

6. SPECIFIC PLAN ADMINISTRATION

GENERAL REGULATIONS

1. Authority

The Grove Avenue Specific Plan is established through the authority granted to the City of Ontario by the California Government Code, Title 7, Division 1, Chapter 3, Article 8, Sections 65450 through 65457 (Specific Plans).

2. Relationship

The Specific Plan provides policies, standards, and regulations guiding the development of particular parcels and the overall corridor. Any area not addressed in the Specific Plan is governed by the Ontario Municipal Code. No provision of this Specific Plan is intended to repeal, abrogate, annul, impair, or interfere with any existing ordinance, resolution or policy, except as specifically repealed herein.

3. Zoning Ordinance

Upon adoption of the Grove Avenue Specific Plan, all land use designations, development regulations, and standards set forth, to the extent described herein, replace those contained in the applicable sections of Ontario Municipal Code.

4. Conflicts With Other Regulations

When the provisions of this Specific Plan impose more restrictive regulations than required by any other ordinance, resolution, or policy, the provisions of this Specific Plan shall govern.

This Specific Plan is regulatory in nature, and serves as zoning law for the properties and planning areas involved. Development plans, planning area plans, tract and parcel maps are to be in conformance with this Specific Plan and the City of Ontario General Plan.

5. Existing Agreements

This Specific Plan is not intended to interfere with or abrogate any easements, covenants, or other existing agreements which are more restrictive than the provisions contained herein.

6. Interpretations

The City Planner shall be responsible for interpreting the provisions of this Specific Plan. All such interpretations shall be in writing and shall be permanently maintained. Any person aggrieved by such interpretation may appeal the decision to the Planning Commission.

7. Ambiguities

Unless otherwise provided, any ambiguity concerning the content or application of the Grove Avenue Specific Plan shall be resolved by the City Planner.

8. Enforcement

The City Planner or designee shall enforce the provisions of this Specific Plan.

9. Violation

It is unlawful for any person to erect, construct, enlarge, alter, repair, move, use, occupy, or maintain any building, structure, equipment, or portion thereof within the Specific Plan area or cause the same to be done contrary to, or in violation of, any provision of this Specific Plan.

No person shall violate any provision or fail to comply with any requirement of this Specific Plan. Any person violating any provision or failing to comply with any requirement of this Specific Plan is guilty of a misdemeanor.

10. Conformance with the Grove Avenue Specific Plan

All existing development within the Grove Avenue Specific Plan shall be required to adhere to the general development standards and design guidelines contained herein at such time as a change in use or additional permit approval (e.g., signage, land use, landscaping) is sought from the City of Ontario.

11. Nonconforming Uses

A nonconforming use is a use of a structure or a site which was lawfully established and which was maintained prior to the adoption of this Specific Plan. The provisions of Article 32, Nonconforming Uses and Structures, of the Ontario Municipal Code shall apply to all nonconforming uses and/or developments within the Specific Plan area, with the following exception:

The reconstruction, modification, addition, or placement of any building or structure, the use or development of which is nonconforming, shall be permitted if a determination has been made by the Planning Commission that reasonable conditions have been attached to the proposal which conditions would bring the proposal into substantial compliance with the Grove Avenue Specific Plan.

12. Nuisance

Any use of property, building or structure hereafter erected, built, maintained or structurally altered contrary to the provisions of this Specific Plan, shall be considered a public nuisance.

13. Severability

In the event that any section, subsection, condition or term of this Specific Plan is declared illegal or unenforceable by any court of competent jurisdiction, the other sections, subsections, conditions, and terms shall remain in force and effect to the full extent permitted by law.

14. Property Maintenance

Property maintenance shall be required for all real property, as follows:

1. Landscape and Parking Areas: Landscape and parking areas shall be maintained in the following manner:
 - Parking areas shall be routinely swept and kept free from accumulations of trash, debris, bottles, rubbish, and other discards.
 - Parking area paint striping, including handicapped stalls, parking signs, painted fire curbs and signs, handicapped signs, shall be continually maintained.
 - A program of continual landscape maintenance shall be employed, insuring periodic watering, fertilizing and replacement of dead plant materials. All landscaping shall be maintained in accordance with approved plans.
 - All loading and unloading areas, truck parking stalls, trash enclosures, trash compaction and other storage areas shall be kept free from accumulation of trash, debris, bottles, rubbish and other discards.

- Except for undeveloped properties, no portion of any site shall be unfinished. All areas except for buildings, parking, and walkways shall be landscaped and permanently maintained.
- No vegetation, wall, fence, sign or structure shall be unsightly, by reason of graffiti, disrepair, neglect, or damage.
- Undeveloped property shall be kept free from weeds, debris and rubbish. Vacant property shall be posted to prevent trespassing, sale of vehicles, and any other code violations.
- Trash cans and trash dumpsters shall be kept in appropriate enclosures and trash storage areas.

2. Building Exteriors and Roofs

- No portion of any building or structure shall remain unfinished.
- All buildings and structures shall be maintained in accordance with the elevations, colors, and materials on file with Planning Department.
- All exteriors of buildings shall be continually maintained, painted, or repaired.
- All mechanical equipment, including vents, pipes, air conditioners and similar structures shall be screened from view. Equipment screening shall be periodically maintained, painted, or repaired.
- All roofs shall be continually maintained or replaced to ensure weatherproofing.

3. Signs

- All sign and sign structures shall be continually maintained in good physical condition per the signage guidelines of this Specific Plan. Maintenance may include painting, repair, and replacement of sign faces.
- All damaged signs and sign structures shall be immediately repaired.

DEVELOPMENT REVIEW AND APPROVAL PROCESS

All projects within the Grove Avenue Specific Plan area (including, but not limited to, planning area plans, subdivisions, site plans, and conditional use permits) shall be subject to the development plan and design concept review process of the City, as modified herein. All projects shall be in compliance with the applicable standards, criteria, and regulations of this Specific Plan.

Each project within the Grove Avenue Specific Plan area shall be subject to environmental review per the California Environmental Quality Act (CEQA). A notice of intent shall be filed with each application and an initial study shall be prepared, if required by CEQA. At a minimum, all applicable mitigation measures from EIR 90-2 prepared for the Grove Avenue Specific Plan are to be made conditions of project approval.

1. Planning Area Plan Requirements

Parcels of ten acres or more shall be required to prepare a Planning Area Plan (PAP), subject to Planning Commission review and approval prior to, or concurrent with, subdivision approval. At a minimum, the PAP shall address land use, circulation, public facilities, and infrastructure, in conformance with the Grove Avenue Specific Plan, as well as other issues identified through the site plan or subdivision review process. Any site plan or subdivision for property within an approved PAP shall be consistent with it.

The PAP shall cover the entire site, and shall be in conformance with the design guidelines and general development standards of the Specific Plan, except that variation from the rear and side yard setbacks may be permitted by the Planning Commission through its approval of a PAP. Exceptions may also be permitted in the establishment of administrative and professional offices with ancillary commercial uses, such that the ancillary commercial use or uses may be established on-site in a building other than that of the offices. Such variations or exceptions may be granted if it can be demonstrated that the entire site is planned as an integrated unit and that flexibility in the prescribed Specific Plan requirements is needed in order to guarantee development of a well-designed, visually pleasing project consistent with the goal of upgrading the appearance of the Grove Avenue Corridor.

2. Subdivision Requirements

Any application to subdivide property within the Specific Plan area shall not be accepted as complete without the filing of a site plan and any other required applications, such as a planning area plan (if the parcel is ten acres or larger), and/or a conditional use permit (if the proposed uses would require one).

3. Site Plan and/or Conditional Use Permit Requirements

All applications for site plans and/or conditional use permits are to include the following materials in addition to the standard application package:

- a. Fiscal Impact Analysis, as determined by City guidelines
- b. Transportation Demand Management (TDM) Plan, as required by EIR #90-2; and
- c. Traffic Impact Analysis of Consistency with County-wide Congestion Management Program, as determined by City guidelines.