

ORDINANCE NO. 3150

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN AMENDMENT, FILE NO. PDCA19-003, TO THE ONTARIO MUNICIPAL CODE, AMENDING CHAPTER 5 OF THE ONTARIO DEVELOPMENT CODE REGARDING THE REGULATION OF ACCESSORY DWELLING UNITS.

WHEREAS, The City of Ontario ("Applicant") has initiated an Application for the approval of a Development Code Amendment, File No. PDCA19-003 as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, a severe housing crisis exists in the State of California with the demand for housing greatly exceeding supply; and

WHEREAS, accessory dwelling units ("ADUs") provide housing opportunities in a manner that can be largely compatible with existing neighborhood development; and

WHEREAS, on October 9, 2019, Governor Newsom signed into law several bills intended to increase the state's supply of affordable housing by facilitating the construction of ADUs including California Assembly Bills 68 and 881 and California Senate Bill 13. These laws amend California Government Code Section 65852.2 and, among other limitations on local authority, require the City of Ontario to further relax regulations concerning ADUs. These amendments to California Government Code Section 65852.2 became effective January 1, 2020; and

WHEREAS, California Government Code Section 65852.2(a)(4), as amended, provides that any city's existing local ADU ordinance that fails to meet the requirements of the new state law shall be null and void unless and until the city adopts a new ordinance complying with California Government Code Section 65852.2. (Amended Development Code Sections are included as Attachments A and B to this Ordinance). In the absence of a valid local ordinance, the new state law instead provides a set of default standards governing cities' regulation and approval of ADUs; and

WHEREAS, California Government Code Section 65858 authorizes a city to adopt an interim urgency measure by a four-fifths (4/5ths) vote where necessary to protect the public health, safety, and welfare without following the procedures otherwise required prior to adoption of a zoning ordinance; and

WHEREAS, any interim urgency measure adopted pursuant to Government Code Section 65858 shall be of no further force and effect forty-five (45) days from its date of adoption unless extended by the legislative body. During such time period, City staff intends to undertake further study and present its recommendations to the City Council regarding permanent revisions to the City's regulatory scheme pertaining to ADUs and consistent with the goals and policies of the City's General Plan, California Planning and Zoning Law, and the provisions of California Government Code Section 65858; and

WHEREAS, the Application is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15282(h) of the CEQA Guidelines (the adoption of an ordinance regarding second units in a single-family or multifamily residential zone by a city or county to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code as set forth in Section 21080.17 of the Public Resources Code); and

WHEREAS, the Application has been reviewed for consistency with the Housing Element of the Policy Plan component of The Ontario Plan, as State Housing Element law (as prescribed in Government Code Sections 65580 through 65589.8) requires that development projects must be consistent with the Housing Element, if upon consideration of all its aspects, it is found to further the purposes, principals, goals, and policies of the Housing Element; and

WHEREAS, City of Ontario Development Code Division 2.03 (Public Hearings) prescribes the manner in which public notification shall be provided and hearing procedures to be followed, and all such notifications and procedures have been completed; and

WHEREAS, on December 17, 2019, the City Council of the City of Ontario conducted a hearing to consider the Application 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. Environmental Determination and Findings. The proposed amendments are statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15282(h) of the CEQA Guidelines (the adoption of an ordinance regarding second units in a single-family or multifamily residential zone by a city or county to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code as set forth in Section 21080.17 of the Public Resources Code).

SECTION 2. Municipal Code Amendments.

- (A) Table 5.02-1 (Land Use Table) of the Ontario Development Code is amended as set forth in Attachment "A" to this Ordinance, which is incorporated herein by this reference as though set forth in full.
- (B) Ontario Development Code Section 5.03.010 is hereby amended as stated in Attachment "B" to this Ordinance, which is incorporated herein by this reference as though set forth in full.

SECTION 3. Concluding Facts and Reasons. Based on the substantial evidence presented to the City Council during the above-referenced hearing, and the specific findings set forth in the Recitals, and Sections 1 and 2, above, the City Council hereby concludes as follows:

(a) The proposed Amendment to the City of Ontario Municipal Code is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan. Staff has thoroughly reviewed the proposed Municipal Code Amendment and the conditions under which it will be implemented, and has determined the proposed Municipal Code provisions to be consistent with the applicable goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.

(b) The proposed Amendment to the City of Ontario Municipal Code would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.

SECTION 4. City Council Action. Based upon the findings and conclusions set forth in the Recitals and Sections 1 through 3, above, the City Council finds and determines pursuant to California Government Code Section 65858 that adoption of this ordinance is necessary for the immediate preservation of the public health, safety, and welfare, and to prohibit uses in conflict with zoning regulations pertaining to ADUs currently being studied and contemplated by the City.

SECTION 5. Custodian of Records. 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 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 6. Severability. If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The People of the City of Ontario hereby declare that they would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 7. Effective Date. This Urgency Ordinance shall become effective immediately following its adoption and shall expire forty-five (45) days following its adoption unless otherwise extended in compliance with California Government Code Section 65858.

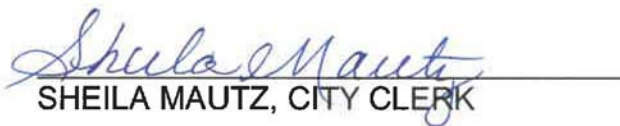
SECTION 8. Publication and Posting. The City Clerk shall certify as to the adoption of this Ordinance and shall cause a copy thereof to be published within fifteen (15) days of the adoption and shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this 17th day of December 2019.



PAUL S. LEON, MAYOR

ATTEST:



SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:



COLE HUBER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Urgency Ordinance No. 3150 was duly introduced and adopted at the regular meeting of the City Council of the City of Ontario held on the 17th day of December 2019, by the following roll call vote, to wit:

AYES:	MAYOR/COUNCIL MEMBERS:	LEON, VALENCIA, WAPNER, BOWMAN AND DORST-PORADA
NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	NONE


SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Urgency Ordinance No. 3150 duly passed and adopted by the Ontario City Council at their regular meeting held December 17, 2019 and the entire Ordinance was published on December 24, 2019 in the Inland Valley Daily Bulletin newspaper.


SHEILA MAUTZ, CITY CLERK

(SEAL)

ATTACHMENT A:

Proposed Revisions to Development Code Table 5.02-1 (Land Use Matrix)

ATTACHMENT B:

Proposed Revisions to Development Code Section 5.03.010 (Residential Accessory Structures

(Document follows this page)

**ATTACHMENT B:
Proposed Revisions to Section 5.03.010 (Residential Accessory Structures)**

5.03.010: Accessory Residential Structures

This Section shall govern the development and use of structures that are accessory to ~~single-family~~ **primary** dwellings, and are attached to, or detached from, the ~~main~~ **primary** dwelling, such as accessory dwelling units, carports, garages, garden and tool sheds, guesthouses, and other similar ancillary structures.

A. Accessory Dwelling Units.

1. Purpose. The purpose of this Subsection A is to establish standards for the construction and use of Accessory Dwelling Units in conjunction with existing ~~single-family~~ **primary** dwellings located within single-family, ~~or~~ multiple-family, ~~or mixed-use~~ zoning districts. These standards have been established in compliance with GC 65852.2, which governs Accessory Dwelling Units.

2. Applicability. In compliance with the provisions of State Accessory Dwelling Unit law, the provisions of this Subsection A shall govern the establishment and use of Accessory Dwelling Units within the City of Ontario. An Accessory Dwelling Unit is either **[i]** an independent dwelling attached to an existing ~~single-family~~ **primary** dwelling, **[ii]** a dwelling attached to the primary ~~single-family~~ dwelling, and shares living space; or **[iii]** an independent unit that is detached from the primary ~~single-family~~ dwelling.

3. Definitions. As used in this Subsection A, the words or phrases listed below shall have the meanings thereafter specified:

a. *Accessory Dwelling Unit (ADU).* An attached or detached dwelling unit with complete independent living facilities for one or more persons, and includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot in which an existing ~~principal single-family~~ **primary** dwelling is situated. An ADU also includes Efficiency Dwelling Units, and Manufactured Homes as defined by Health and Safety Code Section 18007. The Classifications of ADU are as follows:

(1) Standard ADU. An ADU that is an independent unit attached to the ~~principal existing single-family~~ **existing primary** dwelling, or an independent unit that is detached from the ~~principal single-family~~ **existing primary** dwelling. A Standard ADU shall comply with the requirements of Paragraph A.5 of this Section.

(2) Integrated ADU. An ADU that **[i]** is on a lot zoned for ~~single-family~~ residential uses, which contains at ~~least one~~ **legally established single-family** dwelling unit; **[ii]** is contained within, and shares living area with, the ~~principal~~ **existing primary** dwelling or ~~legally established~~ accessory structure; **[iii]** has independent exterior access from the primary ~~residence~~ **dwelling**; and **[iv]** has side and rear setbacks sufficient for fire safety.

b. *Efficiency Dwelling Unit (EDU).* As provided in HSC Section 17958.1, an ADU having a minimum living area of 150 SF, which is for occupancy by no more than two persons. Furthermore, an EDU shall contain a separate bathroom and an area containing an efficiency kitchen, which, at a minimum, includes a sink, cooking appliance, refrigeration facility, and a food preparation counter and storage cabinets that are of reasonable size in relation to

the size of the EDU.

4. Policy Plan (General Plan) and Zoning Consistency. An ADU that conforms to this Subsection A shall:

- a. Be deemed an accessory residential use or an accessory residential building;
- b. Be deemed a single-family residential land use that is consistent with the existing Policy Plan Land Use Plan and zoning designations for the lot on which the ADU is located;
- c. Not be considered to exceed the allowable density for the lot on which the ADU is located; and
- d. Not be considered in the application of any ordinance, policy, or program to limit residential growth.

5. Development Standards for Standard ADUs. Standard ADUs shall comply with the following development standards:

- a. A Standard ADU shall only be allowed in conjunction with an existing single-family primary dwelling located within a single-family or multiple-family any zoning district allowing for residential uses pursuant to Table 5.02-1 (Land Use Matrix) of this Chapter. ~~The Standard ADU may continue as a living space only if one dwelling on the lot is owner occupied.~~
- b. A Standard ADU that is attached to the principal residential structure shall comply with the development standards applicable to the primary dwelling (refer to Section 6.01.010 (Residential Zoning Districts) of this Development Code), except as otherwise provided by this Section.
- c. A Standard ADU that is attached to the principal residential structure shall contain no more than 50 percent of the gross floor area of the principal single-family existing primary dwelling, ~~not to exceed 850 SF.~~
- d. A Standard ADU that is detached from the principal residential structure shall comply with the development standards contained in Table 5.03-1 (Development Standards for Detached Accessory Dwelling Units), below:

Table 5.03-1: Development Standards for Detached Accessory Dwelling Units

Requirements	Residential Zoning Districts				Additional Regulations
	AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	
A. Maximum Height					
1. Conditional Use Permit Required	35 FT				Note 1
2. Permitted by Right	14 16 FT				
B. Maximum Area	850 SF for studio/one-bedroom units 1,000 SF for 2 or more-bedroom units				
C. Minimum Setbacks					

Table 5.03-1: Development Standards for Detached Accessory Dwelling Units

Requirements	Residential Zoning Districts				Additional Regulations
	AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	
1. From Street Side Property Line	10 FT				Notes 2 and 3
2. From Interior Side Property Line	10 4 FT	5 4 FT			Notes 2 and 3
3. From Rear Property Line					
SF a. Width of Structure ≤25	5 4 FT				Note 2
SF b. Width of Structure >25	10 4 FT				Notes 2 and 3
4. Minimum Separation Between Structures	6 FT				Note 4
5. Minimum Separation from Major Pipelines	50 FT				Note 5
D. Off-Street Parking	<p>[1] Comply with the minimum off-street parking requirements for ADUs contained in Table 6.03-1 (Off-Street Parking Requirements) of this Development Code.</p> <p>[2] Required parking spaces for ADUs may be provided as tandem parking on an existing driveway pursuant to the requirements for ADUs in Section 6.03.025 (Tandem Parking) of this Development Code, and may be permitted within setback areas, unless it is determined by the Planning Director to not be feasible based upon specific site, fire, and life safety conditions.</p>				Notes 6 and 7

Notes:

- Detached Accessory Residential Structures in excess of ~~14~~ 16 FT in height shall require Conditional Use Permit (or Certificate of Appropriateness for structures on the Ontario Register of Historic Places) approval.
- No additional setback is required for an existing garage or other accessory structure, or existing space above an existing garage or other accessory structure, that is converted to an ADU.
- New floor area constructed above an existing garage or other accessory structure shall not be required a side and/or rear property line setback of more than ~~5~~ 4 FT.
- For child play structures, doghouses, and other similar accessory structures, there shall be no minimum required setback or separation between buildings/structures, provided:
 - The accessory structure is located within a side or rear yard area;
 - The accessory structure does not exceed 5 FT in length and/or width, and 6 FT in height; and
 - The accessory structure is screened from view of public or private streets.
- Includes major high-pressure pipelines for fuel oil, gasoline, and diesel and aviation fuels within the City. Existing pipelines include:
 - Two parallel pipelines (a 16-inch and a 20-inch) that enter the City at Benson Avenue, traveling parallel to the northerly side of the Southern Pacific right-of-way to Ontario International Airport, then parallel to the southerly side of the Southern Pacific right-of-way, then parallel to the northerly side of the right-of-way beyond Ontario International Airport, then exiting the City at Etiwanda Avenue; and
 - Two parallel pipelines that traverse the easterly portion of the City, entering the City at the southerly portion of Milliken Avenue, then traveling north under Milliken Avenue to Inland Empire Boulevard, then east to Rochester Avenue, then north to the City Limits.
- No off-street parking is required in any of the following situations:

- a. The ADU is located within one-half mile of City and/or local transit authority-approved public transit as defined in GC 65852.2;
 - b. The ADU is located within an historic district or architectural conservation area established pursuant to Section 4.02.040 (Historic Preservation—Local Historic Landmark and Local Historic District Designations, Historic Resource Tiering, and Architectural Conservation Areas) of this Development Code;
 - c. The ADU is built within the existing primary single-family dwelling or an existing accessory structure;
 - d. An on-street parking permit is required, but is not offered to the occupant of the ADU; or
 - e. A City-approved car share vehicle is stationed within one block of the ADU.
7. When off-street parking required for an existing primary dwelling pursuant to this Development Code, which is uncovered or is located in a garage, carport, or covered parking structure, is demolished or otherwise eliminated in conjunction with the construction of an ADU, the required off-street parking spaces must be replaced on the property replacement parking is not required. The replacement parking spaces may be located in any configuration on the same lot, including, but not limited to, covered spaces, uncovered spaces, tandem spaces, or by use of mechanical automobile parking lifts. However, if no additional parking is required for the ADU, then the replacement parking spaces must be replaced as required by this Development Code.

~~e. A Standard ADU shall not be sold separate from the principal residential dwelling, and may not be leased or rented for a term of less than 30 days.~~ A Standard ADU is not intended for sale separate from the primary dwelling; however, the Standard ADU may be leased or rented for a term of no less than 30 days. The short-term rental (less than 30 days) of a Standard ADU is prohibited.

f. A Standard ADU is not required to provide fire sprinklers if they are not required for the primary single-family dwelling.

g. A Standard ADU may be metered separately from the primary dwelling for gas, electricity, and water services. A sewer connection separate from the primary dwelling may also be provided.

h. If an entrance to a Standard ADU is provided separate from the primary dwelling, the entrance shall not be on the same street exterior elevation as the main dwelling.

i. No passageway (a pathway that is unobstructed clear to the sky and extends from a street to an entrance of an accessory dwelling unit) shall be required in conjunction with the construction of a Standard ADU.

j. A Standard ADU shall comply with the requirements of OMC Title 8 (Building Regulations).

~~k. Prior to issuance of a building permit, the owner must record a restrictive covenant pursuant to Paragraph 7 (Restrictive Covenant) of this Subsection A.~~

l. A lot developed with a Standard ADU shall maintain a useable rear yard that is equal to a minimum of 10 percent of the net lot area. In addition, a traditional single-family dwelling shall maintain a useable rear yard having minimum dimension of 20 FT in any direction, and a small lot single-family dwelling shall maintain a useable rear yard having a minimum dimension of 10 FT in any direction. Notwithstanding the aforementioned requirements, the City shall not prohibit a Standard ADU that does not exceed 800 SF in area and 16 FT high, and maintains a side and rear yard setback of no less than 4 FT.

6. Development Standards for Integrated ADUs. Integrated ADUs shall comply with the following development standards:

a. An Integrated ADU shall be permitted only in conjunction with an existing ~~single-family~~ primary dwelling located within a residential ~~or mixed-use~~ zoning district. ~~The use of the Integrated ADU as an independent living space may continue only if one dwelling on the lot is owner occupied.~~

b. Not more than one Integrated ADU is allowed on a lot, ~~and an Integrated ADU shall not be constructed if an ADU or guesthouse already exists on the lot~~; however, this provision does not preclude the conversion of ~~one~~ an existing garage or other accessory residential structure to ~~another~~ a Standard ADU.

c. An Integrated ADU shall contain no more than 50 percent of the gross floor area of the ~~principal~~ primary ~~single-family~~ dwelling, ~~not to exceed 850 SF.~~

d. An Integrated ADU shall comply with the setback requirements applicable to the principal dwelling or legally established accessory structure in which it is integrated, as prescribed by this Section.

e. An Integrated ADU is not intended for sale separate from the primary ~~single-family residence, but~~ dwelling; however, the Integrated ADU may be leased or rented for a term of no less than 30 days. ~~The short-term rental (less than 30 days) of an Integrated ADU is prohibited.~~

f. An Integrated ADU is not required to provide fire sprinklers if they are not required for the primary ~~single-family~~ dwelling.

g. No passageway (a pathway that is unobstructed clear to the sky and extends from a street to an entrance of an ADU) shall be required in conjunction with the construction of an Integrated ADU.

h. An Integrated ADU shall comply with the requirements of OMC Title 8 (Building Regulations).

~~i. Prior to issuance of a building permit, the owner must record a restrictive covenant pursuant to Paragraph 7 (Restrictive Covenant) of this Subsection A.~~

~~7. Restrictive Covenant. Prior to the issuance of a building permit for an ADU, a restrictive covenant running with the land, which is binding on the property owner and their successors in interest, shall be recorded with the office of the San Bernardino County Recorder, which specifies that the use of the ADU as an independent living space may continue only if one dwelling on the lot is occupied by the property owner, and a prohibition on the separate sale of the ADU. Furthermore, restrictions may be included that are intended to ensure on-going compliance with the provisions of this Subsection B.~~

B. Accessory Residential Structures.

1. Purpose. The purpose of this Subsection B is to establish standards for the construction and use of Accessory Residential Structures (other than Accessory Dwelling Units allowed pursuant to Subsection A of this Section) in conjunction with existing single-family dwellings located within single-family or multiple-family zoning districts. (*Note: The construction and use of Accessory Residential Structures in conjunction with existing multiple-family dwellings shall be subject to the development standards applicable to the principal multiple-family dwellings.*)

2. Applicability. For purposes of this Subsection B, the herein established development standards shall apply to Accessory Residential Structures such as garages, carports, guesthouses, storage sheds, pool houses, recreation rooms, etc., which are incidental or subordinate to the principal single-family dwelling or use.

3. Definitions. As used in this Section, the words or phrases listed below shall have the meanings thereafter specified:

a. Accessory Residential Structure. A structure that is incidental or subordinate to the principal residential dwelling on the same site, or the use of which is incidental or subordinate to the use of the principal residential dwelling of the site.

b. Attached Accessory Residential Structure. An Accessory Residential Structure that is joined to the principal residential dwelling by means of a shared common wall, or is joined by a roof that extends the full width of the smaller of two connecting structures, creating a covered breezeway. An Attached Accessory Residential Structure is deemed to be attached to, and a part of, the principal residential dwelling.

c. Breezeway. A fully roofed, open passage that connects two buildings, such as a house and garage.

4. General Requirements. Accessory detached residential structures, and shall be developed pursuant to the following standards:

a. Accessory Residential Structures shall only be allowed on a lot containing a single-family dwelling, and may be attached to the principal single-family dwelling, or may be an independent structure that is detached from the principal single-family dwelling.

b. An Accessory Residential Structure that is attached to the principal single-family dwelling shall be subject to the development standards applicable to the principal single-family dwelling (refer to Section 6.01.010 (Residential Zoning Districts) of this Development Code).

c. An Accessory Residential Structure that is detached from the principal residential structure shall comply with the development standards contained in Table 5.03-2 (Development Standards for Accessory Residential Structures), below:

Table 5.03-2: Development Standards for Detached Accessory Residential Structures

Requirements	Residential Zoning Districts				Additional Regulations
	AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	
A. Maximum Height					
1. Conditional Use Permit Required	35 FT				Note 1
2. Permitted by Right	14 FT				
B. Maximum Area					
1. Conditional Use Permit Required	As deemed appropriate by the Approving Authority				Note 2
2. Permitted by Right	650 SF/1,050 SF				Note 2
3. Guesthouses	650 SF				

Table 5.03-2: Development Standards for Detached Accessory Residential Structures

Requirements	Residential Zoning Districts				Additional Regulations
	AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	
C. Minimum Setbacks					
1. From Street Side Property Line	10 FT				Notes 3 and 4
2. From Interior Side Property Line	10 FT	0 FT/5 FT			Notes 3 and 5
3. From Rear Property Line					
a. Width of Structure \leq 25 FT	5 FT				Note 3
b. Width of Structure >25 FT	10 FT				Note 3
4. From Alley Property Line (alley-facing garages only)	6 FT				Note 6
D. Minimum Separation Between Structures	6 FT				Note 3
E. Minimum Separation from Major Pipelines	50 FT				Note 7

Notes:

1. Detached Accessory Residential Structures in excess of 14 FT in height shall require Conditional Use Permit (or Certificate of Appropriateness for structures on the Ontario Register of Historic Places) approval.
2. 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 Table 6.03-1 (Off-Street Parking Requirements) of this Development Code.
3. 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.
4. Garages with vehicle doors facing a public street shall be setback a minimum of 20 FT behind the street property line (minimum 18 FT behind the street property line if an overhead rollup garage door is provided).
5. Within the RE-4, LDR-5, MDR-11, MDR-18, MDR-25, and HDR-45 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.
6. 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.
7. Includes major high-pressure pipelines for fuel oil, gasoline, and diesel and aviation fuels within the City. Existing pipelines include:
 - a. Two parallel pipelines (a 16-inch and a 20-inch) that enter the City at Benson Avenue, traveling parallel to the northerly side of the Southern Pacific right-of-way to Ontario International Airport, then parallel to the southerly side of the Southern Pacific right-of-way, then parallel to the northerly side of the right-of-way beyond Ontario International Airport, then exiting the City at Etiwanda Avenue; and
 - b. Two parallel pipelines that traverse the easterly portion of the City, entering the City at the southerly portion of Milliken Avenue, then traveling north under Milliken Avenue to Inland Empire Boulevard, then east to Rochester Avenue, then north to the City Limits.

d. An Accessory Residential Structure that is detached from the principal single-family dwelling shall be located on the rear one-half of the lot on which it is constructed.

e. The sum total of the area of all Accessory Residential Structures on a lot, excepting ADUs conforming to Subsection A (Accessory Dwelling Units) of this Section, shall be equal to no more than 50 percent of the gross floor area of the principal single-family dwelling.

f. An Accessory Residential Structure shall not contain a kitchen or cooking facilities (excluding outdoor kitchens and cooking facilities).

g. The size, footprint, height, bulk, and scale of an Accessory Residential Structure shall be compatible with the principal single-family dwelling, and other Accessory Residential Structures in the surrounding neighborhood.

h. The area of an Accessory Residential Structure shall be the minimum necessary to house, shelter, or secure the use proposed within the structure; however, in no case shall the total gross floor area of all Accessory Detached Residential Structures on a lot exceed the area contained in the main dwelling, excepting those accessory structures used for animal keeping purposes. In calculating the area of all Accessory Residential 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).

i. Accessory Residential Structures shall match the principal single-family 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 Detached Residential 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 Residential Structures intended solely for animal keeping purposes may also be used for the storage of vehicles, machinery, and equipment used in animal keeping.

j. Accessory Residential Structures shall not be located within front yards, street side yards of corner lots, or in front of the main dwelling.

k. An Accessory Residential Structure containing mechanical or other fixed equipment capable of creating a noise that is audible beyond the property line shall be placed a minimum of 5 FT from an interior side or rear property line.

l. An Accessory Residential Structure shall only be placed within the interior side or rear yard area of a lot.

m. A lot developed with an Accessory Residential Structure shall maintain a useable rear yard that is equal to a minimum of 10 percent of the net lot area. In addition, a traditional single-family dwelling shall maintain a useable rear yard having minimum dimension of 20 FT in any direction, and a small lot single-family dwelling shall maintain a useable rear yard having a minimum dimension of 10 FT in any direction.

n. On a reversed corner lot, an Accessory Residential Structure shall comply with the following:

(1) The Accessory Residential Structure located within the rear yard area shall not project beyond the minimum required front yard setback of the adjoining key lot, and shall be located no closer than 5 FT from the side property line of the key lot (rear property line of the reverse corner lot); and

(2) The Accessory Structure shall be no closer to the rear property line than the minimum required side yard setback on the adjoining key lot.

5. Guesthouses. In addition to the standards applicable to Other Accessory Residential Structures contained in Subsection B of this Section, guesthouses shall comply with the following additional standards:

a. Not more than one Guesthouse shall be permitted per lot containing a principal single-family dwelling, and a Guesthouse shall not be constructed if an Accessory Dwelling Unit exists on the lot.

b. A Guesthouse 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.

6. Carports. No Carport shall be allowed within a front or street side yard setback area. Carports shall not be permitted in lieu of a garage required pursuant to the provisions of Table 6.03-1 (Off-Street Parking Requirements) of this Development Code, unless otherwise permitted by this Section.

7. Restrictive Covenant. Prior to the issuance of a building permit for an Accessory Residential Structures, the Planning Director may require that a restrictive covenant running with the land, which is binding on the property owner and their successors in interest, be recorded with the office of the San Bernardino County Recorder, which specifies that the Accessory Residential Structure shall not be used as an independent dwelling unit. Furthermore, restrictions may be included that are intended to ensure on-going compliance with the provisions of this Subsection B.