

ORDINANCE NO. 3267

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA23-003, A DEVELOPMENT CODE AMENDMENT REVISING AND CLARIFYING CERTAIN PROVISIONS OF CHAPTERS 2.0 (ADMINISTRATION AND PROCEDURES), 3.0 (NONCONFORMING LOTS, LAND USES, STRUCTURES, AND SIGNS), 4.0 (PERMITS, ACTIONS, AND DECISIONS), 5.0 (ZONING AND LAND USE), 6.0 (DEVELOPMENT AND SUBDIVISION REGULATIONS), AND 8.0 (SIGN REGULATIONS) OF THE CITY OF ONTARIO DEVELOPMENT CODE, AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, THE CITY OF ONTARIO ("Applicant") has initiated an Application for the approval of a Development Code Amendment, File No. PDCA23-003, as described title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the City of Ontario Development Code (Ontario Municipal Code Title 9) provides the legislative framework for the implementation of The Ontario Plan, which establishes long term principals, goals, and policies for guiding the growth and development of the City in a manner that achieves Ontario's vision, and promotes and protects the public health, safety, comfort, convenience, prosperity, and welfare of its citizens; and

WHEREAS, the Development Code Amendment is of citywide impact, affecting approximately 50 square miles (31,789 acres) of land, which is generally bordered by Benson Avenue and Euclid Avenue on the west; Interstate 10 Freeway, Eighth Street, and Fourth Street on the north; Etiwanda Avenue and Hamner Avenue on the east; and Merrill Avenue and the San Bernardino County/Riverside County boundary on the south; and

WHEREAS, certain clarifications and revisions to the City of Ontario Development Code are proposed, generally described as follows:

(1) Revise Specific Plan and Amendment requirements to include the following:

(a) Revise Division 2.02 (Application Filing and Processing), Table 2.02-1 (Review Matrix); A. Legislative Actions, Item No. 6 (Specific Plans and Amendments) and B. Discretionary Permits and Actions, Item No. 12. (Specific Plan Minor Adjustments/Alterations) to add Note No. 12.

(b) Add Note No. 12 to include " *Unless otherwise specified in a respective Specific Plan, a Specific Plan Amendment or Specific Plan Minor Adjustment/Minor Alterations application shall be filed, processed, and acted upon pursuant to Division 2.02 (Application Filing and Processing), and Division 4.01 (Legislative Actions) or Division 4.02 (Discretionary Permits and Actions).*"

(c) Revise Division 4.01 (Legislative Actions), Section 4.01.035 (Specific Plans and Amendments) to add text clarifying "Unless otherwise specified in a respective Specific Plan". (Development Code Section 4.01.035.C).

(d) Revise Division 4.02 (Discretionary Permits and Actions), Section 4.02.080 (Specific Plan Minor Amendments/Alterations) to add text clarifying "Unless otherwise specified in a respective Specific Plan". (Development Code Section 4.02.080.C).

(2) Revise Wireless Telecommunications Facility requirements for Tier 3 facilities to include the following:

(a) Revise Division 2.02 (Application Filing and Processing), Table 2.02-1 (Review Matrix), B. Discretionary Permits and Actions to change the approval process for Tier 3 wireless telecommunications facilities. This will revise the approving authority to the Development Advisory Board and the Planning Commission as Appeal Authority; delete Note 1 requiring a public hearing and adding Note 2 allowing the approving authority to refer any application to the appeal authority.

(b) Revise Table 2.03-1 (Notification Matrix), B. Discretionary Permits and Actions to delete Note No. 1 for public hearing notification and first-class mail requirement.

(c) Revise Division 5.03 (Supplemental Land Use Regulations), Section 5.03.420 (Wireless Telecommunications Facilities) to delete public hearing notification requirements for Tier 3 facilities. (Development Code Section 5.03.420.A.3.).

(3) Revise Division 2.02 (Application Filing and Processing), Table 2.02-1 (Review Matrix) to shift "Interpretations and Land Use Determinations (Ref: ODC Section 1.02.010)" from B. Discretionary Permits and Actions to C. Ministerial (Administrative) Permits and Decisions.

(4) Revise Division 3.01 (Nonconforming Lots, Land Uses, and Structures), Section 3.01.020 to amend requirements for the conversion of a nonconforming residential structure within Industrial Zoning Districts so that the use of the structure is subject to Planning Director review and approval, and any project conditions or covenants recorded on the property shall prohibit the structure from being converted back to a residential land use. (Development Code Section 3.01.020.G).

(5) Revise Division 4.03 (Ministerial (Administrative) Permits and Decisions), Section 4.03.050 (Administrative Exceptions) to delete reference to "or parking requirements" in the listing of exclusions from the Administrative Exceptions (Development Code Section 4.03.050B.b.).

(6) Revise Division 5.02. (General Land Provisions), Section 5.02.010 (Allowed Land Uses, Activities and Facilities), Table 5.02-1 (Land Use Matrix) to add Senior Citizen Housing Developments as a Conditionally Permitted land use in the CN zoning district. Revise Division 5.03 (Supplemental Land Use Regulations), Section 5.03.360 (Senior

Citizen Housing Developments) revising Base Density standards to include the MU-6 zoning district at a base density of 25 dwelling units per acre (Development Code Section 5.03.360.D), and revise Density Bonus standards to include the MU-6 zoning district density bonus of 20%. (Development Code Section 5.03.360.E).

(7) Revise Hookah Establishments and Facility requirements to include:

(a) Revise Division 5.02 (General Land Use Provisions), Table 5.02-1 (Land Use Matrix) to include the notation that the "Use shall be prohibited on the ground/first floor of buildings located along the Euclid Avenue Protection Corridor.

(b) Revise Division 5.03 (Supplemental Land Use Regulations), Section 5.03.245 (Hookah Establishments, Smoking/Vaping Lounges, and Smoking/Vaping Retailers) to include smoking cigars and establishing cigar bars within Hookah Establishments (Development Code Section 5.03.245.C.2) and excluding cigars and cigar bars from Smoking/Vaping Lounges (Development Code Section 5.03.245.C.4).

(8) Revise Figure 5.01-1: MU-1 (Downtown Mixed-Use) Zoning District Land Use Areas Map and Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map to be consistent with TOP 2050, PGPA23-001 and PZC23-003.

(9) Revise Division 5.02 (General Land Provisions), Table 5.02-1 (Land Use Matrix) to add Solar and Wind Electric Power Generation as a permitted land use in the IH (Heavy Industrial) zoning district. Revise Section 5.03.160 (Electric Power Generation, Solar and Wind) to identify that stand alone facilities are allowed in the CIV (Civic), IH (Heavy Industrial), and UC (Utility Corridor) zoning districts, not the OS-U zoning district as identified. (Development Code Section 5.03.160).

(10) Revise Division 5.03 (Supplemental Land Use Regulations) to include:

(a) Section 5.03.010 (Accessory Dwelling Units) to delete Section 5.03.010.D.2.a & b requiring an ADU Permit, and Section 5.03.010.D.3.a relating to Process and Timing. (Development Code Section 5.03.010.D).

(b) Section 5.03.390 (Tattooing, Body Piercing, Branding, and the Application of Permanent Cosmetics) establishing a 0.25-mile proximity requirement for body art service businesses located within the MU-1 (Downtown Mixed Use) zoning district. (Development Code Section 5.03.390.D).

(c) Section 5.03.395 (Temporary and Interim Land Uses, Buildings, and Structures) to update requirements for Retail Sales Events and Other Similar Business Events and for Charitable and Fund Raising Events. (Development Code Section 5.03.395.G.1.b and G.6.a).

(d) Section 5.03.403 (Single-Family Two-Unit Projects) to delete a prior editing reference and update the standard. (Development Code Section 5.03.403.E.6.e).

(11) Revise Division 6.01 (District Standards and Guidelines), Section 6.01.010 (Residential Zoning Districts) revising residential drive approach standards for lots developed with single-family dwellings. (Development Code Section 6.01.010.F.7.a.2.a) and referencing the landscaping hardscape standards (Development Code 6.01.010.F.6).

(12) Revise Division 6.05 (Landscaping) to amend the listed sections to include "Heritage Tree Preservation Mitigation Fee" and "Heritage Tree Preservation Trust Fund". (Development Code Division 6.05).

(13) Revise Division 8.01 (Sign Regulations), Table 8.01-1 (Sign Regulation Matrix), A. All Zoning Districts, 1. Temporary Signs adding line item f. Large Public Notification Signs for large public notification sign regulations.

WHEREAS, pursuant to the provisions of Government Code Title 1, Division 1, Chapter 3 (commencing with Government Code Section 65100) Ontario Development Code Table 2.02-1 (Review Matrix) assigns the City Council the responsibility and authority to review act on the Development Code Amendment following review and recommendation on the matter by the Planning Commission; 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 November 28, 2023, the Planning Commission of the City of Ontario conducted a hearing to consider the Development Code Amendment and concluded said hearing on that date, voting to issue Resolution No. PC23-100, recommending the City Council approve the Development Code Amendment; and

WHEREAS, on December 19, 2023, the City Council of the City of Ontario conducted a public hearing on the Development Code Amendment 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 RESOLVED by the City Council of the City of Ontario, as follows:

**SECTION 1. *Environmental Determination and Findings.*** As the decision-making body for the Development Code Amendment, the City Council has reviewed and considered the information contained in the administrative record for the Development Code Amendment. 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:

(1) The administrative record has been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and

(2) The Development Code Amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) and the guidelines promulgated thereunder, pursuant to Section 15061(b)(3) of the CEQA Guidelines, in that the activity is covered by the "common sense exemption" (also known as the "general rule exemption") 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; and

(3) The determination that the Development Code Amendment is not subject to CEQA reflects the independent judgment of the City Council.

**SECTION 2. *Housing Element Compliance.*** Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the decision-making body for the Development Code Amendment, the City Council finds that based on the facts and information contained in the Application and supporting documentation, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan.

**SECTION 3. *Airport Land Use Compatibility Plan ("ALUCP") Compliance.*** The California State Aeronautics Act (Public Utilities Code Section 21670, et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan.

(1) On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan, establishing the Airport Influence Area for Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the decision-making body for the Development Code Amendment, the City Council has reviewed and considered the facts and information contained in the Application and supporting documentation against the ONT ALUCP compatibility factors, including [1] Safety Criteria (ONT ALUCP Table 2-2) and Safety Zones (ONT ALUCP Map 2-2), [2] Noise Criteria (ONT ALUCP Table 2-3) and Noise Impact Zones (ONT ALUCP Map 2-3), [3] Airspace protection Zones (ONT ALUCP Map 2-4), and [4] Overflight Notification Zones (ONT ALUCP Map 2-5). As a result, the City Council, therefore, finds and determines that the Project is consistent with the policies and criteria set forth within the ONT ALUCP; and

(2) On August 2, 2022, the City Council of the City of Ontario approved and adopted a Development Code Amendment to establish the Chino Airport ("CNO") Overlay Zoning District ("OZD") and Reference I, Chino Airport Land Use Compatibility Plan ("CNO ALUCP"). The CNO OZD and CNO ALUCP established the Airport Influence Area for Chino Airport, solely within the City of Ontario, and limits future land uses and development within the Airport Influence Area, as they relate to safety, airspace

protection, and overflight impacts of current and future airport activity. The CNO ALUCP is consistent with policies and criteria set forth within the Caltrans 2011 California Airport Land Use Planning Handbook. The proposed Project is located within the Airport Influence Area of Chino Airport and was evaluated and found to be consistent with the California Airport Land Use Planning Handbook and the CNO ALUCP. As the decision-making body for the Development Code Amendment, the City Council has reviewed and considered the facts and information contained in the Application and supporting documentation against the CNO ALUCP compatibility factors, including Safety, Airspace Protection, Overflight. As a result, the City Council, therefore, finds and determines that the Project is consistent with the policies and criteria set forth within the California Airport Land Use Planning Handbook and the CNO ALUCP.

**SECTION 4. *Concluding Facts and Reasons.*** Based upon the substantial evidence presented to the City Council during the above-referenced hearing, and upon the specific findings set forth in Sections 1 through 3, above, the City Council hereby concludes as follows:

(1) The proposed Development Code Amendment is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Goals components of The Ontario Plan ("TOP"). The Development Code Amendment will: (a) serve to promote a community that is consistently seeking—and thoughtfully applying—new ways of doing things better, as encouraged by TOP's Vision; (b) provides for a variety of land uses and building types in our land use planning efforts that result in a complete community where residents at all stages of life, have a wide spectrum of choices of where they can live and recreate, as promoted by Land Use Element Policy LU-1.6, Complete Community; and (c) promotes the City Council Goals through the establishment of Development Code provisions that encourages investment in the growth and evolution of the City's economy and focuses City resources in commercial and residential neighborhoods.

(2) The proposed Development Code Amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City. The Development Code Amendment incorporates safeguards intended to ensure that the purposes of the Development Code are preserved; the project will not be contrary to or damage the public health, safety, convenience, or general welfare; the project will not result in any significant environmental impacts; and the project will be in full conformity with the Vision, City Council Priorities, and Policy Plan components of The Ontario Plan.

**SECTION 5. *City Council Action.*** Based upon the findings and conclusions set forth in Sections 1 through 4, above, the City Council hereby APPROVES the herein described changes that comprise the Development Code Amendment, and which are attached hereto as "Attachment A," and incorporated herein by this reference.

**SECTION 6. *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 7. 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 8. Effective Date.** This Ordinance shall become effective 30 days following its adoption.

**SECTION 9. Publication and Posting.** 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 15 days following 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.

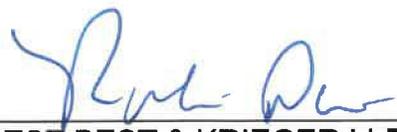
PASSED, APPROVED, AND ADOPTED this 16<sup>th</sup> day of January 2024.

  
\_\_\_\_\_  
PAUL S. LEON, MAYOR

ATTEST:

  
\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
BEST BEST & KRIEGER LLP  
CITY ATTORNEY



**ATTACHMENT A:**

**File No. PDCA23-003  
2023 Development Code Amendment No. 2**

*(Document to follow this page)*

**File No. PDCA23-003**  
**2023 Development Code Amendment No. 2**

**Chapter 2.0:**  
**Administration and Procedures**

---

- [Division 2.01](#)—Planning Agency
- [Division 2.02](#)—Application Filing and Processing
- [Division 2.03](#)—Public Hearings
- [Division 2.04](#)—Appeals
- [Division 2.05](#)—City Initiated Modification or Revocation
- [Division 2.06](#)—Performance Guarantees

**Table 2.02-1: Review Matrix**

<b>Applications, Actions, Decisions and Processes</b>	<b>Reviewing Authorities [4]</b>									
	Planning Director	City Engineer	Building Official	Zoning Administrator [2]	Development Advisory Board	Historic Preservation Subcommittee [2] [11]	Historic Preservation Commission [11]	Planning Commission [11]	City Council [11]	Ontario International Airport Authority
<b>b.</b> Commercial developments, and developments in the CIV, OS-R, OS-C and UC zoning districts, greater than 500 SF in area					X			A	A	
<b>c.</b> Industrial developments equal to or less than 0.45 FAR					X			A	A	
<b>d.</b> Industrial developments exceeding 0.45 FAR					R			X	A	
<b>e.</b> Wireless telecommunications facilities pursuant to Section 5.03.415 (Wireless Telecommunications Facilities) of this Development Code										
<b>(1)</b> Tier 2 facilities					X			A	A	
<b>(2)</b> Tier 3 facilities <b>[+2]</b>					<del>R</del> X			<del>X</del> A	A	
<b>f.</b> All others					X			A	A	
<b>5.</b> Extensions of Legal Nonconforming Status <b>[1]</b> (Ref: ODC Section 4.02.030)				X				A	A	
<b>6.</b> Historic Preservation										
<b>a.</b> Certificates of Appropriateness (Ref: ODC Section 4.02.050)										
<b>(1)</b> Designated Historic Landmarks and Contributors, and Architectural Conservation Areas; and Demolition of an Historic Resource <b>[1]</b>						R	X		A	
<b>(2)</b> Deferral of Replacement Structure <b>[1]</b>						R	X		A	
<b>(3)</b> Eligible Historic Resources <b>[1]</b>						X	A		A	
<b>(4)</b> Modification or revocation per ODC Division 2.05 (City Initiated Modification or Revocation) <b>[1]</b>						R	X		A	
<b>(5)</b> Waivers for Minor Improvements	X					A[6]	A[6]			
<b>b.</b> Certificates of Economic Hardship <b>[1]</b> (Ref: ODC Section 4.02.055) <b>[1]</b>						R	X		A	
<b>c.</b> Certificates of Economic Hardship— Modification or revocation per ODC Division 2.05 (City Initiated Modification or Revocation) <b>[1]</b>						R	X		A	
<b>d.</b> Conservation Plans (Ref: ODC Section 4.02.060)						X	A		A	

Table 2.02-1: Review Matrix

Applications, Actions, Decisions and Processes	Reviewing Authorities [4]									
	Planning Director	City Engineer	Building Official	Zoning Administrator [2]	Development Advisory Board	Historic Preservation Subcommittee [2] [11]	Historic Preservation Commission [11]	Planning Commission [11]	City Council [11]	Ontario International Airport Authority
<b>e.</b> Historic Resource Tiering (Ref: ODC Section 4.02.040), including Rescinding or Amending Status (Ref: ODC Section 4.02.045)						X	A		A	
<b>f.</b> Local Historic Landmark and Local District Designations, and Architectural Conservation Areas (Ref: ODC Section 4.02.040), including Rescinding or Amending Status (Ref: ODC Section 4.02.045)						R	R		X	
<b>g.</b> Mills Act Contracts (Ref: ODC Section 4.02.065)						R	R		X	
<b>h.</b> Mills Act Cancellations [1] (Ref: ODC Section 4.02.065)						R	R		X	
<b>i.</b> Addition/Removal of Resources to/from the Ontario Register (Ref: ODC Section 4.02.045)										
<b>(1)</b> At the request of the property owner, or upon City initiation if the most recently prepared Historic Resource Survey evaluating the resource is more than 5 years old.						X	A		A	
<b>(2)</b> Loss of all historic and/or cultural significance due to a catastrophe causing a loss of integrity, or due to extensive legally performed alterations performed after the property was initially surveyed.	X						A		A	
<del>7.</del> Interpretations and Land Use Determinations (Ref: ODC Section 1.02.010)				X				A	A	
<del>8.7.</del> Master Plans and Amendments [1] (Ref: ODC Section 4.02.070)								R	X	
<del>9.8.</del> Minor Adjustments/Alterations (Ref: ODC Section 4.02.020.C)				X				A	A	
<del>10.9.</del> Nonconforming Structure Reconstruction [1] (Ref: ODC Section 3.01.020)								X	A	
<del>11.10.</del> Parking Reduction (Ref: ODC Section 6.03.025)								X	A	
<del>12.11.</del> Sign Programs (Ref: ODC Section 4.02.075)	X							A	A	
<del>13.12.</del> Specific Plan Minor Adjustments/Alterations [12] (Ref: ODC Section 4.02.080)	X							A	A	
<del>14.13.</del> Stays of Permit Approval Time Limit (Ref: ODC Section 2.02.025.A.8)				X[5]	X[5]	X[5]	X[5]	X[5]	X[5]	

Table 2.02-1: Review Matrix

Applications, Actions, Decisions and Processes	Reviewing Authorities [4]									
	Planning Director	City Engineer	Building Official	Zoning Administrator [2]	Development Advisory Board	Historic Preservation Subcommittee [2] [1]	Historic Preservation Commission [1]	Planning Commission [1]	City Council [1]	Ontario International Airport Authority
<del>15.14.</del> Subdivisions										
a. Lot Merger (Merger of Contiguous Parcels) [1] (Ref: ODC Section 4.02.085)					R			X	A	
b. Reversions to Acreage [1] (Ref: ODC Section 4.02.090)					R			X	A	
c. Tentative Tract and Parcel Maps, and Vesting Maps [1] (Ref: ODC Section 4.02.095)					R			X	A	
d. Tentative Tract and Parcel Map Time Extensions (Ref: ODC Section 2.02.025.A.3 & 4)					R			X	A	
<del>16.15.</del> Time Extensions, excepting tentative subdivision maps (Ref: ODC Section 2.02.025)	X							A	A	
<del>17.16.</del> Variances (Ref: ODC Section 4.02.020.D)										
a. Homeowner [1]				X				A	A	
b. Other [1]					R			X	A	
<b>C. MINISTERIAL (ADMINISTRATIVE) PERMITS AND DECISIONS</b>										
1. Administrative Exceptions (Ref: ODC Section 4.03.050)				X				A	A	
2. Administrative Use Permits (Ref: ODC Section 4.03.015)	X									
3. Business License - Zoning/Land Use Compliance (Ref: OMC 3-1.129 (Zoning Compliance))	X							A	A	
4. Development Plans within the ONT zoning district (Ref: ODC Section 4.02.025)	X							A	A	
5. Fair Housing and Reasonable Accommodation Ref: ODC Section 4.02.035)				X				A	A	
<u>6. Interpretations and Land Use Determinations (Ref: ODC Section 1.02.010)</u>				<u>X</u>				<u>A</u>	<u>A</u>	
<del>6.7.</del> Landscape and Irrigation Plans (Ref. ODC Section 6.05.005)	X							A	A	
<del>7.8.</del> Off-Site (Public) Improvement Plans (Ref: ODC Section 6.08.040)		X						A	A	
<del>8.9.</del> ONT ALUCP Interagency Review [7] (Ref: ONT ALUCP)	X								A[8]	
<del>9.10.</del> Other Plan Checks and actions required by this Development Code	X							A	A	

- *Single-Family Two-Unit Developments;*
- *Street address number issuance;*
- *Subdivision Improvement Agreement approval;*
- *Subdivision map corrections and amendments approval;*
- *Temporary Use Permit issuance;*
- *Tier 1 wireless telecommunications facility approval;*
- *Urban Lot Splits; and*
- *Wall and/or fence plan approval.*

[11] Applications that do not require a public Hearing pursuant to Note 1, above, may be reviewed and acted upon under the "Consent Calendar" portion of the Approving Authority meeting agenda.

[12] Unless otherwise specified in a respective Specific Plan, a Specific Plan Amendment or Specific Plan Minor Adjustment/Minor Alterations application shall be filed, processed, and acted upon pursuant to Division 2.02 (Application Filing and Processing), and Division 4.01 (Legislative Actions) or Division 4.02 (Discretionary Permits and Actions).

## 2.02.010: Applications and Fees

### A. Application filing.

1. An application for a permit, permit modification, amendment, or any other matters pertaining to this Development Code shall be filed with the City, on a City application form, together with any required fees, plans, maps, reports, special studies, exhibits, and any other information deemed necessary by the City to process the application.

2. An application may be initiated by the City, owner(s) or lessee(s) of property, or their agent(s), or person(s) who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this Development Code, or their agent(s).

3. A project requiring the filing of more than one land use or entitlement permit application shall, to the extent possible, be filed with all related applications for concurrent review and action by the highest required Reviewing Authority, except that an Administrative Exception application filed in conjunction with a Development Plan shall require separate review and action by the appropriate Reviewing Authority.

### B. Filing Fees.

1. The City Council may establish by resolution, a schedule of fees for permits, amendments, inspections, licenses, services, and other matters pertaining to this Development Code. The schedule of fees may be changed or modified only by resolution of the City Council.

2. Application review and action shall not commence until such time that all applicable filing fees and/or deposits have been paid in full. An application received without all applicable filing fees and/or deposits shall be deemed incomplete for filing and further processing and shall be deemed just cause for denial of the application. In the case of time and materials projects, the payment of additional deposits may be required to fully cover all City processing costs.

### C. Refunds and Withdrawals.

1. The refund of filing fees in response to the denial of an application shall be prohibited, recognizing that filing fees are utilized to cover City costs related to public hearings, mailings, postings, transcripts, and staff time involved in processing applications.

Table 2.03-1: Notification Matrix

Applications, Actions, Decisions And Processes	Required Method of Public Notification			
	Not Required	Newspaper or Posting [2]	First Class Mail or Delivery [2]	Newspaper—1/8 page advertisement if the number of property owners to whom notices would be mailed or delivered is greater than 1,000
b. Commercial developments, and developments in the CIV, OS-R, OS-C and UC zoning districts, greater than 500 SF in area		X		
c. Industrial developments equal to or less than 0.45 FAR		X		
d. Industrial developments exceeding 0.45 FAR		X		
e. Wireless telecommunications facilities pursuant to Section 5.03.420+5 (Wireless Telecommunications Facilities) of this Development Code				
(1) Tier 2 facilities		X		
(2) Tier 3 facilities <del>+</del>		X	X	
f. All others		X		
5. Extensions of Legal Nonconforming Status [1] (Ref: ODC Section 4.02.030)		X	X	
6. Historic Preservation				
a. Certificates of Appropriateness (Ref: ODC Section 4.02.050)				
(1) Designated Historic Landmarks and Contributors, and Architectural Conservation Areas; and Demolition of an Historic Resource [1]		X	X	
(2) Deferral of Replacement Structure [1]		X	X	
(3) Eligible Historic Resources [1]		X	X	
(4) Modification or revocation per ODC Division 2.05 (City Initiated Modification or Revocation) [1]		X	X	
(5) Waivers and Minor Improvements	X			
b. Certificates of Economic Hardship [1] (Ref: ODC Section 4.02.055)		X	X	
c. Certificates of Economic Hardship—Modification or revocation per ODC Division 2.05 (City Initiated Modification or Revocation) [1]		X	X	
d. Conservation Plans (Ref: ODC Section 4.02.060)		X		

**Chapter 3.0:**  
**Nonconforming Lots, Land Uses, Structures, and Signs**

---

[Division 3.01](#)—Nonconforming Lots, Land Uses, and Structures

[Division 3.02](#)—Nonconforming Signs

1. A nonconforming residential structure located within an industrial zoning district shall not be moved, altered or enlarged so as to increase the discrepancy between existing conditions and the most current standard as prescribed by the zoning district in which the structure is located, unless:

a. The use of the residential structure is subject to Planning Director review and approval; and

a.b. Any conditions of approval and covenants recorded on the property shall prohibit the conversion of the structure back to a residential land use.

**G.H. Alteration and/or Expansion of a Nonconforming Single-Family Residential Structures.** In addition to the requirements of Subsections A through G of this Section, a nonconforming single-family residential lot and/or structure that was lawfully established and maintained prior to the adoption of the ordinance codified in this Development Code, but which under the provisions of this Development Code does not conform with the regulations of the zoning district in which it is located with respect to use, design, and/or development standards, and which is continuously used and maintained for single-family residential purposes, shall be subject to the following:

**1. Alterations and Expansions to Single-Family Structures in Nonresidential Zones.**

**a.** Necessary repairs and desirable alterations, as deemed appropriate by the Planning Director, may be made to a legal nonconforming single-family residential structure that is nonconforming as to use.

**b.** A single-family dwelling that is nonconforming as to use may be enlarged by an additional 25 percent of the original enclosed floor area, provided the addition meets all other provisions of this Development Code.

**c.** A single-family dwelling that is nonconforming as to its location within a zoning district that does not permit single-family dwellings, and in which the residential use was lawfully established and continuously maintained, shall be subject to the development regulations of the LDR-5 (Low Density Residential – 5 Dwelling Units/Acre) zoning district.

**d.** The addition or enlargement of a garage for the purpose of providing off-street parking facilities in compliance with Division 6.03 (Off-Street Parking & Loading) of this Development Code shall be permitted and shall not be counted toward the additional floor area permitted by Subparagraph H.1.b, above.

**2. Continuation of a Nonconforming Setback.** A single-family dwelling having a nonconforming side yard setback, which is added to, extended or enlarged, may continue the nonconforming setback, provided the addition, extension or enlargement maintains a side yard setback equal to or greater than the existing side yard setback, and is no greater than 14 FT in height.

**3. On-site Parking.** A single-family residential dwelling that is nonconforming as to site development or design, which is expanded or enlarged to include more than 3 bedrooms, or wherein a second unit or guesthouse is constructed subject to the requirements of this chapter, off-street parking required pursuant to Division 6.03 (Off-Street Parking & Loading) of this Development Code shall be provided, unless physical constraints exist that would make it impractical to provide the required parking facility(ies), as determined by the Planning Director, given the existing site design and configuration. For the purpose of this provision, a bedroom shall

## Chapter 4.0: Permits, Actions, and Decisions

---

[Division 4.01](#)—Legislative Actions

[Division 4.02](#)—Discretionary Permits and Actions

[Division 4.03](#)—Ministerial (Administrative) Permits and Decisions

1. The proposed PUD, or amendment thereto, 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;
2. The proposed PUD, or amendment thereto, would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City;
3. In the case of an application affecting specific property(ies), the proposed PUD, or amendment thereto, will not adversely affect the harmonious relationship with adjacent properties and land uses; and
4. In the case of an application affecting specific property(ies), the subject site is physically suitable, including, but not limited to, parcel size, shape, access, and availability of utilities, for the request and anticipated development.
5. The proposed PUD is superior to that which could be obtained through the application of the Development Code or a specific plan.

#### 4.01.035: Specific Plans and Amendments

**A. Purpose.** The purpose of this Section is to establish procedures for adopting, amending, supplementing, or changing Specific Plans whenever the public necessity, convenience, general welfare, or good planning practice so requires.

**B. Authority.**

1. Pursuant to GC Section 65450 et seq., the City Council may, by ordinance or resolution, and upon written recommendation of the Planning Commission, adopt, amend, supplement or change a specific plan.

2. A Specific Plan and any amendments thereto, adopted pursuant to this Division, shall be enforceable in the same manner and to the same extent as any other provision of this Development Code.

**C. Application Filing, Processing and Hearing.** Unless otherwise specified in a respective Specific Plan, An application for Specific Plan adoption or amendment shall be filed, processed and heard pursuant to Section 2.02.015.A (Legislative Actions) of this Development Code.

**D. Findings and Decision.** A Specific Plan, or amendment thereto, shall be acted upon by the Approving Authority based upon the information provided in the submitted application, evidence presented in the Planning Department's written report, and testimony provided during the public hearing, only after considering and clearly establishing all of the below-listed findings, and giving supporting reasons for each finding. The application shall be denied if one or more of the below-listed findings cannot be clearly established.

1. The proposed Specific Plan, or amendment thereto, 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;

2. The proposed Specific Plan, or amendment thereto, would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City;

**b.** Adjustment/alteration of a residential planning area boundary, provided the total acreage of the affected area does not increase or decrease the total acreage stated in the affected specific plan by more than 15 percent;

**c.** Minor adjustments/alterations to landscape materials, wall materials, wall alignment, entry design, and streetscape design, which are consistent with the conceptual design set forth in the affected specific plan's development standards and design guidelines;

**d.** Minor adjustments/alterations to design guidelines, which are intended to be conceptual in nature, and are clearly intended to be flexible in implementation;

**e.** Other adjustments/alterations of a similar nature to those listed above, which are deemed minor by the Planning Director to be in keeping with the purpose and intent of the affected specific plan and are in conformance with The Ontario Plan; and

**f.** Adjustments/alterations in street alignments and dimensions that are deemed appropriate by the City Engineer, which are in keeping with the purpose and intent of the specific plan and are consistent with the purpose, principles, goals, and policies, of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, provided the changes do not impact the sizing of master planned infrastructure<sup>7.2</sup>.

**C. Application Filing, Processing and Hearing.** Unless otherwise specified in a respective Specific Plan, A Specific Plan Minor Adjustments/Alterations application shall be filed, processed, and acted upon pursuant to Division 2.02 (Application Filing and Processing) of this Development Code and the provisions of this Section. A noticed hearing pursuant to Division 2.03 (Public Hearings) of this Development Code shall not be required.

**D. Findings and Decision.** A Specific Plan Minor Adjustments/Alterations shall be acted upon by the Approving Authority based upon the information provided in the submitted application, evidence presented in the Planning Department's written report, and testimony provided during the public hearing, only after considering and clearly establishing all of the below-listed findings, and giving supporting reasons for each finding. The application shall be denied if one or more of the below-listed findings cannot be clearly established.

**1.** The proposed Specific Plan Minor Adjustment/Alteration 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, and the specific plan;

**2.** The proposed Specific Plan Minor Adjustment/Alteration is reasonable and beneficial, and in the interest of good planning practice; and

**3.** The proposed Specific Plan Minor Adjustment/Alteration will not adversely affect the harmonious relationship with adjacent properties and land uses.

#### 4.02.085: Subdivisions—Lot Merger (Merger of Contiguous Parcels)

**A. Purpose.** The purpose of this Section is to establish a process for the implementation of those provisions of the Subdivision Map Act (commencing with GC Section 66451.10), pertaining to the merger of contiguous lots under common ownership (Lot Merger).

**B. Applicability.**

lot size, lot dimensions, landscape coverage, ~~or parking requirements,~~ or for an increase in maximum density, floor area ratio, or the height of a structure.

**C. Application Filing, Processing and Hearing.**

1. An Administrative Exception shall be filed and processed pursuant to Division 2.02 (Application Filing and Processing) of this Development Code and the provisions of this Section.

2. A hearing shall not be required; however, the owners of all properties having a property line common with the affected property shall be notified of the proposed Administrative Exception pursuant to Section 2.03.010 (Public Hearing Notification) of this Development Code and shall be invited to comment on the application.

**D. Findings and Decision.** An Administrative Exception shall be acted upon by the Approving Authority based upon the information provided in the submitted application, evidence presented in the Planning Department's written report, and any comments received from property owners notified pursuant to Subparagraph C.3.b of this Section, only after considering and clearly establishing all of the below-listed findings, and giving supporting reasons for each finding. The application shall be denied if one or more of the below-listed findings cannot be clearly established.

1. The approval of the Administrative Exception is necessary to the production of a comprehensive development, incorporating an enhanced environment and architectural excellence (e.g., appropriate variety of structure placement and orientation opportunities, high quality architectural design, increased amounts of landscaping and open space, improved solutions to the design and placement of parking facilities, etc.) than would normally be possible under the strict application of the applicable development standards;

2. The approval of the Administrative Exception will allow for the inclusion of site, architectural, or landscape features that could not otherwise be incorporated into the design of the project under the strict application of the provisions of the applicable development standards; and

3. The approval of the Administrative Exception will not adversely affect the overall quality of development on the project site and will not adversely affect neighboring properties.

4. The proposed Administrative Exception 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, and the purposes of any applicable Specific Plan or Planned Unit Development, and the purposes of this Development Code.

**E. Conditions of Approval.**

1. In approving an Administrative Exception, the Approving Authority may require certain safeguards and impose certain conditions established to ensure that the purposes of this Development Code are maintained; ensure that the project will not endanger the public health, safety or general welfare; ensure that the project will not result in any significant environmental impacts; ensure that the project will be in harmony with the area in which it is located; and ensure that the project will be in conformity with The Ontario Plan and any applicable specific and/or area plan(s).

## Chapter 5.0: Zoning and Land Use

---

[Division 5.01](#)—Zoning Districts and Boundaries

[Division 5.02](#)—[General Land Use Provisions](#)

[Division 5.03](#)—Supplemental Land Use Regulations

|



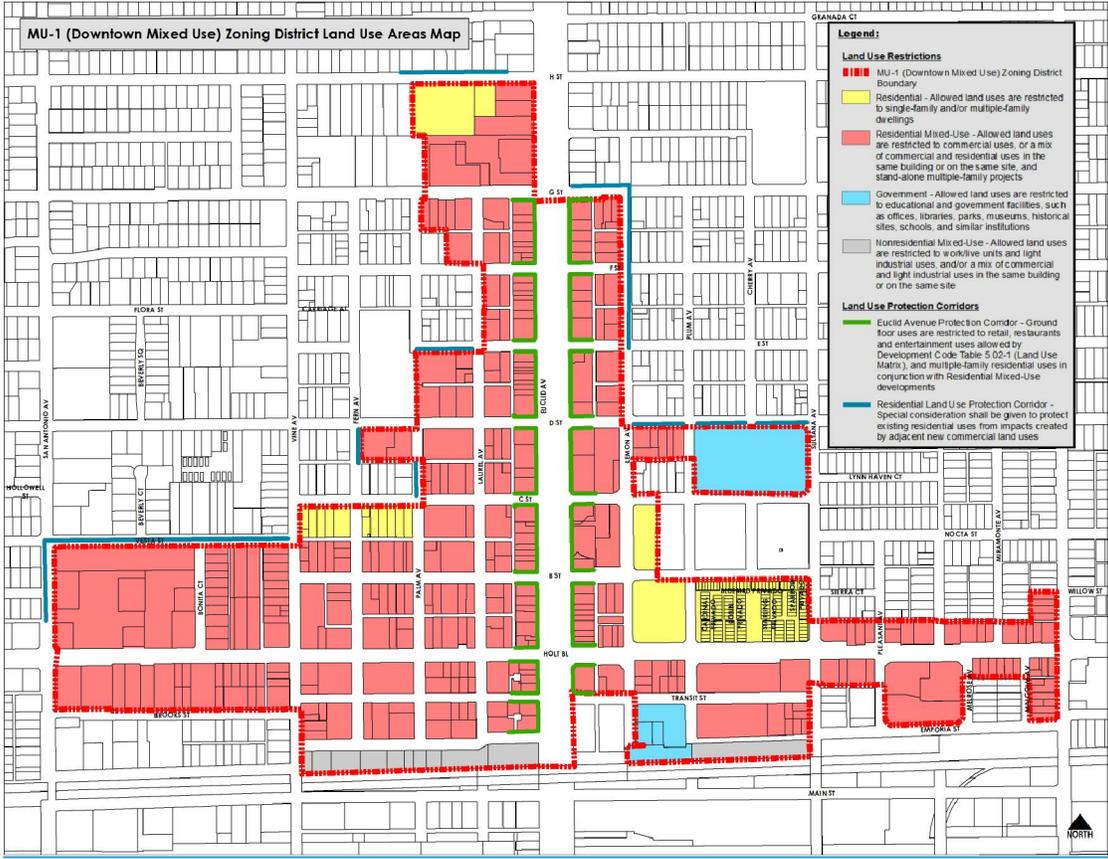


Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map







**d.** *Limited Detached on Multiple-Family Lot.* No more than two detached ADUs on a lot that has an existing or proposed multiple-family dwelling if each detached ADU satisfies both of the following limitations:

**(1)** The side- and rear-yard setbacks are at least 4 FT. If the existing multiple-family dwelling has a rear or side yard setback of less than 4 FT, the City shall not require any modification to the multiple-family dwelling as a condition of approving the ADU; and

**(2)** The peak height above grade does not exceed the applicable height limit provided in Subsection E.2, below.

~~2.~~ ADU Permit.

~~a.~~ Except as allowed under Subsection D.1 above, no ADU may be created without a building permit and an ADU permit in compliance with the standards set forth in Subsections E and F, below.

~~b.~~ The City may charge a fee to reimburse it for costs incurred in processing ADU permits, including the costs of adopting or amending the City's ADU ordinance. The fee for processing an ADU is established by resolution of the City Council.

~~3.2.~~ Process and Timing.

~~a.~~ An ADU permit is considered and approved ministerially, without discretionary review or a hearing.

**b.a.** The City must approve or deny an application to create an ADU or JADU within 60 days from the date that the City receives a completed application. If the City has not approved or denied the completed application within 60 days, the application is deemed approved unless either:

**(1)** The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay, or

**(2)** When an application to create an ADU or JADU is submitted with a permit application to create a new single-family or multiple-family dwelling on the lot, the City may delay acting on the permit application for the ADU or JADU until the City acts on the permit application to create the new single-family or multiple-family dwelling, but the application to create the ADU or JADU will still be considered ministerially, without discretionary review or a hearing.

**c.b.** If the City denies application to create an ADU or JADU, the City must provide the applicant with comments that include, among other things, a list of all the defective or deficient items and a description of how the application may be remedied by the applicant. Notice of the denial and corresponding comments must be provided to the applicant within the 60-day time period established by Subsection D.3.b, above.

**d.c.** A demolition permit for a detached garage that is to be replaced with an ADU is reviewed with the application for the ADU and issued at the same time.

**E. General ADU and JADU Requirements.** The following requirements apply to all ADUs and JADUs that are approved under Subsections D.1 or D.2, above:

(1) Play structures should be placed indoors, becoming an integral part of the architecture, yet remaining a subordinate element. If located outside, play structures shall be oriented away from the public street and properly screened, and shall be no more than 11 FT in height.

(2) 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.

#### 5.03.155: Durable and Nondurable Goods Agents and Brokers

Within the BP and IP zoning districts, business to business electronic markets shall be limited to small-scale (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) facilities.

#### 5.03.160: Electric Power Generation, Solar and Wind

Solar and wind electric power generation facilities, [with ancillary ground mounted battery storage systems](#), shall only be allowed in conjunction with a permitted or conditionally permitted land use, except that standalone facilities shall be allowed within the ~~OS-UCIV~~, [IH](#), and [UC](#) zoning districts.

#### 5.03.165: Electrical Equipment, Appliance, and Component Manufacturing

Within the IP zoning district, electrical equipment, appliance, and component manufacturing shall be limited to small-scale (GFA of less than 45,000 SF for single-tenant buildings and 60,000 SF for multiple-tenant buildings) facilities.

#### 5.03.170: Electronic Shopping and Mail Order Houses

**A.** Within the IP, IL, IG, and IH industrial zoning districts, direct business to consumer sales via the internet, direct mail, or telephone shall only be allowed ancillary to a permitted or conditionally permitted land use, such as manufacturing, warehousing, wholesaling, and/or distribution activities.

**B.** Standalone (office only) business to consumer sales via the internet, direct mail, or telephone shall be allowed as a primary land use only within the CN, CC, CR, OL, and OH commercial zoning districts; the MU-1, MU-2, and MU-11 mixed-use zoning districts; and the BP industrial zoning district.

#### 5.03.175: Electronics and Appliance Stores

Within the CN zoning district, only small-scale (GFA of 5,000 SF or less) electronics and appliance stores may be established.

**F. Inspections.** Authorized representatives of the City's Planning Department, Police Department, Building Department, Fire Department, and/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 Development Code and the Ontario Municipal Code.

#### 5.03.245: Hookah Establishments, Smoking/Vaping Lounges, and Smoking/Vaping Retailers

The following standards shall govern the establishment and operation of hookah establishments:

**A. Purpose.** The purpose of this Section is to help mitigate negative impacts associated with smoking and vaping uses, in order to serve the public health, safety, and welfare of City residence, and City businesses and their patrons. Furthermore, this Section is specifically intended to reduce the impact of smoking and vaping uses on minors, as an abundance of such uses increases the potential for minors to associate smoking and vaping with a normative lifestyle.

**B. Applicability.** All smoking and vaping businesses throughout the City shall comply with the regulations and requirements of this Section.

**C. Definitions.** For the purposes of this Section, the words or phrases listed below, in correct alphabetical order, shall have the meanings hereafter specified:

**1. Electronic Cigarette (E-Cigarette).** An electronic device, which is typically battery-operated, designed to deliver a nicotine-based liquid, or other substance, that is vaporized and then inhaled (called "vaping"), simulating the experience of smoking tobacco. Such devices are manufactured to resemble traditional tobacco cigarettes, cigars, pipes, or even everyday items, such as pens or USB memory sticks. The term includes any such device manufactured, distributed, marketed, or sold as an electronic cigarette or e-cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor. The term does not include any medical inhaler prescribed by a licensed physician.

**2. Hookah Establishments.** Any facility or location whose business operation, whether a primary or accessory use, is characterized as a commercial establishment where patrons gather to share in the smoking of flavored tobacco (shisha) from a communal hookah, including but not limited to establishments known variously as a hookah lounge or bar, or shisha bar or den, including smoking cigars or establishing cigar bars.

**3. Hookah.** A single or multi-stemmed instrument for smoking flavored tobacco (or shisha), whose vapor or smoke is passed through a water basin before inhalation.

**4. Smoking/Vaping Lounge.** Any facility or location whose business operation, whether a primary or accessory use, is characterized by the sale, offering, and/or preparation of smoking tobacco, ~~cigars,~~ electronic cigarettes, or similar products, including but not limited to establishments known variously as smoking lounges, and vaping lounges, ~~excluding cigars or~~ and cigar bars.

**5. Smoking/Vaping Retailer.** A smoke shop, tobacco store, electronic cigarette retailer, or any other retail business where more than 25 percent of the gross floor area is dedicated to the sale of tobacco or tobacco products, electronic cigarettes, or related products, for consumption off the premises.

**Very Low Income Households.** Households, as defined in HSC Section 50105 paying Affordable Housing Costs or Affordable Rents for a Senior Citizen Housing unit.

**D. Base Density.** Within residential zoning districts, the base density for a Senior Citizen Housing Development shall be pursuant to the development standards of the respective zoning district. Within nonresidential zoning districts, the base density for a Senior Citizen Housing Development shall be as follows:

Base Density (in DU/Acre)	Districts			
	CN	CC	MU-1	MU-6
	25	25	25	<u>25</u>

**E. Density Bonus.**

**1.** In addition to the base density provided by Subsection D, above, senior citizen housing developments within residential zoning districts shall be eligible for a density bonus as provided in State density bonus law, as prescribed in Subsection 6.01.010.G (Density Bonus and Other Incentives) of this Development Code. Nonresidential zoning districts shall be eligible for a density bonus as provided in State density bonus law, as follows:

Density Bonus (in percentage/units)	Districts			
	CN	CC	MU-1	MU-6
	20%	20%	20%	<u>20%</u>

**2.** For senior citizen housing developments using the density bonus provisions of State density bonus law, a density bonus regulatory agreement securing the use of the senior citizen housing development by qualified senior citizens shall also be required. The density bonus regulatory agreement shall be recorded against the property and shall be in a form acceptable to the City Attorney.

**3.** The density bonus provisions shall apply to senior citizen housing developments consisting of 5 or more dwelling units, exclusive of a caretaker's unit. All density calculations resulting in fractional units shall be rounded up to the next whole number.

**4.** Pursuant to State density bonus law, applicants for senior citizen housing developments may request certain waivers and modifications of the City's development standards. For purposes of considering such requests for waivers and modifications of development standards, the "development standards" shall be defined as conditions affecting the physical location or type of construction of the senior citizen housing project, and do not include use restrictions, procedural requirements, and fees as more particularly described in GC Section 65915(o)(1).

**5.** Use of the senior citizen housing development for use by senior citizen households shall be secured via use of covenants and/or agreements recorded against the property in a form acceptable to the City Attorney.

**F. Affordability Bonus for Senior Citizen Housing Developments.**

**5.03.390: Tattooing, Body Piercing, Branding, and the Application of Permanent Cosmetics**

The below-listed standards shall govern the establishment and operation of body art services in the City. For the purposes of this section, “body art services” shall mean tattooing, body piercing, branding, or the application of permanent cosmetics, excepting the piercing of an ear with a disposable, single-use, presterilized stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear.

**A.** Every person and every business engaged in body art and/or permanent cosmetics services shall comply with all applicable provisions of the Safe Body Art Act (HSC Section 119300 et seq.).

**B.** Every person and every business engaged in body art and/or permanent cosmetics services shall obtain a health permit from the San Bernardino County Division of Environmental Health Services prior to commencement of the business activity.

**C.** A person proposing to construct, remodel, or revise a body art and/or permanent cosmetics facility shall first submit plans to the Ontario Planning Department and the San Bernardino County Division of Environmental Health Services for review and approval, prior to construction.

**C.D.** A body art services business located in the MU-1 (Downtown Mixed Use) zoning district shall not be located within 0.25-mile, as measured in a straight line from any point along the outer boundaries of the property or lease space containing the use, to any other body art services business. Refer to Figure 5.01-2: MU-1 (Downtown Mixed Use) Zoning District Land Use Map for locations.

**5.03.395: Temporary and Interim Land Uses, Buildings, and Structures**

The following temporary and interim land uses shall be allowed upon the issuance of an Administrative Use Permit by the City pursuant to Section 4.03.015 (Administrative Use Permit) of this Development Code:

**A. Interim Farming Activities on Vacant or Underdeveloped Lands.** Farming activities may be established and operated as an interim use on vacant or underdeveloped lands pursuant to the requirements of Subsection 5.03.405.F (Urban Farms) of this Division.

**B. Model Homes.** The following standards shall govern the design and establishment of model homes:

1. Access shall meet the requirements of the Americans with Disabilities Act.
2. Any “trap” fencing shall be located on private property.
3. Any garage used as a sales office shall be converted back to a garage prior to dwelling occupancy.

pursuant to Section 4.03.015 (Administrative Use Permit) of this Development Code, and are further classified as follows:

**1. Retail Sales Events and Other Similar Business Events.** Retail sales events and other similar business events, including but not limited to special outdoor sales, sidewalk sales, and parking lot sales, are subject to the following:

**a.** A retail sales event or other similar business event shall only be allowed in conjunction with a legally established business that has been operated for a period of at least 180 days prior to the retail sales event or other similar business event.

**b.** Retail sales events and other similar business events shall be limited to ~~eight~~<sup>12</sup> one-week periods per calendar year, per business location. The one-week periods may be used consecutively, ~~not to exceed a total of 56 days per calendar year~~ with a mandatory down time of one week between each 6-week period.

**c.** 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.

**d.** The display of merchandise shall not impede pedestrian or vehicular circulation.

**e.** All merchandise, materials, signs, and debris shall be removed from the outdoor area by 9:00 AM following the last day of the retail sales event.

**2. Holiday Retail Sales.** Holiday retail sales include Christmas tree and pumpkin sales, and shall be limited to 30 days duration, 2 times per calendar year, for each business location.

**3. Shows and Exhibits.** Religious, historic, patriotic, or other similar outdoor displays may be permitted within a yard, parking lot or landscaped area, by or for the benefit of nonprofit organizations, subject to the following:

**a.** Shows and exhibits shall be limited to 30 days duration within any 90-day period.

**b.** The show or exhibit shall not impede pedestrian or vehicular traffic.

**c.** Shows and exhibits shall not be conducted within 1,000 FT of any residential land use, as measured in a straight line from any point along the outer boundaries of the property containing the show or exhibit. This separation requirement may be reduced by the Planning Director, provided the type and size of event proposed could in no way adversely affect residential land uses.

**d.** All equipment, materials, signs, and debris shall be removed from the outdoor area by 9:00 AM following the last day of the display.

**4. Amusement and/or Sporting Events.** Bazaars, circuses, carnivals, rodeos, pony rides and other similar temporary amusement and/or sporting events may be permitted, subject to the following:

**a.** Events shall be limited to 2 periods of 7 days duration per calendar year, for each event location. The 2 event periods may be used consecutively.

**b.** Events shall not be conducted within 1,000 FT of any residential zoning district, as measured in a straight line from any point along the outer boundaries of the property or lease space containing the event. This separation requirement may be reduced by the Planning Director, provided the type and size of event proposed could in no way adversely affect residential land uses.

**c.** All equipment, materials, signs, and debris shall be removed from the event location by 9:00 AM following the last day of the event.

**5. Tent Revivals.** Tent revivals and other similar temporary events involving the large assemblage of people and/or equipment within a temporary structure or in the open air, may be permitted, subject to the following:

**a.** Tent revivals shall be limited to 2 periods of 7 days duration per calendar year, for each event location. The 2 event periods may be used consecutively.

**b.** Tent revivals shall not be conducted within 1,000 FT of any residential land use, as measured in a straight line from any point along the outer boundaries of the property or lease space containing the tent revival. This separation requirement may be reduced by the Planning Director, provided the type and size of event proposed could in no way adversely affect residential land uses.

**c.** All equipment, materials, signs, and debris shall be removed from the event location by 9:00 AM following the last day of the event.

**6. 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, may be permitted to hold special outdoor fund raising events, hosted by and in conjunction with a legally established commercial or industrial land uses, subject to the following:

**a.** Charitable and fund raising events shall be limited to ~~12 the holiday periods of President's Day, Memorial Day, Independence Day and Labor Day. Twelve 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 a maximum of 4 days duration.

**b.** Charitable and fund raising events shall be restricted to an area directly adjacent to the host business' exterior; however, when it is impractical for the event to be located directly adjacent to the host business, such as in the case of a commercial shopping center, the event shall be located in an area as close as practically possible to the host business' exterior.

**c.** Charitable and fund raising events shall not impede pedestrian or vehicular circulation.

**d.** All equipment, materials, signs, and debris shall be removed from the event location by 9:00 AM following the last day of the event.

(3) A primary dwelling that was legally established prior to the Two-Unit Project and is smaller than 800 SF may be expanded to 800 SF after or as part of the Two-Unit Project.

c. *Height Restrictions.*

(1) On a lot that is larger than 2,000 SF, no new primary dwelling unit may exceed one-story or 16 FT in height, measured from grade to peak of the structure.

(2) On a lot that is smaller than 2,000 SF, no new primary dwelling unit may exceed two-stories or 22 FT in height, measured from grade to peak of the structure. Any portion of a new primary dwelling that exceeds one story in height shall be stepped back by an additional 5 FT from the ground floor; no balcony deck or other portion of the second story may project into the setback.

(3) No rooftop deck is permitted on any new or remodeled dwelling or structure on a lot with a Two-Unit Project.

d. *Demo Cap.* The Two-Unit Project shall not involve the demolition of more than 25 percent of the existing exterior walls of an existing dwelling unless the site has not been occupied by a tenant in the last 3 years.

e. *Lot Coverage.* ~~Include a lot coverage standard here if desired.~~ This lot coverage standard is only enforced to the extent that it does not prevent two primary dwelling units on the lot at 800 SF each, [as required by the underlying zoning district.](#)

f. *Setback Requirements.*

(1) **Generally.** All setbacks shall conform to the minimum requirements of the underlying zoning district.

(2) **Exceptions.** Notwithstanding subpart E.6.f above:

(a) Existing Structures. No setback is required for an existing legally established structure or for a new structure that is constructed in the same location and to the same dimensions as an existing legally established structure.

(b) Cannot Preclude Construction of Two 800-SF Units and 4-FT Side/Rear Setbacks. The setbacks imposed by the underlying zoning district shall yield to the degree necessary to avoid physically precluding the construction of up to two units on the lot or either of the two units from being at least 800 SF in floor area; but in no event may any structure be less than 4 FT from a side or rear property line.

(3) **Front Setback Area.** Notwithstanding any other part of this code, dwellings that are constructed under this Section shall conform to the front setback requirement of the underlying zoning district. The front setback area shall:

(a) Be kept free from all structures greater than 3 FT high; and

(b) Allow for vehicular and fire-safety access to the front structure.

**a.** A proposed wireless telecommunications facility meeting each of the following criteria shall require Development Plan approval pursuant to Section 4.02.025 (Development Plans) of this Development Code:

- (1)** The facility is located within a nonresidential zoning district;
- (2)** The facility is more than 500 FT from a residential zoning district, as measured in a straight line from any point along the outer boundaries of the property containing the wireless telecommunications facility;
- (3)** The facility complies with all development standards of this Section and the applicable zoning district;
- (4)** The facility is of a stealth design so as not to be recognized as a telecommunications facility; and
- (5)** All support equipment to the proposed facility is located within a completely enclosed structure or is otherwise screened from public view

**b.** A new wireless telecommunications facility proposed within a nonresidential zoning district, which is to be collocated with an existing wireless telecommunications facility and complies with all development standards of this Section and the applicable zoning district, shall be reviewed and acted upon by the Development Advisory Board.

**3. Tier 3 Review.** A proposed wireless telecommunications facility meeting one or more of the following criteria shall require Development Plan approval pursuant to Section 4.02.025 (Development Plans) ~~and public hearing notification pursuant to Table 2.03-1 (Notification Matrix) and the requirements of Section 2.03.010 (Public Hearing Notification)~~ of this Development Code:

- a.** Wireless telecommunications facilities not meeting the above-stated Tier 1 or Tier 2 review criteria;
- b.** Wireless telecommunications facilities located 500 FT or less (as measured in a straight line from any point along the outer boundaries of the property containing the wireless telecommunications facility) from a residential zoning district;
- c.** All nonstealth wireless telecommunications facilities;
- d.** Wireless telecommunications facilities proposed in the AG Overlay District, excepting those facilities meeting the Tier 1 review criteria, above. In addition to requiring Development Plan approval, wireless telecommunications facilities proposed in the AG Overlay District shall also require Conditional Use Permit approval pursuant to Table 5.02-1 (Land Use Matrix) and Paragraph C.1.f (Conditionally Permitted Uses) of Section 6.01.035 (Overlay Zoning Districts) of this Development Code;
- e.** Wireless telecommunications facilities creating more than a minimal visual impact on surroundings, as determined by the Planning Director. In determining whether more than a minimal visual impact exists, the Planning Director shall consider the facility's location and size, the view of the facility from the public street and neighboring properties, and the contrast between the facility and other external structural equipment. The applicant may be required to

## Chapter 6.0: Development and Subdivision Regulations

---

- [Division 6.01](#)—District Standards and Guidelines
- [Division 6.02](#)—Walls, Fences and Obstructions
- [Division 6.03](#)—Off-Street Parking and Loading
- [Division 6.04](#)—Congestion Management and Trip Reduction
- [Division 6.05](#)—Landscaping
- [Division 6.06](#)—Street Naming and Address Numbering
- [Division 6.07](#)—Reserved ~~for Future Use~~
- [Division 6.08](#)—[Development Projects and](#) Subdivisions
- [Division 6.09](#)—Reserved ~~for Future Use~~
- [Division 6.10](#)—~~Reserved~~ [Property Appearance and Maintenance](#)
- [Division 6.11](#)—Shopping Cart Retention and Storage

prior to Certificate of Occupancy issuance, excepting private open space areas that are enclosed by a minimum 6-FT high decorative wall or fence.

**7. Drive Approaches, Driveways, and Drive Aisles.** Residential drive approaches, driveways, and drive aisles shall comply with the following:

**a. *Drive Aisles and Driveways.***

**(1)** Drive aisles and driveways shall be allowed solely for the purpose of providing access to off-street parking facilities, and emergency vehicle access to a property.

**(2)** For lots developed with single-family dwellings:

**(a)** ~~A~~One driveway per lot may be permitted, which shall lead to a garage or carport, and shall not exceed the overall width of the garage or carport, except that vehicular access (maximum 10 FT in width, pursuant to Paragraph 6.01.010.F.6 (Landscaping)) may be provided to the side or rear yard area of lot used for vehicle storage pursuant to Paragraph 6.01.010.~~G~~F.5 (Storage of Automobiles, Recreational Vehicles, Light Trucks, Trailers, and Other Similar Vehicles) of this Section; and

**(b)** Temporary off-street parking within a front or street side yard area shall only be allowed on a driveway leading to a garage or carport, or on an approved circular driveway constructed pursuant to Subparagraph 6.01.010.G.7.b (Circular Driveways) of this Section.

**(c)** Corner lots may have a rear yard access drive from a side street, subject to Planning Director and City Engineer approval. The rear yard access drive shall not exceed 12 FT in width and shall lead to a parking area that is screened by a view-obstructing wall or fence, with appropriate view-obstructing gate.

**b. *Circular Driveways.*** Circular driveways shall be permitted on lots developed with a single-family dwelling, which meet all of the following:

**(1)** The lot is located within the AR-2, RE-2, RE-4, or LDR-5 zoning district, or AG overlay zoning district, and is at least 10,000 SF in area;

**(2)** The property takes vehicular 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, or take vehicular access from, Euclid Avenue;

**(3)** The dwelling is setback at least 30 FT behind the front property line;

and

**(4)** The proposed circular driveway does not exceed 10 FT in width.

**c. *Maximum Drive Approach Width.***

**(1) **Driveway Access for Traditional Single-Family Developments****—A drive approach on a public street shall not exceed the maximum widths prescribed by Table 6.01-7 (Maximum Single-Family Residential Drive Approach Widths), below, based upon the lot width range.

**11. Certificate of Completion.** Upon completion of landscaping and irrigation system installation, the licensed landscape architect of record, or their designee, shall conduct a final field inspection and shall prepare a Certificate of Completion, which shall be filed with the City. The Certificate of Completion shall specifically indicate that the landscaping and the irrigation system were installed as shown on the approved Planting and Irrigation Plans, and that the soil testing and amendments have been installed as specified by the soil management plan. If the irrigation system was not installed pursuant to plans, or if water use exceeds the water budget, a certified landscape irrigation auditor shall conduct an irrigation audit, and the recommendations to ensure water efficiency shall be provided, prior to permit approval.

**12. Required Plans, Maps, Reports, Schedules, and Other Necessary Information.** All plans, maps, reports, schedules, and other information required to be contained in the Landscape and Irrigation Construction Documentation Plan set by this Section, shall include all information stipulated by the Landscape Design and Construction Guidelines (Development Code Reference G), which prescribes the minimum information to be submitted, together with any required plans, maps, reports, special studies, exhibits, and any other information deemed necessary by the City to review and act upon the required plans and information.

**13. Public Education.** All model homes that are landscaped shall incorporate signs and written information to demonstrate the principals of water efficient landscapes described in this Division. Signs shall feature elements such as hydrozones, irrigation equipment, and plants that contribute to the overall water efficient theme. Written information shall be provided about plants types, irrigation systems and managing and maintaining water efficient landscapes.

#### 6.05.020: Tree Preservation Policy and Protection Measures

**A. Purpose.** The purpose of this Section is to establish policies and measures that will further the preservation, protection, and maintenance of established and healthy heritage trees within the City, to improve the community forest that provides environmental, aesthetic and economic benefits, and enhances the quality of life. It is pertinent to the public welfare that such trees be protected from indiscriminate cutting or removal.

**B. Applicability.** The City Council hereby establishes that it is the policy of the City to preserve, protect, and maintain established and healthy trees within the City, to the extent practicable. Consideration shall be afforded Heritage Trees, as set forth in this Section.

**C. Definitions.** As used in this Section, **the following** words, terms, and phrases are defined as follows:

**1. Heritage Tree.** The term "Heritage Tree" means a ~~tree designated for preservation pursuant to Section 4.02.060 (Historic Preservation—Historic Landmark and District Designations, and Architectural Conservation Areas) of this Development Code, as a~~ tree of historic or cultural significance, or a tree of importance to the community due to any one of the following factors:

**a.** ~~A tree designated for preservation pursuant to Section 4.02.040 (Historic Preservation—Historic Landmark and District Designations, and Architectural Conservation Areas) of this Development Code.~~

**a.b.** It is one of the largest or oldest trees of the species located in the City, with a trunk diameter of 18 inches or greater, measured at 54 inches above natural grade; or

**J. Heritage Tree Replacement.** Healthy Heritage Trees that are approved for removal shall be replaced with new trees and shall be shown on required Landscape and Irrigation Construction Documentation Plans. Replacement trees shall have a total trunk diameter (caliper) equal to the tree(s) removed, or as deemed appropriate by the Approving Authority based on the lot size and available planting space. Replacement trees shall be in addition to the quantity of trees required by this Division for landscaping. The Approving Authority shall review the landscape plan and approve appropriate species for tree replacement (see Section 6.05.035 (Landscape Development Standards) for required trees).

**K. Monetary Value.** The monetary value of Heritage Trees protected pursuant to this Division, which are removed, shall be based upon the “Guide for Plant Appraisal,” which is available from the International Society of Arboriculture. Appraisals shall be performed by a City-approved professional plant appraiser or certified arborist skilled in tree appraisals.

**L. Prohibited Acts.** It shall be expressly prohibited to damage or to remove any Heritage Tree without prior specific authorization by the Zoning Administrator, except that tree removal specifically approved as a part of a Development Plan or Building Permit approval; Certificate of Appropriateness; pruning or removal to obtain adequate line-of-sight distances as specifically authorized by the City Engineer; pruning or removal as required for public safety as specifically authorized by City representatives; and/or actions taken by a public or private utility company for the protection of their existing electrical power or communication lines, or other property of a public utility.

#### **6.05.025: Heritage Tree Preservation Mitigation Fee.**

**A. Purpose.** The purpose of this Section is to establish the Heritage Tree Preservation Mitigation Fee whereby the impacts resulting from the construction or demolition of heritage tree(s) may be mitigated by the collection of fees that will provide a source of funds for the conservation, preservation, restoration, replanting and reforestation of trees within the City.

#### **B. Applicability.**

**1.** A mitigation fee, in an amount established by this Section, shall be paid prior to the issuance of any permit for construction or demolition of any heritage tree(s). The mitigation fee shall be deposited in the Heritage Tree Preservation Trust Fund established pursuant to Section 6.05.030 (Heritage Tree Preservation Trust Fund) of this Division.

**2.** The mitigation fee shall be based on the Tree Inventory and Preservation Plan pursuant to Section 6.05.020 (Tree Preservation Policy and Protection Measures) of this division.

**a.** The mitigation fee for Healthy Heritage Trees that are approved for removal shall equal the replacement value of the total trunk diameter (caliper) equal to the tree(s) removed, or as deemed appropriate by the Approving Authority based on the Tree Inventory and Preservation Plan. The Approving Authority shall review the Tree Inventory and Preservation Plan and approve the replacement value.

**b.** The mitigation fee for the monetary value of Heritage Trees protected pursuant to this Division, which are removed, shall be based upon the “Guide for Plant Appraisal,” which is available from the International Society of Arboriculture. Appraisals shall be performed by a City-approved professional plant appraiser or certified arborist skilled in tree appraisals.

### **6.05.030: Heritage Tree Preservation Trust Fund**

**A. Purpose.** The purpose of the Heritage Tree Preservation Trust Fund is to provide funding, under direction of the City Council, for the conservation, preservation, restoration, replanting and reforestation within the City.

**B. Applicability.** The Heritage Tree Preservation Trust Fund is hereby established as means to receive and replenish monies to assist the funding of tree preservation and reforestation projects within the City. All funds deposited in the Heritage Tree Preservation Trust Fund shall be used solely for the conservation, preservation, restoration, replanting and reforestation of the City, as provided in this Section.

#### **C. Trust Fund Administration.**

**1.** The City Manager, or designee of the City Manager, shall have authority for establishing policy for Heritage Tree Preservation Trust Fund expenditures.

**2.** The City Manager, or designee of the City Manager shall have authority to make recommendations to the City Council regarding any action or activity necessary or appropriate to implement its powers or duties to fulfill the objectives of the Heritage Tree Preservation Trust Fund.

**3.** The City Manager, or designee of the City Manager, shall serve as financial administrator of the Heritage Tree Preservation Trust Fund and shall be responsible for management of its finances, which shall be carried-out pursuant to all applicable federal, State and local laws.

**4.** The Planning Director, or designee of the Planning Director, shall serve as program administrator of the Historic Preservation Trust Fund and shall be responsible for its day-to-day management and operations.

#### **D. Heritage Tree Preservation Trust Fund Proceeds.**

**1.** Deposits. All funds received by the City for heritage tree preservation purposes shall be deposited in the Heritage Tree Preservation Trust Fund. The City's Fiscal Services Department may establish separate accounts within the Trust Fund for the purpose of separating deposits according to their origin or intended purpose.

#### **E. Heritage Tree Preservation Trust Fund Program Activities.**

**1.** Qualifying Program Activities are hereby established for the following:

**a.** *New Tree Plantings.* Tree plantings in parkways or city right-of-way shall be per the Street Tree Master Plan or Ontario Ranch Streetscape Master Plan. Tree plantings in public projects such as parks and city facilities shall be determined by the Approving Authority.

**b.** *Reforestation Tree Plantings.* Reforestation tree plantings in parkways or city right-of-way shall be per the Street Tree Master Plan or Ontario Ranch Streetscape Master Plan. Tree plantings in public projects such as parks and city facilities shall be determined by the Approving Authority.

c. *Tree Removal Alternatives and Mitigation Measures.* Tree removal alternatives and mitigation measures such as root pruning, flexible paving material, other materials, protection measures, and mitigation measures recommended in the Certified Arborist's report.

d. *Acquisition, Planting and Maintenance of Trees.* Activities to acquire, plant and maintain existing and proposed heritage trees as determined by the Approving Authority, identified in the Certified Arborist's report.

2. *Qualifying Projects that implement Trust Fung Program Activities are hereby established for the following project types:*

a. *Capital Improvement Projects (CIP) for New Construction and Rehabilitation Projects.* CIP Construction projects allow for activities that contribute to the conservation, preservation, restoration, replanting and reforestation of heritage trees located within public spaces.

(1) *Conservation, preservation and restoration of trees within public spaces, such as but not limited to parkways and rights-of-ways. Funds may support public projects and include activities directly contributing to the conservation, preservation, and restoration of existing heritage trees. Activities may include, but are not limited to, the installation of alternate sidewalk materials, meandering sidewalks, and any reports and analyses prepared by a certified arborist that identify protection measures that will contribute to extending the life and viability of existing heritage trees.*

(2) *Replanting and reforestation of trees within public spaces, such as but not limited to parkways and rights-of-ways. Any replanting or reforestation efforts must be identified in the certified arborist report and include circumstances that warrant tree removal. Such conditions that warrant the removal of heritage tree(s) may include tree(s) that are dead, hazardous, diseased, or damaged beyond repair, or may pose an emergency or safety concern relating to the health, safety, and welfare of the public. Funds shall be used to support the overall project and include activities directly contributing to the replanting and reforestation of trees where a certified arborist has recommended the removal of a heritage tree(s). Activities may include, but are not limited to, intermittent planting strategies and new tree plantings, as well as warranty and maintenance efforts that support the establishment and longevity of new tree plantings, such as tree staking, irrigation measures and other construction activities to support the viability of newly planted trees.*

b. *Public Works Projects for New Construction and Rehabilitation Projects.* Public Works Construction projects that allow for activities that directly contribute to the conservation, preservation, restoration, replanting, and reforestation of heritage trees located within public spaces.

(1) *Conservation, preservation and restoration of trees within public spaces, such as but not limited to public parks, parkways, rights-of-ways and city facilities. Funds may support public projects and include activities directly contributing to the conservation, preservation, and restoration of existing heritage trees. Activities may include, but are not limited to, the installation of alternate sidewalk materials, meandering sidewalks, and any reports and analyses prepared by a certified arborist that identify protection measures that will contribute to extending the life and viability of existing heritage trees.*

(2) Replanting and reforestation of trees within public spaces, such as but not limited to public parks, parkways, rights-of-ways, and city facilities. Any replanting or reforestation efforts must be identified in the certified arborist report and include circumstances that warrant tree removal. Such conditions that warrant the removal of heritage tree(s) may include tree(s) that are dead, hazardous, diseased, or damaged beyond repair, or may pose an emergency or safety concern relating to the health, safety, and welfare of the public. Funds shall be used to support the overall project and include activities directly contributing to the replanting and reforestation where a certified arborist has recommended the removal of a heritage tree(s). Activities may include but are not limited to, intermittent planting strategies and new tree plantings as well as warranty and maintenance efforts that support the establishment and longevity of new tree plantings such as tree staking, irrigation measures and other construction activities to support the viability of newly planted trees.

c. Planning Projects. Studies and reports that analyze existing conditions and make recommendations on conservation and preservation of heritage trees and reforestation treatments; and

d. Community Outreach. Outreach campaigns consist of the creation of education material and media to raise awareness of tree preservation benefits.

3. Project Selection Criteria. The award of Heritage Tree Preservation Funds shall be based upon consideration of the following criteria:

a. Level of significance of the heritage tree(s) impacted.

b. Overall benefit to the community; and

c. Ability to ensure the longevity of the health of the trees and features through warranty and maintenance.

#### **6.05.0325: Violation-Penalty**

**A. Violation.** Any violation of this chapter shall be a misdemeanor or infraction at the discretion of the City Attorney or District Attorney.

**B. Civil Penalties.** Irrespective of, and cumulative to, any criminal conviction for a violation of this Division, the City may, pursuant to GC Section 36901, impose a civil penalty in an amount not exceeding \$1,000, or by imprisonment not to exceed 6 months, or both such fine and imprisonment on any person either through an administrative hearing or a civil action brought either by the City Attorney or a designated employee of the City. Each tree removed in violation of this Division shall constitute a separate offense.

**C. Restitution for Damage or Removal of Protected Trees within the City.** Irrespective of whether the City pursues criminal and/or civil action under this Division, nothing in this Division shall prevent the City from seeking restitution for damage or removal of trees within the City, which are protected by this Division, as an alternative to criminal action and/or civil action to recover a civil penalty in accordance with Subsection B of this Section.

**D. Assessment of Civil Penalties.** Civil penalties may be assessed against a responsible party as confirmed by resolution of the City Council, and shall constitute a special assessment against the property to which it relates and after its recording, as thus made and confirmed, the same

## Chapter 8.0: **Sign Regulations**

---

[Division 8.01](#)—Sign Regulations

Table 8.01-1: Sign Regulation Matrix

Sign Classification	Sign Type, Maximum Number, and Location	Maximum Sign Area	Maximum Height	Maximum Sign Length	Special Regulations
<b>f. Large Public Notification Signs</b>	and Street Banner Programs) of this Division.				8.01.020.G (Street Banners and Street Banner Programs)  Refer to Division 2.03 (Public Hearings), Paragraph 2.03.010.C.4 (Supplemental Public Noticing Requirements – Posting) for large public notification sign regulations.
<b>2. Permanent Signs</b>					
<b>a. Address Signs</b>	One wall sign and rooftop sign per building or divided tenant space.				Street addresses shall be posted pursuant to Subsections 6.06.020.B (Posting of Street Address Numbers) and D (Posting of Rooftop Address Numbers) of this Development Code.
<b>b. Directional Signs</b>	Pole, monument, or wall sign.	4 SF per sign face.	Pole or monument signs shall not exceed 6 FT in height.		Signs shall be for the purpose of serving the public safety or convenience (e.g., signs such as "parking," "entrance," "exit" and the like). The sign may include the name/logo of the business it serves.
<b>c. Directory Signs</b>	Monument or wall sign. The number and location shall be at the discretion of the Planning Director.	6 SF per sign face.	6 FT		Directory signs should include a plot plan showing all private drives and roads, building locations with unit numbers and addresses, and fire hydrant locations. The directory should also include a reference point on the plot plan indicating the location of the directory and a north arrow.
<b>d. Government Flags and Emblems</b>	No restrictions.	No restriction.	No restriction.	No restriction.	Includes flags or emblems of the United States of America, the State of California, the County of San Bernardino and the City of Ontario.