

## **4.0 ADMINISTRATION**

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### **4.1 INTRODUCTION**

Approval of the Piemonte Overlay Specific Plan Amendment (2022) indicates acceptance by the City of Ontario City Council of the general framework for the development of the Piemonte Overlay property. Part of that framework establishes specific development standards that constitute the zoning regulations for the Piemonte Overlay. The provisions contained herein regulate development within the Specific Plan area, and provide the process for review and approval of development projects within the Overlay area.

### **4.2 SEVERABILITY**

If any portion of this Specific Plan Overlay document is declared to be invalid or ineffective in whole or in part, such decision shall not affect the validity of the remaining portions thereof. The legislative body hereby declares that they would have enacted these regulations and each portion thereof irrespective of the fact that any one or more portions be declared invalid or ineffective.

### **4.3 MINOR MODIFICATIONS TO THE OVERLAY**

The City recognizes that modifications to the text and exhibits of this document may be needed over time. The following minor modifications to this document may be process as Specific Plan Minor Amendments, pursuant to Ontario Development Code Section 4.02.080; the reviewing authority however shall have the discretion to defer any such request for modification to the Planning Commission or City Council.

- Expansions or reductions of the net acreage covered within a Subarea.
- A decrease in development intensity/density (non-residential square footage, lodging rooms, and/or residential units).
- Modification of design criteria such as architectural details, landscape

treatments, plant matrices, fencing, lighting, and entry treatments.

- Implementation of alternative landscape materials, wall materials, wall alignment, entry monument design, and streetscape design that are generally consistent with the conceptual design guidelines contained within this Overlay.
- Modifications to Architectural Design Guidelines, such as variation of materials within a particular architectural style and variations in materials and colors.
- Modifications to Signage requirements.
- Final infrastructure facility sizing and precise location of dry utilities, water, sewer, and storm drainage improvements when directed by the City Engineer.
- Roadway alignment when the changes are warranted. Revisions to exhibits which do not substantially change the intent of the Specific Plan.
- Modification and deletions to the list of allowed uses.
- Specific modifications of a similar nature to those listed above which are deemed minor by the Planning Director, which are in keeping with the intent of this Specific Plan and which are in conformance with the City of Ontario General Plan.

#### **4.4 AMENDMENTS TO THE OVERLAY**

Amendments to the Overlay may be requested by the applicant or the City pursuant to Section 65453(a) of the Government Code. Amendments shall be processed pursuant to the provisions of the Government Code for Specific Plan Amendments and Section 4.01.035 Specific Plans and Amendments of the Ontario Development Code.

In the event the proposed amendment requires supplemental environmental analysis pursuant to the California Environmental Quality Act (CEQA), the applicant(s) are responsible for preparing the necessary CEQA documentation.

## **4.5 SUBDIVISION MAPS**

Approval of subdivision maps may occur concurrently or subsequent to the adoption of the Overlay. All tentative and final subdivision maps shall be reviewed and approved pursuant to Division 2.02, Application Filing and Processing, and Division 6.08, Subdivisions, of the Ontario Development Code and consistent with the applicable provisions of the Land Use, Infrastructure, Development Regulations, and Design Guidelines adopted as part of the Overlay.

## **4.6 DEVELOPMENT REVIEW PROCESS**

Development proposals within the Piemonte Overlay area are subject to review and approval by the City of Ontario through the City's review processes discussed below.

### **4.6.1 Development Plans**

Development proposals shall be submitted to the City for consideration, pursuant to the provisions of the Development Code Division 2.02 and Division 4.02. Development Plans shall be substantially consistent with the Overlay and associated exhibits. Applications and appeals related to Development Plan Review shall conform to requirements of the Ontario Development Code.

Through the Development Plan review process, development of individual proposals will be evaluated for consistency with the land uses, facilities configurations, and Design Guidelines and Development Regulations established under the Overlay. Development Plan review will consider and evaluate such details as building architecture, design, location and orientation, development intensity, and circulation/site access.

### **4.6.2 Development Capacity Conversion**

Any conversion of remaining development capacity shall be processed at the same time as the applicable development plan.

## **4.7 CONDITIONAL USE PERMIT**

Conditional Use Permits shall be required in accordance with Table 5.02-1: Land Use Matrix of the Ontario Development Code. Conditional uses shall be processed pursuant to the requirements of Section 4.02.015 Conditional Use Permits of the Ontario Development Code. Conditional Use Permits adjacent to residential uses shall consider and address the following residential/commercial interface issues during the review process:

1. Parking
  - Guest
  - Personal spaces being used
2. Traffic
  - Blocked streets
  - Arena/restaurant events
3. Noise
  - People
  - Traffic/Motorcycles
  - Horns
  - Music
  - Arguments
4. Late Night Activities
  - Every night until 2 am
5. Security
  - Unwanted element
  - Sheer number of people in area
  - Strangers
6. Lack of Privacy
  - Walking
  - Jogging

- Dog Walking
- 7. Trash Pickup
  - Early morning noise
- 8. Deliveries
  - Large trucks
  - Times of day
- 9. Lighting
  - Overall light – amount of light
  - Lights shining in windows
- 10. Odors/Smell/Health
  - Kitchens/food
  - Flies and bugs
  - Rats and rodents
- 11. View/Appearance
  - Back of house
  - Loading areas
  - Wash out areas
- 12. Physical Damage
  - Walls
  - Buildings
  - Gates
  - Landscape

#### **4.8 APPEALS**

An appeal from any determination, decision, or requirement of staff, City, or Planning Commission shall conform to the appeal procedures established by Division 2.04 Appeals of the Ontario Development Code.