



DEVELOPMENT REGULATIONS

CHAPTER 5

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CHAPTER 5 - DEVELOPMENT REGULATIONS

5.1 PURPOSE AND INTENT

This chapter formally establishes the use permissions and development standards (zoning) for the MERRILL COMMERCE CENTER property. The regulations provided herein work in concert with the architectural and landscape guidelines set forth in Chapter 6, *Design Guidelines*, to achieve the vision of the MERRILL COMMERCE CENTER.

5.2 DEFINITION OF TERMS

The meaning of words, phrases, titles, and terms shall be the same as provided in the City of Ontario Development Code (hereafter referred to as "Development Code"), unless otherwise specifically defined in this Specific Plan.

5.3 APPLICABILITY

The regulations set forth in the chapter shall apply to all development plans or agreements, tract or parcel maps, site plans, or any other action requiring administrative or discretionary approval within the 376.3-acre MERRILL COMMERCE CENTER Specific Plan area. Whenever the development standards contained herein differ from those contained in the Development Code, the provisions of this Specific Plan shall take precedence. Any development standard, condition, or situation not specifically addressed herein shall be subject to the applicable requirements of the Development Code.

5.4 PERMITTED, CONDITIONAL, AND ANCILLARY USES

Land within the MERRILL COMMERCE CENTER Specific Plan area and structures/facilities thereon may be developed, divided, and/or used for those activities listed in Table 5-1, *Permitted Uses*. Table 5-1 lists the permitted, conditionally-permitted, and administratively permitted land uses for each land use district established by this Specific Plan (Business Park and Industrial). A use that is not listed in Table 5-1 is a prohibited use unless otherwise allowed pursuant to the procedures described in Chapter 7, *Implementation Plan*, or applicable interpretations and determinations established by the Development Code. The entire Specific Plan boundary is located within the Chino Airport Safety Zones (Safety Zones 1, 2, 3, 4 & 6), that may limit land uses refer to the Chino Airport Land Use Compatibility Plan for additional land use restrictions.

The symbols shown in Table 5-1 have the following meanings:

"P" means the land use is permitted by right of being in the proper land use district, subject to the development standards applicable to that land use district.

"C" means the land use is conditionally permitted, subject to the filing of a Conditional Use Permit in accordance with the requirements of the Development Code and must be approved by the City of Ontario Zoning Administrator or Planning Commission before the use can be established within a particular land use district.

"A" means an administratively permitted use is permitted in the proper land use district, subject to the granting of an Administrative Use Permit.

Table 5-1 Permitted Uses

Use	Land Use District		Notes
	Industrial (PAs 1, 2, 3, 4, 5 & 6)	Business Park (PAs 1A, 3A, 4A, 5A & 6A)	
Use Legend: Permitted Use = "P" Conditional Use = "C" Administratively Permitted Use = "A" Prohibited Use = "---"			
Agricultural, Forestry, Fishing, Hunting			
Temporary and Interim Agricultural Uses	P	P	Restricted to existing agriculture and dairy uses.
Manufacturing			
Apparel	P	P	
Beverage	C	---	
Chemical	C	---	
Computer and Electronic Products	P	P	
Electrical Equipment, Appliance, and Component	P	P	
Fabricated Metal Products	P	---	
Food	C	---	
Footwear	P	P	
Furniture and Related Products	P	P	
Leather and Allied Products	P	P	Excludes leather and hide finishing/tanning.
Machinery	P	---	
Miscellaneous Manufacturing	P	P	Includes medical equipment and supplies; jewelry and silverware; sporting and athletic goods; dolls, toys and games; office supplies; signs; and other miscellaneous manufacturing.
Plastic Products (Manufacturing)	C	---	
Rubber Products (Manufacturing)	C	---	
Plastics and Rubber Products (Assembly)	P	P	
Printing and Related Support Activities	C	C	

Table 5-1 Permitted Uses (Cont'd)

Use Legend: Permitted Use = "P" Conditional Use = "C" Administratively Permitted Use = "A" Prohibited Use = "---"

Use	Land Use District		Notes
	Industrial (PAs 1, 2, 3, 4, 5 & 6)	Business Park (PAs 1A, 3A, 4A, 5A & 6A)	
Textile Mills	C	---	Transforms basic fiber into fabric.
Textile Products	C	C	Transforms fabric into product, except apparel.
Wood Products	C	---	
Wholesale Trade			
Motor Vehicles and Motor Vehicle Parts and Supplies	P	---	
Furniture and Home Furnishings	P	P	
Professional and Commercial Equipment and Supplies	P	P	
Household Appliances and Electrical/Electronic Goods	P	P	
Hardware, Plumbing/Heating Equipment and Supplies	P	P	
Machinery Equipment and Supplies	P	---	
Miscellaneous Durable Goods	P	---	
Transportation and Warehousing			
Within a Wholly Enclosed Building	P	P	Includes indoor motor vehicle storage.
Outside Materials and Equipment Storage	A	---	Outdoor motor vehicle storage permitted in the Industrial land use district. Refer to Section 5.5.1(2) of this Specific Plan for outdoor storage provisions.
Fulfillment Center	P	---	
Refrigerated Warehousing and Storage	C	---	A maximum of 10% of building square footage of entire Specific Plan.
Industrial Retail Sales			
Maximum 15% of Building Gross Floor Area or 8,000 s.f., whichever is less	A	A	
More than 15% of Building Gross Floor Area or 8,000 s.f., whichever is greater	C	C	

Table 5-1 Permitted Uses (Cont'd)

Use Legend: Permitted Use = "P" Conditional Use = "C" Administratively Permitted Use = "A" Prohibited Use = "---"

Use	Land Use District		Notes
	Industrial (PAs 1, 2, 3, 4, 5 & 6)	Business Park (PAs 1A, 3A, 4A, 5A & 6A)	
Package and Parcel Sorting and Delivery	P	---	
Information			
Telecommunication Facilities	A	A	
Professional, Scientific, Tech. Services			
Including but not limited to professional offices of legal, accounting, tax preparation, bookkeeping, payroll, architecture, engineering, and specialized design services; systems design; management, scientific, and technical consulting services; administrative and business support services; and advertising and public relations services.	A	P	
Management of Companies and Enterprises	A	P	Including corporate, subsidiary, and regional managing offices.
Scientific Research and Development Services	---	C	
Sound (Audio) Recording Facilities	---	P	
Accommodation and Food Services			
Food Service Contractors	---	C	
Caterers	---	C	
Mobile Food Services	---	C	
Other Services (except Public Administration)			
Motor Vehicle Cleaning, Repair and Maintenance	C	C	
Linen and Uniform Supply	C	C	Includes linen supply and industrial launders.
Motion Picture and Video Industries	---	P	Excludes movie theaters.
Auction Houses	C	C	
Couriers and Messengers	P	P	
Data Processing, Hosting and Related Services	P	P	
Electronic (Internet) Shopping and Auctions, and Mail Order Houses	P	P	Includes direct business to consumer internet retail sales, auction houses, and/or mail order retail sales.

5.5 DEVELOPMENT STANDARDS

The following standards establish the development criteria that shall apply within the Business Park and Industrial land use districts of this Specific Plan. The entire Specific Plan boundary is located within the Chino Airport Safety Zones that may limit building height, land uses, limit FAR based on the proposed land use, and requires open land. Refer to the Chino Airport Land Use Compatibility Plan for additional land use restrictions.

Table 5-2 Development Standards

Development Standards		
Site Requirements	BP	I
Minimum Lot Size	1.0 acre	1.0 acre
Maximum Floor Area Ratio	0.60 ¹	0.55 ¹
Overall Minimum Landscape Coverage (Landscaping shall include plantings (trees, shrubs, groundcovers, vines) and may include walkways, benches, trellises, thematic fencing, walls, and related amenities.)	10% ^{2,3}	10% ^{2,3}
Minimum Landscape Coverage on Parcels at Principal Arterial Corners	10% ⁴	10% ⁴

1. Maximum Floor Area Ratio shall be determined based on the gross total acreage of all parcels developed in all Planning Areas of the same land use category (Business Park (BP) or Industrial (I)), and the total gross floor area of all buildings developed in the same land use category. The FAR maximum shall not apply on a planning area by planning area or parcel by parcel basis.
2. The Overall Minimum Landscape Coverage shall be determined based on the net total acreage of all parcels in the same land use category. The minimum landscape coverage requirement shall not apply on a planning area by planning area or parcel by parcel basis.

3. The landscaped portions of Water Quality Basins shall be counted towards the total landscape coverage. Non-landscaped portions of Water Quality Basins shall not be counted towards the total landscape coverage.
4. Minimum Landscape Coverage at Principal Arterial Corners shall be determined based on the net total acreage of parcels adjoining the corner. Refer to Specific Plan Figure 6-1 "Primary Entry Treatment" for locations.

Table 5-3 Minimum Setback Requirements at Public Streets

- As measured from the public right-of-way.
- Architecture features such as cornices, eaves, canopies, decorative wall elements may encroach up to 4 feet into the setback.

	BP	I
<i>Eucalyptus Avenue</i>		
Building	23 feet	N/A
Drive Aisle and Passenger Car Parking	23 feet	N/A
Screened Loading and Storage Yards	23 feet	N/A
<i>Vineyard Avenue</i>		
Building	25 feet	25 feet
Drive Aisle and Passenger Car Parking	25 feet	25 feet
Screened Loading and Storage Yards	25 feet	25 feet
<i>Grove Avenue</i>		
Building	20 feet	20 feet
Drive Aisle and Passenger Car Parking	20 feet	20 feet
Screened Loading and Storage Yards	20 feet	20 feet
<i>Walker Avenue</i>		
Building	18 feet	18 feet
Drive Aisle and Passenger Car Parking	18 feet	18 feet
Screened Loading and Storage Yards	18 feet	18 feet
<i>Baker Avenue</i>		
Building	10 feet	10 feet
Drive Aisle and Passenger Car Parking	10 feet	10 feet
Screened Loading and Storage Yards	10 feet	10 feet

Table 5-3 Minimum Setback Requirements at Public Streets (Cont'd)

	BP	I
<i>Carpenter Avenue</i>		
Building	10 feet	10 feet
Drive Aisle and Passenger Car Parking	10 feet	10 feet
Screened Loading and Storage Yards	10 feet	10 feet
<i>Merrill Avenue</i>		
Building	N/A	23 feet
Drive Aisle and Passenger Car Parking	N/A	23 feet
Screened Loading and Storage Yards	N/A	23 feet
<i>Street "A"</i>		
Building	N/A	10 feet
Drive Aisle and Passenger Car Parking	N/A	10 feet
Screened Loading and Storage Yards	N/A	10 feet

Table 5-4 Minimum Setback Requirements at Interior Side Yards

- As measured from the property line.

	BP	I
<i>Interior Side Yard</i>		
Building	5 feet	0 feet
Drive Aisle, Passenger Car and Truck Parking	5 feet	5 feet
Screened Loading and Storage Yards	0 feet	0 feet

Table 5-5 Minimum Drive Aisle and Parking Space Separation Requirements

- As measured from the edge of pavement.

	BP	I
Adjacent to building office element	10 feet	10 feet
Adjacent to solid building wall or screen wall/fence, and <u>not</u> within a screened/ enclosed yard.	5 feet	5 feet
Adjacent to solid building wall or screen wall/fence, and within a screened/enclosed yard.	0 feet	0 feet

Table 5-6 Maximum Building Height Requirements

- As measured from the building's finished floor.
- Maximum building height in the southwest portion of Planning Area 1 is required to be lower than 95 feet subject to consistency with the Chino Airport Compatibility Plan, or in absence of an adopted Compatibility Plan, the California Airport Land Use Planning Handbook.

	BP	I
Building Height	45 feet	85 feet
Vertical Architectural Projections (towers, focal elements, cupolas, etc.)	55 feet	95 feet
Building Height and Vertical Architectural Projections (Planning Areas 5 and 6)	N/A	110 feet

5.5.1 Other Development Standards

- (1) Loading docks and truck parking areas shall be visually screened from Eucalyptus Avenue, Grove Avenue, Walker Avenue, Baker Avenue, Vineyard Avenue, Merrill Avenue, Street "A", and Carpenter Avenue by walls and landscaping features.
- (2) The outdoor storage of materials and equipment shall be permitted ancillary to the land uses allowed pursuant to Table 5-1. Outdoor loading and storage areas and loading doors shall be screened from view from public streets by concrete or masonry walls and landscaping. Any gates shall be lockable. Such walls and landscaping used as screening shall be a minimum eight feet (8') in height and shall be of sufficient height to screen all outdoor materials and equipment, tractors and trailers, and loading doors from view of public streets and shall not exceed 14 feet in height. The storage of outdoor materials shall not exceed the height of the screen wall as measured from the interior side of the wall.
- (3) Ground- and roof-mounted exterior mechanical equipment, heating and ventilating, air conditioning, tanks, and other mechanical devices shall be of an architecturally compatible design with the primary structure and screened when visible to the public.
- (4) Exterior lighting fixtures shall be downward directed. Pole-mounted lights shall be shielded with the light source oriented away from public streets and/or adjacent properties.
- (5) All manufacturing and processing activities shall be conducted within a wholly-enclosed building.
- (6) The following open land and occupancy limit requirements shall apply in Chino Airport Safety Zones, as established by the Chino Airport Compatibility Plan.
 - a. Zone 1: The southwestern corner of Planning Area 2 is located in Chino Airport Safety Zone 1. No buildings shall be located in Safety Zone 1.
 - b. Zone 2: Portions of Planning Areas 1 and 2 are located in Chino Airport Safety Zone 2. At least 25% of the zone shall remain as open land* and occupancy shall be limited to 60 people per acre on average and a maximum of 120 people in any one acre.
 - c. Zone 3: Portions of Planning Areas 1, 1A, and 2 are located in Chino Airport Safety Zone 3. At least 15% of the zone shall remain as open land* and occupancy shall be limited to 100 people per acre on average and a maximum of 300 people in any one acre.
 - d. Zone 4: Portions of Planning Areas 1 and 1A are located in Chino Airport Safety Zone 4. At least 15% of the zone shall remain as open land* and occupancy shall be limited to 150 people per acre on average and a maximum of 450 people in any one acre.
 - e. Zone 6: Portions of all Planning Areas are located in Chino Airport Safety Zone 6. At least 10% of the zone shall remain as open land* or an open area every ¼

mile to ½ mile is required; occupancy shall be limited to 300 people per acre on average and a maximum of 1,200 people in any one acre.

* Open land is defined as areas at least 300 feet long by 75 feet wide (about 0.5 acre) that are relatively level and free of tall vertical objects such as structures, overhead lines/wires, and large trees and poles greater than 4 inches in diameter and taller than 4 feet above the ground. Parking lots can be considered as acceptable open lands.

- (7) The Specific Plan area is located in the Airport Influence Area (AIA) established by the Ontario International Airport Land Use Compatibility Plan (ONT ALUCP) and the AIA established by the Chino Airport Compatibility Plan (CNO ALUCP). All development in MERRILL COMMERCE CENTER shall be subject to the mandatory requirements and standards of those applicable ALUCPs, or the absence of an adopted ALUCP, the California Airport Land Use Planning Handbook. Given the close proximity of the Specific Plan area to the Chino Airport, developers within the Specific Plan area shall consult and coordinate with Chino Airport agencies during the planning and design stage so as to ensure development plans accommodate applicable safety restrictions. The entire Specific Plan area is impacted by the Chino Airport; developers within the Specific Plan area shall consult and coordinate with Chino Airport and FAA during the planning and design stage to ensure that development plans and right-of-way street improvements do not create any hazards and comply with the California Airport Land Use Planning Handbook published by the Caltrans Division of

Aeronautics and the Chino Airport Land Use Compatibility Plan.

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