pedestrians and equestrians, as shown in Figure 14-1 (Equestrian Trail Entry Design) of this Article. Vehicular access to the trail may be limited by bollards or a gate; however, they should be designed to permit emergency vehicle access and occasional vehicular access by residents, using breakaway elements or keys. Street crossing by pedestrians and equestrians should be facilitated at the street-trail entry by restricting on-street parking, narrowing paved widths (to minimize crossing distances), and marking the crossing with striping and signs.

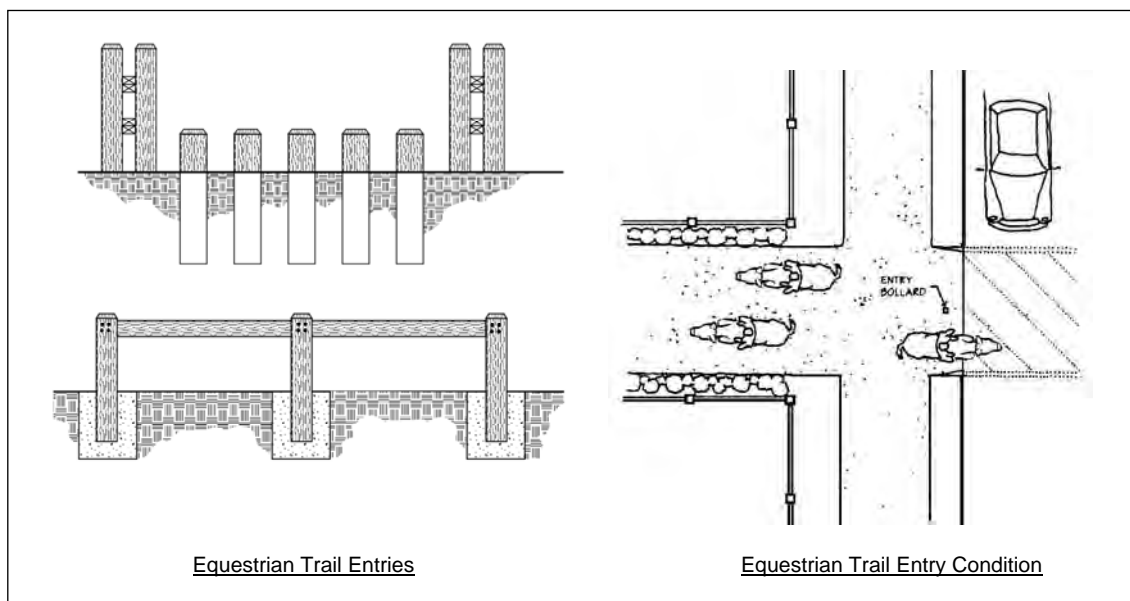


Figure 14-1: Equestrian Trail Entry Design

F. Infill Single-Family Housing Projects. Infill single-family housing projects are to be complementary with the character of the surrounding neighborhood in which they are proposed in

terms of height, setbacks, general architectural style, and use of exterior finish materials, and shall comply with the following standards:

1. New housing projects within existing neighborhoods shall be integrated with surrounding homes to protect, enhance, and preserve the physical integrity of the existing neighborhood.
2. Infill housing projects shall be plotted on a lot in a manner consistent with the pattern of development in the surrounding neighborhood. The front door should be oriented toward the frontage street, and any secondary entrances and side yard facing windows should be situated in such a way that the privacy of adjacent homes is not substantially impacted. Placing side yard facing windows across from side yard facing windows of adjacent houses is discouraged.
3. Garages shall be oriented consistent with garage orientations within the surrounding neighborhood. Garages shall be oriented with access off an alley on lots with alley access.
4. New street curb cuts should not be permitted on lots with alley access. If permitted, new curb cut locations should not compromise street trees, visibility or neighborhood consistency.
5. Separation of pedestrian and vehicular circulation within the lot is encouraged. Exterior doors should not exit onto a driveway unless a porch or landing is provided.

G. Mobile Homes and Manufactured Housing on Residential Lots Not Constructed Within a Mobile Home Park. The following standards shall govern the development of mobile homes and manufactured housing on residential lots not constructed within a mobile home park:

1. Each housing unit shall meet and be certified under the standards set forth in the National Manufactured Housing Construction and Safety Act (42USC5401 et seq.), as amended, at the time of any application for the placement of a mobile home or a manufactured housing unit;
2. The mobile home or manufactured housing unit must be placed on a permanent foundation system;
3. The mobile home is to be covered with exterior finish materials similar in appearance to new, conventionally constructed dwellings within area surrounding the project site;
4. The exterior finish material must extend to the ground. If a solid concrete or masonry perimeter foundation is used, the exterior finish material need not extend below the top of the foundation. Alternative skirting materials commonly found on conventionally built residential structures shall be considered compatible;
5. The roofing material shall be of a type commonly found on conventionally built residential structures located within the area surrounding the project site;
6. Electricity, water and natural gas service, and sewer connections are to be made in a permanent manner, as typically required for permanent buildings. Gas shut-off valves, meters, and regulators shall not be located beneath a mobile home or manufactured housing structure; and
7. An attached or detached garage, which is similar to conventionally built residential structures within the area surrounding the project site, shall be provided for each mobile

home or manufactured housing unit. The roof material and exterior wall finishes of the garage or carport shall exactly match the mobile home or manufactured housing unit.

- H. Common Interest Subdivisions.** Common interest subdivisions, including a community apartment, condominium, planned development, or stock cooperative, shall be exempt from the minimum lot area and building setback regulations applicable to individually numbered and/or lettered lots identified on a tract or parcel map, excepting single lot subdivisions. For the purposes of a common interest subdivision, any minimum lot area requirement shall be applied to the overall area of the common interest subdivision. Furthermore, any minimum building setback requirement shall only be applied to the exterior boundary of the common interest subdivision.

Sec. 9-1.1430: Density Bonus and Other Incentives.

- A. Purpose.** The purpose of these provisions is to establish a process whereby the City may provide a density bonus and other incentives to a developer agreeing or proposing to produce affordable housing within the City. The density bonus and incentives allowed by these regulations are used by the City as a means of meeting its commitment to encouraging the provision of affordable housing to all economic groups living within the City.
- B. Applicability.** A developer may request a density bonus and other incentives as prescribed in Government Code Sec. 65915 et seq. These density bonus provisions shall apply to single-family and multiple-family residential development projects, and mixed-use development projects, which contain a minimum of 5 dwelling units, excluding dwellings units granted as a density bonus.
- C. Procedure.** A request for a density bonus and other incentives shall be filed, processed, and acted upon following the procedures for Development Agreements contained in Government Code Sec. 65864 et seq., and shall require the approval and adoption of a Development Agreement and a Density Bonus Agreement for its implementation. The Density Bonus Agreement shall be filed, processed, and acted upon following the procedures for Development Agreements.
- D. Findings and Decision.** In considering a proposed density bonus and other incentives, the Approving Authority shall consider and clearly establish that the density bonus and other incentives are consistent with the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, and any applicable specific plans, giving reasons as to how the proposed density bonus and other incentives are consistent. In addition, the Approving Authority may approve, approve in modified form, or deny a density bonus and other incentives after considering and clearly establishing the following findings, and giving specific reasons in support of each finding:
- 1.** The concession or incentive is not required in order to provide for affordable housing costs, as defined in Health and Safety Code Sec. 50052.5, or for rents for the targeted units to be set as specified in Government Code Sec. 659159(c).
 - 2.** The concession or incentive would have a specific adverse impact, as defined in Government Code Sec. 65589.5(d)(2), upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.
 - 3.** The concession or incentive would be contrary to state or federal law.

Sec. 9-1.1435: Walls, Fences, and Other Obstructions

- A. Purpose.** The purpose of this Section is to establish standards regulating the construction and maintenance of walls, fences, and other obstructions within residential zoning districts, to allow for the maximum enjoyment and use of property and to ensure the maximum safety of persons using streets and sidewalks.
- B. Applicability.**
1. The provisions of this Section shall apply to the construction, addition or remodel of any wall or fence within residential zoning districts, and the placement of landscaping, signs, poles, equipment, or any other object that may pose an obstruction to pedestrian or vehicular travel or visibility within residential districts.
 2. The design and location of all walls, fences, and gates shall be subject to review and approval by the Planning Director, regardless of whether a building permit is required for its construction.
- C. Prohibited Materials.** Walls or fences containing razor wire, barbed wire, electrified wire, or any other material or application considered by the Planning Director to be unsafe, shall be prohibited.
- D. General Requirements.**
1. No hedge, fence, wall, merchandise, sign, or any other equipment may be constructed, placed, grown, or permitted on any side walk, excepting newsstands, public trash receptacles, U.S. Government mailboxes, public utility poles, public transit shelters and/or seating, or any other object that is deemed no more objectionable than the foregoing by resolution of the City Council. The authorized equipment shall be placed out of the normal flow of pedestrian traffic and shall not be so placed as to constitute a hazard or nuisance.
 2. No hedge, fence, wall, merchandise, sign, or any other equipment shall be permitted in or on any parkway adjacent to any sidewalk, except as allowed by the City Engineer, or excepting newsstands, public trash receptacles, U.S. Government mailboxes, public utility poles, public transit shelters and/or seating, or any other object that is deemed no more objectionable than the foregoing by the City Engineer. The authorized equipment shall be placed out of the normal flow of pedestrian traffic and shall not be so placed as to constitute a hazard or nuisance.
 3. No fence, wall, shrub, sprinkler system, or any construction may be placed within any street right-of-way without first obtaining an encroachment permit from the City Engineer.
 4. Any fence, shrub, sprinkler system, or any construction placed within the street right-of-way without permission of the City Engineer shall be removed by the owner upon request of the City Engineer within 7 days of notification, at no expense to the City. Upon failure to comply with an order for removal, the City may cause removal at the expense of the owner.
 5. No fence shall be constructed of metal other than ornamental iron or tube steel, chain link, or wire mesh having a minimum size and thickness of 4-inches by 4-inches by 12.5 gauge.
 6. Walls, fences, hedges or other plant growth that, in the opinion of the Planning Director or City Engineering, adversely affects the safe ingress or egress of pedestrians or vehicles shall not exceed 3 FT in height within any required front or street side yard setback area.

7. A 6-FT high wall or fence shall be constructed along the perimeter of all areas determined by the Planning Director, Building Official, or City Engineer, to pose a danger to the public health or safety.
- E. Design Standards.** Within residential zoning districts, walls and fences shall be constructed as follows:
1. Required Walls and Fences.
 - a. *Single-Family Development Projects.* Single-family residential development projects, regardless of the number of dwellings proposed, shall provide 6-FT high walls, as follows:
 - (i) A decorative masonry block wall shall be constructed along the perimeter of single-family development projects, including all interior side and rear project boundaries, and street frontages without front-on units.
 - (ii) A decorative masonry block wall shall be constructed along all street side property lines and along the rear property line of through lots, and shall be setback a minimum of 5 FT behind the sidewalk.
 - (iii) A masonry block wall shall be constructed along interior side and rear property lines. Walls shall not be required along property lines that abut a property zoned or used as open space, or maintained for recreation purposes.
 - (iv) A decorative masonry block wall shall be constructed between side yard walls and the adjacent dwelling. Appropriate gates for rear yard access shall be provided.
 - b. *Multiple-Family Development Projects.* Multiple-family residential development projects, regardless of the number of dwellings proposed, shall provide 6-FT high walls or fences, as follows:
 - (i) A decorative masonry block wall, or decorative tube steel fence with decorative masonry pilasters, shall be constructed along the interior side and rear project boundaries of multiple-family development projects. Walls or fences shall not be required along property lines that abut a property zoned or used as open space, or maintained for recreation purposes.
 - (ii) A minimum 6-FT high decorative masonry wall shall be constructed along property lines that separate multiple-family development projects from neighboring single-family developments. The wall height shall be measured from the highest adjacent grade.
 - c. *Ponds and Swimming Pools.* Any pond, wading pool, swimming pool, or similar body of water that is more than 1.5 FT in depth, whether located above or below ground, shall be fully enclosed by a minimum 5-FT high non-climbable fence. All entrances and exits from an enclosed pond or swimming pool area shall have self-closing, self-latching gate installed. All latches shall be located at least 4.5 FT above finish grade. Fences of picket-type construction, such as wrought iron or tube steel, shall not exceed 4 inches between pickets.

2. Materials and Design.
 - a. All walls and fences visible to the public shall be designed to be compatible with the architecture of the buildings on the same lot.
 - b. All walls that are visible to the public shall be constructed of decorative masonry that is complimentary to the exterior finishes of adjacent buildings, such as, but not limited to, brick, split-face or slump concrete block, or other materials approved by the Planning Director that are consistent with industry standards, and shall include a decorative cap. The use of a grout cap shall not be permitted.
 - c. Fences shall be constructed of ornamental steel or iron, wood, or PVC materials, which are consistent with industry standards. Other materials may be used if the Planning Director determines the design to be compatible with the architecture of adjacent buildings and with buildings in the surrounding neighborhood.
 - d. Special design considerations shall be provided on walls and fences located within front yards and areas visible from public streets to ensure compatibility with the architecture of adjacent buildings, as well as with buildings in the surrounding neighborhood.
 - e. Long expanses of wall or fence (ranging from 150 FT to 200 FT in length) that is adjacent to a public right-of-way shall have offset areas (decorative pilasters or a horizontal change in the plane), and shall be architecturally designed to prevent monotony. The design of walls shall emphasize the highest quality of materials and design features.
 - f. Within existing neighborhoods, fences located within the front and street side yards of single-family homes may be constructed of chainlink if it is the predominate material used in the neighborhood, as determined by the Planning Director. If chainlink fencing is determined to be appropriate, it shall be installed in accordance with industry standards.
3. Height. The maximum height of a wall or fence within a residential zoning district shall be as listed below. The wall height shall be measured on the street side or exterior side of the wall, from the top of the wall to the lowest adjacent finished grade.
 - a. *Subdivision Perimeter Walls and Fences.* Subdivision perimeter walls shall not exceed 6 FT in height, except as permitted by Subparagraph E.3.e (Walls and Fences in Conjunction with Retaining Walls) and Paragraph E.5 (Sound Attenuation Walls) of this Section.
 - b. *Street Side Yard Walls and Fences.* Street side yard walls or fences shall not exceed 6 FT in height, except as permitted by Subparagraph E.3.e (Walls and Fences in Conjunction with Retaining Walls) and Paragraph E.5 (Sound Attenuation Walls) of this Section.
 - c. *Interior Side and Rear Property Line Walls and Fences.* Interior side and rear yard property line walls or fences shall not exceed 6 FT in height, except as permitted by Subparagraph E.3.e (Walls and Fences in Conjunction with Retaining Walls) and Paragraph E.5 (Sound Attenuation Walls) of this Section.
 - d. *Front Yard Walls and Fences.* Walls or fences within a front yard area shall not exceed 6 FT in height, except as permitted by Subparagraph E.3.e (Walls and Fences in Conjunction with Retaining Walls) and Paragraph E.5 (Sound Attenuation Walls) of this Section. Walls or fences in excess of 3 FT in height

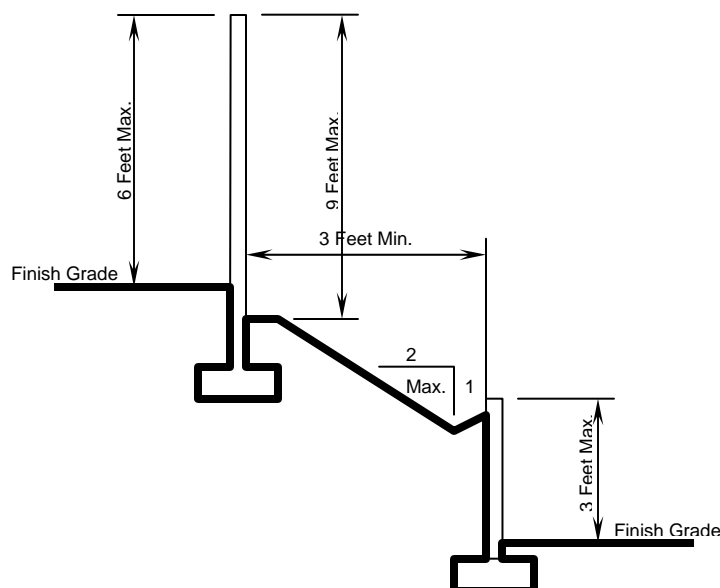
shall be constructed with at least 90 percent of the vertical surface being open and non-view-obstructing.

- e. *Walls and Fences in Combination with Retaining Walls.* To accommodate possible differences in grade between two properties, or between a property and a public right-of-way, the Planning Director may approve walls and fences constructed in combination with retaining walls, which have an overall height in excess of the maximum wall height allowed by Subparagraphs E.3.a through E.3.d of this Section; however, walls and fences constructed in combination with retaining walls, which are located adjacent to a public right-of-way, shall: **(i)** have a maximum retaining wall height of 3 FT, **(ii)** have a maximum free wall height of 6 FT, and **(iii)** have a maximum overall height of 9 FT.
4. **Tiered Retaining Wall Design.** In cases where more than 3 FT of earth retention is necessary adjacent to a public right-of-way, retaining walls shall be tiered pursuant to Figure 14-2 (Tiered Retaining Wall Design Concept) of this Article.
5. **Sound Attenuation Walls.** Walls constructed for sound attenuation pursuant to an impact study prepared by an acoustic engineer, shall be the minimum height necessary to ensure adequate sound attenuation. The design and construction of a noise attenuation wall in excess of 6 FT in height shall be approved by the Zoning Administrator, prior to building permit issuance.
6. **Walls and Fences within the Buildable Area of a Lot (Outside of Setback Areas).** Fences and walls constructed within the buildable area of a lot shall be subject to the height limitations of the applicable base zoning district.

F. Location.

1. **Interior Property Lines (Side and Rear).** Where the side or rear property line of a lot is common with another lot's side or rear property line, a wall or fence may be constructed along the common property line for purposes of property division or security.
2. **Street Side Property Lines.** On a corner lot or reverse corner lot, where a side and rear

Figure 14-2: Tiered Retaining Wall Design Concept



property line of a lot is common with a side or rear property line of another lot, a wall or fence may be constructed along the street side property line. The area between the wall or fence and the sidewalk (or curb) shall be fully landscaped and maintained.

3. Front Yard Walls or Fences. Within a front yard area, walls and fences may be constructed along a front or street side property line.
4. Through-Lots. On a single lot having two street frontages, each frontage at opposite ends of the lot, for the purposes of wall placement, one frontage shall be a front yard and the other a rear yard. A wall or fence shall be constructed a minimum of 5 FT behind the rear property line. The area between the wall or fence and sidewalk shall be fully landscaped and maintained.

G. Protection of Intersection Visibility. There shall be no visual obstructions within the areas specified below. For the purposes of this Section, a visual obstruction shall be defined as any wall, fence, obstacle, mature landscaping, or thing allowed, installed, set out, or maintained, which exceeds a height of 3 FT above the nearest street pavement surface, excepting existing or future permanent buildings that are otherwise constructed or maintained in accordance with applicable zoning and building regulations, public utility poles, trees trimmed at the trunk to a point at least 8 FT above the level of the street (provided that trees are spaced so that trunks do not create a visual barrier), and official traffic or other government signs.

1. Intersecting Streets. At intersecting streets, an area (corner clearance) shall be maintained free of visual obstructions to ensure adequate sight distance for vehicular and pedestrian traffic. The corner clearance shall be provided pursuant to the Engineering Department's Traffic and Transportation Guidelines.
2. Intersecting Private Driveway with a Street or Alley. Where a private driveway intersects a street or alley, the Planning Director or City Engineer may require that a clear area (corner cutoff) be maintained free of visual obstructions to ensure adequate sight distance for vehicular and pedestrian traffic. The corner cutoff is defined by a line in a horizontal plane, taken at a 45-degree angle with the street or alley, which line passes through a point on the street or alley 20 FT from the intersection.
3. Driveway Adjacent to a Reverse Corner Lot. Where a key lot has a private driveway located along the side yard which abuts the rear yard of a reverse corner lot, the Planning Director or City Engineer may require that a clear area (corner cutoff) be provided on the reverse corner lot pursuant to Subsection G.2 (Intersecting Private Driveway With a Street or Alley) of this Section, to assure adequate sight distance for vehicular and pedestrian traffic. Generally, new developments containing reverse corner lots shall locate the key lot driveway in the side yard opposite the rear property line of the reverse corner lot, unless determined by the Planning Director or City Engineer that the location of the driveway, as it relates to the adjoining property, will maintain adequate visibility at the intersecting driveway and street.

Sec. 9-1.1440: Residential Design Guidelines

A. Introduction.

1. The intent of these guidelines is to ensure that single-family residential developments are architecturally diverse and appear to be neighborhoods that have evolved naturally over time rather than master planned communities.
2. The design guidelines contained in this Section are applicable to all residential zoning districts and are intended as a reference to assist the designer in understanding the City's goals and objectives for high quality residential development. The guidelines

compliment the mandatory development regulations contained in this Section, by providing good examples of potential design solutions and by providing design interpretations of the various mandatory regulations.

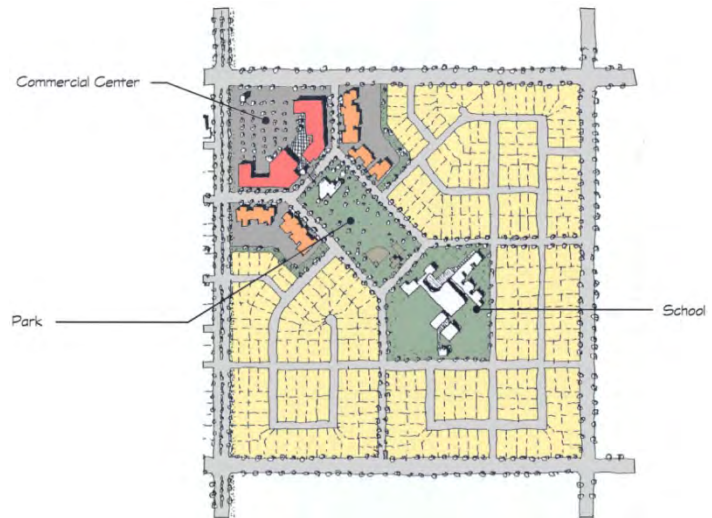


Figure 14-3: Example of Subdivision Design

3. The residential design guidelines are intended to create livable neighborhoods and safe and attractive streets by encouraging high quality site planning and architectural design. Where appropriate, these guidelines also seek to establish walkable areas by facing streets and common open spaces with entries, visually interesting building features, and activities.
4. These design guidelines are general in nature and may be interpreted with some flexibility in their application to specific development projects. During the City's development review process, variations may be considered for projects with special design characteristics to encourage the highest level of design quality, while at the same time providing the flexibility necessary to encourage creativity on the part of project designers. Nevertheless, unless there are compelling reasons or practical difficulties, these design guidelines shall be observed. Determinations of compliance with these design guidelines shall be made by the Zoning Administrator

B. Design Objectives. The following objectives form the basis for the residential design guidelines. These guidelines seek to promote a desired level of development quality that will:

1. Recognize and fulfill the different economic, social, and physical needs of residents;
2. Create a human-scaled, bicycle and pedestrian-friendly environment;
3. Create visual diversity and neighborhoods with a unique sense of place; and
4. Incorporate physical and pedestrian connections between neighborhoods to help create a unified community.

C. Neighborhoods.

1. **Mix of Uses.** Neighborhoods should be designed to promote a mix of uses, including parks, religious assembly, and schools. Additionally, neighborhood commercial centers are encouraged to be integrated into neighborhood design.
2. **Neighborhood Design and Orientation.**
 - a. Neighborhoods should be oriented around community uses, such as parks, schools, and neighborhood commercial centers.

- b. Neighborhoods that are segregated from other uses, forcing residents to commute by automobile to reach services, should be avoided.
- c. Neighborhoods should be distinguished from one another using edges and landmarks that are formed with trees, open space, parks, natural features, or major streets.

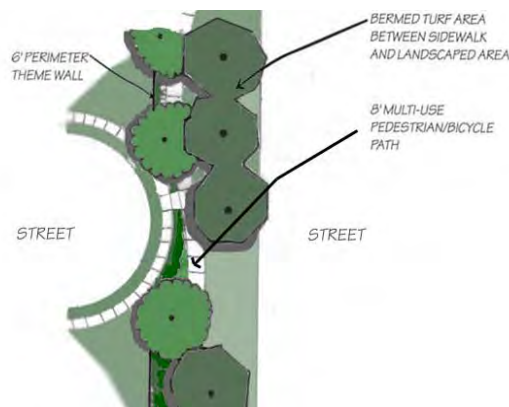


Figure 14-5: Example of Paseo Design

- 3. **Mix of Housing Types.** A mix of housing types and sizes are encouraged. Mixing multiple-family housing into single-family neighborhoods, and varying the size and dimensions of detached lots, is encouraged. Neighborhoods that have little variation in housing type and lot size should be avoided.
- 4. **Encourage Outdoor Activity and the Use of Alternate Forms of Transportation.** Neighborhoods should be designed to promote a sense of community, and to encourage outdoor activity and alternate forms of transportation. The use of landscaped parkways, street design, mixed uses, and building orientation and design can encourage outdoor activity and the use of alternate forms of transportation. Neighborhoods that are designed with a reliance on automobile transportation, and do not provide pedestrian linkages, are discouraged.
- 5. **Neighborhood Connectivity.** Neighborhoods should be designed to be integrated with other areas. An interconnected pattern of streets and pedestrian pathways should be provided in projects exceeding 3 acres.
 - a. Local streets networks should be designed to provide increased connectivity between neighborhoods.
 - b. The street network should be based upon a grid system, with local streets connections to arterial streets occurring at least every one-quarter mile on average. This level of connectivity should allow residences to face streets with acceptable traffic volumes and create safer walking environments where complementary land uses, such as retail and office uses, are located in close proximity.
 - c. The use of cul-de-sac and dead end streets should be avoided. When cul-de-sac streets are necessary, pedestrian connections should be created to allow for access to either open space or other streets.
 - d. Neighborhoods should be designed to include paseos, trails, or other connections to community facilities. Paseos should be used for pedestrian

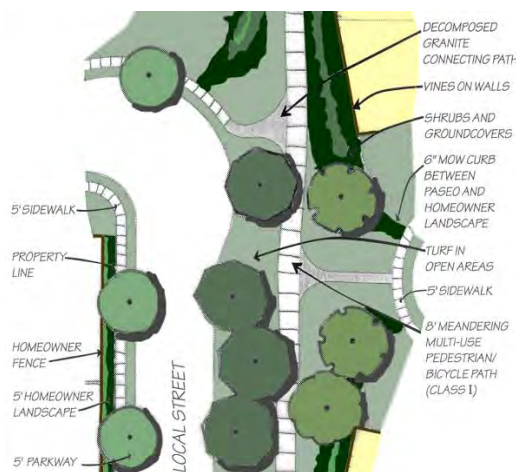


Figure 14-4: Appropriate Treatment of Cul-De-Sacs

connections at terminus of cul-de-sac and dead end streets. Neighborhoods designed without connections to community facilities should be avoided.

6. **Protect Natural Features.** Neighborhoods should be designed to protect natural features. Natural areas can enhance a neighborhood while protecting the environment. Developments that alter or destroy natural features should be avoided.
7. **Neighborhood Circulation.** Streets should be designed to provide an increased sense of neighborhood and community, reduced reliance on the automobile, promote energy conservation, and a more attractive, aesthetically pleasing streetscape.
 - a. **Reduced Width Streets.** Narrow streets help reduce automobile speeds, which create a safer environment for residents. Neighborhood (local) streets should be designed for residents of the neighborhood and not as automobile thoroughfares. Large streets should be avoided.
 - b. **Streetscape.** Landscaped parkways provide a more attractive streetscape and create a buffer between automobile and pedestrian traffic.
 - (i) All neighborhood streets should be designed with landscaped parkways, which are irrigated and permanently maintained. Streets with sidewalks adjacent to the curb should be avoided.
 - (ii) Trees planted within landscaped parkways create a pleasant environment for pedestrians, and provide shade during the hot summer months. Street trees should be shade trees that are deciduous or evergreen. Trees such as palms and other non-shade trees should be avoided.
 - (iii) Alleyways should be designed with the same considerations as streets. Alleys have earned a reputation as being high crime, dirty areas. Alleys should be designed as mini-streets, generally providing the same amenities as streets, including landscaping and lighting.
8. **Transit.**
 - a. Residential neighborhoods should be designed to take advantage of mass transit opportunities. Neighborhood edges along arterial and collector streets should provide transit stops, including turnouts for bus stops. Neighborhoods without transit connections should be avoided.
 - b. Transit shelters should be designed to fit into a neighborhood. Transit shelters that are incorporated within the form of a building, such as under an awning or arcade, are encouraged. For freestanding shelters, the developer should explore with the transit agency and the City, possibilities for a structure that is integrated architecturally with the project through its color, materials and architectural style.

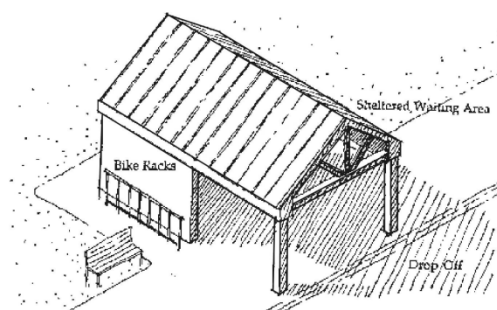


Figure 14-6: Example of a Transit Shelter

D. Single-Family Residential (detached dwellings) Development.

1. Introduction. The intent of these guidelines is to ensure that single-family residential developments are architecturally diverse and appear to be neighborhoods that have evolved naturally over time rather than master planned communities. Variation in home sizes, floor plans, elevations, and lot sizes contribute to such diversity. The use of regional architecture styles, such as Craftsman, Spanish Colonial Revival, Monterey, Mission Revival, and Bungalow, are encouraged.
2. Site Planning.
 - a. *Project Entry and Character.* Project entries should incorporate special paving, architectural elements, and landscaping treatments to set the overall tone for the development's character and design. In larger projects, a hierarchy of design should be established, with smaller, but similar, secondary entry features that serve to further distinguish the character of the project.
 - (i) Project entry features shall reflect the overall architectural identity and character of a residential subdivision or development project. Entry features should consist of authentic materials (natural rock and stone, brick, wood, ironwork, etc.). Stucco is discouraged unless true to the architectural style of the home, such as Spanish Colonial Revival, Monterey and Mission Revival architectural styles.
 - (ii) A combination of the accent features should be incorporated into project entries, such as lighting, public art, specimen trees, landscaped medians, stone wall features, water features, architectural monumentation, and signage.
 - (iii) Colored and textured paving treatment should be integrated into vehicle and pedestrian entries of a project.
 - b. *Lot Design.*
 - (i) Single-family lot patterns should be varied to avoid monotonous streetscapes.
 - (ii) No street should have more than 5 consecutive lots of the same width and area.
 - (iii) For projects larger than 3 acres, lot sizes should vary from the average lot size by at least 20 percent for at least one-third of all lots.
 - c. *Circulation.* Single-family residential development should have a circulation network that will efficiently interconnect all parts of the neighborhood. All modes of transportation—vehicular, transit, bicycle, and pedestrian—should be integrated into the circulation network.
 - (i) Blocks within single-family residential subdivisions should be 300 to 400 FT in length, with a maximum length of 500 FT.
 - (ii) Single-family residential developments should provide vehicular, bicycle, and pedestrian connections to adjacent residential and non-residential areas.

- (iii) Security walls and fences should not be used to define a “neighborhood edge” because they isolate neighborhoods from surrounding areas. Pedestrian access and mobility through neighborhoods is encouraged. Walls and fences may be appropriate as a “land use edge” treatment, depending on the type of adjoining use(s).
- (iv) Where shrub planting or low walls are used for screening, allow for a clear line of site into the area.
- (v) A street circulation network should provide access to all areas of the development. Dead end streets are discouraged.
- (vi) The circulation network design shall consider the location of street trees, parkways, pedestrian scale lighting, sidewalks, and on-street parking, along with determining the appropriate relationship between street widths and building setbacks.
- (vii) In addition to walkway lighting, peripheral lighting shall be provided for neighborhood streets to provide security.
- (viii) Neighborhood streets should be as narrow as possible and shaded by rows of trees. These techniques slow traffic and create an environment suitable for pedestrians and bicycles.
- (ix) Streets should be bordered with a street-adjacent minimum 5-FT wide landscape and irrigated parkway, and a minimum 5-FT wide sidewalk.

- d. *Building Placement.* Building placement should enhance the quality of the streetscape. Neighborhood development should provide variation in lot sizes and building placement to avoid a repetitive and regimented appearance.

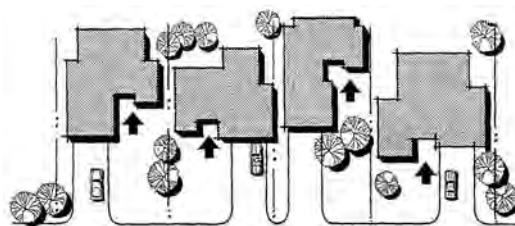


Figure 14-7: Example of Varied Streetscape

- (i) When siting homes, care should be taken to highlight view corridors of the surrounding mountains from streets and neighborhood open spaces.
- (ii) Architectural diversity in neighborhoods should be enhanced by providing a variations in lot widths, interior and street side setbacks, and building heights at the rate of every fourth house. Additionally, to create a varied streetscape, the front setback should be staggered an additional five feet at the rate of every fourth house.
- (iii) No two identical floor plans should be placed on adjacent lots.
- (iv) Residents should be provided with privacy, both inside and outside their homes, by utilizing site layout techniques, such as alternating the placement of windows, rear yard outdoor patio areas, and entrances on adjacent lots. Windows on adjacent properties shall not be located directly across from one another.

- (v) Maximize energy conservation by considering climactic factors, such as prevailing winds, shade trees, window and door orientation, and the positioning of buildings on the site.

e. *Street Orientation.* Homes shall be oriented towards the street to establish a sense of belonging and community for the residents.



Figure 14-8: Example of Appropriate Building Orientation

- (i) Homes and other structures shall be sited to define the street environment and the transition between public and private space.
- (ii) Residential development on a single loaded street shall look onto the adjacent open space.
- (iii) Lots should not be centered on “T” intersections, as noise and glare from on-coming vehicle headlights is often problematic for homes on those lots.

f. *Off-Street Parking and Access.* Parking lots for cluster-type single-family developments, and garages in conjunction with single-family homes, should be as invisible as possible.

- (i) In new subdivisions, no more than one plan-type should have a garage that extends beyond the main portion of the home. All other plan types should vary garage door placement and layout to de-emphasize the garage. Possible techniques include:
 - (1) Locate the garage at the rear of the lot, accessible from the side or rear;
 - (2) Recess the garage at least 7 FT behind the face of the main living portion of the home;
 - (3) The garage door must be architecturally compatible with the style of the house;
 - (4) Locate the garage perpendicular to the street, in a side-on configuration; and



Figure 14-9: Example of Side Facing Garage Orientation

- (v) Provide shared driveway access.
- (ii) Garages should be used for vehicle parking and should not be used for storage (except within areas of a garage specifically designed for storage pursuant to Paragraph D.3 (Storage) of this Section.
 - (iii) Lots with public alley access should provide parking (garages, driveways, and parking lots) access from the alley rather than from the public street.
 - (iv) The use of tandem parking bays are generally not recommended, but may be used in certain special circumstances, such as garage spaces provided in excess of the minimum parking requirement or parking for second dwellings on a driveway.
 - (v) If parking spaces for guests are necessary, the parking facilities should be integrated into the overall project design, consisting of small lots located central to the residential units.
 - (vi) Parking lots should generally be placed behind buildings, screened from street views. Not more than one-third of any linear street frontage should be lined by parking lots. Parking lots must be setback at least 20 FT behind the front property line and must be screened by a 3-FT high decorative masonry wall and dense landscaping.
 - (vii) Driveways should be designed to minimize their visual impact on the streetscape, while at the same time providing adequate space for the maneuvering of vehicles. Not more than 25 percent of a property's frontage should be utilized for driveway openings, excepting flag lots and lots fronting a cul-de-sac bulb.
3. Storage. Adequate private storage space should be provided for each single-family dwelling, which is accessible from within the dwelling or garage, or from within rear yard areas. Usable storage space should be provided in addition to the garage parking spaces and necessary utility area. Residential storage should not be allowed on balconies, patios, or porches, or any other areas that are visible from public or private streets, alleyways, or exterior ground-floor areas of neighboring properties.
4. Building Design. These guidelines seek to promote high quality architectural designs that enhance the character of City neighborhoods. New developments should utilize architectural styles that complement one another and any nearby existing development. The architectural style and design theme of residential developments should establish a unique neighborhood identity.
 - a. *Architectural Style*. For the purpose of these guidelines, "architectural style" classifies architecture in terms of form, techniques, materials, period, and region.
 - (i) Several common characteristics can be used to identify the existing or proposed architectural style of a building, including roof type, symmetry and shape, frame, articulation, massing, windows and doors, building materials and colors, decorative trim, and porches, eaves and columns.
 - (ii) Article 26 (Historic Preservation) of this Chapter. may be relied upon to aid in determining the characteristics of the architectural styles most common to the City.

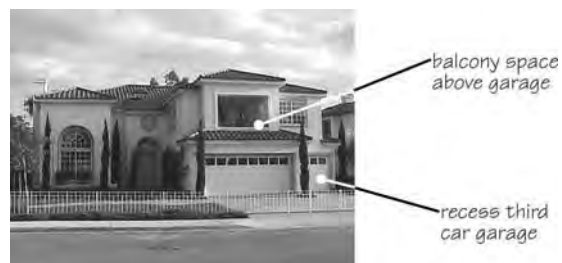
- b.** *Street Environment and Building Frontage.* Single-family residential development should efficiently use the site, and relate to the street.
- (i)** Front porches are encouraged to create an attractive interface with front yard areas. Porches should match the scale and be integral to the architectural design of the home.
 - (ii)** The front entry should be the focal point of the home. Roof elements, columns, porticos, or other architectural features should be utilized.
 - (iii)** Garages in single-family residential neighborhoods should be subordinate to the front of the house and should not dominate the streetscape.
 - (iv)** The height, mass, and appearance of dwellings should include some variation to provide visual interest to the streetscape. The lower floor of a two-story house should use architectural accents, texture, and color to add detail and interest.
- c.** *Building Form and Articulation.* Building form and articulation includes variation in wall planes (projections and recesses) and wall height (vertical relief), as well as variations in roof forms and heights to reduce the perceived scale of the structure.
- (i)** Single-family dwellings should incorporate articulation on all facades, including variation in massing, roof forms, and wall planes, as well as surface articulation.
 - (ii)** The highest level of articulation will likely occur on the front facade and facades visible from public streets. Similar and complementary massing, materials, and details should be incorporated into every other structure elevation.
 - (iii)** Elements and details of homes should be true to an established architectural style. While there is no required architectural style for single-family residential projects, the use of styles common to the region, such as Art Deco, Art/Streamline Moderne, Craftsman, Colonial Revival, French Provincial Revival, Mediterranean Revival, Mission Revival, Monterey, Prairie, and Spanish Colonial Revival, are encouraged (see Article 26 (Historic Preservation) of this Chapter for descriptions of features common to architectural types). The primary focus should be on constructing a high-quality residential environment.
 - (iv)** Wall planes on all sides of the house should be articulated if visible from a public street or pedestrian pathway.
 - (v)** Surface detailing should not serve as a substitute for well integrated and distinctive massing.
 - (vi)** Architectural elements that add visual interest, scale, and character, such as recessed or projecting balconies, trellises, recessed windows, and porches, are strongly encouraged.
 - (vii)** Architectural elements, such as overhangs, trellises, projections, and awnings, should be used to create shadows that contribute to a structure's character.

- (viii) Chimneys should be featured as architectural elements rather than hidden with a wall surface. Chimney caps should be decorative and spark arrestors should be concealed.
 - (ix) Variation in mass and building height in higher density developments along streets and public right-of-ways should be incorporated by providing a mix of single-story and two-story homes. Two-story homes should have single-story elements on prominent elevations.
 - (x) A mix of single-story and two-story homes should be included to provide an appealing streetscape with a variety of home types, height, mass, and size.
 - (xi) Massing should accentuate entries and minimize garage prominence.
 - (xii) Porches should be a minimum of 6 FT in depth (measured on the interior side of any posts or railings), with materials and details that are authentic to the architectural style of the home.
- d. *Building Height.* Single-family dwellings should be one or two stories in height. Homes within a development should have varied heights to create visual interest in the neighborhood.
 - (i) Corner lots should feature single-story homes.
 - (ii) Additions to structures should be designed to be compatible with adjacent structures and the surrounding neighborhood. The height and mass of additions should not adversely affect any adjacent structures.
 - (iii) The second story of a house should be designed to reduce the appearance of the overall scale of the structure, depending upon the chosen architectural style. Possible techniques include setting the second story back from the front and sides of the first story, providing larger front and/or side setbacks for the entire structure, and/or concentrate the bulk of the second story floor area over the back one-half of the first story.
 - (iv) A second story should not exceed 80 percent of the area of the first floor.
- e. *Roof and Upper Story Details.* Visual diversity should be created by incorporating multiple rooflines and designs, while remaining consistent with the architectural style of the home.
 - (i) A variety of roof types should be incorporated throughout the development (e.g., gabled, hipped, dormers, etc.).
 - (ii) Multiple roof forms (gable, hip and shed roof combinations) should be used to break up the massing of buildings.
 - (iii) Various roof forms and changes in roof plane should be used on all exterior elevations visible from a public street or pedestrian right-of-way.
 - (iv) Variation in ridgeline height and alignment should be utilized to create visual interest.

- (v) Full, sloped roofs are strongly encouraged, with both vertical and horizontal roof articulations.
 - (vi) Where applicable to the architectural style, roof overhang should extend a minimum of 12 inches, measured from the primary wall surface, to enhance shadow lines and articulation of surfaces.
 - (vii) Roof overhangs should be sized appropriately for the desired architectural style.
 - (viii) Gable ends should face the street.
 - (ix) Exposed gutters and downspouts, unless designed as an outstanding feature consistent with the overall architectural theme, should be colored to match the fascia board.
- f. *Building Materials and Finishes.* The use of high quality materials will create a look of permanence within a project. Materials and colors should be varied to generate visual interest in the facades and to avoid the monotonous appearance that is sometimes common in some contemporary residential development projects.
 - (i) Key elements of the building facade should be enhanced with special materials and color.
 - (ii) Material changes should occur at intersecting planes, preferably at inside corners of changing wall planes, or where architectural elements intersect (e.g., chimney, pilaster, projection, fence line, etc.).
 - (iii) Contrasting but complementary colors should be used for trim, windows, doors, and key architectural elements.
 - (iv) Roof materials and colors shall be consistent with the desired architectural style, as identified in Article 26 (Historic Preservation) of this Chapter.
 - (v) Heavier materials should be used on the lower portion of a building's elevation to form the base of the structure.
 - (vi) Paving materials should be compatible with the project aesthetic. The use of permeable paving materials is encouraged.
 - (vii) Stucco may be an appropriate building material if careful attention is paid to ensure it is appropriate to the architectural style of the house.
- g. *Windows, Doors and Entries.* The desired architectural style of a building can be captured by carefully designing windows, doors, and entries.
 - (i) Entrances should be enhanced through lighting, landscaping, and architecture detailing.
 - (ii) The main entrance to a home should be clearly identifiable and should be articulated with projecting or recessed forms, creating a covered landing that will provide for shelter from the weather.

- (iii) Window type, material, shape, and proportion shall complement the architectural style of the building.
- (iv) Windows should be located to maximize incoming daylight, reduce the need for indoor lighting, and promote energy efficiency through the use of low e-coatings.
- (v) In order to enhance privacy, windows on side elevations, that face a neighboring dwelling, should be staggered and should not be positioned directly opposite of the adjacent structure's windows.
- (vi) The window design should be appropriate to the architectural style of the structure, and should be articulated with sills, trim, kickers, shutters, or awnings that are authentic to the architectural style.
- (vii) Where architecturally appropriate, windows should be generously inset from structure walls to create shade and shadow detail.

h. Garages. Garages that are well integrated into a project will ensure that they do not dominate front facades or the overall streetscape.



- (i) Garage doors should be recessed a minimum of 6 inches, measured from the face of the garage.

- (ii) A garage with doors facing the street should be set back at least 5 feet behind the exterior face of the main house to help reduce the adverse visual impact of the garage.



Figure 14-10: Example of Appropriate Garage Designs

- (iii) A maximum of 2 garage bays should face the street. Garages with more than 2 bays may face the street if the garage is placed toward the rear of the site, or if a third bay is oriented differently.
 - (iv) Garage doors should incorporate panels and/or windows to articulate large planes.
 - (v) The ratio of garage frontage to the width of the house should not be greater than 50 percent.
 - (vi) Roof forms, trellises, and balconies should be located above the garage door to help minimize the impact of garage doors on the streetscape.
- i. Compatibility with Neighborhood.** In new developments, single-family homes should vary from neighboring dwellings in architectural style, height, and material

selection, while still relating to the overall theme of the larger development as a whole.

- (i) The same floor plan should not be placed side-by-side, nor should the same exterior colors be used.
- (ii) Homes directly across the street from one another should not have the same floor plan.

5. Accessory Structures. Additions, renovations and new accessory structures should be designed to provide variety and interest while creating an overall unified image. Building facades should be designed with consideration of appropriate materials, complementary colors, and by using materials with textures and depth of materials such as brick or stone. The additions of accessory structures should be designed in a manner that is integrated with the existing structures and avoid the appearance of being simply tacked on by the owner. This can be accomplished by:

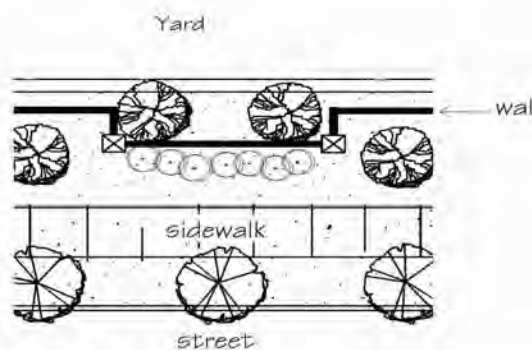
- a. Using similar roof pitches and types;
- b. Using complementary or consistent materials and colors;
- c. Designing additions as an integral part of the building;
- d. Maintaining appropriate proportions of the existing building design; and
- e. Maintain a balance between the proportions of the existing building in terms of building mass and scale. Avoid placing architectural elements that are visually more massive or heavier above elements that are visually lighter or less massive.

6. Landscaping. Landscaping should be used to define entrances to neighborhoods and homes, to provide a visual buffer between incompatible land uses, and to provide screening when necessary.

- a. A variety of height, textures, and colors should be used in the landscape palette. Additionally, a combination of trees, shrubs, and ground cover should be incorporated into landscape plans.
- b. Plant materials should be placed so as to not interfere with lighting or line-of-sight, or restrict access to emergency equipment (e.g., fire hydrants, fire alarm boxes, etc.).
- c. Trees or large shrubs should not be planted under overhead lines or over underground infrastructure if there is a potential that growth may interfere with public utilities.
- d. Large specimen trees should be strategically placed to assist new development in looking “established” as quickly as possible.
- e. Trees should be properly pruned. When selecting tree species, consider tree and root growth, maintenance, nearby pedestrian activities and vehicular accesses, and potential impacts on the public right-of-way.
- f. Trees and shrubs should be located and spaced to allow for mature and long-term growth.

- g. Root problems caused by trees and shrubs should be minimized by careful selection and planting procedures. Root barriers should be provided for any tree placed adjacent to pavement, or other situations where roots could disrupt adjacent paving/curb surfaces.
 - h. Landscaping efforts should be coordinated with adjacent property owners whenever possible to provide a consistent aesthetic.
 - i. Parkway should be planted with shade trees to provide a pleasant pedestrian environment and contribute to streetscape continuity.
 - j. Individual lot landscaping should be compatible with the architectural style, size, and massing of the individual home, creating a diverse streetscape.
7. Walls and Fences. Walls and fences should be designed to complement the architecture of adjacent buildings and should be designed in concert with the surrounding landscaping.

- a. The maximum height of any perimeter project and property line wall should be 6 feet. Specialty walls such as screen walls, sound walls, and retaining walls should have a maximum height dependent on necessity and location.



One option is to incorporate a 2' stagger to wall at appropriate intervals.

- b. Perimeter walls and fences should be architecturally enhanced, and use materials and colors that complement the architecture of adjacent buildings. Pilasters, planter boxes, trellises, material changes, planar changes or other treatments should be used to avoid long and monotonous expanses of wall.

Acceptable Walls/Fences



- c. Perimeter and property line walls should incorporate design techniques such as textures, staggered setbacks, and variation in height in conjunction with landscaping, to provide visual interest and to soften the wall's appearance.



- d. Walls and fences should be designed in a style, material, and color to complement the adjacent buildings.



Fences and walls should be built with attractive, durable materials. Pilasters should include a distinctive cap.

Figure 14-11: Example of Fence and Wall Styles

- e. Walls should be constructed as low as possible, while still performing screening, noise attenuation, and security functions, with a maximum height of 6 FT, unless additional height is required for noise attenuation or site security.

- f. Walls required for screening purposes should be constructed of non-transparent materials and incorporate standards to provide for wall inserts and/or decorative columns or pilasters to provide relief.



Figure 14-12: Example of How Landscaping May Be Used to Soften Fences and Walls

- g. Perimeter walls and fences should be architecturally treated on both sides and incorporate landscaping whenever possible.

- h. Walls on sloping terrain should be stepped to follow the terrain.

- i. Walls should be softened using plants that camouflage their hard edges (e.g. cap, base, and ends), such as vines cascading over the top of walls and base plantings. Planting mature tall trees in front or behind a wall can effectively reduce the apparent wall height, and shrubs and vines can be used to break up the expanse of the wall body.

- j. Either no front yard walls or fencing, or the use of low (3 FT high) decorative masonry walls or fencing is preferred. Walls and fencing should be constructed of authentic materials (e.g., natural woods, common brick, stone, river rock, wrought iron slump block, split-face block, or other masonry approved by the Zoning Administrator). However, vinyl and other manufactured fencing materials may be acceptable if the overall appearance appears natural. No wire or chainlink fencing, or unfinished precision masonry block should be used.

- k. Whenever possible, homes adjacent to common open space areas should have wrought iron or tube steel grillwork and view fences to provide visual access to open space.

- 8. Open Spaces. Single-family residential development projects should be designed with open space and community facilities as integral parts of the project. Integrated open space and public facilities foster a sense of community and create a more livable environment. Open spaces, whether public or private, serve a variety of functions, should be centrally located, and are important places for residents to gather, socialize, and play. These areas should be safe and secure, and may provide area for small intimate meetings or larger neighborhood gatherings.

- a. The size and scale of neighborhood amenities should be appropriately scaled.
- b. Open space areas should be a prominent feature of a development project. Open space areas do not consist of the unusable landscaped areas between buildings.
- c. Open space shall accommodate a variety of sitting areas, gathering areas, and active recreational areas.

- d. Open spaces and community facilities should be visible from adjacent dwellings to help promote site safety.
- e. Open spaces and community facilities should be easily accessible from all residential units within a development project.
- f. Community features such as plazas, interactive water features, and community gardens should be included whenever possible.
- g. Public art may be used to help create an identity and character for a neighborhood, and should be designed in context with the surrounding neighborhood and development.
- h. Neighborhood open spaces may be used to promote connectivity by providing pedestrian and bicycle access to adjacent neighborhoods and open spaces, and other land uses where possible.

E. Multiple-Family Residential (Attached Dwellings).

1. Introduction. The intent of these design guidelines is to communicate the design expectations of the City and to foster quality multiple-family development projects and a pleasant residential environment within the context of higher residential density. Multiple-family projects should contribute to the sense of community within the City, by carefully relating to the scale and form of adjacent properties, and by establishing a streetscape that creates architectural and landscape interest for the casual pedestrian and neighborhood residents alike. As defined by this Development Code, and for purposes of this Section, the term “multiple-family” includes all attached dwelling units.
2. Design Objectives. The following objectives form the basis for the multiple-family residential design guidelines. These guidelines seek to promote a desired level of development quality that will:
 - a. Establish distinctive multiple-family residential architectural designs that support the City’s desire for high quality development.
 - b. Provide attractive, functional, and convenient site arrangements.
 - c. Identify landscape materials and designs that enhance the appearance of multiple-family housing developments and contribute to the overall quality of the community.
 - d. Provide amenities appropriate for different age groups of multiple-family residential developments, as appropriate.
 - e. Use crime prevention techniques to enhance safety and security within multiple-family residential developments, such as:
 - (i) Avoid long, dead-end drive aisles;
 - (ii) Off-street parking should be located interior to the site, and be designed to minimize visual disruption of the overall project design;
 - (iii) Pathway lighting is a safety feature and shall be used to light all pathways and open areas, including pathways from the parking lot to the building’s entrance; and

- (iv) Parking areas should not be located between a building and a public street.

3. Site Planning.

a. *Building Orientation and Massing.*

- (i) Views, particularly of Mount San Antonio, Mount Baldy and the surrounding San Gabriel Mountains, existing mature trees, and any other natural amenities unique to the site should be preserved and incorporated into a multiple-family residential development project, whenever possible.

- (ii) Clustering of multiple-family dwellings into larger buildings should be a consistent site-planning element. Large multiple-family development projects should be broken up into groups of buildings consisting of 4 to 8 dwelling units for low-medium density projects (up to 11.0 DU/Acre) and 12 to 16 dwelling units for medium density projects (up to 11.1 to 25.0 DU/Acre). High density residential projects (25.1 to 45.0 DU/Acre) should be massed in response to the scale of surrounding buildings, unless doing otherwise helps to achieve a specific neighborhood character desired for specific growth areas identified in the Policy Plan component of The Ontario Plan.



Figure 14-13: Example of Appropriate Massing of Multiple-Family Development

- (iii) Buildings should be generally oriented to the street, with varying setbacks to provide visual interest and varying shadow patterns.
- (iv) Developments should relate directly to the adjacent street, and present an attractive and interesting facade to the casual observer.
- (v) Buildings should be oriented to promote privacy to the greatest extent possible.
- (vi) New development projects should respect existing development in the immediate area.

b. *Circulation.* Multiple-family residential development should have an efficient circulation network, connecting all modes of transportation to the project site.

- (i) Vehicular access onto a multiple-family project site should be through an entry drive aisle. Direct access to off-street parking spaces from a public street is not permitted.

- (ii) All site entrances should be easily viewed from a public street and well lighted.
- (iii) Vehicular and pedestrian site entries should incorporate enhanced pavement treatments, such as stamped concrete or interlocking pavers.
- (iv) Unique accents, such as monuments, public art, ornamental features, enhanced paving, flowering accents, decorative walls, and specimen-sized trees should be used to generate visual interest at entries.
- (v) All main site entrances from public streets should have sidewalks on both sides, providing pedestrian access into the site from the public street.
- (vi) All site entrances should be coordinated with existing or planned driveways and median openings.
- (vii) Where possible, all multiple-family development projects should incorporate pedestrian connections to adjoining residential and commercial projects, and other compatible land uses.
- (viii) Cross circulation between vehicles and pedestrians should be minimized. A continuous, clearly marked walkway should be provided from on-street and off-street parking areas, to the main entrances of buildings.
- (ix) Walkways should be located to minimize the impact of pedestrians on the privacy of nearby residences or private open space. Additionally, walkways should not be constructed directly against a building or wall — landscaped planter areas should be provided between walkways and building facades or walls.

c. Off-Street Parking.

- (i) For low-medium and medium density projects, parking areas should be divided into a series of connected smaller parking courts. For high density projects, parking areas should be located within structure, utilizing a “podium” or “wrap” design.
- (ii) For high density projects utilizing a parking structure, the structure shall be screened using architectural and landscape solutions. The method of screening should be compatible with the overall project architecture and landscaping themes. Visible parking structure elevations should be finished in the same style as the primary buildings, with compatible materials. This will help integrate the structure into the overall project design while reducing its visual impact.
- (iii) Parking areas should be located within the development's interior, behind buildings, so as to be screened from street views. Parking lots located adjacent to the street, if necessary, may take-up no more than 20 percent of any linear street frontage, must be setback at least 20 FT behind the street property line, and must be screened from street views by a 3-FT high decorative masonry wall and dense landscaping. Carports and tuck-under parking should not be visible from a public street.

- (iv) To the greatest extent possible, adverse visual impacts on the residential streetscape from parking areas, garages, and unarticulated garage doors and walls viewed through driveway openings along a project's street frontages, should be minimized.
 - (v) Carports, detached garages, and accessory structures should be designed as an integral part of a project's architecture, and should be similar in material, color, and detail to the principal buildings of a development project.
 - (vi) Prefabricated metal carports that are unarticulated and void of architectural embellishment should not be used.
 - (vii) Parking courts should be treated as a highly visible public space, the character of which is clearly articulated by landscaping, lighting, building massing, and pedestrian and vehicular circulation.
 - (viii) Where garages are utilized, garage doors should be recessed a minimum of 6 inches, measured from the face of the garage, so as not to appear flush with the exterior wall. Furthermore, the large, flat planes created by garage doors should be articulated through the incorporation of decorative panels and/or windows.
4. Storage. Adequate private storage space should be provided for each multiple-family dwelling, which is accessible from within the dwelling or associated parking facility. Residential storage is not allowed on balconies, patios, or porches, or any other areas that are visible from public or private streets, alleyways, or exterior areas of neighboring properties. As such, Usable storage space should be provided in addition to necessary utility areas.
5. Building Design. These guidelines seek to promote high quality architectural designs that enhance the higher density residential areas of the City. New developments should utilize architectural styles that complement one another and existing development.

- a. *Architectural Style.* For the purpose of these guidelines, "architectural style" classifies architecture in terms of form, techniques, materials, period, and region.

- (i) While there is no required architectural style for multiple-family residential projects, the use of styles common to the region, such as Art Deco, Art/Streamline Moderne, Craftsman, Colonial Revival,



Figure 14-14: Example of the Craftsman Bungalow Architectural Style



Figure 14-15: Example of the Mediterranean Revival Architectural Style

French Provincial Revival, Mediterranean Revival, Mission Revival, Monterey, Prairie, and Spanish Colonial Revival, are encouraged (see Article 26 (Historic Preservation) of this Chapter for descriptions of features common to architectural types). The primary focus should be on constructing a high-quality residential environment.



Figure 14-16: Example of the Queen Anne Victorian Architectural Style

- (ii) The incorporation of architectural elements that add visual interest, scale, and character to the neighborhood, such as bays, bay windows, recessed or projecting balconies, verandas, balconies, porches, and other architectural elements, are encouraged.

b. Building Form and Articulation.

(i) Low-Medium and Medium Density Projects—

- (1) Building heights should be varied to give the appearance of a collection of smaller structures. Additionally, upper stories should be stepped back to reduce the scale of facades that face the street, common space, drive aisles through the project, and adjacent residential structures.
- (2) For buildings containing 3 or more attached dwellings in a row, each dwelling unit should have at least one horizontal projection of at least 2 FT, measured from the primary wall plane, which is not less than 8 feet wide. Projections should extend the full height of single-story buildings, at least one-half the height of 2-story buildings, and two-thirds the height of a 3-story building. In addition, a horizontal change in wall plane of at least 3 FT, for a minimum vertical distance of 12 FT, should be provided for every 2 units.
- (3) The perceived height and bulk of multi-story buildings should be reduced by dividing the building mass into smaller scale components, and adding projecting architectural details, such as eaves, dormers, and balconies. The use of awnings, moldings, pilasters, and comparable architectural embellishments are also encouraged.

(ii) High Density Projects—

- (1) A variety of stacked massing arrangements should be used to create visual interest.

- (2) The mass of a building should step down at the corners and entries to provide a greater definition of the building.
- (3) A minimum of 15 percent of the horizontal length of any building elevation should be articulated by varying the form or footprint, and/or by introducing architectural elements and/or horizontal projections of at least 2 FT, measured from the primary wall plane.
- (4) Major building entries should be clearly discernible through the incorporation of architectural elements such as porches, arcades, ornamental lighting, landscaping, and other embellishments.

(iii) All Projects, Regardless of Density—

- (1) All building elevations should be considered in the evaluation of any new construction, additions, or alterations.
- (2) Side and rear views of a building should not be minimized because of their orientation away from the public right-of-way. The same or compatible design features should be continued or repeated on all elevations of a building, providing full, 360-degree architecture.
- (3) Arcades, colonnades, and other types of overhead structures should be used to provide human scale to the interface between the façade and sidewalk.
- (4) Building facades that enclose stairwells should include windows to reduce the visual bulk of the stairwell and enhance safety. Building facades enclosing elevator shafts should use architectural treatments to reduce visual mass.
- (5) All mechanical equipment, whether mounted on the roof or the ground, should either be suitably screened or placed in locations that will not be viewed by the general public, project residents, or occupants of neighboring properties. All screening devices must be compatible with the architecture and color of the adjacent buildings.

c. Entryways.

- (i) Courtyard doors or gates used at building entries should be attractively designed as an important architectural feature of the building or complex.
- (ii) Strongly delineate the separation between public and private space with special paving, changes in building materials, grade separations, or with physical barriers, such as landscaping, fences, walls, screens, or building enclosures.
- (iii) For low-medium and medium density projects, each dwelling unit entry should be emphasized and differentiated utilizing architectural elements, such as porches, stoops, roof canopies, and detailing.

- (iv) Opportunities should be provided for residents to personalize their entry by providing a ground-level private area on low-medium and medium density projects, or for high density projects, increase the entry corridor width at dwelling entries to allow for the placement of potted plants.

d. *Exterior Stairways.*

- (i) Exterior (unenclosed) stairwells should not be used on buildings greater than 2 stories in height. Not more than 4 second-floor dwelling units should be served by a single flight of exterior stairs. Where appropriate for the architectural style, the stairway design should be open to allow views for natural surveillance.
- (ii) Stairways should be constructed of durable material that is compatible with the design of the primary structure.
- (iii) Prefabricated metal stairs are strongly discouraged but may be considered on a case-by-case basis.

e. *Building Materials and Finishes.*

- (i) A project's dwelling units, recreation and open space amenities, and parking facilities should be unified through the consistent use of building materials, textures, and colors. Exterior columns or supports for site elements, such as trellises and porches, should utilize materials and colors that are compatible with the project, as a whole.
- (ii) Building materials should be durable, require low maintenance, and relate a sense of quality and permanence. Frequent changes in materials should be avoided.
- (iii) Inappropriate materials for exterior applications include plastics and plastic laminates; flat asphalt shingles; corrugated fiberglass, metal or plastic; unrealistic imitation rock veneers; highly reflective materials; unfinished concrete; and unfinished metal and alloy products.

f. *Roofs.*

- (i) Roofs should clearly reflect a residential appearance. Rooflines should be articulated through the use of stepped and segmented roof sections, and the incorporation of towers or other vertical elements to achieve varying roof heights, provide visual interest, and accent a predominant horizontal massing.
- (ii) Full hipped or gabled roofs covering the entire building are preferred over mansard roofs and segments of pitched roofs applied at the building's edge.
- (iii) Garage and carport roofs visible from buildings or streets should incorporate pitched roofs and roof materials matching adjacent buildings. Flat garage and carport roofs should not be used.

g. Color and Materials.

- (i) Color is an important element in establishing a structure's character and architectural style. The predominant color of the building and accessory structures shall be a muted, non-garish tone.
- (ii) Color may be used as an important accent in a project's appearance. More than one predominant paint color is encouraged. Compatible accent colors should be used to enhance important architectural elements and details.
- (iii) Bright or intense colors should be used very sparingly, and should typically be reserved for more refined or delicate detail work.
- (iv) Employ high quality materials that are durable, long lasting, and aesthetically appealing.
- (v) Materials such as brick and stone should be left in their natural colors.
- (vi) The use of complementary colors and changes in materials can add visual interest to a building; however, to avoid a false appearance, texture or color changes should not occur at external corners.

6. Mechanical Equipment. Mechanical equipment should be integrated as part of a project's site and building design. The following conditions apply to mechanical equipment:

- a. Rooftop and ground-mounted equipment should be screened from view of elevated highways, streets, parking lots, connecting walkways and freeways.
- b. Roof-top equipment (including satellite dishes) should be integrated into the overall mass of a building by screening it behind parapets or by recessing equipment into hips, gables, parapets or similar features; plain boxes are not acceptable.
- c. Screening details should incorporate capping elements and the same exterior trim details as found elsewhere in the project.
- d. The top of screens should be at least as high as the top of the equipment, yet the screen walls shall be generally kept as low as possible. Cross-section drawings shall be prepared to illustrate the method in which the equipment will be screened from view of adjacent streets, freeways and properties.
- e. Transformers, heating units and other ground-mounted equipment should be adequately screened with walls and landscaping. Design these features to be

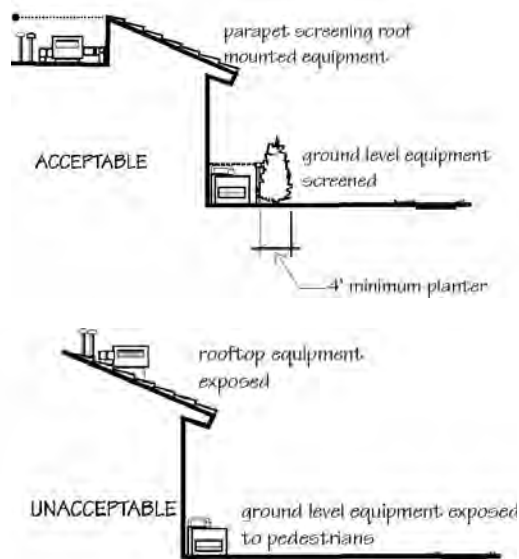


Figure 14-17: Example of Mechanical Equipment Screening

graffiti and vandal-resistant by providing a 2-FT landscape strip at the base of these walls for tall shrubs, and by using materials that are easily cleaned or painted. Additional area for future ground-mounted equipment and screening needs should be considered and set aside. Avoid interrupting connecting walkways with these features.

- f. Antennas should be placed in attics or building interiors. New units should be pre-wired to accommodate cable reception. Satellite dish antennas should be ground mounted and screened from public view on all sides with a combination of walls, landscaping or buildings.
- 7. Site Lighting. The form and quality of on-site lighting should establish an attractive, distinctive, and safe nighttime environment. Furthermore, lighting should not create an unwanted nuisance for neighboring residential areas, or for other sensitive uses.
 - a. Site lighting intensities must conform to the minimums established by the City's security standards contained in Ontario Municipal Code, Title 4 (Public Safety), Chapter 11 (Security Standards for Buildings), commencing with Sec. 4-11.01.
 - b. Lighting within parking areas should be arranged to provide safety and security for residents and visitors, but prevent direct glare of illumination onto adjacent dwellings and neighboring properties.
 - c. Pedestrian-scaled lighting should be located along all pedestrian routes of travel. Pedestrian pathways should be lighted by pole or bollard-type fixtures, not to exceed 12 FT or 3 FT, respectively.
- 8. Landscaping. Landscaping for multiple-family development projects can be used to define and accent specific areas (e.g., building entrances, parking lots, etc.), define the edges of various land uses, provide a transition between neighboring properties (buffering), and screen storage areas. Landscaping may be used as a unifying element within a project and with surrounding projects.
 - a. Landscaped areas shall generally incorporate plantings utilizing a layered, 3-tier design consisting of: **(i)** grasses and ground covers, **(ii)** shrubs and vines, and **(iii)** trees.
 - b. New landscaping shall complement existing landscape materials, location, and massing on adjacent established developments where appropriate.
 - c. The following planting design concepts are encouraged within each project:
 - (i)** Specimen trees in informal groupings throughout the site, or formal groupings at major focal points;
 - (ii)** Use of plantings to create shadow and pattern against walls;
 - (iii)** Use of planting to soften building lines and emphasize the positive features of the site;
 - (iv)** Use of flowering vines on walls, arbors, or trellises;
 - (v)** Trees to create canopy and shade, especially in parking areas and passive open space areas; and

- (vi) Berms, plantings, and walls to screen parking lots, trash enclosures, storage areas, and utility boxes.
 - d. Landscaping shall be protected from vehicular and pedestrian encroachment by raised planting surfaces and the use of curbs.
 - e. Concrete step areas shall be provided in landscape planters adjacent to parking spaces.
 - f. Vines and climbing plants on powder coated metal trellises and perimeter walls are encouraged.
 - g. Gravel, bark, decomposed granite, artificial turf, and other similar materials are not allowed as a substitute for plant materials.
 - h. Landscaping shall emphasize water efficient plants.
 - i. Vehicular entries provide a good opportunity to introduce and identify multiple-family projects. Vehicular entry areas should be treated with special landscape elements that will help establish an individual identity to the project (e.g., special paving, graphic signage, specialty lighting, specimen trees, flowering plants, etc.).
9. Walls and Fences. Walls and fences may be used to provide security and privacy, or screen unsightly views, and may be utilized with landscaping to enhance and/or buffer the appearance of development. The following guidelines apply to walls and fences used in multiple-family residential development projects.
- a. The maximum height of perimeter project and property line wall should be 6 feet. Specialty walls such as screen walls, sound walls, and retaining walls should have a maximum height dependent on necessity and location.
 - b. The design of walls and fences, as well as the materials used, must be consistent with the development's overall architectural theme. Fence and wall color should be compatible with the development and adjacent properties. Paint color used on fences should be common colors readily purchased and kept readily available on the development's premises.
 - c. Perimeter walls and fences should be architecturally enhanced, and use materials and colors that complement the architecture of adjacent buildings. Pilasters, planter boxes, trellises, material changes, planar changes or other treatments should be used to avoid long and monotonous expanses of wall.
 - d. Perimeter walls and fences should be architecturally treated on both the interior and exterior sides of the wall.
 - e. Walls on sloping terrain should be stepped to follow the terrain.
 - f. Walls should be softened using plants that camouflage their hard edges (e.g. cap, base, and ends), such as vines cascading over the top of walls and base plantings. Planting mature tall trees in front or behind a wall can effectively reduce the apparent wall height, and shrubs and vines can be used to break up the expanse of the wall body.

- g. Visually penetrable materials (e.g., decorative wrought iron or tubular steel) should be used in areas of high activity, such as pool and playground areas, and areas adjacent to street frontages.
 - h. Wall and fence designs, and the selection of materials, shall consider maintenance issues, especially graffiti removal and long-term maintenance. Decorative capstones are required on walls to help prevent water damage from rainfall and moisture, and provide a finished appearance.
 - i. Perimeter walls and fences should incorporate textural changes, staggered setbacks, and variations in height, in conjunction with landscaping, to provide visual interest and to soften the wall's appearance.
 - j. The height of screen walls and sound walls is determined by site features and location, such as proximity to noise generators and privacy issues.
 - k. The proportion, scale, and form of the walls should be consistent with the design of adjacent buildings.
 - l. The colors, materials and appearance of walls and fences should complement the architecture of adjacent buildings. Fencing located where screening is not specifically required should be of decorative iron or tube steel.
- 10. Open Spaces.** Multiple-family development projects should provide its residents access to useable open space and recreation amenities, such as gardens, courtyards, natural areas, and active recreation areas.
- a. Outdoor seating, tables with umbrellas, water features, landscaping, gazebos, or other place-making features are encouraged within open space areas, and should be consistent with the architectural style of the project. Open space features should cater to anticipated residents (e.g., play lots for children, seating areas for the elderly, etc.).
 - b. All support buildings within multiple-family residential projects (e.g., laundry facilities, recreation buildings, sales/lease offices, etc.) should be compatible in architectural design with the balance of the project.
 - c. Open space areas should be sheltered from the noise generated by traffic on adjacent streets, or other incompatible land uses.
 - d. Buildings should be oriented to create courtyards and open space areas; thus, increasing the aesthetic appeal. Community features, such as plazas, interactive water features, and community gardens, should be included whenever possible.
 - e. Common open space areas and recreation amenities should be conveniently located for the majority of units, and should be linked to streets via connecting walkways at least 12 FT in width.
 - f. Open space should be designed to integrate buildings and other structures.
 - (i) At least 75 percent of common open space areas should be bordered by building walls with windows, architectural elements such as low walls or trellises, landscape features such as hedges or rows of trees, or by some combination of these elements.

- (ii) Common open spaces bordered by a parking lot or driveway should be minimized or discouraged. If a parking lot or driveway must border an open space area, the portion of parking lot or driveway adjacent to the open space should be of decorative pavers, or the parking lot or driveway should be screened by a 3-FT high decorative wall.
 - g. Open space areas should take advantage of prevailing breezes and orientation of the sun to provide natural lighting and ventilation.
 - h. Common open space areas and recreation amenities should be screened from public view and located contiguous to the units they serve.
 - i. Children's play areas should be visible from as many dwelling units as possible.
 - j. In large developments, separate, but not necessarily segregated, play areas and informal outdoor spaces should be provided for differing age groups for reasons of safety. Small developments may combine play areas, such as tot lots joined with a larger activity area for older children.
 - k. Mailboxes should be located in highly visible and heavily use areas to promote safety and convenience, and casual social interaction.
11. Pathways. Connecting pedestrian pathways providing a convenient pedestrian route between all entries and the street should be provided.
- a. Walkways and trails should be between 5 FT and 8 FT in width, accompanied by a landscaped strip at least 4 FT in width.
 - b. Walkways should consist of decorative pavers, or scored or stamped concrete. Trails should be of a permeable, easy to maintain material, such as compacted decomposed granite.
 - c. Where a walkway is oversized to accommodate occasional emergency vehicles, landscaping, Grasscrete or turf-block, and other materials should be used to accommodate traveling widths that exceed 8 FT.