Article I. - General Provisions

Division 1. - Generally

This chapter shall be known as the "City of Fontana Zoning and Development Code."

Sec. 30-1. - Purpose.

This article establishes official land use zoning regulations and design guidelines. The zoning districts and regulations set forth in this article are consistent with the goals and policies of the City of Fontana General Plan and are designed to:

1. Encourage the most appropriate use of land and ensure compatibility between uses;
2. Provide open space for light, air, and the preservation of resources;
3. Facilitate the timely provision of adequate infrastructure and community facilities;
4. Promote excellent architectural design; and
5. Promote health, safety, and general welfare of the citizens and visitors of Fontana.

Sec. 30-2. - Minimum requirements.

The interpretation and application of the provisions of this article shall be the minimum requirements for the promotion of public health, safety, and welfare. It is not the intent of this article to limit standards to minimums.

Sec. 30-3. - Greater or conflicting provisions.

Where any provision of this article imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by any other provisions of the Municipal Code, law, ordinance, restrictive covenant, or easement, this article shall govern.

Sec. 30-4. - Other uses to be determined by the Director of Community Development.

Other uses to be determined by the Director of Community Development. The Director of Community Development shall have the authority to determine other uses, in addition to those specifically listed in this
article, which may be permitted or conditionally permitted in each of the various zones when, in his or her judgment supported by specific findings, such other uses are similar to and no more objectionable to the public welfare than those listed, provided that a medical marijuana dispensary shall not be permitted pursuant to this section. This determination (with findings) shall be in writing and shall be forwarded to the Planning Commission as a Director's report within 30 calendar days of such determination. Permitted or conditionally permitted uses approved under this Director's Determination shall be considered for future incorporation into this article.

(Ord. No. 1666, § 2, 8-14-12)

Sec. 30-4.1. - Specific findings for director’s determination of other uses.

In reaching a determination that a use not specifically listed in this chapter may be permitted or conditionally permitted in each of the various zones, the Director shall make the following specific findings in writing:

1. That the proposed use is consistent with the applicable general plan map and text, the zoning district, and all other provisions of the Zoning and Development Code.

2. That the proposed use will be compatible with other permitted and conditionally permitted uses in the zoning district and that there will be no reasonably foreseeable adverse effect to other surrounding properties or their permitted uses.

3. That the proposed use will be organized, designed, constructed, operated and maintained so as to be compatible with the character of the zoning district and surrounding zoning districts as intended by the General Plan and Zoning and Development Code.

4. The proposed use encompasses or incorporates similar elements of other uses that are permitted or conditionally permitted in the same zoning district in which the proposed use is being requested, or the proposed use is a new and innovative use which does not appear to have been contemplated at the time of adoption of the Zoning and Development Code.

5. The proposed use is not substantially similar to a use that is specifically prohibited in the Zoning and Development Code and/or can be seen with certainty as being inconsistent with the goals and policies of the General Plan.

6. The proposed use is of a type, character, size, scale and nature which is compatible, conforming and otherwise harmonious with other like and similar uses, especially as related to operational characteristics such as services offered, goods, products, hours of operation, traffic and noise generation, indoor/outdoor configuration, and any other characteristic which by its existence provides factual information pertinent to the Director's Determination.

(Ord. No. 1666, § 3, 8-14-12)

DIVISION 2. - ADMINISTRATION AND ENFORCEMENT

Sec. 30-5. - Purpose.

The purpose of this section is to promote consistency and precision in the application and interpretation of development and zoning terms and definitions. The meaning and construction of words and phrases defined in this section shall apply in regards to all development within the City, except where the context and usage of such words or phrases clearly indicates a different meaning or construction intended in that particular case.

Sec. 30-6. - General.
For the purposes of carrying out the intent of this chapter, the following words, phrases, and terms shall have the meaning ascribed to them in this section.

1. The word "City" shall mean the City of Fontana, as described in the Municipal Code of the City of Fontana, its officers and employees thereof.

2. The word "council" shall mean the City Council of the City of Fontana, the governing body of the City.

3. The word "commission" shall mean the City of Fontana Planning Commission.

4. The word "county" shall mean the County of San Bernardino.

5. The words "Community Development Director" shall mean the Director of Community Development of the City of Fontana and shall include his or her designee.

6. The word "State" shall mean the State of California.

7. The words "Zoning Code," "this Code" or "Development Code" refer to Chapter 30 of the Municipal Code of the City of Fontana.

8. The word "shall" is mandatory and not discretionary. The word "may" is permissive and discretionary.

9. References in the masculine and feminine genders are interchangeable.

10. Unless the context clearly indicates to the contrary, words in the present and the future tenses are interchangeable, and words in the singular and plural are interchangeable.

11. Unless the context clearly indicates to the contrary, the following conjunctions shall be interpreted as follows:
   a. "And" indicates that all connected items or provisions shall apply.
   b. "Or" indicates that the connected items or provisions may apply singularly or in any combination.
   c. "Either…or" indicates that the connected items or provisions shall apply singularly but not in combination.
   d. "/" indicates "along with" or "also."

12. The word "used" shall include arranged, designed, constructed, altered, converted, rented, leased, occupied, or intended to be utilized.

Sec. 30-7. - Administration; marijuana uses.

(a) The purpose of this section is to regulate personal, medical, and commercial marijuana uses. Nothing in this section shall preempt or make inapplicable any provision of state or federal law.

(b) For purposes of this section, the following definitions shall apply:

1. Commercial marijuana activity includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, labeling, transportation, distribution, delivery or sale of marijuana and marijuana products.

2. Cultivation means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana.

3. Delivery means the commercial transfer of marijuana or marijuana products to a customer. "Delivery" also includes the use by a retailer of any technology platform owned and controlled by the retailer, or independently licensed under California law, that enables customers to arrange for or facilitate the commercial transfer by a licensed retailer of marijuana or marijuana products.

4. Distribution means the procurement, sale, and transport of marijuana and marijuana products between entities for commercial use purposes.
(5) **Licensee** means the holder of any state issued license related to marijuana activities, including but not limited to licenses issued under Division 10 of the Business and Professions Code.

(6) **Manufacture** means to compound, blend, extract, infuse, or otherwise make or prepare a marijuana product.

(7) **Marijuana** means all parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include:
   a. Industrial hemp, as defined in Section 11018.5 of the California Health and Safety Code; or
   b. The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

(8) **Marijuana accessories** means any equipment, products or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, smoking, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana or marijuana products into the human body.

(9) **Marijuana products** means marijuana that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing marijuana or concentrated cannabis and other ingredients.

(10) **Person** includes any individual, firm, co-partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

(11) **Private residence** means a house, an apartment unit, a mobile home, or other similar dwelling.

(12) **Sale** includes any transaction whereby, for any consideration, title to marijuana is transferred from one person to another, and includes the delivery of marijuana or marijuana products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return of marijuana or marijuana products by a licensee to the licensee from whom such marijuana or marijuana product was purchased.

(13) Any term defined in this section also means the very term as defined in the California Business and Professions Code or the California Health and Safety Code, unless otherwise specified.

(c) **Personal use.**

(1) For purposes of this subsection, personal recreational use, possession, purchase, transport, or dissemination of marijuana shall be considered unlawful in all areas of the City to the extent it is unlawful under California law.

(2) **Outdoor cultivation.** A person may not plant, cultivate, harvest, dry, or process marijuana plants outdoors in any zoning district of the City. No use permit, building permit, variance, or any other permit or entitlement, whether administrative or discretionary, shall be approved or issued for any such use or activity.

(3) **Indoor cultivation.**
   a. A person may not plant, cultivate, harvest, dry, or process marijuana plants inside a private residence, or inside an accessory structure to a private residence located upon the grounds of a private residence, or inside any other enclosed structure within any zoning district of the City. No use permit, building permit, variance, or any other permit or entitlement, whether administrative or discretionary, shall be approved or issued for any such use or activity.
   b. To the extent a complete prohibition on indoor cultivation is not permitted under California law, a person may not plant, cultivate, harvest, dry, or process marijuana plants inside a private residence, or inside an accessory structure to a private residence located upon the grounds of a private residence, unless the person is issued an indoor cultivation permit by the Community Development Department. A person may not plant, cultivate, harvest, dry, or
process marijuana plants inside any enclosed structure within any zoning district of the City which is not either a private residence or an accessory structure to a private residence located upon the grounds of a private residence.

c. The Community Development Department will issue application and processing guidelines for the indoor cultivation permit. No indoor cultivation permit shall be issued prior to the release of these guidelines, and no permit shall be granted which has not complied fully with the application and processing requirements.

(d) Medical use.

(1) Cultivation of medical marijuana pursuant to Section 11362.77 of the California Health and Safety Code is subject to the cultivation requirements laid out in subsection (c) of this Section.

(2) The establishment or operation of any medical marijuana collective, cooperative, dispensary, delivery service, operator, establishment, or provider shall be considered a prohibited use in all zoning districts of the City. No use permit, variance, building permit, or any other entitlement or permit, whether administrative or discretionary, shall be approved or issued for the establishment of any collective, cooperative, dispensary, delivery service, operator, establishment, or provider in any zoning district, and no person shall otherwise establish such businesses or operations in any zoning district.

(e) Commercial use.

(1) The establishment or operation of any business of commercial marijuana activity is prohibited. No use permit, variance, building permit, or any other entitlement or permit, whether administrative or discretionary, shall be approved or issued for the establishment or operation of any such business or operation. Such prohibited businesses or operations may include, but are not limited to:

a. The transportation, delivery, storage, distribution, or sale of marijuana, marijuana products, or marijuana accessories;

b. The cultivation of marijuana;

c. The manufacturing or testing of marijuana, marijuana products, or marijuana accessories; or

d. Any other business licensed by the state or other government entity under Division 10 of the California Business and Professions Code, as it may be amended from time to time.

(f) No person, whether as principal, agent, employee or otherwise, shall violate, cause the violation of, or otherwise fail to comply with any of the requirements of this section. Every act prohibited or declared unlawful, and every failure to perform an act made mandatory by this section, shall be a misdemeanor or an infraction, at the discretion of the City Attorney or the District Attorney. In addition to the penalties provided in this section, any condition caused or permitted to exist in violation of any of the provisions of this section is declared a public nuisance and may be abated as provided in Section 1-7 and/or under state law.

(Ord. No. 12998, § 2, 1-26-16; Ord. No. 1747, § 2, 9-13-16)

Sec. 30-8. - Final acceptance and utilities.

The Director of Community Development shall, notwithstanding the provisions of any other code, law, or ordinance, withhold final approval and acceptance, or final utility connections, to any structure until all of the applicable provisions and requirements of Chapter 5 and this chapter, and any conditions, or requirements officially established by the City, have been complied with.

Sec. 30-9. - Penalties.
Unless a different penalty is prescribed for violation of a specific section of this chapter, any person, firm or corporation, whether as principal, agent, employee or otherwise, violating, causing a violation of, or failing to comply with any provision of this chapter or any condition of any development approval authorized by this chapter is guilty of a misdemeanor. Upon conviction thereof such person, firm or corporation shall be punishable by a fine of one-thousand dollars, or by imprisonment in the county jail for a term not exceeding six-months, or by both such fine and imprisonment. Such person, firm or corporation is deemed guilty of a separate offense for each and every day during any portion of which any violation of this chapter is committed, continued or permitted by such person, firm or corporation, and shall be punished as provided in this section.

Any condition that is caused or permitted to exist on a property in violation of any provision of this chapter is hereby declared a public nuisance. In addition to the penalties provided in this section, the City Attorney may institute any necessary legal actions or proceedings to enforce the provisions of this chapter, including, but not limited to, an action of civil injunction, restraining order, or abatement proceeding. Costs, as defined in California Code of Civil Procedure Section 1033.5, related to such proceedings may be awarded by the court or, upon resolution of the City Council, be declared a lien against the property upon which such a nuisance is maintained, and shall also be made the personal obligation of the property owner.

Sec. 30-10. - Utility and franchise utility lines.

The provisions of this chapter shall not be construed to limit or interfere with the use of property in any zone for the installation, maintenance and operation of public and franchise utility pipelines, underground and aerial transmission lines, and supply lines and structures when such facilities are located within rights-of-way, easements, franchises, or other ownership of such utilities, and provided the facilities are installed in accordance with the applicable rules and regulations of the Public Utilities Commission of the State of California and the Federal Communications Commission.

Sec. 30-11. - List of definitions.

The following definitions shall apply to Chapter 30 of the Fontana Municipal Code (Development Code).

*Abutting* means having lot lines or zone boundaries in common.

*Accessory building* means a building detached from the main building or structure on the same lot, the use of which is incidental and subordinate to the main building or structure.

*Accessory use* means a use of land or of a building or portion thereof which is incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

*Acreage, gross* means all land within a defined area, including private and public ownerships, rights-of-way, easements, etc., measured to centerline of street.

*Addition* means any construction that is attached to an existing building and which increases the size of a building or facility in terms of site coverage, height, length, width, or gross floor area.

*Adjusted gross acreage (net acreage)* is commonly used to calculate total density or FAR for a project. To calculate adjusted gross acreage, subtract the acreage of streets (collectors and above), public facilities and open space from the total gross acreage. Note that public schools, short term detention basins (as determined by the Director of Community Development), and active parks are to be included and considered as a part of the adjusted gross acreage in calculating density and/or FAR at the discretion of the City Council. To estimate adjusted gross acreage, multiply the total gross acreage by 70% (.7) to provide an approximate calculation.

*Adult business* means any adult bookstore, adult mini-motion picture theater, adult motion picture theater, adult cabaret, massage establishment, or sexual novelty store as defined below:

1. *Adult bookstore* means an establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals, which are distinguished or characterized by their emphasis on matters depicting, describing, or related to "specific sexual activities" or
"specified anatomical areas" or an establishment with a segment or section devoted to the sale or display of such material.

(2) **Adult mini-motion picture theater** means an enclosed building with a capacity for less than 20 persons used for presenting material distinguished or characterized by an emphasis on matters depicting, describing, or relating to "specific sexual activities" or "specified anatomical areas" for observation by patrons therein.

(3) **Adult motion picture theater** means an enclosed building with a capacity of 20 or more persons used for presenting material distinguished or characterized by an emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" for observation of patrons therein.

(4) **Sexual novelty store** means an establishment having as a portion of its stock in trade in goods which are replicas of or which simulate "specified anatomical areas" or goods which are designed to be placed on "specific anatomical areas" to cause sexual excitement thereof.

**Airport** means any area which is used or intended to be used for the taking off and landing of aircraft, including helicopters, and any appurtenant areas which are used or are intended go be used for airport buildings or facilities, including open spaces, taxiways and tie-down areas.

**Alley** means a service way providing a secondary means of public access to abutting property and not intended for general traffic circulation.

**Amusement park** means an outdoor facility, which may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conducting of games or sale of items, and buildings for shows and entertainment.

**Ancillary use** means a use that is in addition and subordinate to the primary use.

**Animal hospital** means a place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

**Animal kennel** means any structure or premises in which four or more animals or at least four animals of at least four months of age are kept, boarded, bred, trained, or sold.

**Animal slaughtering** means a facility where animals are butchered and processed for their marketable products.

**Antenna** means any system of wires, poles, rods, towers, whips, reflecting discs, or similar devices used for transmission or reception of electromagnetic waves. This definition shall include all satellite dish antennae, as well as any and all antenna structures used for the reception of television, radio waves, and microwaves.

**Antenna (transmission)** means any system of wires, poles, pods, towers, whips, reflecting discs, or similar devices for transmission of electromagnetic waves.

**Arcade** means any establishment containing three or more video or electronic amusement devices. Any facility, e.g., pizza parlor, donut shop, restaurant, convenience store, retail outlet, etc., may have up to two video or electronic amusement devices without the approval of a conditional use permit.

**Architectural control** means public regulation of the design of private buildings to develop, preserve, or enhance the attractiveness or character of a particular area or individual building.

**Assisted care facility** means a special combination of residential housing, personalized supportive services and care.

**Automobile detailing** means the hand-washing, waxing, and interior cleaning of passenger vehicles.

**Automobile fuel service station** means a facility whose primary function is to provide minor repair service to motor vehicles and dispense motor fuels. This facility may include a car wash and a retail sales area not to exceed 1,000 square feet accessible to the public.
Automobile and/or trailer sales area means any building, land area or other premise used for the display and sale of new or used automobiles, panel trucks or vans, trailers, or recreation vehicles and including any warranty repair and other repair service conducted as an accessory service.

Automobile/truck dealers means a facility which sells automobiles and trucks of one ton or less capacity, both new and used, and includes the repairing of same. Trucks of more than one ton capacity shall not be included in this term.

Automobile/truck repairing means a facility which provides repair service to such vehicles and includes but is not limited to, tire shops, muffler shops, transmission shops, upholstery and accessory shops. Includes the repair of trucks more than one ton capacity.

Automobile wrecking means the wrecking or dismantling of motor vehicles or trailers, the storage of, sale of, or dumping of dismantled, partly dismantled, or wrecked motor vehicles or their parts.

Balcony means a platform projecting from the external wall of a building and surrounded by a railing or parapet.

Batching plant means a facility which processes and mixes various materials including concrete and asphalt.

Berm means a mound of earth of varying height.

Bicycle rack means a stationary bicycle storage rack(s) designed to secure the frame and wheels of the bicycle.

Bikeway means a paved pathway, usually separated from streets and sidewalks, designed to be used by bicyclists.

Billboard means a sign that directs attention to a business, profession, product, commodity, or service that is not the primary business, profession, product, commodity, or service sold, manufactured, or conducted, or offered on the site on which the sign is located.

Billiards center means any establishment containing three or more billiard (pool) tables. Any other facility may have up to two billiard (pool) tables without the approval of a conditional use permit.

Block means a unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways or any other barrier to the continuity to development.

Boarding house means a residence or dwelling, other than a hotel, wherein three or more rooms, with or without individual or group cooking facilities, are rented to individuals under separate rental agreements or leases, either written or oral, whether or not an owner, agent or rental manager is in residence.

Body or hearing body means the individual or group duly authorized by this chapter to grant changes to, relief from or special consideration under the Development Code.

Buffer areas means an area of land used to visibly separate one use from another or to shield noise, lights or other possible nuisances.

Building means any structure built for the support, shelter, or enclosure of persons, animals, fowls, chattels, or personal property of any kind.

Building coverage means the relationship between the ground floor area (footprint) of the building(s) and the net lot area.

Building height means the vertical distance above a reference point measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference point shall be selected by either of the following, whichever yields a greater height of building:

(1) The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten feet above lowest grade.
(2) An elevation ten feet higher than the lowest grade when the sidewalk or ground surface described in item (1) above is more than ten feet above lowest grade.

The height of a stepped or terraced building is the maximum height of any segment of the building.

Building, main means a building within which is conducted the principal use permitted on the lot as provided by this chapter.

Building official means the head of the Building and Safety Division of Fontana and shall include his deputies.

Building, public means an institution such as a library, public school, hospital, or public-owned or operated building, structure or land used for public purpose.

Building site means a lot, or contiguous lots of land in single, multiple, or joint ownership (exclusive of all rights-of-way and all easements, except open space easements, that prohibit the surface use of the property by its owner), which provides the area and open spaces required by this chapter for construction of a building or buildings, and which abuts a public or private street or alley, or easement.

Bus depot means a use that includes a building and area in which patrons of a private or semi-private for-pay passenger transportation service may purchase tickets on or off site for passage on a motor carrier, may board or disembark such motor carrier, but does not allow any motor carrier to remain on the premises for more than two hours at a time, except under extraordinary circumstances, such as inclement weather or mechanical failure. All motor carriers located on bus depot property shall have the driver or chauffeur present and in charge of such motor carrier while located on bus depot property. For the purpose of this definition, "motor carrier" shall mean a bus, van, limousine, or similar multi-passenger vehicle. A bus depot does not include a bus terminal. (See definition of "Bus Terminal")

Bus terminal means a use that includes a building and area in which patrons of a private or semi-private for-pay passenger transportation service may purchase tickets on site (or off site if the point of sale is the subject site) for passage on a motor carrier, may board or disembark such motor carrier, and which may allow such motor carrier to remain in a secured area for more than two hours at a time. For the purpose of this definition, "motor carrier" shall mean a bus, van, limousine, or similar multi-passenger vehicle. Bus terminals may provide for the storage, maintenance, and services of busses including repair and washing in a fully enclosed building, and fueling facilities. A bus terminal may include a bus depot. (See definition of "Bus depot")

Business park, general means a group of three or more substantially compatible and cross-supporting uses, typically in separate buildings, on a single parcel or multiple contiguous parcels of land that are planned, developed, and operated as an integrated site with shared common areas for such uses and supporting ancillary uses. Special design attention is given to circulation, parking, utility needs, aesthetics, and compatibility. Basic elements of a business park include, but are not limited to, the following: developments that are themed to a particular profession or discipline and contain strong branding; shared open space, parking, and amenities; architectural, design, and signage consistency; on-site management; property owners associations (POAs), governing documents such as covenants, conditions and restrictions (CC&R's), and may be held in condominium or in fee ownership.

Business parks are further identified as industrial, logistics-related, or office:

(1) Business park, industrial means a group of three or more industrial uses, typically in separate buildings, on a single parcel or multiple contiguous parcels of land that are planned, developed, and operated as an integrated site with shared common areas for such uses and supporting ancillary uses with special attention given to circulation, parking, utility needs, aesthetics, and compatibility. For uses permitted within industrial business parks, refer to Table 30-245.A., Permitted Uses in Industrial Zoning Districts, subsections No. 1. Manufacturing, No. 2. Incubator research and development facilities, No. 3. Food processing, and No. 9. Administrative and professional offices. Incidental supporting uses that are ancillary to the main business park, may be permitted by the Director of Community Development provided specific written findings are made pursuant to Section 30-4. (Other uses to be determined by the Director of Community Development).
(2) Business park, logistics means a group of three or more trucking related uses, typically in separate buildings, on a single parcel or multiple contiguous parcels of land, totaling a minimum of ten acres, that are planned, developed, and operated as an integrated site with shared common areas for such uses and supporting ancillary uses with special attention given to circulation, parking, utility needs, aesthetics, and compatibility. For uses permitted within logistics business parks, refer to Table 30-245.A., Permitted Uses in Industrial Zoning Districts, subsections No. 4. Service and Repair, and No. 6 Warehousing uses. Incidental supporting uses that are ancillary to the main business park, may be permitted by the Director of Community Development provided specific written findings are made pursuant to Section 30-4. (Other uses to be determined by the Director of Community Development).

(3) Business park, office means a group of three or more office uses, typically in separate buildings, on a single parcel or multiple contiguous parcels of land, totaling a minimum of five acres, that are planned, developed, and operated as an integrated site with shared common areas for such uses and supporting ancillary uses with special attention given to circulation, parking, utility needs, aesthetics, and compatibility. For uses permitted within office business parks, refer to Table 30-202.A., Permitted Uses in Commercial Zoning Districts, subsection B. Business and professional offices, and Table 30-245.A., Permitted Uses in Industrial Zoning Districts, subsection No. 9. Administrative and professional offices. Incidental supporting uses that are ancillary to the main business park, may be permitted by the Director of Community Development provided specific written findings are made pursuant to Section 30-4. (Other uses to be determined by the Director of Community Development).

Caretaker’s residence means a dwelling unit accessory to a principal use on a site and intended for occupancy on same site by a caretaker, security guard, servant, or similar position generally requiring residence on the site.

Carnival means such activities as fairs, wild animal shows, rodeos, animal rides, and traveling shows, or other similar or related amusement activities.

Carport means a roofed structure providing space for the parking or storage of motor vehicles and enclosed on not more than one side.

Cemetery means property used for the interring of the dead including columbariums, crematoriums, mausoleums, and mortuaries when operated in conjunction with and within the boundary of a cemetery.

Centerline means the centerline of a street as referred to in this Code shall mean the right-of-way centerline as established by the county engineer of the county, by the City Engineer of any City within the county, by the Division of Highways of the State of California, or if no such centerline has been established and in any base in which foregoing definition is not applicable.

Certificate of occupancy means a document issued by the building official allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all the applicable municipal codes and ordinances.

Chemical/substance abuse facility means any facility which provides medical or non-medical care and supervision in a group setting to adults recovering from the effects of controlled substances or chemicals.

Child day care home, large means a structure with the licensed accessory daytime care of seven children or more under 18 years of age.

Child day care home, small means a single-family dwelling or structure with the licensed accessory daytime care of one to six children under 18 years of age.

Church means a building or buildings providing facilities for worship or the assemblage of the public for worship.

Circulation master plan means the Master Plan of the City of Fontana designating adopted and proposed routes for all streets and arterial highways within the City of Fontana.

Clinic means an establishment where patients are admitted for examination and treatment by one or more physicians, dentists, psychologists or social workers and where patients are not lodged overnight.
Club means a group of people organized for a common purpose to pursue common goals, interests or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and by-laws. A "club" shall not include a group organized solely or primarily to render a service carried on as a business for profit.

Cluster development means a development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

Commercial use means an activity, normally retail sales, carried out for monetary gain.

Common area means land in a residential development held in common and/or single ownership and not reserved for the exclusive use or benefit of an individual tenant or owner.

Community care facilities means any facility, place or building where non-medical care and supervision are provided for seven or more persons (does not include the licensee or members of the licensee's family or persons employed as facility staff). Term does not include recovery houses or other similar facilities providing group living arrangements for persons recently released from a penal or corrective institution.

Community center means a facility operated by the City or others which provides recreational, cultural or other similar activities.

Community noise equivalent level means a cumulative measure of noise for a 24-hour day, weighted to noise occurring during the evening and nighttime periods.

Conditional use means a use permitted in a particular zoning district only upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of such use as specified according to zone and authorized by the Planning Commission.

Conditional use permit means an approval which may be granted by the Planning Commission that authorizes the recipient to make use of property in accordance with the requirements of this chapter as well as any additional requirements imposed by the Planning Commission as conditions of approval of a particular project.

Condominium means an undivided interest in common in a portion of real property coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map, parcel map, or condominium plan in sufficient detail to locate all boundaries thereof. The area within these boundaries may be filled with air, earth, or water, or any combination thereof, and need not be physically attached to land except by easements for access and, if necessary, support.

Contractor’s yard. See: Equipment rental yard.

Convalescent hospital means a facility providing long-term nursing, dietary and other medical services to convalescents or invalids but not providing surgery or primary treatments such as are customarily provided in a hospital. A convalescent hospital must be licensed by the State as such.

Convalescent facility means a use providing bed care and in-patient services for persons requiring regular medical attention, and persons aged or infirm unable to care for themselves, excluding surgical or emergency medical services and drug, alcohol and mental rehabilitation centers. A convalescent facility shall be licensed by the State as such.

Convenience store means a small retail food market providing goods and other services which are easily accessible and open for extended hours of operation.

Country club means a club organized and operated primarily for social and outdoor recreation purposes, including incidental accessory uses and structures.

Cyber café shall mean an establishment that provides more than six computers and/or other electronic devices for access to the Internet, e-mail, video games or computer software programs which are networked (via LAN or WAN) or which function as a client/server program, and which seeks compensation in any form from users. Cyber café is synonymous with PC café, internet café or cyber centers.

Decibel or db means a unit of sound pressure level.
**Defensible space** means a physical space which is made usable and safe by means of a design encouraging pedestrian circulation, visual access and the elimination of visually obstructed areas.

**Demolish** means to destroy or ruin a building or other structure on purpose.

**Density bonus** means a density increase over the otherwise allowable residential density under the applicable land use element of the general plan. Any density bonus application shall be processed in accordance with the rules and regulations of the State of California Office of Planning and Research.

**Density** means the number of dwelling units, or housing structures per net acre of land.

**Dermagraphic technician** means a person trained in the technique of applying micro insertions of natural pigments to the dermal layer of the skin.

**Design review** means the procedure intended to protect the integrity and character of the residential, commercial, and industrial areas of the City through the application of the provisions of the Development Code, consistent with the policies of the general plan or specific plan.

**Design review, major** means revisions or modifications to site plans, grading plans, landscape plans, or architectural plans which are significant, shall be considered a major revision. Also, any request for a change in conditions of approval shall be considered a major revision. Major revisions shall be processed through the same approval procedures and authority which granted the original approval. The applicant requesting such revisions shall be required to supply any necessary plans, as deemed appropriate by the Community Development Director, and pay necessary fees to cover the review procedure. The decision of the approval authority shall be final unless appealed to the City Council.

**Detention basin** means a storage facility for the temporary storage of storm water runoff.

**Developer** means the person or firm who prepares acreage for development and installs sufficient improvements to facilitate further subdivision of the property and construction of authorized uses. In the case of larger acreage there may be a master developer who sells property to several builders. With smaller acreage, the developer may be the original land owner or an individual builder.

**Development** means the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance, and any use or extension of the use of land.

**Development advisory board (D.A.B.)** consists of representatives of the various City departments and public agencies. The D.A.B. serves to review projects for consistency with the General Plan, Zoning Ordinance, and other policies and procedures established by the City Council and Planning Commission on development proposals. The D.A.B. is strictly advisory.

**Development agreement** means a legally binding instrument executed between two or more parties which sets forth the specific criteria under which a certain development project may proceed. Modifications to the terms and conditions of the agreement require the mutual written consent of all parties entering into the agreement.

**Development plan** means a map or maps, along with supporting text and data, statistics or tables which describe the entitlement to use and associated conditions thereto authorized for a described parcel of land, approved in accordance with the requirements of the applicable plan.

**Development review.** See: Design review.

**Director** means the Community Development Director or his or her designee.

**Distribution facility** means a use engaged primarily in distribution of manufactured products, supplies, and equipment, including incidental storage and sales activities, but excluding of bulk storage of materials which are flammable or explosive.

**Diversified fuel retailer** means a facility providing for fuel sales, ancillary fuel products, and includes a building area for the sale of food, beverages, notions, and sundries and may include a car wash.

**Drive approach** means the portion of a driveway, typically within the public right-of-way, which flairs out for vehicle maneuvering.
Drive-in theaters mean an outdoor movie theater where patrons view movies from their vehicles.

Drive-thru facility means a facility which, by its design, allows people to receive goods and/or services while remaining in their automobiles.

Drive-thru restaurant means a use providing preparation and retail sale of food and beverages with either "sit-down" and/or "drive-thru" service.

Driveway means a private roadway providing access for vehicles to a parking space, garage, dwelling or other structure.

Driveway corner cut-off shall mean a safety area, clear of any visual obstructions measuring over 30 inches from street level and which would constitute a traffic or pedestrian hazard, as the triangular area created by a line between two points measured ten feet from, and along the axis of, the intersecting point of a street property line and the edge of a driveway nearest a side property line.

Dwelling means a structure or portion thereof which is used exclusively for permanent human habitation.

Dwelling group means a group of two or more detached buildings used as one-family, two-family or multiple-family dwellings located on a single lot, together with all of the open spaces required by this chapter but not including tourist courts, motor courts, or motels or any other commercial uses.

Dwelling, multiple-family means a building or portion thereof used and/or designed as a residence with three or more dwelling units in the same structure, located on a single lot.

Dwelling, single-family attached means a building or portion thereof used and/or designed as one dwelling unit, located on a single lot, and constructed with one or two common walls with a single-family unit on another lot.

Dwelling, single-family detached means a building used for one dwelling unit, located on a single lot, and separated from any other dwelling unit.

Dwelling, two-family means a building designed and/or used to house not more than two families living independently of each other.

Dwelling unit means one or more rooms designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single-family maintaining a household; a dwelling unit in a single-family detached dwelling also includes space for domestic employees of the family maintaining the household.

Easement means a grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

Eave means the projecting edges of a roof overhanging the wall of a building.

E-cigarettes means an electronic and/or battery-operated device, the use of which may resemble smoking, which can be used to deliver an inhaled dose of nicotine or other substances.

Educational institution means an institution such as a private or public school, college, or university qualified by the State Board of Education to give general academic instruction, or to confer degrees as a college, university, of undergraduate or graduate standing or to conduct research.

E-lounge means an establishment where customers utilize a heating element that vaporizes liquid solution that releases nicotine or flavored vapor, including but not limited to the use of e-cigarettes.

Emergency shelter means a dwelling area provided on a short-term basis by a profit or not for profit organization for the temporary housing of persons.

Employees’ quarters means quarters for the housing of agricultural and domestic employees when such quarters are located upon the same land occupied by their employer.

Engineer, City means the City Engineer of the City of Fontana and shall include his/her designee.
Environmental impact report (EIR) means a detailed statement setting forth the environmental effects and considerations pertaining to a project as specified in Section 21100 of the California Public Resources Code (California Environmental Quality Act), and may mean either a draft or a final EIR.

Equestrian facility means a structure or area the use of which is devoted to activities involving horses, including mules, donkeys, and jackasses.

Equestrian trail means a natural surfaced path for equestrian use.

Equipment rental yard or contractor yard means a use providing for maintenance, servicing, or storage of motor vehicles, equipment, or supplies; or for the dispatching of service vehicles; or distribution of supplies or construction materials required in connection with a business activity, public utility service, transportation services, or similar activity. The term "contractor yard" shall include a construction materials yard, vehicular service center, or similar use.

Exotic animal means an animal not normally kept as a pet, an animal that is not indigenous to San Bernardino County, and/or whose keeping requires a permit from the State of California.

Existing use means the use of a lot or structure at the time of the enactment of a zoning ordinance.

Extraordinary amenity means an amenity used in conjunction with the residential planned community (R-PC) designation in specific plans that allow developers, at the discretion of the Planning Commission and City Council, to increase the residential densities pursuant to the guidelines established in the general plan.

Facade means the exterior wall of a building exposed to public view or that wall viewed by persons outside the building.

Family means one or more individuals occupying a dwelling unit and living in a single household unit.

Farm means a parcel of land used for agricultural activities.

Farmers market shall mean a commercial or non-profit use, with an organized display, indoors or outdoors, of agricultural products in their natural state, for retail sale.

Fast food restaurant means an establishment whose principal business is the sale of pre-prepared or rapidly prepared food served in disposable packaging directly to the customer, for consumption either within the restaurant building or off the premises.

Fence means a solid or open barrier intended to enclose or mark an area.

Fire access road means a minimum 20-foot wide access road paved with asphalt or concrete for emergency use approved by the local fire agency.

Floor area, gross means the total horizontal area, in square feet, including the exterior walls of all floors of a structure.

Floor area ratio. This calculation determines the maximum square footage of a building on an individual parcel. A .50 FAR for a 10,000 square foot lot would allow a 5,000 square foot building. This total could be a single story building that is 5,000 square feet or a two story building with each floor being 2,500 square feet.

Frontage means the length of that portion of a lot abutting a street.

Garage means a building or portion thereof in which a motor vehicle containing flammable or combustible liquids or gas in its tank is stored, repaired, or kept.

Garage, enclosed means a structure, with a maximum area of 1,000 square feet, attached or detached to the main residential unit(s) on a property with three solid walls, from floor to ceiling (window and pedestrian door openings permitted), a solid roof, and a fourth wall with a closable solid or sectional garage door.

Garage, private means a building or a portion of a building, not more than 1,000 square feet in area, in which only motor vehicles used by the tenants of the building or buildings on the premises are stored or kept. This building may include a lavatory and water closet (½ bath).
Garage, public means any garage other than a private garage.

Garbage means animal and vegetable waste resulting from the handling, storage, sale preparation, cooking and serving of foods.

General plan means the adopted General Plan of the City of Fontana which is the official statement of policy relative to physical development within the City boundaries.

Grade (adjacent ground elevation) means the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five feet from the building, between the building and a line five feet from the building.

Grade, finished means the final elevation of the ground surface after development.

Grade, natural means the elevation of the ground surface in its natural state, before man-made alterations.

Grading, contour means a grading concept designed to result in earthforms and contours which resemble natural terrain characteristics, with generally curving, nonlinear slope banks having variations in the slope ratios of the horizontal and vertical curves.

"Granny" housing means a dwelling unit to be constructed, or which is attached or detached from, a primary residence on a parcel zoned for a single-family residence, if the dwelling unit is intended for the sole occupancy of one adult or two adult persons who are 55 years of age or over, and the area of floor space of the attached dwelling unit does not exceed 30 percent of the existing living area or the area of the floor space of the detached dwelling unit does not exceed 1,200 square feet.

Gray water means used household water which has not come into contact with a toilet, waste soiled diapers, or sewage; includes rinse water remaining after washing dishes by hand in a tub, sink or washing machine; used water from a bathroom sink, spa, or swimming pool; used water from a washing machine that does not receive diapers; and used water from a bathtub or shower.

Greenbelt means an open area which may be cultivated or maintained in a natural state surrounding development or used as a buffer between land use or to mark the edge of an urban or developed area.

Group home means any community care facility regulated and licensed by a Federal and/or State agency. Unlicensed community care facilities or those community care facilities the regulation of which is not otherwise pre-empted by State or Federal law shall be deemed boarding homes under this Code.

Guest parking means on-site parking spaces provided for intermittent use by visitors.

Guest house means an accessory building containing a lodging unit without kitchen facilities, and used to house occasional visitors or non-paying guests of the occupants of a dwelling unit on the same site.

Hazardous substance means any chemical that, because of its quantity, concentration, physical or chemical characteristics, whether in use, stored, or in transit, poses a significant potential hazard to human health and safety or the environment. Such chemicals and/or substances are further defined and classified in the City's building and fire codes, Title 19 and Title 24 of the California Code of Regulations, California Health and Safety Code, other nationally recognized standards, and Federal Codes such as the United States CFR (Section 1321(b)(2)(A) of Title 33, Section 6921 of Title 42, Section 1317(a) of Title 33, Section 7412 of Title 42, Section 2606 of Title 15), and Federal Act, 42 U.S.C. 9602. Hazardous materials categories include, but are not limited to, explosives and blasting agents, compressed gases, flammable and combustible liquids, flammable solids, organic peroxides, oxidizers, pyrophoric materials, unstable (reactive) materials, water-reactive solids and liquids, cryogenic fluids, highly toxic and toxic materials, radioactive materials, corrosives, carcinogens, irritants, sensitizers, and other health hazards.

Home improvement center means a retail service engaged in providing retail sale, rental, service, or related repair and installation of home improvement products, including but not limited to building materials, paint and wallpaper, carpeting and floor covering, decorating, heating, air conditioning, electrical, plumbing, and mechanical equipment, roofing supplies, yard and garden supplies, home appliances, and similar home improvement products.
Home occupation means any accessory activity carried out for gain which is conducted within a dwelling unit incidental to the residential use of the dwelling unit and does not adversely affect the uses permitted in the district of which it is a part, and which is not a medical marijuana dispensary. No products may be sold nor signs displayed other than those permitted, no persons are employed other than occupants of the residence, and no mechanical equipment may be used other than that necessary or convenient for domestic purposes.

Homeowners association means a community association which is organized within a development in which individual owners share common interests and responsibilities for open space, landscaping, and/or facilities.

Hookah lounge means an establishment whose business operation is denoted by the smoking of tobacco or other substances through one or more pipes (commonly known as a hookah, waterpipe, shisha or narghile) designed with a tube passing through an urn of water that cools the smoke as it is drawn through it, or other such smoking device, placed at various tables throughout the business.

Hospital means an institution consisting of a facility licensed by the State Department of Public Health for the provision of clinical, temporary or emergency service of a medical, obstetrical or surgical nature to human patients, including overnight care of patients.

Hotel means a building in which there are six or more guest rooms where lodging with or without meals is provided for compensation, and where no provision is made for cooking in any individual room or suite. Access to the guest facilities shall be through a main lobby so as to monitor and control the actual use of the facility by patrons.

Improvement means any item which becomes part of, placed upon or affixed to real estate.

Incidental storage means a maximum of ten percent of the site can be used for incidental material storage associated with the primary use of the business.

Infill means all parcels located south of Baseline Avenue, north of the I-10 Freeway, east of Etiwanda Avenue, and west of Maple Avenue or any lot or parcel within any area of the City, where the lot is five gross acres or less, where at least 80 percent of the land within a 300-foot radius of the site has been developed, and where water, sewer, streets, schools, and fire protection have already been developed and are provided. This includes all residential, commercial and industrial parcels with the exception of those parcels that have a previously approved fee agreement or development agreement with the City of Fontana.

Infill development also means the development of substantially unimproved properties surrounded by other properties that are substantially developed.

Infrastructure means basic facilities and services needed to sustain residential and commercial activities.

Institutional use means a nonprofit or quasi-public use institution such as a church, library, public, or private school, hospital, or municipally owned or operated building, structure or land, used for public purpose.

Junk or salvage yard means any area, lot, parcel, building or structure or part thereof used for the storage, collection, processing, purchase, sale or abandonment but not limited to wastepaper, rags, scrap metal, etc., or other scrap or discarded goods, materials, machinery or two or more unregistered, inoperable motor vehicles or other type of junk.

Kennel. See: Animal kennel.

Key lot. See: Lot, key.

Land use plan means a plan showing the existing and proposed location, extent and intensity of development of land to be used in the future for varying types of residential, commercial, industrial, agricultural, recreational, educational and other public and private purposes or combination of purposes.

Landlocked parcel means a parcel having no legal access.
Landscaping plans means a plan designed and prepared by a City-approved landscape designer or a landscape architect, who indicates the type, size and location of vegetative and accent material proposed for the landscaping of a site including all irrigation and other devices necessary to maintain such landscaping.

Landscaping means an area devoted to or developed and maintained predominately with native or exotic plant materials including lawn, ground cover, trees, shrubs, and other plant materials; and also including accessory decorative outdoor landscape elements such as pools, fountains, paved or decorated surfaces (excluding driveways, parking, loading, or storage areas).

Landscape setback, the required distance between a property line and a building, structure or parking lot.

Line of sight means point of visibility from one point to another.

Loading space means an accessible “off-street” space or berth on the same site as a structure, or within a structure, for the exclusive use of the commercial loading or unloading of goods or materials.

Loading zone means an approved off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial and customer vehicle while loading or unloading merchandise or materials and which abuts upon a street, alley, or other appropriate means of access.

Local commercial means the general plan land use category which applies to business having a retailing function that senses the needs of local neighborhood residents. A site for this type of use shall be no less than one acre nor no more than eight acres.

Lot has the following meanings:

(1) A parcel of land with a separate and distinct number or other designation shown on a plat recorded in the office of the county recorder; or

(2) A parcel of land delineated on an approved record of survey, lot split or sub-parceling map as filed in the office of the county recorder, which abuts at least one public street or right-of-way, or easement determined by the Commission to be adequate for the purpose of access; or

(3) A parcel of land containing not less than the area required by the zone in which it is located, abutting at least one public street or right-of-way, and held under separate ownership from adjacent property.

Lot area, net means the area within the lot lines of a lot exclusive of any dedications for public rights-of-way, parks, school sites, open space, surface rights easements, or other impediments which prevent the property owner from constructing a structure on that portion of the site.

Lot coverage means the percentage of the net area of the lot which is covered by the main building, carports, and all accessory structures (patios not included) as viewed from a plan perspective.

Lot depth means the average linear measurement between the front and rear lot lines when measured at 90 degree angles from the front lot line, or the tangent or chord line of a curved front lot line.

Lot frontage means the length of the defined front lot line measured at the street right-of-way line.

Lot line means the lines bounding a lot as defined herein.

Lot line, front means the line separating the narrowest street frontage of the lot from the street right-of-way.

Lot line, rear means the lot line opposite and most distant the front lot line; or in the case of an irregularly shaped lot, a straight line not less than ten feet long, within the lot, and most nearly parallel to and at the maximum distance from the front lot line.

Lot line, side means any lot lines other than the front or rear lot lines.

Lot width means the average linear distance between side lot lines when measured at a 90 degree angle to the front lot line.
Lot, corner means a lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees.

Lot, cul-de-sac means a lot located on the turning end of a dead-end street.

Lot, flag means a lot having access to a street by means of a private driveway access, easement, or parcel of land not meeting the requirements of this Code for lot width, but having a dimension of at least 20 feet at its narrowest point.

Lot, interior means a lot other than a corner lot.

Lot, key means the first interior lot to the rear of a reversed corner lot which is not separated there from by an alley.

Lot, reversed corner means a corner lot in which the side lot line is substantially a continuation of the front lot line of the nearest lot to its rear.

Lot, substandard means any lot which does not meet the minimum dimensions, the area of any easement which restricts the normal usage of the lot may be excluded.

Lot, through means a lot which fronts upon two streets which do not intersect at the boundaries of the lot.

Manufactured home means a factory-built single-family structure, as defined in Section 19971 of the California Health and Safety Code or a manufactured home as defined in Section 18007 of the California Health and Safety Code. Formally known as Mobile homes these are structures transportable in one or more sections, designed to be used as a residential dwelling unit and not having wheels or axles permanently attached to their body or frame, and are considered manufactured homes only if they are built in conformance with the Federal Manufactured Housing Construction and Safety Standards Act of 1976(42 USC Section 5401) and located on a foundation system pursuant to Section 18551 of the California Health and Safety Code. Manufactured homes or mobile homes do not include recreational vehicles or commercial coaches, as defined in Section 19971 of the California Health and Safety Code.

Manufacturing means a use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental processing of extracted or raw materials.

Masseur establishment means an establishment where any person is engaged in the business of massaging, rubbing, shaking, kneading or tapping the human body, or giving Turkish, Russian, Swedish, or other baths, or similar procedures. Massage establishments shall not include licensed chiropractors or other licensed medical practitioners.

Maximum lot (building) coverage means the maximum area of the lot that may be covered by buildings and roofed structures (i.e., carports). This may be expressed in square footage or as a percentage of the minimum lot area.

Medical center means a complex of patient care facilities serving multiple medical needs including but not limited to emergency, ambulatory, outpatient, and inpatient services. This definition is applied to facilities with not less than 100 providers and 200 acute beds. The review and approval of new or expanded facilities which meet this definition is subject to Section 30-290 of this Code.

Medical marijuana dispensary or dispensary means any facility or location where medical marijuana is made available and/or distributed by or to one or more of the following: a primary caregiver, a qualified patient or a person with an identification card in strict accordance with California Health and Safety Code Section 11362.5 et seq. A "medical marijuana dispensary" shall not include the following uses, as long as the locations of such uses are otherwise regulated by this Code or applicable law: a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code, a health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code, a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code, a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code, a residential hospice or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code, as long as such use complies strictly with applicable law including, but not limited
to, Health and Safety Code Section 11362.5 et seq. A "medical marijuana dispensary" shall also not include collective or cooperative entities or groups described by California Health and Safety Code Section 11362.775, provided that no payment or other compensation is made for any marijuana distributed by any such entity or group, whether to members or non-members.

**Mini-mart** means a facility providing retail sales from a building with 250 to 449 square feet of retail floor space accessible to the public. It shall have a minimum of four MFD's and eight fueling positions. See: Diversified fuel retailer.

**Mini-warehouse** means a structure containing separate storage spaces of varying sizes, leased or rented on an individual basis.

**Minimum lot area** means the amount of land that must be contained in a lot for each dwelling unit to be built on that lot. This ratio is typically applied in multiple-family zones. In single-family zones, it is the same as minimum lot size.

**Minor modification** means a method whereby minor changes may be made to preexisting or previously approved use or structure without any additional impact or expansion of the use or structure.

**Mixed use** means the development of a tract of land or building or structure with two or more different uses such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment, in a compact urban form.

**Mobile home.** A residential dwelling that was fabricated in an off-site manufacturing facility, designed to be a permanent residence, and built prior to enactment of the Federal Manufactured Home Construction and Safety Standards of 1976. See Manufactured home.

**Mobile home park** means any area or tract of land where two or more mobile home spaces are rented or leased or held out for rent or lease to accommodate mobile homes used for human habitation. The rental for such mobile home includes rental for the space it occupies.

**Mobile home/modular subdivision** means any area or tract of land where one or more mobile home lots are rented, leased or held out for rent or lease to accommodate mobile homes used for human habitation, and includes mobile home accommodation structures. The rental paid for any such mobile home shall be deemed to include rental for the lot it occupies.

**Modular home/structure** means a structure, transportable in one or more sections, designed for use with a permanent foundation when connected to the required utilities.

**Motel** means an establishment providing temporary accommodations containing six or more rooms some of which have direct access to the parking areas without the necessity of passing through the main lobby of the building.

**Motor vehicle** means a machine capable of self-propulsion, with or without human guidance, whether for the performance of work or as a mode of transportation.


**Natural grade** means the elevation of the ground surface in its natural state before man-made alterations.

**Neighborhood center** means a shopping center which clusters retail goods and services to residents in the immediate vicinity of the center. Such centers range in size from five to 15 acres and normally contain a major supermarket.

**Net acreage.** See Adjusted Gross Acreage.

**Nightclubs, taverns, bars** means a use providing preparation and retail sale for on-site consumption of alcoholic beverages, as licensed by the Alcoholic Beverage Control, and may offer facilities for dancing or performing floor shows.
Noise, ambient means the all-encompassing noise level associated with a given environment, being a composite of sounds from all sources, excluding the alleged offensive noise, at the location and approximate time at which a comparison with the alleged offensive noise is to be made.

Noise, basic level means the acceptable noise level within a given district.

Noise, level means the “A” weighted sound pressure level in decibels obtained by using a sound level meter at slow response with a reference pressure of 20 micropascals. The unit of measurement shall be designated as dBA.

Noise, mobile source means any noise source other than a fixed noise source.

Noise, zone means any defined area or region of a generally consistent land use.

Nonconforming lot means a lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of this Code, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the code.

Nonconforming structure means a structure or building the size, dimensions or location of which was lawful prior to the adoption, revision or amendment to a zoning ordinance, but which fails by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

Nonconforming use means a use or activity which was lawful prior to the adoption, revision or amendment to a zoning ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

Nursery, landscape means a service providing propagation and sale of plants, shrubs, trees, statuary, and similar products, and related materials and services associated with installation, maintenance, and improvement of yards, gardens, landscaped areas, outdoor living and recreation areas, and similar facilities.

Nursing home means an extended or intermediate care facility licensed to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

Off-street parking space a temporary motor vehicle parking area that is not located on a dedicated street right-of-way.

Open space, active means any parcel or area of land or water designated or reserved for public or private use or enjoyment. An active open space contains recreational facilities such as pools and swimming areas, court and other game areas, playing fields and equipment required for recreational activities. Active open space shall not include any curb side parking.

Open space, common means land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and may include such complementary structures and improvements (e.g., recreational facilities) as are necessary and appropriate. Common open space shall not include any curb side parking.

Open space, passive means any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space which is established in order to preserve the natural and aesthetic qualities of the area and may be used for non-structured recreational activities. Passive open space shall not include any curb side parking.

Open space, private means an open space, fenced or otherwise, which is reserved for the exclusive use by the occupants of a single specified dwelling unit. Private open space shall not include any curb side parking.

Open space, public means open space owned by a public agency and maintained by it for the use and enjoyment of the general public. Public open space shall not include any curb side parking.

Operator means a dermagraphic technician or tattooist.
Outdoor advertising structure means a sign that directs attention to a business, profession, product, commodity, or service that is not the primary business, profession, product, commodity, or service sold, manufactured, or conducted, is offered on the site on which the sign is located.

Parking area, private means an area, other than a street, designed or used primarily for the parking of vehicles and not open to general public use.

Parking area, public means an area, other than a private parking area or street, used for the parking of vehicles and available for general public use, either free or for remuneration.

Parking space means an area with minimum dimensions as established in the parking standards for a district, which is accessible and available for the parking of one vehicle.

Parking structure means a structure used for the parking of vehicles where parking is accommodated on two or more levels.

Parks, public means an open space intended for public recreational use which is operated by the City.

Parolee, federal means an individual convicted of a federal crime, sentenced to a United States Federal Prison, and received conditional and revocable release in the community under the supervision of a Federal parole officer.

Parolee home means any residential structure or unit, whether owned and/or operated by an individual or for-profit or non-profit entity, which houses between two to six parolees, unrelated by blood, marriage, or legal adoption, in exchange for monetary or non-monetary consideration given and/or paid by the parolee and/or any individual or public/private entity on behalf of the parolee.

Parolee, state adult means an individual who is serving a period of supervised community custody, as defined in penal Code Section 3000, following a term of imprisonment in a State prison, and is under the jurisdiction of the California Department of Correction, Parole and Community Services Division.

Parolee, youth authority means an adult or juvenile individual sentenced to a term in the California Youth Authority and received conditional revocable release in the community under the supervision of a Youth Authority parole officer.

Paseo, a public or private walk or boulevard designed primarily to provide pedestrian connectivity within both a residential or mixed-use community or as access to adjacent communities while providing for the following: enhanced and/or decorative hardscape, enhanced landscape (including trees, shrubs and ground cover), pedestrian amenities such as benches and low level lighting and similar features designed specifically to enhance the pedestrian experience. Generally, paseos are to be considered an amenity over and above sidewalks and parkways required as part of a public right-of-way cross section.

Patio, recessed means an inner courtyard indented, as in a wall, with or without a roof.

Patron means a person being tattooed at a tattoo establishment.

Performance standards mean a set of minimum criteria or minimum limits for a particular use or process.

Permitted use means any use allowed in a zoning district by right and subject to the restrictions applicable to that zoning district.

Phase means any contiguous part or portion of a project which is developed as a part of a total project.

Pilaster means an upright architectural member that is structurally a pier, but architecturally is treated as a column.

Plot plan means a diagram of a lot, as seen from above, showing the outline of all structures and other significant features on the lot and indicating the distance of the structures and other significant features from the borders of the lot and from each other.

Plot means a single unit parcel of land.

Pool hall. See: Billiards.
Porch means a roofed platform usually forming an entrance to a house.

Preliminary site plan means a preliminary plan developed to identify the location and general relationships between: land uses, improvements, structures, circulation systems, landscaping and design elements.

Prezoning means the act of designating, in advance of annexation, the district to be applicable to a site upon subsequent annexation of that site to the City of Fontana.

Primary/principal use means a use which acts as the main function of a site as it relates to intensity, square footage, activity and/or traffic generation.

Private club means a building and related facilities owned or operated by a corporation, association, or group of individuals established for the fraternal, social, educational, recreational or cultural enrichment of its members and not primarily for profit, and whose members meet certain prescribed qualifications for membership and pay dues.

Project means the total development within the boundaries as defined on the development plan.

Public facility means a use established primarily for the benefit and enjoyment of the community in which it is located, including a library, post office, neighborhood center, and similar facilities.

Public utility structures mean a structure that provides a service (such as light, power, or water) to the general public. Included in this term are electric substations, water reservoirs, etc. Waste-to-energy facilities are not considered as public utility structures for these purposes.

Quarry means a place where rock, ore, stone and similar materials are excavated for sale or for off-tract use.

Quasi-public means a use owned or operated by a nonprofit, religious or charitable institution and providing education, cultural, recreational, religious or similar types of public programs.

Queue line (stacking) means an area for temporary parking and lining of motor vehicle while awaiting a service or other activity.

Rebuild means to construct within and/or on a legally constructed existing building new value greater than 75 percent of the replacement cost of the existing building being rebuilt.

Recharge basin means any natural or man-made water facility or area whose purpose is the accumulation of water for percolation into underground aquifers or other natural underground water storage area.

Recreation, commercial means a use providing recreation, amusement or entertainment services, including indoor, such as theaters, bowling lanes, billiard parlors, skating arenas, and similar services, and outdoor uses such as golf, tennis, basketball, baseball, and similar services, operated on a private or for profit basis.

Recreational vehicle means a movable vehicular structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use. Recreational vehicles include but are not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.

Recycling facility means a facility at which waste and other discarded materials are sorted, cleaned, treated or reconstituted for the purpose of using the altered form. Recycling facilities include, but are not limited to, scrap metal dealers, aluminum collection centers, and paper recycling centers.

Research and development means a primary use engaged in study, testing, design, analysis, and experimental development of products, processes, or services, that may include incidental manufacturing or products or provision of services to others.

Residential care facility means any licensed family home, group care facility or similar facility as determined by the Director of the State Department of Social Services which provides 24-hour non-medical services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual, excluding senior citizens.
Resource recovery means the process of obtaining materials or energy, particularly from solid waste.

Rest home. See: Nursing home.

Restaurant means an establishment where food and drink is prepared, served and consumed primarily within the main building, and building or portion thereof where food and/or beverages are sold in a form ready for consumption and where all or a significant portion of the consumption takes place or is designated to take place outside the confines of the building, often in a motor vehicle.

Restaurant, drive-thru. See: Drive-thru restaurant.

Restaurant, fast food means a restaurant which supplies food and beverages primarily in disposable containers and which is characterized by high automobile accessibility, self-service and short stays by customers.

Retail means the selling of goods, wares or merchandise directly to the ultimate consumer.

Retention basin means a pond, pool or basin used for the permanent storage of water runoff. See: Detention basin and recharge basin.

Riding and hiking trails means a trail or way designed for or used by equestrians, pedestrians, and cyclists with non-motorized bicycles.

Rooming house. See: Boarding house.

Salvage means the utilization of waste materials.

Sanitarium, health means a licensed institution where patients, other than the mentally disoriented or mentally incompetent, are housed and where medical or post-surgical treatment is provided.

Sanitarium, mental means a licensed institution for the recuperation and treatment of the mentally disordered or mentally incompetent victims of mental disorders or drug addiction.

Sanitary landfill. See: Solid waste disposal facility.

School, business or trade means a use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or public or private educational facility.

School, elementary/high means an institution of learning which offers instruction in the several branches of learning and study required to be taught in the public schools by the Education Code of the State of California. High schools include junior and senior.

School, parochial means a school supported and controlled by a church or religious organization.

School, private means any building or groups of buildings the use of which meets stated requirements of primary, secondary or higher education and which use does not secure the major part of its funding from any governmental agency.

Screen check plan means a draft development plan prepared with sufficient scope and detail (1) to enable City staff to review the plan, and (2) to provide direction to guide the preparation of a development plan complete and accurate enough to schedule it for required public hearings.

Screening means a method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms or densely planted vegetation.

Second dwelling unit means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated.

Second hand store means any premises used for the sale or handling of used goods including establishments for the sale or trade of used clothing, furniture and appliances.

Secondary use means a use that is secondary to the primary/principal use and located on the same lot with such principal use. A secondary use shall generally be considered less intense as it relates to intensity, square footage, activity and traffic generation.
Senior citizen means any person age 55 or older pursuant to the guidelines of the United States Social Security Administration.

Senior citizen housing means senior citizen housing for persons 55 years of age or older or otherwise provided.

Senior citizen housing, congregate care means senior citizen housing which provides meal service at a central dining facility but does not provide 24-hour services or supervision.

Service bay means repair garage where work is limited to the exchange of parts and maintenance. For the purpose of calculating parking requirements, one parking stall is required for each 300 square feet of service bay building area.

Service, take-out means a feature or characteristic of eating and drinking services which encourage or allow, on a regular basis, consumption of food and beverages outside of a building, such as in outdoor seating areas where regular table service is not provided, in vehicles parked on the premises, or off the site.

Setback area means the minimum distance required by zoning to be maintained between two structures or between a structure and a property line.

Setback line means a line within a lot parallel to and measured from a corresponding lot line, forming the boundary of a required yard and governing the placement of structures and uses on the lot.

Sewer treatment plant means a facility for the treatment and disposal of sewage matter.

Shared parking means a situation where the same parking spaces can be utilized by two or more different uses due to the differing peak hours of operation of the uses involved.

Shed means an accessory structure or building used primarily for storage purposes which is less than 120 square feet and does not require a building permit.

Site means any plot or parcel of land or combination of contiguous lots or parcels of land.

Site plan means a plan drawn to scale showing uses and structures proposed for a parcel of land as required by the applicable regulations including lot lines, streets, building sites, reserved open space and other specific development proposals.

Slope means the degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.

Smoke lounge means an establishment devoted to selling tobacco related products to be consumed or smoked on the premises.

Smoke/tobacco shop means a retailer where more than 40 percent of the floor area is dedicated for the sale of pipes, tobacco, flavored tobacco, pipe tobacco, vapor cigarettes, e-cigarettes, nicotine oils/liquids, cigars and cigarettes or similar merchandise and smoking equipment that is directly sold to the consumer.

Slope bank means a slope steeper than 15 percent.

Solar access means a property owner’s right to have the sunlight shine on his land.

Solar energy systems means a complete design or assembly consisting of a solar energy collector, and energy storage facility, and components for the distribution of transformed energy.

Solid waste disposal facility means any facility or location authorized by San Bernardino County, where disposal of solid waste occurs. “Solid waste” means all decomposable and non-decomposable solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, discarded home and industrial appliances, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes excluding sewage wastes as approved by Fontana Municipal Code and EPA.
Specific plan means a fully planned community, with all design controls, servicing requirements and financing techniques incorporated into the plan, which is adopted with a self-contained regulatory text and serves to implement the general plan in more detail.

Stable, private means a building or portion of a building used to shelter and feed equine which are used exclusively by the occupants of the property on which the stable is situated.

Stable, public means a stable other than a private stable.

Standards, development means the physical design and development portion of the Development Code controlling such items as building coverage, yard areas, and height of structures or floor area ratios.

Statuary, retail sales. See Nursery.

Street corner cut-off shall mean a safety area, clear of any visual obstructions measuring 30 inches above ground level and which would constitute a traffic or pedestrian hazard, as the area defined by a 45 degree cut-off line between two points each measured 30 feet along the property lines from the intersecting point at the street corner.

Structure means anything constructed or built. An edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Swap meet, interior or exterior means any indoor or outdoor place, in an approved location, or for an approved activity where new or used goods or secondhand personal property is offered for sale or exchange to the general public by a multitude of individual licensed vendors, usually in compartmentalized spaces. The term swap meet is interchangeable with and applicable to: flea markets, auctions, open air markets, farmers markets, or other similarly named or labeled activities; but the term does not include the usual supermarket or department store retail operations.

Tattoo establishment means a place or facility where tattooing is performed. This shall not include any business or facility that tattooing is incidental to the primary services provided, and generates ten percent or less of its gross revenues from tattooing. A permit for a tattoo establishment may be granted at any time during the year, but all such permits shall expire on the thirty-first day of the next succeeding December. Tattoo establishment permits shall not be transferable.

Tattooing means any method of permanently placing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin with ink, natural pigments or colors, by the aid of needles or instruments.

Tattooist means a person who engages in tattooing.

Temporary structure means a structure without any foundation or footings and which is removed within a designated time period, or when the activity or use for which the temporary structure was erected has ceased.

Temporary use means a use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

Terracing means an erosion control method that uses small hills and contours on the land surface to control flooding and runoff.

Topography means the configuration of a surface area showing relative elevations.

Tot lot means an improved and equipped play area for small children.

Trail, community means a trail, generally 20 feet in width, which is a segment of a planned trail system, intended to link local feeder trails with the regional trail system, designed and improved for bicycle, hiking, and/or equestrian use.

Trail, equestrian means a trail which is a segment of a planned trail system designed, improved, and intended to be used for horseback riding purposes.

Trailer means a structure standing on wheels, towed or hauled by another vehicle, and used for short-term human occupation, carrying materials, goods or objects, or as a temporary office.
Trailer, construction means a trailer, the use of which is incidental to new construction on a site, including but not limited to temporary office space for the direction of on site construction activities.

Transfer station means those facilities used to receive solid wastes, temporarily store, separate, convert, or otherwise process the materials in the solid wastes, or used to transfer the solid wastes directly from smaller to larger vehicles for transport, and those facilities utilized for transformation.

Transitional area means an area which acts as a buffer between two land uses of different intensity.

Transitional use means a land use between a more or less intensive use.

Travel trailer park means an area where spaces are offered to one or more users of travel trailers.

Travel trailer means a vehicle which is designed or used for human habitation and for travel or recreational purposes which does not at any time exceed eight feet in width and 40 feet in length and which may legally be moved upon a public highway without a special permit or chauffeur's license.

Triplex means a building containing three dwelling units.

Truck stops means a facility intended to provide services to the trucking industry, and include, but are not limited to the following activities: the dispensing of fuel, repair shops, automated washes, restaurants, and motels.

Truck terminal means a lot, lot area or parcel of land used, designed or maintained for the purpose of storing, parking, refueling, repairing, dispatching, servicing or keeping motor trucks and associated equipment together with those facilities necessary to service, dispatch, store or maintain aforementioned vehicles, their cargos and crews.

Underdeveloped means a parcel of land that is developed with a building or buildings on a portion of the parcel where by 50 percent or more of the remaining parcel is left unimproved and is less than 50 percent of the maximum FAR.

University or college means an educational institution of higher learning which offers a course of study designed to culminate in the issuance of a degree as defined by Section 29002 of the Education Code of the State of California, or successor legislation.

Use means the purpose for which land or a building is occupied, arranged, designed or intended, or for which either land or building is, or may be, occupied or maintained.

Use, conditional means a use, listed by the regulations of any particular district as a conditional use within that district and allowable therein, solely on a discretionary and conditional basis, subject to development/design review or to a conditional use permit, and to all other regulations established by this Code.

Vacant parcel means a parcel void of any structures (including footings and/or foundations).

Vape shop means a retailer that primarily sells vapor cigarettes, e-cigarettes, nicotine oils/liquids and associated accessories for off-site use.

Vapor cigarettes means an electronic and/or battery-operated device, the use of which may resemble smoking, which can be used to deliver an inhaled dose of vaporized oils that contain nicotine.

Vapor lounge means an establishment devoted to selling tobacco related products including but not limited to electronic or vapor cigarettes, to be consumed or smoked on the premises.

Variance means permission to depart from zoning ordinances when because of special circumstances, unique to a specific property, strict application of the ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning. Any variance granted will assure that the adjustment granted will not constitute a special privilege.

Vehicle, storage/impound facility means any lot, lot area, or parcel of land used, designed, or maintained for the specific purpose of storing, impounding, or keeping motor vehicles, but not including dismantling or wrecking activities.
Vested right means a right which has been legally established and cannot be revoked by subsequent conditions or changes in law without due process of the law.

Wall means a substantial solid barrier intended to enclose, separate or surround. Typically, a wall is four inches or more in thickness and is usually supported by a rectangular pilaster.

Wall, community theme means a solid wall used to establish a community architectural identity or theme, often used to link diverse project neighborhoods and facilities together into an identifiable community.

Warehousing sales, retail means the use of a building or buildings primarily for the internal storage of goods of any type, which includes the selling of such goods both directly to the ultimate consumer, and also includes incidental wholesaling. Generally, sales tax is collected from the ultimate consumer.

Warehousing sales, wholesale means the use of a building or buildings primarily for the internal storage of goods of any type, which includes the selling of such goods to other businesses, including retailers, industrial, commercial, institutional, or professional business users, other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies, and specifically excluding sales of goods directly to the ultimate consumer. Generally, sales tax is not collected from businesses purchasing such goods.

Warehousing, high cube means the use of a building or buildings primarily for the internal storage of goods of any type, but which does not include sales of goods (e.g. retail sales or wholesaling). This use is defined as a warehouse/distribution centers greater than 200,000 square feet in size with a typical ceiling height of at least 28 feet, employing a high level of automation, and used primarily for distribution of goods to other warehouses.

Warehousing, standard means the use of a building or buildings primarily for the non-interim (long-term) internal storage of goods of any type, but which does not include sales of goods (e.g. retail sales or wholesaling).

Warehousing, with distribution means the use of a building or buildings primarily for the interim (short-term) internal storage of goods of any type, but which does not include sales of goods (e.g. retail sales or wholesaling). This use is generally engaged in receipt and distribution of goods, products, supplies, etc., with incidental storage and is typically identified with a quick turnaround of such goods.

Wholesaling means selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or, acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. This is not considered a retail commercial use and it specifically excludes the selling of goods directly to the ultimate consumer.

Workshop/hobby shop means an enclosed building that is used for manufacturing, constructing or assembling of parts for one's personal use. All equipment, tools and devices used shall not produce noise levels that exceed 65 dbL for exterior noise and 45 dbL for interior noise levels. This structure may include a lavatory and water closet (½ bath).

Wing wall means an extension of a wall of a building beyond that encasing the space within the building.

Xeriscape means landscaping characterized by the use of vegetation which is drought resistant or low water use in character.

Yard area means as defined in the UBC, yard is an open, unoccupied space, other than a court, unobstructed from the ground to the sky, except where specifically provided by this Code, on the lot on which a building is situated.

Yard, corner means a side yard which faces a public street on a corner lot and extending from the front yard to the rear yard.

Yard, front means a yard extending the full width of the lot between the front lot line and a line parallel thereto and passing through the nearest point of the building; provided that, if a future street right-of-way has been established, such measurement shall be from the future street right-of-way line.
Yard, rear means a yard extending the full width of the lot between the rear lot line and a line parallel thereto. For through lots, if a future street right-of-way has been established, such measurement shall be from the future street right-of-way line.

Yard, side means a yard between the side lot line and a line parallel thereto and extending from the front yard to the rear yard.

Zero lot line means the location of a building on a lot in such a manner that one or more of the building’s sides rest directly on a lot line.

Zoning district means a specifically delineated area or district in a municipality within which regulations and requirements uniformly govern the use, placement, spacing and size of land and buildings.

Zoning map means the map or maps, which are a part of the Development Code, and delineate the boundaries of zone districts.


ARTICLE II. - ADMINISTRATIVE PROCEDURES

DIVISION 1. - GENERALLY

Sec. 30-12. - Purpose.

The purpose of this article is to outline procedures used by the City of Fontana for the administration of the zoning ordinance (Development Code) and implementation of the general plan. This article contains a description of the hearing bodies and officers and the procedures for which they are responsible. The processes and guidelines for each procedure are also included within this article.

DIVISION 2. - PERMITS AND PROCEDURES SUBJECT TO REVIEW

Sec. 30-13. - General plan amendment.

The general plan may be amended by changing the boundaries of the general plan land use map or text within the general plan whenever such an amendment is deemed necessary to protect or promote the public’s health, safety, or general welfare or when the modification is viewed as appropriate in the context of generally accepted planning principles, surrounding land uses, and the general plan. Specific procedures are outlined in Division 13 of this article.

Sec. 30-14. - Amendments to code and zoning map.

This code may be amended by changing the boundaries or development standards or zoning designation of any zone whenever such an amendment is deemed necessary to protect or promote the public’s health, safety or general welfare or when modification is viewed as appropriate in the context of generally accepted planning principles, surrounding land uses, and the general plan. Specific procedures are outlined in Division 6 of this article.

Sec. 30-15. - Specific plans/amendments.
A specific plan may be adopted when it is deemed necessary or desirable to establish a specific plan of land uses and development standards for an area to assist with the implementation of general plan goals. Specific procedures are outlined in Division 9 of this article.

Sec. 30-16. - Conditional use permits.

The City recognizes that certain types of land uses require individual review by the Planning Commission to determine whether the type of use proposed, or the location of that use, is compatible with, or can be made compatible with surrounding land uses. Specific procedures are outlined in Division 7 of this article.

Sec. 30-17. - Design review.

A design review process is created to examine proposed developments to ensure a high standard of quality for buildings, landscaping, parking, and general site design. Such review enables the City to maintain stability in property values, encourage the most appropriate development, and prevent deterioration of property and aesthetics throughout the community. The design review process and its procedures are more fully described in Article III of this chapter.

Sec. 30-18. - Variances.

When the strict interpretation of the provisions of this chapter causes unnecessary physical hardship due to the property's unique size, shape, topography, location, or other physical condition, a variance may be granted for relief from certain provisions of the code. Specific procedures are outlined in Division 8 of this article.

Sec. 30-19. - Development agreements.

An agreement which may specify the duration, permitted uses of the property, density and intensity of the uses, and/or provisions of dedication of land for public purposes. It may include conditions, terms, restrictions, and/or requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions, and/or requirements for such subsequent discretionary actions shall not prevent development of the land for the uses and density set forth in the agreement. A development agreement shall be subject to periodic review. Specific procedures as outlined in Division 17 of this article.

Sec. 30-20. - Density bonus.

Allows for an increase in the proposed number of units over that permitted by the zoning ordinance or general plan when the increase is consistent with the State Government Code. Specific procedures as outlined in Division 16 of this article.

Sec. 30-21. - Administrative site plan review.

An administrative site plan review is created to provide an administrative review of projects because of their limited size and scope have minor implication and do not create any significant impact on the surrounding properties or the environment. Specific procedures as outlined in Article III of this chapter.

Sec. 30-22. - Temporary uses.

Temporary uses per units are created to control and regulate land use activities of a temporary nature which may adversely affect the public health, safety, and welfare. The intent is to minimize any effects on surrounding property and the environment. Specific procedures are outlined in Division 17 of this article.

Sec. 30-23. - Building relocation.

It is necessary to obtain a permit before a building or structure can be moved to a lot within the City. Specific procedures are outlined in Division 10 of this article.
Sec. 30-24. - Certificate of occupancy required.

A certificate of occupancy must be obtained before any building that has been erected, moved, altered or enlarged may be occupied or used. Specific procedures are outlined in Division 11 of this article.

Sec. 30-25. - Home occupations.

The establishment of a lawful home occupation within a structure requires the approval of a home occupation permit. Specific procedures are outlined in Division 12 of this article.

Sec. 30-26. - Nonconforming uses.

Nonconforming uses shall be regulated so that their detrimental affect on adjoining property values and on proper growth and development of the City, shall be restricted, controlled, and eventually eliminated. Specific procedures are outlined in Division 15 of this article.

DIVISION 3. - FEES

Sec. 30-27. - Determination of fees.

Application fees shall be assessed as provided by resolution of the City Council.

Sec. 30-28. - Fee waivers.

The City Council may waive the filing fee for public or semipublic uses. The City Council shall have the sole discretion to authorize said waiver of fees.

DIVISION 4. - HEARING BODIES AND NOTIFICATION

Sec. 30-29. - Hearing bodies.

The following two hearing bodies shall make decisions on the various procedures provided for this Development Code.

(1) City Council. The City Council shall be responsible for the hearings indicated in Table 30-29.A.

(2) Planning Commission. The Planning Commission shall be responsible for the hearings indicated in Table 30-29.A.

TABLE 30-29.A.

<table>
<thead>
<tr>
<th>Reviewing Bodies</th>
<th>Appeal Body</th>
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<tbody>
<tr>
<td></td>
<td>D.A.B.</td>
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<tr>
<td>Administrative site plan</td>
<td>X*</td>
</tr>
<tr>
<td>Administrative site plan, amendment</td>
<td>X*</td>
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<tr>
<td>Building relocation</td>
<td>X</td>
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<td>---------------------</td>
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<tr>
<td>Certificate of appropriateness</td>
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<tr>
<td>Code of the City of Fontana, Amendment</td>
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</tr>
<tr>
<td>Conditional Use Permit</td>
<td>X</td>
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<td>Density bonus</td>
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<td>Design review</td>
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<td>Development agreements</td>
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<tr>
<td>General plan amendments</td>
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<td>Home occupation</td>
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<td>Interpretation</td>
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<td>Lot line adjustment</td>
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<td>Pre-Annexation Agreement</td>
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<td>Specific Plan</td>
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</tr>
<tr>
<td>Tract maps, tentative</td>
<td>X</td>
</tr>
</tbody>
</table>
Decisions of any "Reviewing Body" may be appealed to the City Council, except where State law limits such appeal to the City Engineer. If the Planning Commission is listed above as the "Appeal Body", the Commission must first review an Appeal before it may be forwarded to the City Council for consideration.

DAB—Development Advisory Board
CD—Community Development Director
PC—Planning Commission
CC—City Council
PR—Parks and Recreation Commission

X*—At the discretion of the Director of Community Development or his/her designee
X**—If Public Park(s) are considered
X***—City Engineer has final approval
f—Recommending body to the City Council

Sec. 30-30. - Hearing notification.

Notice shall be given for all hearings requiring notice not less than ten days prior to the hearing or as otherwise required by the California Environmental Quality Act. In addition to the notice required by this Division, the City may give notice of the hearing in any other manner it deems necessary or desirable, but, in any event, notice shall be given by the means set forth in this Division.

Sec. 30-31. - Requirements.

For noticing of a zone change, conditional use permit, variance, annexation, design review, general plan amendment, land division, tentative tract, zoning ordinance revision, or any other planning or zoning matter not otherwise specifically provided for herein:

(1) Legal advertisement. Notice shall be made by publication in a local newspaper of general circulation in the City of Fontana no less than one time and no less than ten days prior to the date of the hearing.
(2) **Property owner.** Notice of hearing shall be mailed or delivered to the owner of the subject real property or to the owners duly authorized agent no less than ten calendar days prior to the public hearing.

(3) **Project applicant.** Notice shall be mailed or delivered to the project applicant no less than ten calendar days prior to the public hearing.

(4) **Local agencies.** Notice of the hearing may be mailed or delivered to each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project.

(5) **Surrounding property owners.**
   a. Notice of the hearing shall be mailed or delivered to all owners of real property as shown on the latest equalized assessment roll within 660 feet of the real property that is the subject of the hearing, or such greater as determined by the Director of Community Development or his/her designee, upon recommendation of the San Bernardino County Fire Department Hazardous Materials Division and/or the City's Public Services Department. In lieu of utilizing the assessment roll, the City may utilize records of the county assessor or tax collector, whichever contains more recent information than the assessment roll.
   b. If the number of owners to whom notice would be mailed or delivered pursuant to this subsection is greater than 1,000, the City, in lieu of mailed or delivered notice, may provide notice by placing an advertisement of at least one-eighth page in at least one local newspaper of general circulation within the local agency in which the proceeding is conducted at least ten days prior to the hearing.

(6) **Request for notification.** Notice of the hearing shall also be mailed at the owner's expense as established by the adopted fee resolution or delivered at least ten days prior to the hearing to any person who has filed a written request for notice with either the clerk of the governing body or with another person designated by the governing body to receive such requests.

(7) **Failure to receive notice.** The failure of any person or entity to receive notice of the hearing shall not constitute grounds for any court to invalidate the actions of the City for which the notice was given.

Sec. 30-32. - Posting.

(a) **City initiated projects.** If a notice of public hearing for a City initiated general plan amendment, specific plan, zone change, design review, and tentative tract or any other application as determined by the Planning Commission affecting a specific property or properties exceeding 20 acres and/or would result in the mailing or delivering of more than 1,000 notices, the notice of public hearing shall also either be:
   (1) Published in at least one newspaper of general circulation in the City no less than one time and no less than ten days prior to the date of the hearing; or
   (2) Posted at least ten days prior to the hearing in at least three public places in the City, including one public place in the area directly affected by the proceeding.

(b) **Applicant initiated projects.** Notice of public hearing for a general plan amendment, specific plan, zone change, design review, and tentative tract or any other application as determined by the Planning Commission affecting a specific property shall also be made by a posting on the site (by the applicant) in a conspicuous location at least ten days prior to Development Advisory Board (DAB) review.

   (1) A four foot by eight foot sign or signs shall be required to be posted at the project site. The purpose of the supplemental large sign notice requirement is to notify the community and the neighbors in the affected area early in the review process, allowing the applicant and the City the benefit of citizen's comments during the initial stage of project review. The applicant shall be notified of required sign bonding fees and sign permit filing requirements. A cash deposit is required to insure compliance with the supplemental notification requirements including maintenance and
The project application shall not be deemed complete until the large sign is installed and required cash deposit made.

(2) Sign criteria/maintenance. In order to implement the large signs as an effective form of public notification, the following rules and standards shall apply.

a. **Sign size and specification.** All large sign(s) shall be four feet by eight feet in size and be constructed to the specifications determined by the Planning Division. The specific project information text on the sign shall be provided by the Planning Division.

b. **Location and installation standards.** All large sign(s) shall be installed according to the specifications determined by the Planning Division. The signs should be posted on each street frontage.

c. **Timing.** All large notification sign(s) shall be installed by the applicant at the project site in accordance with the above criteria. Once the project application is deemed complete and all notification sign(s) installed per City standards, the project will be scheduled for a Planning Commission meeting.

d. **Sign removal and maintenance.** All large sign(s) shall be kept adequately maintained and remain in place until the final decision on the application has been made or the application has been withdrawn. All large sign(s) shall be removed by the applicant within 14 days of the final decision or date of withdrawal. Failure to remove the sign(s) within the prescribed period may result in forfeiture of the cash deposit and removal of the sign by the City.

DIVISION 5. - APPEALS

Sec. 30-33. - Right of appeal.

(a) Any action taken by the Planning Commission or the Director of Community Development in the administration and/or enforcement of the provisions of this chapter may be appealed as indicated in Table 30-29.A. by the applicant, any person residing or owning land within 660 feet of the property which was the subject to the original decision of, an officer, commission or department of the City. An appeal stays proceedings until a determination of the appeal has been made. Action on an administrative site plan may be appealed to the Planning Commission by adjoining property owner(s) upon submittal of a completed application within ten days after notice of approval. No fee shall be charged for such appeal by an adjoining property owner.

(b) If the original review body fails to make its decision within the time limit specified for the various proceedings, the applicant may file an appeal with the City Council requesting a decision by that body. Such an appeal shall be made within ten days after the expiration of the time limit specified for the hearing body to act.

Sec. 30-34. - Application for appeal.

The notice of appeal shall be in writing and shall be filed in the Planning Division upon forms provided by the City. An appeal of any action in the administration or enforcement of this chapter shall indicate specifically the reasons for appeal.

Sec. 30-35. - Time for filing.

Any appeal shall be filed within ten calendar days after the hearing from which the appeal is made. Upon the filing of appeal, the Community Development Department shall transmit a copy of the appeal to the clerk of the body hearing the appeal.

Sec. 30-36. - Hearing date and notice.
Upon receipt of the notice of appeal, the body hearing the appeal shall set a date for hearing of the matter and give notice of the date, time and place of the hearing to the appellant at least ten days prior to the date of the hearing. Prior to such hearing the Community Development Department shall transmit to the clerk of the body hearing the appeal a report of the findings and shall present all documents on file at the hearing. The appeal hearing shall be scheduled no sooner than 21 days nor no later than 51 days from the date the application has been deemed to be complete. This time limit may be extended by mutual agreement of the City and the applicant.

Sec. 30-37. - Authority of council decision.

Upon appeal from a Planning Commission decision, the City Council shall consider the record and such additional evidence as may be offered and may affirm, reverse or modify, in whole or in part, the order, requirement, decision, determination, interpretation or ruling appealed from or make and substitute such other or additional decision or determination as it may find warranted under the provisions of this chapter. Where new evidence is submitted that affects or has a direct bearing on important planning considerations that could not be considered at the Planning Commission level because such evidence was not there presented, the City Council may return the matter to the Planning Commission for action to be taken in light of such new evidence. The decision of the City Council may be made either at the time of the appeal bearing or at a continued public meeting held within 30 days of the appeal hearing date.

DIVISION 6. - AMENDMENTS TO CODE AND ZONING MAP

Sec. 30-38. - Purpose.

This code may be amended by changing the boundaries or development standards or zoning designation of any zone whenever such an amendment is deemed necessary to protect or promote the public's health, safety or general welfare or when modification is viewed as appropriate in the context of generally accepted planning principles, surrounding land uses, and the general plan.

Sec. 30-38.1. - Pre-application conference.

Prior to the filing of an application for an amendment to the code or zoning map, the applicant or the applicants representative shall hold a pre-application conference with the Director of Community Development or other designated staff from departments and divisions.

Sec. 30-39. - Application.

Applications for changes of zone shall be filed with the planning division upon such forms and accompanied by such data, information and fees as may be required by the Planning Division, to insure a full presentation of the facts. No application shall be considered by the Planning Commission until the application is determined to be complete and all required fees have been paid to the City.

(1) A change of zone may be initiated by the Planning Commission, City Council, Director of Community Development, or the owner or authorized agent of the owner of the property for which the application is being made.

(2) An amendment to provisions of this chapter may be initiated by the Planning Commission, City Council, Director of Community Development, or any person directly affected by the provisions of this chapter.

(3) The Director of Community Development may request proof or authorization to file an application on behalf of another party.

Sec. 30-40. - Hearing—Planning Commission.
(a) Upon the filing of a complete application for amendment to the Zoning Code or map, the matter shall be set for hearing before the Planning Commission.

(b) Notice of the hearing shall be made in accordance with the provisions of Section 30-30 of this article.

(c) The Planning Commission shall hold at least one public hearing upon the matters referred to in the application for amendment. If the Planning Commission finds that the proposal substantially promotes the goals of the City's general plan, the Planning Commission shall recommend the change to the City Council. The Planning Commission shall transmit its report in writing to the City Council within 60 days following the public hearing. The report shall set forth the reasons of the Planning Commission recommendations and the relationship of the proposed change to the general plan.

(d) If the decision of the Planning Commission is to deny an application requesting the change of property from one zone to another, the decision shall be final unless there is an appeal as provided for in Section 30-33 of this article.

(e) The Planning Commission shall also have the authority to forward the application to the City Council for consideration.

Sec. 30-41. - Same—City Council.

(a) Notice of the hearing shall be made in accordance with the provisions of Section 30-30 of this article.

(b) The City Council shall hold at least one public hearing upon the matters referred to the council by the Planning Commission or by appeal. The City Council may approve, modify or reject any part of the recommendation of the Planning Commission. The determination of the City Council shall be final and conclusive, except that whenever the City Council shall consider a change not previously considered by the Planning Commission, the council may refer such change to the Planning Commission for its recommendation.

Sec. 30-42. - Limitations on reapplication.

If an application for a rezoning is denied by either the Planning Commission or City Council, another application of the same nature and affecting the same property shall not be filed within a period of one year from the date of denial. However, the body denying the application may give permission for a new application to be filed if a change in circumstances or plans indicate a new application is warranted. Nothing contained in this section shall prohibit either the City Council or Planning Commission from initiating a change of zone at any time.

DIVISION 6.5. - MINOR USE PERMITS

Sec. 30-42.1. - Purpose.

The purpose and intent of the minor use permit is to provide for the accommodation of land uses with special site or design requirements, operating characteristics, or potential adverse effects on surroundings, through review and, where necessary, the imposition of special conditions of approval.

Sec. 30-42.1.1. - Pre-application conference.

Prior to the filing of an application for a minor use permit, the applicant or the applicants representative shall hold a pre-application conference with the Director of Community Development or other designated staff from departments and divisions.

Sec. 30-42.1.2. - Time limitations.

(a) Any Minor use permit granted pursuant to the provisions of this division is conditional upon the permittee proceeding with a good faith intent to commence upon the proposed use within 18 months
after the effective date of the approval, or such other period specified as a condition of approval. No permittee shall obtain any right solely by reason of such minor use permit issuance, unless and until such good faith intent to commence upon the proposed use is evidenced. Evidence of a good faith intent to commence upon the proposed use shall consist solely of the following, as applicable:

1. For a minor use permit for which no other entitlements or permits are required, actual use of the subject site for the use that is authorized by the minor use permit has commenced within such time period.

2. In addition, if a tentative tract map, vesting tentative tract map, or parcel map is approved concurrently with the minor use permit item, the final map has been recorded within such time period.

3. In addition, for a minor use permit for which a building permit is required to comply with any condition of the minor use permit, all appropriate building permits have been obtained and construction (defined as permit obtainment, commencement of construction of the primary building on-site, and successful completion of the first Building and Safety Division inspection) has commenced within such time period.

4. An extension of up to an additional 12 months beyond the initial time period provided in subparagraph (a) may be granted by the Director of Community Development upon a showing by the applicant of unavoidable delay not caused by the applicant. An applicant for an extension of this time limit must submit a written request to the reviewing body for a time extension before the original time limit expires. Appeals of the Director of Community Development’s decision shall be made to the Planning Commission as set forth in Article II, Section 30-33 of this chapter.

(b) Any minor use permit in effect at the date of adoption of this section shall remain valid for a period of 18 months from the date of that minor use permit approval. No further extension of time shall be granted for such minor use permit upon expiration of that period.

Sec. 30-42.2. - Application.

(a) Applications for minor use permits shall be filed with the Community Development Department on forms, and accompanied by data, information, and fees as required by the Community Development Department. No application shall be considered by the Director of Community Development until the application is determined to be complete and all required fees have been paid to the City.

(b) At a minimum, the application shall include:

1. A written statement that the applicant is the owner of the subject property or an agent thereof.

2. The legal description of the property involved, the proposed use, and site plans.

3. A reference to the specific provisions of this chapter that is applicable to the requested minor use permit.

Sec. 30-42.3. - Review notifications and requirements.

A notice shall be required for all minor use permits not less than ten days prior to the review or as otherwise required by the California Environmental Quality Act (CEQA), more particularly described as follows:

1. Property owner. Notice of Development Advisory Board (D.A.B.) review shall be mailed or delivered to the owner of the subject real property or to the owners’ duly authorized agent no less than ten calendar days prior to the D.A.B. review.

2. Project applicant. Notice shall be mailed or delivered to the project applicant no less than ten calendar days prior to the D.A.B. review.

3. Local agencies. Notice of the D.A.B. review may be mailed or delivered to each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project.
Surrounding property owners. Notice of the D.A.B. review shall be mailed or delivered to all owners of real property as shown on the latest equalized assessment roll within 660 feet of the real property that is the subject of the review.

Sec. 30-42.4. - Development Advisory Board (D.A.B.) review.

Applications for minor use permit applications shall be referred to the Development Advisory Board for review, as provided for in Table 30-29.A.

Sec. 30-42.5. - Findings for approval of minor use permit.

In giving approval to a minor use permit application, the Director of Community Development shall make the following findings as may reasonably apply:

1. That the proposed use is consistent with the general plan and the applicable land use zone.

2. That the site for the intended use is adequate in size, shape, topography, accessibility, and other physical characteristics to accommodate the use and all the required provisions of this chapter including yards, setbacks, walls or fences, landscaping and other applicable regulations.

3. That adequate streets and highways exist to carry the type and quantity of traffic anticipated by the proposed land use that adequate access to utilities and other services exist.

4. That the proposed use at the specific location will be compatible with surrounding properties and that there will be no adverse effect to surrounding properties or their permitted uses.

5. That the proposed use will be organized, designed, constructed, operated and maintained so as to be compatible with the character of the area as intended by the general plan.

6. That any adverse effects upon the surrounding properties are justified by the benefits conferred upon neighborhoods or the community as a whole, and those potential adverse effects to the health, safety and general welfare of the community shall be minimized.

Sec. 30-42.6. - Security.

The Director of Community Development may require the applicant to post security to assure the City that the faithful performance of the work required as a condition shall be completed. The amount of the security shall be equal to the City Engineer's estimated costs for completion of the work including a percentage for contingencies.

The security shall be in the form of either a direct cash deposit with the City, or a performance bond to cover the actual amount of the City Engineer's estimated costs for completion of the work including a percentage for contingencies. In no case shall any type of personal bond be accepted by the City as a security.

Sec. 30-42.7. - Authority.

The Director of Community Development or designee is authorized to approve or deny minor use permit applications unless a written request for a public hearing before the Planning Commission is received prior to the approval of the application.

Sec. 30-42.8. - Appeal of decision.

Appeals shall be made to the Planning Commission as set forth in Article II, Section 30-33 of this chapter.

Sec. 30-42.9. - Limitation on reapplication.

If an application for a minor use permit is denied by the Director of Community Development or the Planning Commission, another application of the same nature and affecting the same property shall not be filed within a period of one year from the date of denial. However, the body denying the application may
give permission for a new application to be filed if a change in circumstances or plans indicate a new application is warranted.

Sec. 30-42.10. - Revocation.

(a) Notice of the public hearing shall be provided in accordance with Section 30-30; provided that the owner and/or applicant of the subject property shall be notified by certified mail.

(b) A minor use permit may be revoked or modified if the Planning Commission makes any of the following findings:
   (1) That any condition of the minor use permit has not been complied with or is violated;
   (2) That the use is detrimental to the public health or safety or is a nuisance;
   (3) That the minor use permit was obtained by fraud;
   (4) That the use for which the minor use permit was granted has ceased or been suspended for a period of one year.

(c) The decision of the Planning Commission shall be final unless appealed to the City Council pursuant to Section 30-33.

DIVISION 7. - CONDITIONAL USE PERMITS

Sec. 30-43. - Purpose.

The City recognizes that certain types of land uses require individual review by the Planning Commission to determine whether the type of use proposed, or the location of that use, is compatible with, or can be made compatible with surrounding land uses.

Sec. 30-43.1. - Pre-application conference.

Prior to the filing of an application for a conditional use permit, the applicant or the applicants representative shall hold a pre-application conference with the Director of Community Development or other designated staff from departments and divisions.

Sec. 30-43.1.1. - Time limitations.

(a) Any conditional use permit granted pursuant to the provisions of this division is conditional upon the permittee proceeding with a good faith intent to commence upon the proposed use within 18 months after the effective date of the approval, or such other period specified as a condition of approval. No permittee shall obtain any right solely by reason of such conditional use permit issuance, unless and until such good faith intent to commence upon the proposed use is evidenced. Evidence of a good faith intent to commence upon the proposed use shall consist solely of the following, as applicable:

   (1) For a conditional use permit for which no other entitlements or permits are required, actual use of the subject site for the use that is authorized by the conditional use permit has commenced within such time period.

   (2) In addition, if a tentative tract map, vesting tentative tract map, or parcel map is approved concurrently with the conditional use permit item, the final map has been recorded within such time period.

   (3) In addition, for a conditional use permit for which a building permit is required to comply with any condition of the conditional use permit, all appropriate building permits have been obtained and construction (defined as permit obtaining, commencement of construction of the primary building on-site, and successful completion of the first Building and Safety Division inspection) has commenced within such time period.
(4) An extension of up to an additional twelve (12) months beyond the initial time period provided in subparagraph (a) may be granted by the Director of Community Development upon a showing by the applicant of unavoidable delay not caused by the applicant. An applicant for an extension of this time limit must submit a written request to the reviewing body for a time extension before the original time limit expires. Appeals of the Director of Community Development's decision shall be made to the Planning Commission as set forth in Article II, Section 30-33 of this chapter.

(b) Any conditional use permit in effect at the date of adoption of this section shall remain valid for a period of eighteen (18) months from the date of that conditional use permit approval. No further extension of time shall be granted for such conditional use permit upon expiration of that period.

Sec. 30-44. - Application.

(a) Applications for conditional use permits shall be filed with the Community Development Department on forms, and accompanied by data, information, and fees as required by the Community Development Department. No application shall be considered by the Planning Commission until the application is determined to be complete and all required fees have been paid to the City.

(b) At a minimum, the application shall include:
   (1) A written statement that the applicant is the owner of the subject property or an agent thereof.
   (2) The legal description of the property involved, the proposed use, and site plans.
   (3) A reference to the specific provisions of this chapter that is applicable to the requested conditional use permit.

Sec. 30-45. - Hearing by Planning Commission.

(a) Upon receipt of a complete application for a conditional use permit, a time and place of public hearing before the Planning Commission shall be set not less than ten nor more than 51 days from the date of the application is determined to be complete.

(b) Notice shall be given of the public hearing in accordance with the provisions of Section 30-30 of this article.

Sec. 30-46. - Findings for approval of conditional use permit.

In giving approval to a use permit application, the Planning Commission shall make the following findings as may reasonably apply:

(1) That the proposed use is consistent with the general plan and the applicable land use zone.

(2) That the site for the intended use is adequate in size, shape topography, accessibility, and other physical characteristics to accommodate the use and all the required provisions of this chapter including yards, setbacks, walls or fences, landscaping and other applicable regulations.

(3) That adequate streets and highways exist to carry the type and quantity of traffic anticipated by the proposed land use that adequate access to utilities and other services exist.

(4) That the proposed use at the specific location will be compatible with surrounding properties and that there will be no adverse effect to surrounding properties or their permitted uses.

(5) That the proposed use will be organized, designed, constructed, operated and maintained so as to be compatible with the character of the area as intended by the general plan.

(6) That any adverse effects upon the surrounding properties are justified by the benefits conferred upon neighborhoods or the community as a whole, and those potential adverse effects to the health, safety and general welfare of the community shall be minimized.

Sec. 30-47. - Security.
The Planning Commission may require the applicant to post security to assure the City that the faithful performance of the work required as a condition shall be completed. The amount of the security shall be equal to the City Engineer's estimated costs for completion of the work including a percentage for contingencies.

The security shall be in the form of either a direct cash deposit with the City, or a performance bond to cover the actual amount of the City Engineer's estimated costs for completion of the work including a percentage for contingencies. In no case shall any type of personal bond be accepted by the City as a security.

Sec. 30-48. - Planning Commission decision.

At the close of the public hearing, the Planning Commission shall render a decision unless the time limit is extended by common consent of both the applicant and the Planning Commission. After the decision is rendered, the Planning Commission shall transmit a copy to the applicant.

Sec. 30-49. - Appeal of decision.

The decision of the Commission shall be final unless an appeal is filed with the Council as provided for in Section 30-33 of this article.

Sec. 30-50. - Limitation on reapplication.

If an application for a conditional use permit is denied or revoked by either the Planning Commission or City Council, another application of the same nature and affecting the same property shall not be filed within a period of one year from the date of denial. However, the body denying the application may give permission for a new application to be filed if a change in circumstances or plans indicate a new application is warranted.

Sec. 30-51. - Revocation.

(a) Notice of the public hearing shall be provided in accordance with Section 30-30; provided that the owner and/or applicant of the subject property shall be notified by certified mail.

(b) A conditional use permit may be revoked or modified if the Planning Commission makes any of the following findings:

(1) That any condition of the conditional use permit has not been complied with or is violated;
(2) That the use is detrimental to the public health or safety or is a nuisance;
(3) That the conditional use permit was obtained by fraud;
(4) That the use for which the conditional use permit was granted has ceased or been suspended for a period of one year.

(c) The decision of the Planning Commission shall be final unless appealed to the City Council pursuant to Section 30-33.

DIVISION 7.5. - ADMINISTRATIVE VARIANCE

Sec. 30-51.1. - Purpose.

An administrative variance is permission to depart from zoning ordinances because of special circumstances unique to a specific property, strict application of the ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning. Any administrative variance granted will not constitute a special privilege.
Sec. 30-51.1.1. - Pre-application conference.

Prior to the filing of an application for an administrative variance, the applicant or the applicants representative shall hold a pre-application conference with the Director of Community Development or other designated staff from departments and divisions.

Sec. 30-51.2. - Application.

(a) Application for administrative variance shall be made in writing on forms provided for this purpose and shall set forth in detail information as may be required and shall be accompanied by the required filing fee. No application shall be considered by the Director of Community Development until the application is determined complete and all required fees have been paid to the City.

(b) At a minimum, the application shall include:

(1) A statement that the applicant is the owner of the subject property or an agent thereof;
(2) The legal description of the property involved, the proposed use, and site plans;
(3) A reference to the specific provisions of this chapter that are applicable to the requested variance; and
(4) The specific use and standard for which the administrative variance is being requested shall be described in detail.

(Revised By Planning Commission January 24, 2006)

Sec. 30-51.3. - Review notifications and requirements.

A notice shall be required for all administrative variance reviews not less than ten days prior to the review or as otherwise required by the California Environmental Quality Act (CEQA), more particularly described as follows:

(1) Property owner. Notice of Development Advisory Board (D.A.B.) review shall be mailed or delivered to the owner of the subject real property or to the owners’ duly authorized agent no less than ten calendar days prior to the D.A.B. review.
(2) Project applicant. Notice shall be mailed or delivered to the project applicant no less than ten calendar days prior to the D.A.B. review.
(3) Local agencies. Notice of the D.A.B. review may be mailed or delivered to each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project.
(4) Surrounding property owners. Notice of the D.A.B. review shall be mailed or delivered to all owners of real property as shown on the latest equalized assessment roll within 300 feet of the real property that is the subject of the review.

Sec. 30-51.4. - Development advisory board (D.A.B.) review.

Applications for administrative variances shall be referred to the Development Advisory Board for review, as provided for in Table 30-29.A.

Sec. 30.51.5. - Applicability.

The Community Development Director shall be authorized to approve the following types of administrative variances:

(1) Modifications of ten percent or less of any zoning district setback, lot width, lot depth, building coverage, building height, or wall height standard.
(2) Alternate parking plans involving a modification of ten percent or less of any of the off-street parking and loading standards.

Sec. 30-51.6. - Findings necessary for granting a variance.

The Director of Community Development may grant an administrative variance from the requirements of this chapter where practical difficulties, unnecessary hardships, or results contrary to the intent of this chapter would occur from the strict and literal interpretation and enforcement of the Code. An administrative variance may be granted upon conditions which will ensure the protection of the public safety, health and welfare. To grant an administrative variance, the Director of Community Development must find from the facts presented that the following conditions exist.

(1) That because of circumstances applicable to the property including size, shape, topography, location or surroundings, the strict application of this chapter will deprive the property of privileges enjoyed by other property in the vicinity and under identical zoning classification;

(2) That the granting of such an administrative variance will be subject to conditions assuring that the variance shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zoning district in which the property is located;

(3) That the administrative variance does not authorize a use or activity which is not a specifically allowed use in the zoning district in which the property is located; and

(4) That the granting of one administrative variance will not be contrary to the general plan.

Sec. 30-51.7. - Voiding of administrative variances.

Each administrative variance granted under the provisions of this article shall become null and void two years after the date of the action approving the administrative variance unless:

(1) The construction authorized by the administrative variance or permit has been commenced within two years after the granting of the variance and diligently advanced to completion; or

(2) The occupancy of land or buildings authorized by the administrative variance has taken place within two years after the granting of the administrative variance; or

(3) The decision approving an administrative variance contains in its findings and conditions specific authority for extending the time limit defined; or

(4) The Community Development Director finds that circumstances beyond the control of the applicant have caused delays which do not permit compliance with the time limits established.

Sec. 30-51.8. - Limitation on reapplication.

If an application for an administrative variance is denied by either the Director of Community Development or the Planning Commission, another application of the same nature and affecting the same property shall not be filed within a period of one year from the date of denial. However, the body denying the application may give permission for a new application to be filed if a change in circumstances or plans indicate a new application is warranted.

Sec. 30.51.9. - Limited approvals.

No more than one approved administrative variance affecting the same property shall be granted. Additional approvals may be granted by the Planning Commission.

DIVISION 8. - VARIANCES

Sec. 30-52. - Purpose.
A variance is permission to depart from zoning ordinances when because of special circumstances unique to a specific property, strict application of the ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning. Any variance granted will not constitute a special privilege.

Sec. 30-52.1. - Pre-application conference.

Prior to the filing of an application for a variance, the applicant or the applicants representative shall hold a pre-application conference with the Director of Community Development or other designated staff from departments and divisions.

Sec. 30-53. - Application.

(a) Application for variances shall be made in writing on forms provided for this purpose and shall set forth in detail information as may be required and shall be accompanied by the required filing fee. No application shall be considered by the Planning Commission until the application is determined complete and all required fees have been paid to the City.

(b) At a minimum, the application shall include:

1. A statement that the applicant is the owner of the subject property or an agent thereof;
2. The legal description of the property involved, the proposed use, and site plans;
3. A reference to the specific provisions of this chapter that are applicable to the requested variance; and
4. The specific use for which the variance is being requested shall be described in detail.

Sec. 30-54. - Hearing by commission.

(a) Upon receipt of a complete application for variance, a time and place of public hearing for the matter shall be set not less than ten days nor more than 51 days thereafter.

(b) Notice shall be given pursuant to Section 30-30 of this article.

Sec. 30-55. - Findings necessary for granting a variance.

The Planning Commission may grant a variance from the requirements of this chapter where practical difficulties, unnecessary hardships, or results contrary to the intent of this chapter would occur from the strict and literal interpretation and enforcement of the Code. A variance may be granted upon conditions which will ensure the protection of the public safety, health and welfare. To grant a variance, the commission must find from the facts presented that the following conditions exist.

1. That because of circumstances applicable to the property including size, shape, topography, location or surroundings, the strict application of this chapter will deprive the property of privileges enjoyed by other property in the vicinity and under identical zoning classification;
2. That the granting of such a variance will be subject to conditions assuring that the variance shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zoning district in which the property is located;
3. That the variance does not authorize a use or activity which is not a specifically allowed use in the zoning district in which the property is located; and
4. That the granting of one variance will not be contrary to the general plan.

Sec. 30-56. - Security.

The Planning Commission may require the applicant to post security to assure the City that the faithful performance of the work required as a condition shall be completed. The amount of the security shall be
equal to the City Engineer’s estimated costs for completing the work including a percentage for contingencies.

Sec. 30-57. - Planning Commission decision.

(a) Within 21 days after the conclusion of the hearing, the Planning Commission shall render a decision unless the time limit is extended by common consent of both the applicant and the Planning Commission. After the decision is rendered, the Planning Commission shall transmit a copy of the decision to the applicant.

(b) Unless otherwise specified by the Planning Commission as a condition of project approval, all development approvals shall be valid for a period of two years from the effective date of project approval based on use or application.

(c) The decision of the Planning Commission shall be final unless appealed to the City Council is made pursuant to Section 30-33.

Sec. 30-58. - Voiding of variances.

Each variance granted under the provisions of this article shall become null and void two years after the date of the action approving the variance unless:

1. The construction authorized by the variance or permit has been commenced within two years after the granting of the variance and diligently advanced to completion; or

2. The occupancy of land or buildings authorized by the variance has taken place within two years after the granting of the variance; or

3. The decision approving a variance contains in its findings and conditions specific authority for extending the time limit defined; or

4. The Planning Commission finds that circumstances beyond the control of the applicant have caused delays which do not permit compliance with the time limits established.

Sec. 30-59. - Procedure for revocation of variances.

Variances shall be revoked in accordance with all the applicable procedures in Section 30-51.

Sec. 30-60. - Limitation on reapplication.

If an application for a variance is denied by either the Planning Commission or City Council, another application of the same nature and affecting the same property shall not be filed within a period of one year from the date of denial. However, the body denying the application may give permission for a new application to be filed if a change in circumstances or plans indicate a new application is warranted.

DIVISION 9. - SPECIFIC PLANS

Sec. 30-61. - Purpose.

The purpose and intent of these regulations are to implement the goals and objectives of the general plan. This section is intended to develop more detailed regulations and guidelines for the development of areas which require a specific plan as identified in the general plan.

The specific plan is intended to provide the basis for development and use of those specific plans or community plans with this Development Code acting as a supplement. The Development Code will act as a supplement for those areas and issues not covered by the specific plan regulations in the areas of administration, review procedures, environmental review, and parking regulations.
Sec. 30-62. - Specific plans.

(a) Purpose. A specific plan is intended to achieve the following purposes:

1. To promote and protect the public health, safety, and welfare.
2. To implement the goals and objectives of the general plan.
3. To enhance the quality of development.
4. To obtain the quality of life resulting from comprehensive and orderly planning.
5. To encourage greater flexibility and more creative and imaginative designs for large scale projects.
6. To promote efficient use of land while providing a variety of housing choices and commercial and industrial activities, a high level of amenities, and preservation of natural and scenic open space.
7. To promote a process for review and regulation of large scale comprehensively planned urban communities.

(b) General requirements. Development of land zoned Residential Planned Community (R-PC) requires minimum lot sizes of 10,000 square feet. A specific plan shall be required for all property zoned Residential Planned Community (R-PC) with proposed lot sizes less than 10,000 square feet. A proposed specific plan shall have an area of 145 plus contiguous adjusted gross acres under one or more ownerships. Property owned by public utilities, districts, or governments will not be counted toward the acreage minimum.

1. A specific plan shall be processed and reviewed as a single application. Tentative Map and Parcel Map applications submitted for finance purposes shall require the written approval of the Director of Community Development. Applications such as tentative maps and design reviews within the specific plan may not be processed concurrently with the specific plan application.

(c) Submission requirements. A proposal for a specific plan shall be processed upon the application of the property owner(s), subject to the following provisions:

1. Submission of a preliminary application and development plan for review by City staff.
2. Submission of the preliminary application and development plan for review and comment by the Planning Commission.
3. Submission of a formal specific plan and environmental assessment application and related material as required on the application form for review and recommendation by the Planning Commission and final decision by the City Council.

(d) Consultant selection. The applicant's specific plan consultant shall be subject to the City's approval.

(e) Use regulations.

1. Allowable uses in each specific plan shall be established by the specific plan text approved by the City Council, provided that no specific plan shall be adopted that lists as a permitted or conditionally permitted use medical marijuana dispensaries, and no existing specific plan shall be interpreted or construed as allowing as a permitted or conditionally permitted use medical marijuana dispensaries. Uses incorporated within the specific plan shall be the same as those established within the Development Code. Other proposed uses shall be established within the specific plan with the adoption of the definition pertaining to use within the specific plan text.
2. Existing uses within the specific plan at the time of its adoption shall be deemed allowable unless being determined as nonconforming. Nonconforming uses shall be subject to the nonconforming section of this Development Code.
3. Unless otherwise provided by the specific plan text, public utility facilities and publicly-owned facilities shall be allowable within any zone subject to a conditional use permit.
(4) Unless specified as subject to a conditional use permit, each allowable use in the specific plan shall be subject to design review as established by the Development Code.

(f) Site development regulations and performance standards.

(1) Specific plan uses shall be designed and developed in a manner compatible and complementary to existing and potential development in the general vicinity of the specific plan. Site planning shall provide for buffering between land uses.

(2) All lots of 10,000 square feet or greater shall comply with the development standards as established in this Development Code. For lots where the minimum lot area is less than 10,000 square feet, the specific plan shall establish the development standards.

(3) The maximum number of dwelling units within a specific plan shall not exceed the maximum number as permitted in the general plan.

(4) All public streets within or abutting the development shall be dedicated and improved to City specifications for the particular classification of street. Private streets shall be permanently reserved and maintained for their intended purpose by a means acceptable and enforceable to the City.

(5) All development within a specific plan shall relate harmoniously to the topography of the site and shall be designed to retain significant natural features as determined by the environmental review process.

(6) All parking and loading standards shall comply with the standards established within this Development Code.

(7) All signs shall comply with the standards established within Chapter 3 of the Code.

(g) Pre-application procedure.

(1) Prior to the official submittal of a specific plan application, the applicant shall submit a pre-file application. The applicant shall hold preliminary consultations with the Community Development Director, Planning Division staff, and other City officials to obtain information and guidance on the conceptual development plan which shall include a minimum of the following:

a. Proposed land uses.

b. Development concepts.

c. Any proposed general amendments.

d. Quantitative data, such as, population, land use acreages, types of housing units including minimum square footages, and any other data necessary to illustrate phasing of development, and potential impact upon public services. The Director of Community Development may request additional information to convey the project concept to the Planning Commission.

(h) Pre-application review procedure. Following the preliminary consultation of the applicant and City staff, the Director of Community Development will determine when the conceptual project will be submitted to the Planning Commission. The presentation to the Planning Commission shall be an informal presentation for informative purposes only and is only intended to obtain Planning Commission comments on the proposed project. The applicant shall not receive any rights or entitlements pursuant to this informal review procedure and the Planning Commission shall not be bound by their comments. The Planning Commission or City Council may request changes to the project when it is formally presented for their consideration even if those changes differ from the Planning Commission comments and requests made during the informal review procedure.

(i) Submittal requirements. The project will not be considered as officially filed until such time as the following information is submitted:

(1) An official filing application.
(2) A boundary survey of the property including gross land areas proposed within individual land use districts.

(3) A physical setting map including a topographic map and grading concept plan showing surrounding properties lot boundaries within 300 feet of the project boundaries. This map shall also show the location of any adjacent approved projects, all existing on and offsite structures, and any other natural or man-made feature which could limit development.

(4) A map showing all existing general plan land use designations within the project boundaries and within 300 feet of the project boundaries.

(5) Tabulations showing the current general plan land use designations and any proposed land use designations for any proposed land use general plan amendments.

(6) A proposed land use plan with tabulations showing land use district acreages, populations, and housing units.

(7) A development plan indicating general phasing and anticipated time schedule for beginning of construction and completion of each phase.

(8) A circulation plan showing proposed and existing streets, pedestrian ways, trails, and bike paths.

(9) A preliminary report and overall plan describing anticipated requirements and proposed means of providing public services and utility facilities. This includes storm drainage, sewage disposal, water supply, parks, and school facilities.

(10) A specific plan with text setting forth the land use regulations, site development regulations, and performance standards. The text shall include the following:

   a. Introduction including the project description, project location and setting, project summary, and user's guide to the specific plan.

   b. Summary including a condensed statement of the purpose, scope, and main ideas of the specific plan.

   c. Planning framework including background and project history, purpose, existing and proposed on and off-site land uses, general plan conformance, general plan consistency, and summary of amenities exceeding City Code requirements.

   d. Community development including an introduction, plan concept and design objectives, land use, circulation plan and road sections, and park and recreation plan.

   e. Design guidelines including an introduction, site planning, architectural styles, design guidelines, landscape plans, pedestrian and bike plans, walls and plans, grading, signage, and lighting.

   f. Public facilities plan including an introduction, water sources and supply, wastewater and sanitary sewer, storm drainage, and public services.

   g. Specific plan implementation including an introduction, phasing, development regulations, general provisions for each land use area, and plan administration.

   h. The appendix shall include the property ownership, general plan compliance, plant palette, adopting ordinance, CEQA compliance, authority and scope.

(11) Additional information and materials required by the Director of Community Development.

(j) Reserved.

(k) Amendments.

(1) An amendment to a specific plan by an applicant shall require preliminary review by the Director of Community Development, filing an official application and required materials supporting the amendment, submittal of a fee deposit, Planning Commission review and recommendation, City Council review and final decision.
Amendments may be initiated by the City Council or Planning Commission by a majority vote. All requested Planning Commission amendments shall be submitted and considered by the City Council and accepted for processing by a majority vote. Staff may initiate a specific plan amendment by submitting the requested amendment to the Planning Commission for a vote. Only the amendments accepted by majority vote of the Planning Commission shall be submitted to the City Council for consideration. The amendment shall only be accepted for processing by majority vote of the City Council.

The applicant's specific plan amendment consultant shall be subject to the City's approval.

Fees. The applicant shall be responsible for a fee deposit to cover City costs in the review of a pre-application for a specific plan, specific plan application, and specific plan amendment application. The fee deposit shall be determined by the Director of Community Development.

Sec. 30-63. - Reserved.

DIVISION 10. - BUILDING RELOCATION

Sec. 30-64. - Purpose.

A permit to move a building is necessary under the following circumstances:

1. When the structure was previously established on another parcel or site; or
2. Any portion of a structure is proposed to be moved to the site with a portion of the floor, ceiling and wall elements intact; or
3. The structure to be moved is designed to be connected to require utilities for use as a dwelling unit with or without a permanent foundation; or
4. When the parcel was previously established on the same parcel or site.

Sec. 30-65. - Application for a permit.

(a) The application required for a permit to move a building shall be filed with the Community Development Department upon such forms and accompanied by such data information and fees as may be required. At a minimum an application shall contain the following information:

1. Name, address and business and home phone number of the applicant of the company moving the building.
2. Applicant's legal interest in the property.
3. Description of the building being moved and the proposed use.
4. Plot plan of the proposed site including the location of the building being moved, any proposed additions, or accessory buildings, structures, existing trees, or the location of the point of exit from the City.
5. Present location of the structure to be moved and the address and assessor's parcel number of the proposed site;
6. The total height of the building to be moved including the combined heights of the building and factors as established by resolution of the City Council.
7. Approximate height of the building to be moved.
8. Plans and specifications setting forth proposed assembly, finishing, improvement and/or remodeling.
(b) Upon the filing of the application and payment of the filing fee, the application shall be referred to the Building Official who shall, within five working days, make an inspection of the building or structure to be moved, to assure that City adopted UBC standards or units certified under the National Mobile Home Construction Safety Standards Act of 1974 and proposed route of moving the building was approved are satisfied. The building official shall prepare a report detailing the type of construction, age and present condition of such building or structure and any improvements recommended or required to be made. The building official may deny the application if, in his opinion the above mentioned factors warrant or require such denial. Further, no approval shall be given to move any building which is sufficiently heavy to injure any street or pavement within the City, or the size of which will unduly obstruct the traffic upon the City streets.

Sec. 30-66. - Findings.

(a) The following findings are necessary in order for the building official to approve a building relocation:

1. Approval shall have no detrimental effect on the living environment as well as the aesthetic and property values in the area into which the structure is being located.

2. The decision is not contrary to the provisions of the code or any improvements required to be made as reported by staff and are consistent with the general plan or any zoning designation for the area to which the building will be relocated.

3. The structure shall be desirable for the development of the community and is in harmony with the existing property developments.

4. The site for the intended structure is adequate in size and shape to accommodate said structure and all of the yards, setbacks, walls or fences, landscaping parking and other features required in order to adjust said structure to those existing or anticipated on land in the neighborhood.

5. The Building Official shall set forth conditions in a permit which it deems necessary findings and to protect the public health, safety and welfare. Such conditions may include:
   a. Special yards, spaces and buffers.
   b. Fences and walls.
   c. Regulation of points of vehicular ingress and egress.
   d. Required landscaping and maintenance of the above.
   e. Regulation of glare.
   f. Regulation of exterior materials and surfaces to the extent permitted.
   g. Design and other conditions as will make possible the development of the City in an orderly, efficient and harmonious manner and in conformity with the intent and purpose of the general plan.
   h. Compliance with City fire sprinkler ordinance.

Sec. 30-67. - Appeal of decision.

An appeal of the decision by the Building Official may be made within ten days of the Building Official decision pursuant to Section 30-33 of this chapter.

Sec. 30-68. - Limitation on reapplication.

If an application for a building relocation permit is denied by the Building Official another application of the same nature and affecting the same property shall not be filed within a period of one year from the date of denial. However, the body denying the application may give permission for a new application to be filed if a change in circumstances or plans indicated a new application is warranted.

Sec. 30-69. - Prerequisites to issuance of a permit.
(a) Before a permit to move a building may be issued, the applicant shall post a bond or a cash deposit with the City Treasurer in an amount as determined by the Building Official and the City Engineer to cover the costs of the activities involving the City, and the expenditures involved in complying with the conditions related to improvements of the property which may have been established in the granting of the permit. The bond may also cover the costs involved in cleaning up the vacant site and restoring it to a safe and sightly condition, if that is applicable, and to pay for any damages to streets, utilities, street trees, or other property subject to damage from the move.

(b) The Police Department and City Engineer shall approve the streets over which the building may be moved so as to reduce the interference with the traffic on the public streets of the City and limit potential damage to public or private property.

(c) In order to protect the City against any damage or injury to any street, sidewalk, fire hydrant or other property of the City, every applicant for the moving of, or any person desiring to move a building through, over, or across any public street of the City, shall furnish the City with a certificate of insurance or copies of insurance policies if requested, evidencing coverage of a type and in an amount satisfactory to the City and execute a hold harmless agreement provided by the City in which the applicant agrees to indemnify and defend the City from any claims or liabilities arising out of his actions.

Sec. 30-70. - Procedure for building relocation.

(a) At least 24 hours before moving a building the applicant and/or the person responsible for moving the building shall notify the Police Department in writing of the day and hour it is proposed to move the building.

(b) When moving the building after sunset and prior to sunrise the applicant and/or person responsible for moving the building shall cause red lights to be displayed on every side of the building in such a manner as to protect the public from damage or injury and shall pay the expense of a traffic officer when required by the Chief of Police to protect the traveling public from damage or injury.

Sec. 30-71. - Report of damage.

The applicant and/or person responsible for moving a building shall notify the Building Official in writing of any and all damage done to property belonging to the City. The City may take all appropriate steps against the applicant's insurance company or the applicant and/or person responsible for moving the building to recover the costs of any damage to City property or other liability caused by moving the building.

DIVISION 11. - CERTIFICATE OF OCCUPANCY

Sec. 30-72. - Purpose.

A certificate of occupancy must be obtained before any building is occupied or used.

Sec. 30-73. - Issuance.

(a) The Building Official shall issue a certificate of occupancy after:

1. He has received written notice that the structure or site is ready for occupancy or use and has inspected the structure or site;

2. The site conforms to all applicable provisions of this chapter and other codes, laws, and ordinances; and

3. The applicant has complied with all conditions of approval imposed by the City on the development.

(b) In lieu of an on-site inspection of single-family homes by the Planning Division, the City will require the owner, developer and/or applicant, to certify in writing that the structures have been constructed in
compliance with all conditions of approval and pursuant to the building plans approved by the City of Fontana. Falsification of this written certification will result in prosecution pursuant to Section 1-7 of the Municipal Code.

Secs. 30-74, 30-75. - Reserved.

DIVISION 12. - HOME OCCUPATION PERMIT

Sec. 30-76. - Purpose.

The establishment of a lawful home occupation within a structure requires the approval of a home occupation permit, which shall be reviewed by the Community Development Department.

Sec. 30-77. - Application.

A home occupation application shall be filed in a form prescribed by the Community Development Department and may be approved by the Director of Community Development and/or his/her designee.

Sec. 30-77.1. - Cottage food operations.

(1) A cottage food operation ("CFO"), as defined in California Health and Safety Code Section 113758, must obtain administrative approval of a home occupation permit prior to operation within the City.

(2) To obtain a home occupation permit for a CFO ("CFO permit"), the applicant must complete an application form prescribed by the Community Development Department and pay a fee as determined by City Council resolution, if applicable. The applicant shall own and operate the CFO in his or her private residence.

(3) A CFO permit shall be granted if:

(a) The application is complete, and

(b) The Director of Community Development finds that the CFO complies with Fontana City Code sections concerning spacing and concentration, traffic control, parking, and noise control and can reasonably be expected to conform to the restrictions set forth in Section 30-78 of this Division, with the exception of subsections (2), (3), (5), and (9), and

(c) The cottage food operator shall obtain and provide the following to the Community Development Department:

(i) A copy of either the CFO's "Class A" registration number or "Class B" permit number issued by the San Bernardino County Environmental Health Services Department; and,

(ii) The CFO's self-certification checklist approved by the San Bernardino County Environmental Health Services Department; and,

(iii) A copy of the City of Fontana business license.

(4) The permit shall not be transferable to another cottage food operator, nor transferable to another CFO site.

(5) A CFO shall have no more than one cottage food employee, as defined in Health and Safety Code Section 113758(b)(1).

(6) All sales shall be conducted entirely within the residential structure/building.

(7) Gross annual sales shall not exceed the amount specified in California Health and Safety Code Section 113758.
For the purpose of avoiding nuisances caused by traffic and parking issues, a CFO shall be located no closer than 1,000 feet as measured from property line to property line in all directions, from another CFO. Upon written request by the applicant, a reduction in this separation requirement may be granted provided that the Director of Community Development can make the following written findings:

a. That the proposed CFO is consistent with the applicable general plan map and text, the zoning district, and all other provisions of the Zoning and Development Code.

b. That the proposed CFO will not create reasonably foreseeable parking, circulation or other traffic issues as a result of its proximity to another existing CFO.

c. The proposed CFO is of a type, character, size, scale and/or nature which is compatible, conforming and otherwise harmonious with other like and similar home occupation uses, especially as related to operational characteristics such as hours of operation, traffic and noise generation, indoor/outdoor configuration, and any other characteristic which by its existence provides factual information pertinent to the Director's Determination.

d. That in no circumstance shall a CFO be closer than 600 feet from property line to property line in all directions from another CFO.

No traffic shall be generated by any CFO in greater volumes than would normally be expected in a residential neighborhood, and the CFO shall not increase parking demands on the street on which the residential unit is located.

Hours of operation shall be limited between the hours of 8:00 a.m. to 6:00 p.m., Monday—Friday.

The City may suspend the CFO permit if the CFO’s operation violates any traffic or noise provision of this Chapter, becomes an immediate threat to the public health or safety, and/or if the cottage food operator’s “Class A” registration or “Class B” permit is suspended by the County of San Bernardino Environmental Health Services Department or is otherwise invalidated.

The City may revoke a CFO permit if a condition in Section 30-80 is found to exist and/or if the cottage food operator’s “Class A” registration or “Class B” permit is revoked or invalid.

One off-street parking space shall be provided for one employee of the CFO.

(Ord. No. 1679, § 2, 8-27-13)

Sec. 30-78. - Home occupation findings.

In approving a home occupation in a residential zone, the Community Development Department must find that the use can be conducted safely, will not have an adverse effect on the neighborhood or other adjacent uses, and can reasonably be expected to conform to the following restrictions:

(1) No use shall create or cause noise, dust, vibration, smell, glare or electrical interference or other hazards or nuisances.

(2) No employees other than residents of the dwelling shall be allowed in connection with a home occupation. (Babysitters or domestic servants are not considered employees of a home occupation.)

(3) There shall be no clients or customers on the premises at any time, except where the Community Development Department determines that limited customer traffic may be warranted due to the nature of the business.

(4) If a home occupation is to be conducted on rental property, the property owner’s authorization for the proposed use shall be obtained prior to the issuance of a home occupation permit.

(5) Where the person conducting the home occupation serves as an agent or intermediary between outside suppliers and outside customers, all articles, except for samples, shall be received, stored and sold directly to customers at an off-premises location.
(6) There shall be no use of material or mechanical equipment not recognized as being part of a normal household or hobby use.

(7) No vehicle larger than a one ton, four wheel truck may be used in connection with a home occupation.

(8) Activities conducted, and equipment or material used, shall not change the fire safety or occupancy classifications of the premises nor use utilities in amounts greater than normally provided for residential use.

(9) There shall be no sale of products or services not produced on the premises.

(10) There shall be no advertising which identifies the home occupation by street address.

(11) The use shall not involve the special use of commercial vehicles for delivery to or from the premises.

(12) There shall be no storage of material and/or supplies, indoor or outdoor for purposes other than those permitted in the residential zone.

(13) The home occupation shall not be identified by a sign.

(14) A structure or space outside of the main building or an accessory structure, including the garage, may be used for home occupation purposes. Whenever a garage is used, the home occupation shall not reduce the required parking area as established by this Code.

(15) In no way shall the appearance of the structure be altered or the occupation within the residence be conducted in a manner which causes the premises to differ from its residential character either by use of colors, materials or construction, lighting, signs, sounds or noises, vibrations, or similar distinctive workings.

(16) The Director of Community Development may impose such conditions on the issuance of the permit as are necessary to ensure that the use will have no adverse effect on the neighborhood and it shall be unlawful for a home occupation to be carried on in violation of such conditions or so as not to conform with the requirements of this section.

Sec. 30-79. - Prohibited home occupation uses.

The following uses, either by operation or nature, are not incidental to or compatible with residential activities and shall therefore not be permitted as home occupations:

(1) Automotive repair (body or mechanical), upholstery and painting.

(2) Barber and beauty services.

(3) Medical offices, clinics and laboratories.

(4) Medical marijuana dispensaries.

(5) Major household appliance repairing.

(6) Reserved.

(7) High intensity arc and oxyacetylene welding.

(8) Any business dealing with firearms, ammunition, explosives, or ancillary products.

(9) Similar uses as determined by the Director of Community Development.

Sec. 30-80. - Revocation/termination.

A home occupation permit may be revoked if the Director of Community Development finds that one or more of the following conditions exists:

(1) That any condition of the permit has been violated or the activity is not carried on so as to conform to Section 30-77.1 for Cottage Food Operations or to the findings in Section 30-78.
(2) That the use has become detrimental to the public health or safety or constitutes a nuisance.

(3) That the permit was obtained in a fraudulent manner.

(4) That the use of which the permit was granted has ceased or was suspended for six or more successive calendar months.

(5) That the condition of the premises, or the area of which it is a part, has changed so that the use is no longer justified under the meaning and intent of this section.

(6) That a valid business license has not been obtained from the City within 30 days of approval in accordance with City requirements.

(7) If the business license and permit renewal application are not renewed within 30 days after expiration, the home occupation permit shall become null and void.

(Ord. No. 1679, § 3, 8-27-13)

Sec. 30-81. - Appeal of action.

(a) Any person aggrieved by any determination, interpretation, decision, judgment or similar action taken by the Director of Community Development under the provisions of this section may appeal such action to the Planning Commission pursuant to Section 30-33. The decision of the Planning Commission shall be final.

(b) Filing of appeals. Appeals shall be addressed to the appellate body on a form prescribed by that body, and shall be filed with the Community Development Department within ten days following the date of action for which an appeal is made.

(c) Effective date of appealed action. An action of the director appealed to the Planning Commission shall not become effective unless and until resolved by the Planning Commission.

Sec. 30-82. - Reapplication.

An application of appeal may be denied with prejudice. If such denial becomes final, no further application for the denial request shall be filed in the ensuing 12 months, except as otherwise specified at the time of denial. An application may be denied with prejudice on the grounds that two or more similar applications have been denied in the past two years, or, that another good cause exists for limiting the refiling of the application.

DIVISION 13. - GENERAL PLAN AMENDMENTS

Sec. 30-83. - Purpose.

To update the general plan to reflect the current desires and needs of the citizens for the long-term growth of the City.

Sec. 30-83.1. - Pre-application conference.

Prior to the filing of an application for a general plan amendment, the applicant or the applicants representative shall hold a pre-application conference with the Director of Community Development or other designated staff from departments and divisions.

Sec. 30-84. - Application.

Applications for general plan amendments shall be filed with the Planning Division upon such forms and accompanied by such data, information and fees as may be required by the Planning Division, to insure
a full presentation of the facts. No application shall be considered by the Planning Commission until the application is determined to be complete and all required fees have been paid to the City.

(1) A change to the general plan land use map of the general plan may be initiated by the Director of Community Development, Planning Commission, City Council, or the owner or authorized agent of the owner of the property for which the application is being made.

(2) An amendment to text of the general plan may be initiated by the Director of Community Development, Planning Commission, City Council, or any person directly affected by the provisions of this chapter. Additionally, staff shall provide the Planning Commission and City Council with an annual report outlining all revisions and changes to the general plan.

(3) The Director of Community Development may request proof of authorization to file an application on behalf of another party.

Sec. 30-85. - Hearing—Planning Commission.

(a) Upon the filing of a complete application for amendment to the text of the general plan or general plan land use map, the matter shall be set for hearing before the Planning Commission. Applications for general plan amendments shall be heard four times (approximately quarterly) per year. The filing deadlines for such applications shall be set at a date no closer than 51 days prior to the appropriate meeting date.

(b) Notice of the hearing shall be made in accordance with the provisions of Section 30-30 of this article.

(c) The Planning Commission shall hold at least one public hearing upon the matters referred to in the application for amendment. If the Planning Commission finds that the proposal substantially promotes the goals of the City's general plan, the Planning Commission shall recommend the change to the City Council. The Planning Commission shall transmit its report in writing to the City Council within 60 days following the public hearing. The report shall set forth the reasons of the Planning Commission recommendations and the relationship of the proposed change to the general plan.

(d) If the decision of the Planning Commission is to deny an application requesting the change of general plan amendment, the decision shall be final unless there is an appeal as provided for in Section 30-33 of this article.

(e) The Planning Commission shall also have the authority to forward the application to the City Council for consideration.

Sec. 30-86. - Same—City Council.

(a) Notice of the hearing shall be made in accordance with the provisions of Section 30-30 of this article.

(b) The City Council shall hold at least one public hearing upon the matters referred to the Council by the Planning Commission or by appeal. The City Council may approve, modify or reject any part of the recommendation of the Planning Commission. The determination of the City Council shall be final and conclusive, except that whenever the City Council shall consider a change not previously considered by the Planning Commission, the Council may refer such change to the Planning Commission for its recommendation.

Sec. 30-87. - Limitations on reapplication.

If an application for a general plan amendment is denied by either the Planning Commission or City Council, another application of the same nature and affecting the same property shall not be filed within a period of one year from the date of denial. However, the body denying the application may give permission for a new application to be filed if a change in circumstances or plans indicate a new application is warranted. Nothing contained in this section shall prohibit either the City Council or Planning Commission from initiating a change of general plan amendment at any time.

DIVISION 14. - TEMPORARY USE
Sec. 30-88. - Purpose.

The purpose of this section is to control and regulate land use activities of a temporary nature which may adversely affect the public health, safety, and welfare. The intent is to ensure that temporary uses will be compatible with surrounding uses, to protect the right of adjacent residences and land owners, and to minimize any adverse effects on surrounding properties and the environment.

Sec. 30-89. - Application.

(a) Applications for a temporary use permit shall be filed with the Community Development Department upon such forms and accompanied by such data, information and fees as may be required by the Community Development Department, to ensure a full presentation of the facts.

(b) Applications for model home(s), new homes sales trailer(s), and/or construction trailer(s) may be combined with a design review application. Such temporary uses shall be limited to office uses for the sale of new homes, or for the construction of permanent structure(s) on the site where the trailer is located or within the tract if new homes are being constructed. Any trailer approved under a Temporary Use Permit or Design Review shall be removed within 15 days following the close of escrow for the last home within the tract or when the applicant for the Temporary Use Permit no longer offers homes for sale in the tract; or in the case of construction of a building on site, receipt of a Certificate of Occupancy; or written notice of removal by the Director of Community Development. The criteria outlined in Sections 30-89(7) or 30-89(8) shall apply to the submission of a combined application.

(c) A temporary use permit shall be required for the following activities and shall be subject to conditions established herein and any other additional conditions as may be prescribed by the Director of Community Development. All such uses shall be subject to the sign regulations within Chapter 3 and zoning regulations within Chapter 30 of the Municipal Code.

(1) Outdoor display of merchandise/parking lot and private sidewalk sales for businesses located within a commercially designated property are limited to six display periods per calendar year. The display periods may run consecutively or be distributed throughout the year. Each display period shall be a continuous period of days not to exceed seven days in length. The temporary use permit shall be subject to the following conditions:

   a. The display of merchandise outside of a building shall be permitted only during the hours of operation of the store. All goods and merchandise shall be placed inside of the building following the close of the day's business, except as otherwise approved in writing by the Director of Community Development.

   b. No merchandise or goods shall be placed upon or permitted to project into any street, public sidewalk, or public right-of-way, nor restrict or interfere with handicapped parking or access to the commercial establishment(s) on site. The Temporary Use Permit may allow the temporary occupation of on-site private sidewalks, parking stalls and drive aisles, however adequate drive aisles and on-site circulation shall be maintained at all times for safe and functional ingress and egress, handicapped access to handicapped parking spaces, and emergency equipment access.

   c. Tents, canopies, awnings, covers or other temporary covering devices may be approved by the Director of Community Development on a case-by-case basis only in conjunction with the outdoor display of merchandise/parking lot or private sidewalk sales. If a tent, canopy, awning, or other temporary covering device is approved, prior to its use or installation the applicant shall obtain a permit for said device from the Building Official and said device shall be constructed and installed to comply with all safety requirements.

   d. This section shall not be construed to permit the permanent or temporary storage of goods or equipment when otherwise prohibited by other provisions in this Chapter.
(2) Outdoor art and craft shows and exhibits subject to not more than 15 days of operation or exhibition in any 90-day period.

(3) Seasonal retail sale of agricultural products raised on the premises, limited to periods of 90 days in a calendar year and when parking and access is provided to the satisfaction of the Director of Community Development. A minimum of ten off-street parking spaces shall be provided with provisions for controlled ingress and egress to the satisfaction of the Director of Community Development.

(4) Religious, patriotic, historic, or similar displays or exhibits within yards, parking areas, or landscaped areas, subject to not more than 15 days of display in any 90-day period for each exhibit.

(5) Christmas trees or pumpkin and fireworks, and seasonal sales lots subject to the following guidelines and conditions:
   a. All such uses shall be limited to 30 days of operation per calendar year.
   b. All lighting shall be directed away from and shielded from adjacent residential areas.
   c. Adequate provisions for traffic circulation, off-street parking, and pedestrian safety shall be provided to the satisfaction of the Director of Community Development.

(6) Circuses, carnivals, rodeos, pony riding, special event tents, or similar traveling amusement enterprises subject to the following guidelines and conditions:
   a. All such uses shall be limited to not more than 15 days, or more than three weekends, of operation in any 180-day period. To exceed this time limitation shall require the review and approval of a conditional use permit as prescribed in Section 30-44.
   b. All such activities shall have a minimum setback of 100 feet from any residential area. This may be waived by the Director of Community Development if in his opinion no adverse impacts would result.
   c. Adequate provisions for traffic circulation, off-street parking, and pedestrian safety shall be provided to the satisfaction of the Director of Community Development.
   d. Restrooms shall be provided.
   e. Security personnel shall be provided.
   f. Special, designated parking accommodating for amusement enterprise workers and support vehicles shall be provided.
   g. Noise attenuation for generators and carnival rides shall be provided to the satisfaction of the Director of Community Development.
   h. Tents shall be required to submit plans for approval by Building Official 90 days prior to the special event being held. The tent must meet all Uniform Building Codes and applicable City codes.

(7) Model homes. Model homes may be used as offices solely for the first sale of homes within a recorded tract subject to the following conditions:
   a. The sales office may be located in a garage, trailer, or dwelling.
   b. Approval shall be for a two-year period, at which time the sales office use shall be terminated and the structure restored back to its original condition. Extensions may be granted by the Director of Community Development in one year increments up to a maximum of four years or until 90 percent of the development is sold; whichever is less.
   c. A cash deposit, letter of credit, or any security determined satisfactory to the City shall be submitted to the City of Fontana, in an amount to be set by Council resolution, to ensure the restoration of removal of the structure.
d. The sales office is to be used only for transactions involving the sale, rent, or lease of lots and/or structures within the tract in which the sales office is located, contiguous tracts, or a planned community. Notwithstanding the above, the Director of Community Development may consider off-site model home sales offices subject to the granting of a minor use permit (see Section 30-44). Where a legal, previously approved minor use permit exists, the minor use permit may be revised to incorporate other recorded tracts as needed.

e. Failure to terminate sales office and restore structure or failure to apply for an extension on or before the expiration date will result in forfeiture of the cash deposit, a halt in further construction or inspection activity on the project site, and enforcement action to ensure restoration of structure.

f. Street improvements and temporary parking at a rate of two spaces per model shall be completed to the satisfaction of the City Engineer and Director of Community Development prior to commencement of sales activities or the display of model homes. The parking spaces shall be located within an off-street facility, except on-street parking may be permitted subject to the following conditions:

1. The sales office, models, and on-street parking spaces shall be located at the end of a cul-de-sac street and coordinated with construction phasing such that there are no resident homeowners living in homes located adjacent to the gated, secured area of the street.

2. The parking stalls shall be adequately striped and shall conform to City standards.

3. The entire cul-de-sac street, including the model home with a decorative fence and gate across the street that is kept locked during non-operating business hours.

4. An area for overflow parking shall be provided off-street to the satisfaction of the City Engineer and Director of Community Development. Said parking area shall be located adjacent to the model home sales office, outside the secured area, appropriately signed, and provided with a drive approach construction to City standards.

5. Parking shall be permitted only within and on the project site. Parking along adjacent or perimeter streets (public or private) shall not be used to satisfy the model home sale parking requirement.

6. Temporary landscaping, including minimum 48-inch box trees, shall be provided within the on-street parking area (cul-de-sac). Temporary landscaping shall also be provided within a planter area surrounding the overflow parking area.

g. All fences proposed in conjunction with the model homes and sales office shall be located outside of the public right-of-way, except where approved by the Director of Community Development and City Engineer for security.

h. Reserved.

i. Use of signs shall require submission of a sign permit application for review and approval by the Director of Community Development.

(8) Trailer coaches or mobile homes on active construction sites for use as temporary living quarters for security personnel. The following restrictions shall apply:

a. The Director of Community Development may approve a temporary trailer for the duration of the construction project or for a specified period, but in no event for more than two years. If exceptional circumstances exist, a one year extension may be granted, provided that the building permit for the first permanent dwelling or structure on the same site has also been extended.

b. Installation of trailer coaches may occur only after a valid building permit has been issued by the Community Development Department.
c. Trailer coaches permitted pursuant to this section shall not exceed a maximum gross square footage of 650 square feet in size (tongue not included).

d. The trailer coach must have a valid California vehicle license and shall provide evidence of State Division of Housing approval as prescribed in the Health and Safety Code of the State of California. A recreational vehicle being defined as a motor home, travel trailer, truck camper or camping trailer, with or without motive power, shall not be permitted pursuant to this section.

e. The temporary trailer coach installation must meet all requirements and regulations of the County Department of Environmental Health Services and the Community Development Department.

f. Any permit issued pursuant to this section in conjunction with a construction project shall become invalid upon cancellation or completion of the building permit for which this use has been approved, or the expiration of the time for which the approval has been granted.

(9) Tent, canopies, awnings and easy-ups associated with any retail sales event are prohibited unless engineering plans signed by a certified engineer demonstrate the tent, canopy, awning or easy-up meets the 80 mile per hour Building and Safety Division Requirement.

(10) Other uses and activities similar to subsections (1) through (8) above as deemed appropriate by the Director of Community Development. At that time, trailers shall be removed from the site.

Sec. 30-90. - Security.

The Director of Community Development also may require a cash deposit or cash bond to defray the costs of cleanup of a site by the City in the event the applicant fails to leave the property in a presentable and satisfactory condition, or to guarantee removal and/or reconversion of any temporary use to a permanent use allowed in the subject district.

Sec. 30-91. - Recycling facility permit.

(a) **Purpose.** It is the purpose of this section to provide regulations and standards which pertain to the review, construction and operation of recycling facilities within the City. The placement, construction or operation of any recycling facility, as defined herein, is prohibited without first obtaining a permit pursuant to the provisions set forth in this section.

(b) **Application.** Applications for recycling facility permits shall be filed with the Community Development Department on forms, and accompanied by data, information, and fees as required by the Community Development Department. No application shall be considered by the Planning Commission until the application is determined to be complete and all required fees have been paid to the City.

(c) **Definitions.**

(1) Convenience zone means that area within a one-half mile radius of a supermarket as designated by the California Department of Conservation pursuant to the terms of the California Beverage Container Recycling and Litter Reduction Act (California Public Resource Codes section 14500 et seq.).

(2) Recyclable material means reusable material including, but not limited to, metal, glass, plastic and paper.

(3) Recycling facility means a structure or group of structures for the collection of recyclable materials and certified as a recycling facility by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act. Recycling facilities include the following:

a. Reverse vending machine means one or more automated mechanical devices, which occupy a space no larger than 342 square feet, and which are used for the collection of one or more recyclable materials in return for a cash refund or redeemable credit slip with a value not less than the redemption value as determined by the California Department of Conservation.
b. Mobile recycling unit means a kiosk, bin or portable container, occupying a space less than 342 square feet, and which are used for the collection and redemption of recyclable materials and which is operated by an attendant during hours of operation. A mobile recycling unit may include certain permanent structures associated with the mobile recycling unit as provided in this section.

(d) **Location of recycling facilities.**

(1) One recycling facility, capable of redeeming all forms of recyclable materials as provided herein shall be permitted in each convenience zone. In the event two or more permit applications are received for a convenience zone which does not possess a recycling facility, the Director of Community Development may, in his/her discretion, choose which application best meets the needs of the community based on those factors including, but not limited to, convenience of use, pedestrian and vehicular traffic safety, aesthetic compatibility, etc.

(2) In the event that two or more convenience zones overlap, one recycling facility shall be permitted in the area of such overlap to service such zones, unless it can be demonstrated to the satisfaction of the Director of Community Development that such area of overlap is not available or amendable to meet all of the placement criteria as provided in this section.

(3) Two or more recycling centers may be allowed within a convenience zone if, in addition to all criteria provided in this section, approval is granted pursuant to the provisions of administrative site plan.

(e) **Development standards.** The placement, construction and operation of recycling facilities, shall be subject to the following development standards:

(1) Recycling facilities shall be established in conjunction with an existing commercial use which is in compliance with the development, building and fire codes of the City and is located within a convenience zone in an area zoned for commercial or industrial uses.

(2) A reverse vending machine which occupies an area less than 50 square feet may be placed under the building canopy adjacent to the business which sells beverages in redeemable containers. Reverse vending machines which occupy more than 50 square feet, but less than 342 square feet, shall be placed within the parking area or other approved location of the associated commercial use.

(3) Recycling facilities not located under the building canopy shall be setback at least 50 feet from any street frontage, as measured from the curb face.

(4) Recycling facilities shall be conveniently accessible to pedestrians and vehicles and shall be designed to include safety provisions for separating pedestrian and vehicular traffic (i.e., special walkways, drive aisles, bollards, safety lighting, etc.).

(5) Recycling facilities shall be designed in a manner consistent with the architectural and site plan of the associated commercial use, including, but not limited to, exterior materials, color and landscaping.

(6) Recycling facilities which are not located under the building canopy of the associated commercial use shall be designed with related permanent enclosures or screening such as an overhead trellis or arbor.

(7) Recycling facilities that are operated by an on-site attendant shall be provided access to the facilities of the associated commercial use (i.e., restrooms, drinking fountains, etc.).

(8) Recycling facilities which are not located under the building canopy of the associated commercial use or within a landscaped area of the associated commercial use shall be designed with a landscape planter at least three feet in width (inside dimension) along the sides and rear of the recycling facility.

(9) Recycling facilities shall be maintained in good repair and the area immediately surrounding the recycling facility shall be maintained in a litter-free condition. All storage of recyclable material shall be within the recycling facility or related enclosed structure.
(10) Signage required for a recycling facility shall comply with the Sign Ordinance of the City of Fontana and, where applicable, the approved uniform sign program for the associated commercial use.

(11) Recycling facilities which are operated by an on-site attendant and located within 100 feet of a property zoned or occupied for residential uses shall operate only during the hours of 9:00 a.m. to 7:00 p.m.

(f) Action of the Director of Community Development.

(1) The Director of Community Development shall approve an application for a recycling facility provided that the application complies with each of the following requirements:

a. The recycling facility is certified, or has applied to be certified, as a recycling location pursuant to the California Beverage Container Recycling and Litter Reduction Act;

b. The operator of the recycling facility has presented a written authorization from the property owner where the proposed recycling facility is to be located; and

c. The recycling facility complies with all of the development standards as set forth in this section.

(2) Notwithstanding the foregoing, the Director of Community Development may deny an application for a recycling facility if it is specifically found that the operation of the recycling facility will have a detrimental effect on the public health, safety or general welfare. In the case of any such denial, the Director of Community Development shall support the action with specific written findings of facts based on substantial evidence.

(g) Automatic revocation. Any permit granted pursuant to the term of this section shall be deemed automatically revoked if the operator’s recycling certificate is revoked or suspended by the California Department of Conservation pursuant to the terms of the California Beverage Container Recycling and Litter Reduction Act.

DIVISION 15. - NONCONFORMING USES AND STRUCTURES

Sec. 30-92. - Purpose.

The purpose and intent of this article is to regulate nonconforming uses and nonconforming structures so that their detrimental effect on adjoining property values and on the proper growth and development of the City, as set forth in the general plan and in this chapter, shall be restricted, controlled, and eventually eliminated.

Sec. 30-93. - Regulations.

In order to carry out the purpose and intent of this section, the following regulations shall apply:

(1) Repairs, alterations, maintenance, additions, extensions, enlargements and moving. The following provisions apply to nonconforming uses:

a. Nonconforming use.

1. No nonconforming use or site shall be enlarged or intensified unless the Planning Commission approves such request through the conditional use permit process.

2. No nonconforming use shall be enlarged or increased to occupy a greater area of land than that occupied by such use on the effective date except as outlined in Section 30-93.1; and
3. No nonconforming use shall be moved in whole or in part to any portion of the lot or parcel of land other than that occupied by such nonconforming use on the effective date.

b. Nonconforming structure. Except as otherwise provided in this chapter, no nonconforming structure shall be moved, altered or enlarged unless required by law, or, unless the moving, alteration or enlargement will result in the elimination of the nonconforming aspect of the structure or as outlined in Section 30-93.1.

(2) Restoration of damaged structures. When an existing nonconforming building or structure which is damaged or partially destroyed by fire, flood, wind, earthquake or other calamity and the cost of such reconstruction, repaving or rebuilding is less than 75 percent of the replacement value of the structure immediately prior to this damage, as determined by the Building Official, the structure may be restored and the occupancy or use may be continued. Such reconstruction shall be started within a period of one year from date of damage and diligently pursued to completion. In the event such damage exceeds 75 percent of the replacement value of such building at the time of such calamity, no repairs or reconstruction shall be made unless every portion of such building and its use is made to conform to all regulations of this chapter for the zone in which it is located.

(3) Discontinuation and abandonment. Whenever a nonconforming use has been abandoned (e.g., expiration of business license), discontinued or changed to a conforming use for a continuous period of six months, the nonconforming use shall not be reestablished, and the use of the structure or site thereafter shall be in conformity with the regulations for the district in which it is located. Discontinuation shall include termination of a use regardless of intent to resume the use.

(4) Change of use. The nonconforming use of a building or structure may not be changed except to a conforming use. Where such change is made for a continuous period of six months as provided for in subsection (6) above, the use shall not thereafter be changed back to a nonconforming use. However, the Planning Commission may grant a conditional use permit to allow one nonconforming use to be changed to another nonconforming use of the same or more restricted character if the commission, after a public hearing, determines that because of the existing conditions in the area and on the property involved, such a change is warranted.

(5) Displacement. No nonconforming use shall be altered, extended or restored so as to displace any conforming use.

(6) Violations. Nothing in this section shall be interpreted as authorization for or approval of the continuance of the use of a structure or premises in violation of zoning regulations in effect or any amendment thereto.

(7) Change of zones. The provisions of this section shall also apply to any nonconforming use or nonconforming structures in zones hereafter changed to a more restrictive use, or to zones hereafter established in areas not previously covered by the zoning map.

(8) Conformance with intent and purpose. No nonconforming use or structure shall be enlarged, extended, increased, changed, modified or in any way continued or maintained in such a way as to abrogate the purpose and intent of these regulations as set forth in this section.

(9) Residential structures. A residential structure(s) which is nonconforming because of height or area regulations shall not be added to or enlarged in any manner unless such addition or enlargement conforms to all the regulations of the district in which it is located.

Sec. 30-93.1. - Exemptions.

(a) Continuance. Any structure or use which was lawfully existing or under construction, and which becomes a nonconforming structure or nonconforming use as a result of the adoption of this chapter, may be continued subject to the provisions of this section.

(b) Residential.
(1) The provisions of this section relative to additions and enlargements to nonconforming single-family residential uses shall not apply; however, this clause shall not be interpreted to permit an increase in the number of dwelling units within any such residential building nor permit any residential addition or enlargement from complying with all zoning regulations of the district in which it is located, e.g. setback, height, area, etc.

(2) Any legal non-conforming single-family residential structure which does not conform to current enclosed parking standards may construct a one car garage or carport, provided the property owner demonstrates that the physical limitations of the site prohibit full conformance to the Development Code standard of a two car enclosed garage. Said physical limitations shall consist of any construction which would encroach upon a required front, side, street side or rear yard setback area, or the location of the existing structure(s) on site, that were legally constructed with appropriate building permit, which because of their location do not permit sufficient physical space between the structure(s) and any property line to allow a driveway and/or access to the rear or side of the property where a garage, attached or detached, in conformance to the Development Code standards, could be constructed. All individual parking spaces shall conform to the Code's minimum size standards.

(c) Public utilities. Nothing in this chapter shall be construed or implied to prevent the expansion, modernization, replacement, repairing, maintenance, alteration, reconstruction or rebuilding of public service and public utility buildings, structures, equipment, and facilities where there is no change of use or increase in the areas of the property so used.

(d) Existing nonconforming buildings and sites. Notwithstanding the provisions of this section, the Planning Commission may allow the minor expansion and/or occupancy of an existing, nonconforming building without the requirement that the building and/or site be improved to current Development Code standards upon submittal of a completed design review application if it makes one or more the following findings:

(1) That the existing building and/or site is so situated and configured as to preclude the installation of additional landscaped areas, drive areas and parking stalls necessary to bring the site into compliance with existing Development Code standards.

(2) That the existing building, because of its location with respect to any public right-of-way and/or property line, cannot comply with existing Development Code standards with regard to building setbacks.

(3) That the existing building, because of its height and/or existing lot coverage cannot comply with existing Development Code standards with regard to building height and lot coverage.

(4) That such nonconforming building may be expanded on the legally recognizable parcel upon which the building is established, subject to all of the following operation and development standards:

a. The size of the expansion shall not exceed ten percent of the total square footage of the existing building;

b. The expansion shall benefit the health, safety and welfare of the occupants of the site;

c. The expansion shall be architecturally compatible with the existing building; and

d. The expansion shall be compatible with the character of the surrounding area.

(e) Sierra Business Park Exemption. This Division 15 shall not apply to the land uses and structures, as such are enumerated in this subdivision, on the real property comprised of the following nine parcels with the following County of San Bernardino Assessor Parcel Numbers (APNs): 0194-371-25, 0194-371-26, 0194-371-27, 0255-061-28, 0255-061-30, 0256-011-10, 0256-011-32, 0256-011-33, and 0256-011-34, as such parcels are identified in that certain "Sierra Business Park Development Agreement" entered into between the City of Fontana and LNR Fontana, Inc. and dated June 17, 2003. The land uses and structures for such real property authorized by the "Sierra Business Park Development Agreement" for which Division 15 shall not apply are limited to the following land uses and related structures in this Agreement.
The following table includes the permitted and conditional uses for the aforementioned parcels:

Table 30-93.1.A

<table>
<thead>
<tr>
<th>Use</th>
<th>M-1 Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Manufacturing</strong></td>
<td></td>
</tr>
<tr>
<td>Manufacturing processes involving no raw materials</td>
<td>P*</td>
</tr>
<tr>
<td><strong>2. Service and repair</strong></td>
<td></td>
</tr>
<tr>
<td>Automobile, pick-up truck with any rating (carrying weight), commercial truck or van, or tractor trailer rental</td>
<td>P</td>
</tr>
<tr>
<td>Boat service and repair</td>
<td>P</td>
</tr>
<tr>
<td>Body shop</td>
<td>C</td>
</tr>
<tr>
<td>Machine shop, machinery repair</td>
<td>P*</td>
</tr>
<tr>
<td><strong>3. Storage and open yards</strong></td>
<td></td>
</tr>
<tr>
<td>Contractor's equipment storage yard</td>
<td>P*</td>
</tr>
<tr>
<td><strong>4. Warehouse uses</strong></td>
<td></td>
</tr>
<tr>
<td>Warehouse, high-cube</td>
<td>P</td>
</tr>
<tr>
<td>Warehouse, sales</td>
<td>P</td>
</tr>
<tr>
<td>Warehouse, standard</td>
<td>P</td>
</tr>
<tr>
<td>Warehouse, distribution</td>
<td>P</td>
</tr>
<tr>
<td><strong>5. Retail sales</strong></td>
<td></td>
</tr>
<tr>
<td>Convenience store</td>
<td>C</td>
</tr>
</tbody>
</table>
### 6. Administrative and professional offices

<table>
<thead>
<tr>
<th>Use</th>
<th>Permitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business park</td>
<td>P</td>
</tr>
<tr>
<td>Governmental office and building</td>
<td>P</td>
</tr>
</tbody>
</table>

### 7. Miscellaneous uses

<table>
<thead>
<tr>
<th>Use</th>
<th>Permitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Night watchman or custodian quarters</td>
<td>P</td>
</tr>
</tbody>
</table>

**Abbreviations:**

- **P** = Permitted
- **C** = Conditional Use Permit
- ***** = Special Use Regulations apply.

Administered by Community Development Director after review of noise, odor, and visual impacts.

(2) Such enumerated land uses and structures shall not be deemed nonconforming uses or structures pursuant to this Division 15.

(3) The maximum floor-area ratio (FAR) for the development of the real property covered by this subdivision shall be 60 percent.

The Planning Commission may require that a site which is nonconforming with respect to amount of off-street parking stalls and/or landscaped areas be reconfigured and redesigned if it finds that there is sufficient area wherein a reconfiguration of the non-building area(s) would allow the addition of parking stalls and/or landscaped areas. The addition of said items does not necessarily have to bring the site into compliance with current Development Code standards for said items. However, the applicant shall endeavor and make every reasonable effort to maximize the amount of landscaped areas and/or number of parking stalls to be added.

(Ord. No. 1713, § 2, 1-27-15)

**Sec. 30-93.2.** Special exemption to permit incremental improvements to nonconforming buildings, structures and sites with administrative site plan approval.

(a) Notwithstanding any other provisions of this Division 15 to the contrary, the Director of Community Development may permit the following limited improvements to be made to an existing nonconforming building, structure or site without the requirement that the building, structure and/or site be improved to current Development Code standards:

1. Additions to existing commercial and/or industrial buildings or structures that do not exceed ten percent of the total square footage of the existing building or structure, provided said additions meet the fire protection requirements of Chapter 11 of the City Code;
(2) Paving, repaving or realignment of parking lots and areas, provided that the number of parking spaces is not reduced to less than currently existing and provided that all applicable drainage, storm water (NPDES), and similar requirements are met;

(3) Alteration of the exterior of an existing building or structure;

(4) Installation of new landscaping or alteration of existing landscaping, provided that the amount of landscaping is not reduced to less than currently existing unless the Director of Community Development further finds that other improvements approved under this Section require a reduction in the landscaping. Any allowed reduction in landscaping shall be the minimum required to permit the improvements to be constructed.

(b) Any person seeking a special exemption under this section shall submit a completed administrative site plan application to the Community Development Department in a manner prescribed by the Director of Community Development, and shall pay any applicable fees.

(c) Applications under this section shall be processed as prescribed in Division 3 of Article III of Chapter 30 of this Code (Administrative Site Plan Review), except for the following:

1. At the option of the Director of Community Development, the application may (but is not required to) be reviewed by the Development Advisory Board prior to a decision by the Director of Community Development;

2. Notice required by Section 30-117 shall be provided, however, it shall be sent ten calendar days prior to the decision by the Director of Community Development.

(d) Notwithstanding Section 30-119 of this Code, the Director of Community Development shall make the following findings before granting approval of the exemption and the administrative site plan application:

1. All of the existing building(s), structures(s) and uses on the site are pre-existing and legal nonconforming, and are not illegal or unpermitted;

2. The improvement(s) subject to the exemption support(s) a pre-existing legal nonconforming building, structure and/or use already on the site;

3. The exemption will provide an incremental improvement to the building, structure or use on the site in furtherance of the requirements of Chapter 30 of this Code;

4. The improvement(s) subject to the exemption will not, physically, legally, or otherwise, preclude the building(s), structure(s) or the site to come into compliance with current Development Code standards at a future date;

5. Granting the exemption will not substantially expand or intensify the existing or anticipated use of the building(s) and/or the site;

6. Granting the exemption will not be contrary to the goals of the City’s General Plan or any applicable Specific Plan; and

7. Granting the exemption will not otherwise be deleterious to the public health, safety and welfare.

(e) The Director of Community Development is authorized to impose such reasonable conditions upon an exemption in order to protect the health, safety and welfare of the surrounding area.

(f) Appeals shall be made to the Planning Commission as set forth in Section 30-33 of this Code.

(g) The time limitations to utilize an exemption under this section shall be as set forth in Section 30-115 of this Code.

(h) Except as expressly set forth herein, the benefits of this section shall not abrogate, extend, expand or otherwise alter the provisions of this Division 15 and shall not eliminate or extend pre-existing legal nonconforming rights, or create them where they do not otherwise exist.

(i) The benefits of this section shall apply only to complete applications, as provided for in subsection (b), which have been submitted to the Community Development Department within a period of two years.
following the effective date of this section. Any exemptions requested after said two-year period must be sought pursuant to Section 30-93.1.

(Ord. No. 1651, § 1, 1-10-12)

Editor's note—Ord. No. 1651, § 4, states: "This ordinance shall take effect and be in full force on the 30th day from and after its second reading. This ordinance shall terminate and be of no further force and effect two (2) years following its effective date."

DIVISION 16. - DENSITY BONUS

Sec. 30-94. - Purpose.

For the purpose of providing affordable housing, a developer of a residential property which is zoned and generally planned to allow five or more dwelling units may request a density bonus and/or other incentive through a conditional use permit subject to the provisions contained in this Section.

Sec. 30-95. - Application.

Application for density bonus shall be made in writing on forms provided for this purpose and shall set forth in detail information as may be required and shall be accompanied by the required filing fee.

Sec. 30-96. - Definitions.

(a) Density bonus for the purposes of this article, means an increase in the proposed number of units of 25 percent or greater over the number permitted pursuant to the current zoning and general plan designation of the property, except that a density bonus for a condominium project providing affordable housing as described in Subsection (a) of Section 30-98 means an increase of ten percent or greater.

(b) Other incentives are policies, programs or actions taken by the City designed to ensure that the development will be produced at a lower cost. They include, but are not limited to the following:

(1) A reduction in site development standards or architectural design requirements which exceed the minimum building standards contained within the Uniform Building Code as adopted by the City including, but not limited to, a reduction in setback, lot coverage, floor area ratio, parking and open space requirements.

(2) Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.

(3) A reduction in development and/or processing fees.

(4) Other regulatory incentives or concessions proposed by the developer or the City which result in identifiable cost reductions.

(5) Financial assistance by the City, i.e., housing set-aside funds.

(6) Other incentives mutually agreeable to the City and developers consistent with all City, State and Federal laws, rules, standards, regulations and policies.

(c) Moderate income household means a household shall be classified as "moderate income" if annual income is at or below 120 percent of San Bernardino County median income as defined by the State of California Department of Housing and Community Development.
(d) **Lower income household** means a household shall be classified as "lower income" if annual income is at or below 60 percent of San Bernardino County median income as defined by the State of California Department of Housing and Community Development.

(e) **Very low income household** means a household shall be classified as "very low income" if annual income is at or below 50 percent of San Bernardino County median income as defined by the State of California Department of Housing and Community Development.

(f) **Qualifying senior resident** means a person shall be classified as a "qualifying senior resident" if he or she is 55 years of age or older. (Section 521.2 of the California Civil Code).

(g) **Housing development** means one or more groups of projects for residential units to be constructed in the City. For the purposes of this section, "housing development" also includes either (1) a project to substantially rehabilitate and convert an existing commercial building to residential use, or (2) the substantial rehabilitation of an existing multifamily dwelling, as defined in Subsection (d) of Section 65863.4 of the Government Code, where the result of the rehabilitation would be a net increase in available residential units.

(h) **Condominium project** is defined in Subsection (f) of Section 1351 of the Health and Safety Code.

(i) **Persons and families of moderate income** is defined in Section 50093 of the Health and Safety Code.

(j) **Development standard** means any ordinance, general plan element, specific plan, charter amendment, or other local condition, law, policy, resolution, or regulation.

Sec. 30-97. - Target rents/mortgage payments.

(a) For the purpose of this article, units designated for moderate income household shall be affordable at a rent or mortgage payment that does not exceed 25 percent of the gross family income.

(b) For the purpose of this article, units designated for lower income households shall be affordable at a rent or mortgage payment that does not exceed 30 percent of 60 percent of the San Bernardino County median income as defined by the State of California Department of Housing and Community Development.

(c) For the purpose of this article, those units designated for very low income households shall be affordable at a rent or mortgage payment that does not exceed 30 percent of 50 percent of the San Bernardino County median income as defined by the State of California Department of Housing and Community Development.

Sec. 30-98. - Affordability requirements.

(a) **Percentage of affordable units required.** To qualify for a density bonus and/or other incentives, the developer of a residential project must agree to one of the following:

(1) Provide at least 20 percent of the total units of the housing development for lower income households; or

(2) Provide at least 10 percent of the total units of the housing development as target units affordable to very low income households; or

(3) Provide at least 50 percent of the total units of the housing development for qualifying (senior) residents 62 years of age and older, and 55 years of age and older if a senior citizen development.

(4) Provide at least 20 percent of the total units in a condominium project for persons and families of moderate income.

The density bonus shall not be included when determining the number of housing units required being affordable. Remaining units may be rented, sold, or leased at "market" rates. If developer is granted a density bonus, those units shall be required to be maintained affordable for lower income households, very low income households, and moderate income households pursuant to State law.
(b) *Duration of affordability.* Units required being affordable as a result of the granting of a density bonus and other incentives shall remain affordable for the period of time mandated by State law. If the City does not grant at least one concession or incentive pursuant to this article in addition to the density bonus, or provides other incentives in lieu of the density bonus, those units required to be affordable shall remain so for the period of time mandated by State law.

(c) *Affordable unit distribution and product mix.* Affordable units shall be located throughout the project and shall include a mixture of unit types in the same ratio as provided throughout the project.

(d) *Affordability agreement.* Affordability shall be guaranteed through an "affordability agreement" executed between the developer and the City. Said agreement shall be recorded on the subject property with the San Bernardino County Recorder's Office as provided in Section 65915 et seq. of the California Government Code, prior to the issuance of building permits and shall become effective prior to final inspection of the first unit. The subject agreement shall be legally binding and enforceable on the property owner(s) and any subsequent property owner(s) for the duration of the agreement. The agreement shall include, but is not limited to, the following items:

1. The number of and duration of the affordability for the affordable units.
2. The method in which the developer and the City are to monitor the affordability of the subject affordable units and the eligibility of the tenants or owners of those units over the period of the agreement.
3. The method in which vacancies will be marketed and filled.
4. A description of the location and unit type (bedrooms, floor area, etc.) of the affordable units within the project.
5. Standards for maximum qualifying household incomes and standards for maximum rents or sales prices.

(e) *Multiple affordability categories.* If the applicant agrees to construct a project that falls within more than one of the affordability categories in subsection (a) of this section, the applicant is entitled to only one density bonus and one additional incentive (or an equivalent financial incentive).

(f) *Rounding numbers.* All density calculations resulting in fractional units shall be rounded up to the next whole number.

(g) *Location of units.* Although the desired approach is to disperse the affordable units within the housing development, circumstances may arise in which the public interest would be served by allowing some or all of the affordable units associated with one housing development to be produced and operated at an alternative development site. Where the applicant and the City form such an agreement, the resulting linked developments shall be considered a single housing development for purposes of this division. Under these circumstances, the applicant shall be subject to the same requirements of this division for the affordable units to be provided on the alternative site.

Sec. 30-99. - Procedure.

(a) In addition to submitting all documentation required to apply for a conditional use permit, a developer requesting a density bonus or other incentive pursuant to this section shall include the following in the written narrative supporting the application:

1. A general description of the proposed project, general plan description, applicable zoning, maximum possible density permitted under the current zoning and general plan description and such other information as is necessary and sufficient. The property must be zoned and general planned to allow a minimum of five units to qualify for a density bonus.

2. A calculation of the density bonus allowed pursuant to this division.

3. In the case that the developer requests the City to modify development standards as an other incentive, a statement providing a detailed explanation as to how the requested incentive will enable the developer to provide housing at the target rents or mortgage payments. Modification
of development standards will be granted only to the extent necessary to achieve the housing affordability goals set forth herein.

(4) A statement detailing the number of density bonus units being proposed over and above the number of units normally permitted by the applicable zoning and general plan description.

(b) All subsequent City review of and action on the applicant's proposal for a density bonus and/or consideration of any requested other incentives shall occur in a manner concurrent with the processing of the conditional use permit and any other required entitlements, if any. If the developer proposes that the project not be subject to impact fees or other fees regularly imposed on a development of the same type, final approval will be by the City Council.

(c) The Planning Commission/City Council shall review the subject affordability agreement concurrently with the development proposal. No project shall be deemed approved until the affordability agreement has been approved by the appropriate reviewing body.

(d) The Planning Commission/City Council may place reasonable conditions on the granting of the density bonus and any other incentives as proposed by the applicant. However, such conditions must not have the effect of precluding the construction of a housing development or condominium project meeting the requirements of this division.

(e) A monitoring fee as established by resolution of the City Council shall be paid by the applicant to the City prior to issuance of a certificate of occupancy for the first unit. This fee shall be in addition to any other fees required for the processing of the conditional use permit, environmental analysis, and/or any other entitlements required.

Sec. 30-100. - Approval or disapproval.

(a) **Allowable actions.** The Planning Commission or City Council shall take either of the following actions:

(1) Grant a density bonus and at least one of the concessions or incentives identified in Section 30-96(b) unless the City makes a written finding, based on substantial evidence, of either of the following:

   a. The concession or incentive is not required in order for rents or mortgage payments to meet the target rates set forth in Section 30-97.

   b. The concession or incentive would have a specific significant adverse impact, as defined in paragraph (2) of subsection (d) of Section 65589.5 of the Government Code, upon public health and safety, on the physical environment, or on any real property that is listed in the California Register of Historical Resources, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to lower or very low income households; or

(2) Provide other incentives of equal value to a density bonus and one incentive as provided in Section 65915 et seq. of the California Government Code.

(b) **Additional incentives.** In granting any request for additional incentives (incentives or concessions beyond a density bonus and one concession or incentive) the Planning Commission or City Council shall be required to make all of the following findings:

(1) The granting of the proposed additional incentive(s) will not have an adverse impact on the physical character of the surrounding area.

(2) The granting of the proposed additional incentive(s) is consistent with the overall intent of the general plan.

(3) The granting of the proposed additional incentive(s) will not be detrimental to the general health, welfare, and safety of persons working or residing in the vicinity.

(4) The granting of the proposed additional incentive(s) will not be injurious to property or improvements in the vicinity.
(5) The granting of the proposed additional incentive(s) will not impose an undue financial hardship on the City.

(6) The granting of the additional incentive is necessary to achieve the target rates for affordable rents or mortgage payments as defined in Section 30-97.

c) Development standards. Notwithstanding any other provision of this division, a waiver or reduction of development standards need not be granted if the result would be either of the following:

(1) The waiver or reduction would have a specific, adverse impact, as defined in paragraph (2) of subsection (d) of Section 65589.5 of the Government Code, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

(2) The waiver or reduction would have an adverse impact on any real property that is listed in the California Register of Historical Resources.

d) Effect on other actions. The granting of a concession or incentive shall not be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval.

e) Other City incentives. This division does not limit or require the provision of direct financial incentives for the housing development, including the provision of publicly owned land, by the City or the waiver of fees or dedication requirements.

DIVISION 17. - DEVELOPMENT AGREEMENTS

Sec. 30-101. - Purpose.

The City Council shall, by resolution, establish procedures, requirements and fees pertinent to applications for and consideration of approval of development agreements under Government Code Section 65864 et seq.

DIVISION 18. - TIME LIMITS FOR PROJECT REVIEW

Sec. 30-102. - Purpose.

This division is intended to provide procedures to ensure adequate review periods and information for City staff and the public regarding development projects reviewed by the City. The provisions in this division are also intended to provide procedures for consolidated deadlines and submittal requirements.

Sec. 30-102.1. - Submittal requirements.

(a) A completed application for a development permit shall be filed with the Community Development Department in a manner prescribed by the Director of Community Development.

(b) In addition to requirements outlined in the appropriate application form, an application for a development permit shall contain sufficient information to allow a department, board, Commission, and/or City Council to act on a development permit proposal.

Sec. 30-102.2. - Determination of complete submittal.

(a) Within 30 calendar days of the receipt of an application for a development permit, the City shall determine whether the requisite submittal requirements have been complied with and written notification of the City’s determination shall be mailed to the applicant(s).
(1) An application for a development permit determined to be complete shall be issued a notice of complete submittal.

(2) An application for a development permit determined to be incomplete shall be issued a notice of incomplete submittal stating the areas of incomplete information. An incomplete application shall not be processed until such application has been modified to contain the information stated on the notice of incomplete submittal and is then determined to be complete by the City.

(3) Within 30 calendar days of the receipt of a resubmitted application for a development permit, the City shall determine whether the requisite submittal requirements have been complied with and written notification of the City's determination shall be mailed to the applicant(s).

(b) Specific plans, or large development projects shall not be considered complete until a final "draft" specific plan or development proposal is submitted and determined to be complete by the City.

(c) The issuance of a notice of complete submittal does not constitute the official filing of a project. An application shall not be considered as officially filed until sufficient information has been submitted by the applicant for staff to prepare an Initial Study of environmental review. Upon determination that sufficient information has been provided and completion of the Initial Study of environmental review, a notice of official filing shall be mailed to the applicant(s).

(d) The applicant may request or agree to a waiver of the time limits of this section. Such request shall be in writing prior to the expiration of the above time limits.

DIVISION 19. - PLANNED UNIT DEVELOPMENTS

Sec. 30-102.3. - Purpose and intent.

This division establishes the regulations and procedures for the approval of a planned unit development (PUD) project.

(a) **Purpose.** The purpose of this division is as follows:

(1) To encourage within the density standards of the General Plan and Development Code the development of a more desirable living environment by application of modern site planning techniques and building groupings or arrangements that are not permitted through strict application of the present zoning and subdivision ordinances;

(2) To encourage the reservation of greater open space for visual enjoyment and recreational use;

(3) To encourage a more efficient, aesthetic and desirable use of land; and

(4) To encourage variety in the physical development patterns of the City.

(b) **Intent.** The intent of this division is to insure that:

(1) Planned unit development permits will be issued only where the subject parcel is large enough to make innovative and creative site planning possible;

(2) Applicants for planned unit development permits have the professional capability to produce a creative plan;

(3) The public's interest in achieving goals stated in the general plan will be served more fully through the planned unit development process than through application of conventional zoning regulations;

(4) The advantages to landowners afforded by the planned unit development process will be balanced by public benefits; and
Natural or man-made features and resources of the site such as topography, trees, watercourses, and the like are preserved.

Sec. 30-102.4. - Uses permitted.

Only those uses permitted in the zoning district shall be permitted under conditions of this division.

Sec. 30-102.5. - Development regulations.

Any project developed pursuant to this division shall comply with the following regulations, and any permit issued shall be subject to such provisions established as conditions of approval.

(a) Area of project. Planned unit development projects shall not be less than one acre in total area, except as modified below:

(1) For residential projects or mixed-use projects where all units are affordable according to City standards, the minimum land area shall be the minimum lot area requirement of the zoning district in which the project is located.

(2) For applications involving conversions of cooperatives to condominiums, the minimum lot area shall be the minimum lot area requirement of the zoning district in which the project is located.

(b) Maximum dwelling unit density. The dwelling unit density shall not exceed a number of units as set forth in the zoning district in which the project is located.

(c) Minimum area and dimensions of lot. The area, width and depth of individually owned parcels of land within the development shall be established as a condition of approval, based on the following factors:

(1) Topography of the land.

(2) The ground area covered by individual dwellings and accessory structures.

(3) Location of common open space and its relationship to the dwelling to be served.

(4) Aesthetic relationships between individual units and open spaces.

(d) Yards and setbacks.

(1) Front, side, and rear yards shall be established as a condition of approval. Building lines shall be indicated on the approved site plan map.

(2) All buildings shall set back from all perimeter lines of the project a distance not less than the height of the building. Greater perimeter setbacks may be required as a condition of approval.

(e) Distance between buildings. The distance between any two buildings within the project shall be established as a condition of approval, but shall not be less than ten feet between the edges of the eaves.

(f) Maximum building height. The maximum building height permitted in the zoning district shall apply.

(g) Required off-street parking.

(1) The number of required parking spaces shall conform to provisions of the zoning district.

(2) The location and arrangement of parking shall be subject to review by the Planning Commission.

(h) Walls, fences and landscaping.

(1) The Planning Commission may require appropriate walls, fencing and landscaping around the perimeter of the project.
(2) A landscaping plan for all common open areas shall be submitted with the other plans. Approval of the landscape element shall include approval of an acceptable watering system, and assurance of continued maintenance.

(i) **Signs.** The provisions of the zoning district in which the project is located shall apply.

(j) **Access.**

(1) Vehicular access shall be subject to review and approval of the Planning Commission.

(2) Conflicts between pedestrian and vehicular circulation shall be minimized. Where such conflicts exist, adequate safety measures shall be in place to protect pedestrians.

(3) All pedestrian access to common recreation and open areas shall be subject to review and approval of the Planning Commission. Review shall include but not be limited to the following:

   a. Distance from common areas to the dwelling to be served shall not exceed a reasonable walking distance and, if possible, shall not cross any dedicated street or any privately owned property.

   b. All pathways between private and common elements of the project shall be maintained as a common element to whatever standards the Planning Commission may deem necessary to ensure adequate maintenance and privacy to all abutting dwellings.

(4) A variety of pavement textures and colors are encouraged for streets, access ways and driveways, including stamped concrete pavers, colored concrete and interlocking paving materials.

(k) **Minimum dwelling unit floor area.** The minimum floor area for each dwelling unit shall not be less than the requirements established by the zoning district.

(l) **Common open space elements.** The Planning Commission shall review and approve the location, intent, landscape treatment and method of maintaining each common open space or recreational elements proposed. The Planning Commission may require as condition of approval such improvements, fencing, walls, or landscaping necessary to protect abutting residential development.

(m) **Fencing.** All fences and walls shall be constructed of durable, long-lasting materials. Walls constructed of concrete block shall vary in texture, color, and/or incorporate landscaping in order to provide visual relief. Wood, chain link fencing, and barbed wire are prohibited.

(n) **Recreational uses.** Active and passive recreational uses shall be encouraged, including greenbelts, hiking and walking trails, parks, swimming pools, spas, barbecue areas and sports courts. The design of such recreational uses shall be properly integrated into the overall design of the project.

(o) **Private yards.** Private yards shall be of sufficient size to be useable for passive outdoor use by occupants.

(p) **Orientation.** Buildings shall be oriented and located in such a manner as to maximize views and privacy, and minimize exposure to intrusive elements such as noise, traffic and negative views.

(q) **Nuisance factors.** The Planning Commission may impose standards, including restrictions on operating hours, for nuisance factors such as lighting, noise, vibrations, smoke, dust, dirt, odors, gases, heat, glare, electromagnetic disturbances radiation, or other physical impacts.

(r) **Natural features.** The development shall incorporate, where possible, natural terrain and trees or other vegetation into the overall design of the project.

(s) **Other conditions.** The Planning Commission may impose other conditions that it deems necessary or desirable to insure that the project will be established, operated, and maintained in accordance with this division and all other requirements of this chapter and other provisions of
law. The decision-making authority may further require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

Sec. 30-102.6. - General requirements.

(a) **Phased development.** A proposed planned unit development project that is phased over time shall be accompanied by a schedule establishing approximate dates when each phase shall be complete. Each phase of a phased development shall include its pro-rata share of total planned common space, facilities, services and inclusionary units, as applicable.

(b) **Common areas.** Where common areas or facilities are proposed, an operation and maintenance program shall be prepared.

(c) **Development agreements.** Completion time and complexity of proposed planned developments may make desirable a development agreement between the project applicant and the City. Any such development agreement shall be subject to the provisions of Division 17, Article II.

Sec. 30-102.6.1. - Pre-application conference.

Prior to the filing of an application for a planned unit development, the applicant or the applicants representative shall hold a pre-application conference with the Director of Community Development or other designated staff from departments and divisions.

Sec. 30-102.7. - Application.

An application for a planned development shall include a development plan that includes the following information:

1. Location and boundaries of property.
2. Site plan.
3. Existing and proposed land uses.
4. Density and floor-area ratios of proposed development.
5. Location of natural features.
6. Parking areas and circulation patterns.
7. Soils, grading, and drainage report.
8. Elevations of existing and proposed buildings.
10. Fencing plans showing heights and materials proposed for fences and walls.
11. Signage plan.
12. Phasing plan, if applicable.
13. Other data and information deemed necessary by the City.

Sec. 30-102.8. - Required findings.

Before the Planning Commission may grant a planned unit development permit, it must make all of the following findings:

1. The proposed project conforms to the general plan and is consistent with the purposes and requirements of this division and of any applicable specific plans.
2. The uses within the project are compatible.
3. New buildings or structures related to the project are compatible with the scale, mass, bulk, and orientation of buildings and structures in the surrounding vicinity.
(4) The project is consistent with any adopted design guidelines applicable to the project area.

(5) The overall project reflects a high level of development and design quality that will enhance and benefit the City as a whole.

(6) The proposed project will be served by adequate water, sewer, public utilities and services, and will have adequate vehicular and pedestrian access to insure that it will not be detrimental to the public health, safety, or welfare.

Sec. 30-102.9. - Procedures.

The provisions for processing a conditional use permit, Division 7 of Article II, shall apply. The applicant shall be required to pay appropriate fees as determined by a City Council resolution for processing an application for a planned unit development permit.

ARTICLE III. - DESIGN AND ADMINISTRATIVE SITE PLAN REVIEW

DIVISION 1. - GENERALLY

Sec. 30-103. - Purpose.

The purpose of this article is to define the procedures for design review and administrative site plan reviews and the types of projects that are subject to those design review procedures. Design and administrative site plan review is a process that enables the City to ensure the quality and compatibility of proposed development. The procedures established herein will:

(1) Facilitate review of development proposals in a timely manner;

(2) Ensure conformance with all applicable local design guidelines, standards, and ordinances;

(3) Minimize adverse effects on surrounding properties; and

(4) Promote the goals of the general plan.

DIVISION 2. - DESIGN REVIEW

Sec. 30-104. - Projects subject to review.

An application for design review is required for any of the following activities requiring the issuance of a building permit for construction/reconstruction of buildings:

(1) Residential Projects of five units or more.

(2) New construction 25,000 square feet or more for commercial and institutional projects.

(3) New construction 50,000 square feet or more for industrial projects.

(4) Structural additions which will result in a total building area of 25,000 square feet or more for commercial projects.

(5) Structural additions which will result in a total building area of 50,000 square feet or more for industrial projects.

(6) Commercial reconstruction projects or structural additions which are equal to 50 percent or more of the building being reconstructed, or 25,000 square feet or more in area. Commercial reconstruction projects shall be started no more than two years from the effective date of design
review approval. A failure to commence reconstruction within this time period will cause the approval to lapse.

(7) Industrial reconstruction projects or structural additions which are equal to 50 percent or more of the building being reconstructed, or 50,000 square feet or more in area. Industrial reconstruction projects shall be started no more than two years from the effective date of design review approval. A failure to commence reconstruction within this time period will cause the approval to lapse.

(8) Projects involving a change or intensification of land use.

(9) Where a change in land use in any zoning category is proposed that does not fall within the clear definitions of land uses permitted by right or by conditional use permit in such a zone as set forth in this chapter, such proposed land use shall be submitted to the Planning Commission and shall be reviewed in light of the design review standards relating to compatibility, appropriateness and compliance with the provisions of the general plan provided for this chapter.

(Ord. No. 1744, § 7(Exh. A), 7-26-16)

Sec. 30-105. - Authority.

The Planning Commission is authorized to approve or deny applications for design review, upon review of the development advisory board, and to impose conditions upon such approval.

Sec. 30-106. - Time limitations.

Each design approval granted under this article shall become null and void two years after the date of approval, unless:

(1) The appropriate permits have been obtained and construction, defined permit obtainment, commencement of construction of the primary building on site and successful completion of the first Building and Safety Division inspection has commenced within this period.

(2) A vesting tentative tract or parcel map is approved concurrently with the design review item. In such cases, the design review approval period shall be valid pursuant to the time limits prescribed by Section 30-106.

(3) Any valid design review in effect at the date of adoption of this section shall remain valid for a period of two years from the date of that design review approval. A one time one year extension may be granted by the Director of Community Development provided there are no changes to the originally approved site plan and elevations. An extension request with any proposed change to the site plan or elevations shall require Planning Commission approval.

Sec. 30-107. - Pre-application conference.

Prior to the filing of an application for design review, the applicant or the applicants representative shall hold a pre-application conference with the Director of Community Development and other designated staff from other departments and divisions to review the procedures and criteria for the design review process.

Sec. 30-108. - Application.

An application for a design review shall be filed with the community development department in a manner prescribed by the Director of Community Development, including but not limited to, plans and elevations. Further, any improvements which are depicted on any colored rendering, elevation, or drawing which is presented to the Planning Commission in conjunction with a development application, shall be installed pursuant to their appearance in that colored rendering, elevation, or drawing.

Sec. 30-109. - Notice.

Notice of hearings for design review shall be as set forth in Section 30-31 of this chapter.
Sec. 30-110. - Development advisory board (D.A.B.) review.

(a) **Purpose.** The D.A.B. is a reviewing body. The final authority is the decision of the approving body.

(1) To recommend that a development project be forwarded to the Planning Commission, the development advisory board must find from the facts presented that the following conditions exist:

   a. The design and layout of the proposed development is consistent with the applicable elements of the general plan, the design guidelines and development policies of the proposal are consistent with the general plan and applicable specific plans.

   b. The design and layout of the proposed development will not interfere with the use and enjoyment of neighboring developments, or pedestrian and vehicular circulation.

   c. The architectural design of the proposed development is aesthetically pleasing while enhancing the character of the surrounding neighborhood and will promote quality development envisioned by the general plan.

   d. The design of the proposed development would provide a desirable environment for its tenants and neighbors through the use of materials, texture and color in an aesthetically pleasing manner.

   e. The proposal meets or exceeds the special requirements of any special zoning standards or overlay districts to which the property is subject.

   f. The proposed project is in compliance with all applicable federal, State, county, and city laws and regulations.

Sec. 30-111. - Findings for approval.

The Planning Commission shall approve any application subject to its jurisdiction, if the following findings are made:

(1) The proposal meets or exceeds the criteria contained in this chapter and will result in an appropriate and desirable development.

(2) The proposal is in its design and appearance aesthetically and architecturally pleasing while enhancing the character of the surrounding neighborhood.

(3) The site improvements are appropriate and will result in a safe, well-designed facility.

(4) The proposal is consistent with the general plan and applicable specific plan.

(5) The proposal promotes the public health, safety, and welfare of the community.

Sec. 30-112. - Appeals.

Appeals shall be made as set forth in Article II, Section 30-33 of this chapter.

DIVISION 3. - ADMINISTRATIVE SITE PLAN REVIEW

Sec. 30-113. - Projects requiring administrative site plan review.

The purpose and intent of the administrative site plan process is to provide for the administrative review of projects which, because of their limited size and scope, have minor aesthetic, land use, or traffic implications and do not create any significant impact on public utilities or services. The administrative site plan process is to assure that projects comply with all applicable City standards and ordinances, and are not detrimental to the public health, safety, or welfare, or are materially injurious to properties or improvements in the immediate vicinity.
All applications for administrative site plan review are required for commercial, industrial, and institutional projects which may or may not involve the issuance of a building permit for construction or reconstruction of a structure which meets the following criteria:

(1) New construction 24,999 square feet or less for commercial projects.
(2) New construction 49,999 square feet or less for industrial projects.
(3) Structural additions for commercial projects which do not result in total building area of more than 24,999 square feet.
(4) Structural additions for industrial projects which do not result in total building area of more than 49,999 square feet.
(5) New construction, expansion, or significant reconstruction of parking lots.
(6) The establishment and/or construction of an outdoor storage area on the same site as, and in conjunction with, an existing business.
(7) The construction and/or placement of silos, satellite dishes, antennas as provided for in Chapter 32, water tanks, roof or ground mounted equipment visible from public view, or similar structures and equipment as determined by the Director of Community Development.
(8) Commercial projects with existing buildings proposing to add additional buildings shall not result in a combined total square footage of 24,999 square feet.
(9) Industrial projects with existing buildings proposing to add additional buildings shall not result in a combined total square footage of 49,999 square feet.

(Ord. No. 1744, § 7(Exh. A), 7-26-16)

Sec. 30-114. - Authority.

The Director of Community Development or designee is authorized to approve or deny administrative site plan review applications and to impose reasonable conditions upon such approval. Conditions may include, but shall not be limited to, requirements for special yards, open spaces, buffers, fences, walls, and screening; requirements for installation and maintenance of landscaping and erosion control measures; requirements for street improvements and dedications, regulation of vehicular ingress, egress, and traffic circulation; regulation of signs; regulation of hours or other characteristics of operation; requirements for maintenance of landscaping and other improvements; establishment of development schedules or time limits for performance or completion.

Sec. 30-115. - Time limitations.

Each administrative site plan approval granted under this section shall become null and void two years after the date of approval; unless:

(1) The appropriate permits have been obtained and construction, defined as permit obtainment, commencement of construction of the primary building on site and successful completion of the first Building and Safety Division inspection has commenced within this period.
(2) A one time one year extension may be granted by the Director of Community Development provided there are no changes to the originally approved site plan and elevations. An extension request with any proposed change to the site plan or elevations shall require Planning Commission approval.

Sec. 30-115.1. - Pre-application conference.

Prior to the filing of an application for an administrative site plan, the applicant or the applicants representative shall hold a pre-application conference with the Director of Community Development or other designated staff from departments and divisions.
Sec. 30-116. - Application.

An application for an administrative site plan review shall be filed with the Community Development Department in a manner prescribed by the Director of Community Development, including but not limited to, plans and elevations. Further, any improvements which are depicted on any colored rendering, elevation, or drawing which is presented in conjunction with a development application, shall be installed pursuant to their appearance in that colored rendering, elevation, or drawing.

Sec. 30-117. - Review notifications and requirements.

A notice shall be required for all administrative site plan reviews not less than ten days prior to the review or as otherwise required by the California Environmental Quality Act (CEQA), more particularly described as follows:

1. **Property owner.** Notice of Development Advisory Board (D.A.B.) review shall be mailed or delivered to the owner of the subject real property or to the owners’ duly authorized agent no less than ten calendar days prior to the D.A.B. review.

2. **Project applicant.** Notice shall be mailed or delivered to the project applicant no less than ten calendar days prior to the D.A.B. review.

3. **Local agencies.** Notice of the D.A.B. review may be mailed or delivered to each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project.

4. **Surrounding property owners.** Notice of the D.A.B. review shall be mailed or delivered to all owners of real property as shown on the latest equalized assessment roll within 300 feet of the real property that is the subject of the review.

Sec. 30-118. - Development advisory board (D.A.B.) review.

Applications for administrative plan review shall be referred to the Development Advisory Board for review, as provided for in Table 30-29.A.

Sec. 30-119. - Findings for approval.

The Director of Community Development or designee shall make the following findings before granting approval of an administrative site plan application:

1. The proposal meets or exceeds the criteria contained in this chapter and will result in an appropriate and desirable development.

2. The proposal is in its design and appearance aesthetically and architecturally pleasing while enhancing the character of the surrounding neighborhood.

3. The site improvements are appropriate and will result in a safe, well-designed facility.

4. The proposal is consistent with the general plan and applicable specific plan.

5. The proposal promotes the public health, safety, and welfare of the community.

Sec. 30-120. - Appeals.

Appeals shall be made to the Planning Commission as set forth in Article II, Section 30-33 of this chapter.

DIVISION 4. - AMENDMENTS TO DESIGN AND ADMINISTRATIVE SITE PLAN REVIEW

Sec. 30-121. - Projects eligible for amendments.
Any non-expired approved design review or administrative site plan review is eligible to apply for an amendment pursuant to the amendment procedures outlined in this section.

Sec. 30-122. - Authority.

Amendments to an approved design or administrative site plan review shall be approved by the approving body or the Director of Community Development or his/her designee. Upon written request from an applicant, the Director of Community Development shall have the discretion to determine if the proposed amendment will be referred to the approving body for approval or approved administratively. Administratively approved amendments to a design review originally approved by the Planning Commission shall be placed on the Planning Commission agenda under the Manager of Planning report for informational purposes. The following parameters shall be used to guide the Director of Community Development’s decision:

(1) Changes to conditions of approval, increases in the square footage, and significant changes to either the site plan or architectural elevations shall be referred to the approving body for review and approval.

(2) Changes to architectural features that are not significant in nature such as window treatments or decorative trim, the shifting of parking spaces on site that do not reduce the number of approved parking spaces or site improvements that enhance the site in regard to the aesthetics, public safety and/or security can be reviewed and approved administratively.

(3) Within five years of the original design review or administrative site plan application, color combinations and color schemes for commercial and industrial buildings shall not be modified or changed without prior approval of the original approving body by a revision to the original application. Minor hue color changes, regardless of the date of the original application and modifications of color combinations and color schemes for design reviews and administrative site plan applications which are five years or older from the date of approval may be approved by the Director of Community Development. The Director of Community Development may refer minor hue color changes to the original approving body for consideration under a revision to the original application. Appeals shall follow provisions of Section 30-33.

Sec. 30-123. - Time limitations.

Approved amendments to approved design or administrative site plans shall not alter the expiration date of the design or administrative site plan review.

Sec. 30-123.1. - Pre-application conference.

Prior to the filing of an application for an amendment to an administrative site plan or design review, the applicant or the applicants representative shall hold a pre-application conference with the Director of Community Development or other designated staff from departments and divisions.

Sec. 30-124. - Application.

An application for amendment to an approved design or administrative site plan review approval shall be filed with the Community Development Department in a manner prescribed by the Director of Community Development.

Sec. 30-125. - Notice.

Notice of hearings for amendments to approved design reviews shall be as set forth in Article II, Section 30-30. Amendments to approved administrative site plans do not require notice of approval.

Sec. 30-126. - Development advisory board (D.A.B.) review.

(a) In recommending a development project be forwarded to the Planning Commission, the D.A.B. shall consider the following:
(1) The design and layout of the proposed development is consistent with the applicable elements of the general plan, applicable specific plans, the Code of the City of Fontana, and all technical requirements of the City of Fontana and outside agencies.

(2) The design and layout of the proposed development will not interfere with the use and enjoyment of neighboring developments, or pedestrian and vehicular circulation.

(3) The architectural design of the proposed development is compatible with the character of the surrounding neighborhood and will promote quality development envisioned by the general plan.

(4) The design of the proposed development would provide a desirable environment for its tenants and neighbors through the use of materials, texture and color in an aesthetically pleasing manner.

(5) The proposed development meets the special requirements of any special zoning standards or overlay districts to which the property is subject.

Sec. 30-127. - Findings of approval.

The Planning Commission, City Council and/or Director of Community Development shall make the following findings when approving an amendment to an approved design or administrative site plan review.

(1) The proposal meets or exceeds the criteria contained in this chapter and will result in an appropriate and desirable development.

(2) The proposal is in its design and appearance aesthetically and architecturally pleasing while enhancing the character of the surrounding neighborhood.

(3) The site improvements are appropriate and will result in a safe, well-designed facility.

(4) The proposal is consistent with the general plan and applicable specific plan.

(5) The proposal promotes the public health, safety, and welfare of the community.

Sec. 30-128. - Criteria for amendments to commercial/industrial projects.

Amendments to approved commercial/industrial design or administrative site plan reviews shall meet the findings set forth in this article.

Sec. 30-129. - Criteria for amendments to residential projects.

Amendments to approved residential design or administrative site plan reviews meet the following requirements:

(1) Once a residential design review has been approved for a particular project, regardless of its later expiration, it shall be presumed to be the preferred design for that project. The Planning Commission may, in its discretion, refer to previously existing design review approvals in its consideration of amendments or substitutions of new design reviews.

(2) All amendments to existing approved residential design reviews, and all proposed new residential design reviews submitted for property on which a previously approved design review has expired must be approved by the Planning Commission in accord with the provisions of this article. Amendments to approved residential design reviews that increase the size of all the individual units and do not change the existing code shall be exempt from the following provisions. In order to approve an amendment to a current approved design review or a new design review for a project subject to an expired design review approval, the Planning Commission must make the following findings:

a. A new or amended design review does not decrease the size of any one previously approved design model more than five percent overall and does not decrease the overall square footage of the entire project by more than five percent;

b. A new or amended design review is in its design and appearance substantially identical to any previously approved design review and is appropriate and desirable for the City;
c. The site improvements contained in the new or amended design review are the same as or greater than those provided by the previously approved design review and will result in a safe, well-designed facility;
d. The new or amended design review is consistent with all the policies of the general plan including the policy of the City to encourage upscale development and a housing mixture which will achieve a viable, socially balanced community with housing opportunities available to all segments of society;
e. The new or amended design review meets or exceeds the minimum standards of any applicable specific plan with regard to residential structure size and/or quality of development;
f. The new or amended design review is beneficial to the quality of life within the immediate area and the community as a whole; and
g. The design review shall not have been subject to any previously approved modifications involving a reduction in square footage of any dwelling units approved under the design review.

(3) The Planning Commission in reviewing all proposed amendments or substitutions to approved residential design reviews under the terms of this article is charged with furthering an appropriate balance of housing alternatives within the City, as required by the general plan. To that end, the Planning Commission shall rely on the following planning considerations in evaluating all amendments or substitutions of approved residential design review proposals:

a. Whenever a residential design review proposal involves the reduction in size of any approved residential structure, regardless of whether such reduction would be permitted under any existing specific plan applicable to the project, the Planning Commission shall have the authority to review the proposal in light of the policies of the general plan to determine whether any justification exists for such reduction in size that would overcome the general plan policies with regard to encouragement of upscale housing products within the City.

b. Notwithstanding any other provision of this Municipal Code, any applicable specific plan or the general plan, the Planning Commission shall review all proposed design reviews solely in light of land use development policies and planning considerations and shall not consider any adverse result that might arise because of market conditions which may make construction of upscale housing products economically infeasible or impractical at any particular time.

c. The provisions of this section are not intended to amend, and will not be applied in any manner prohibited by, any development agreement. As used herein, the term development agreements shall mean any agreement authorized and entered into pursuant to Government Code Section 65864 et seq.

d. The fact that a previously approved design review for a project has expired under this article shall not diminish or alter the authority of the Planning Commission to refer to its previous design review approval and to rely on it as authority for the preferred design review for the project and to review all new proposed design reviews in light of such previous approval.

(4) Exceptions. Projects that meet the criteria for infill development are not subject to the requirements of this section.

Sec. 30-130. - Appeals.

Appeals shall be made as set forth in Section 30-33 of this chapter.

ARTICLE IV. - ZONING DISTRICTS

DIVISION 1. - GENERALLY
Sec. 30-131. - Zoning districts established.

In order to carry out the purposes and provisions of this chapter, 19 zoning districts are established in indicated in Table 30-131.A.

**TABLE 30-131.A. Zoning Districts Established**

<table>
<thead>
<tr>
<th>Zoning District Symbol</th>
<th>Use Classification</th>
<th>Article</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-E</td>
<td>Residential Estate</td>
<td>5</td>
</tr>
<tr>
<td>R-1</td>
<td>Single-Family Residential</td>
<td>5</td>
</tr>
<tr>
<td>R-2</td>
<td>Medium-Density Residential</td>
<td>5</td>
</tr>
<tr>
<td>R-3</td>
<td>Multiple-Family Residential</td>
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<td>R-PC</td>
<td>Residential Planned Community</td>
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<tr>
<td>C-2</td>
<td>General Commercial</td>
<td>6</td>
</tr>
<tr>
<td>RMU</td>
<td>Regional Mixed-Use</td>
<td>6</td>
</tr>
<tr>
<td>M-1</td>
<td>Light Industrial</td>
<td>7</td>
</tr>
<tr>
<td>M-2</td>
<td>General Industrial</td>
<td>7</td>
</tr>
<tr>
<td>P-PF</td>
<td>Public Facility</td>
<td>8</td>
</tr>
<tr>
<td>OS-N</td>
<td>Open Space-Natural</td>
<td>8</td>
</tr>
<tr>
<td>OS-R</td>
<td>Open Space-Resource</td>
<td>8</td>
</tr>
<tr>
<td>!</td>
<td>Activity Center Overlay</td>
<td>9</td>
</tr>
<tr>
<td>M</td>
<td>Medical Center Overlay</td>
<td>9</td>
</tr>
<tr>
<td>U</td>
<td>Downtown Overlay</td>
<td>9</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>------------------</td>
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</tr>
<tr>
<td>::::</td>
<td>Boulevard Overlay</td>
<td>9</td>
</tr>
<tr>
<td>—— (Blue)</td>
<td>Utility Corridor Overlay</td>
<td>9</td>
</tr>
<tr>
<td>YYY</td>
<td>Hillside Overlay</td>
<td>9</td>
</tr>
</tbody>
</table>

Sec. 30-132. - Zoning map.

The land use zoning districts listed in Table 30-131.A. and the boundaries of such zoning districts are shown upon a map hereby made a part of this chapter. The map is designated as the "Zoning District Map of the City of Fontana" and is on file in the City Clerk's office. Such map and all notations, references, and other information shown on the map shall be as much a part of this chapter as if the matters and information set forth by such map were fully described herein. The specific regulations set forth hereinafter for each zoning district and the general applicable regulations are hereby established and declared to be in effect upon all lands included within the boundaries of each and every zoning district shown upon the "Zoning District Map."

Sec. 30-133. - Zoning district boundary uncertainties.

Where uncertainty exists as to the boundaries of any zoning district shown on the "Zoning District Map," the following rules shall apply:

(1) **Street, alley and lot lines.** Where such boundaries are indicated as approximately following street and alley lines or lot lines, the street, alley or lot line shall be construed to be the boundary.

(2) **Un-subdivided property.** On un-subdivided property where a zoning district boundary divides a lot, the locations of such boundaries, unless indicated by dimensions, shall be determined by use of the scale appearing on the map.

(3) **Vacated street or alley.** Where a public street or alley is officially vacated or abandoned, the regulations applicable to the adjoining property with the more restrictive zoning district shall apply to the vacated street or alley.

(4) **Planning Commission rule on uncertainty.** Where any uncertainty exists, the Planning Commission shall determine the location of the boundaries.

Sec. 30-134. - Zoning of annexed areas.

Upon formal notification by the City of its intention to undertake an annexation, the Director of Community Development shall initiate a study to determine the appropriate zoning for the property intended for annexation. The study shall take into consideration the general plan land use designation on the property, as well as other considerations. After such a study, the Director of Community Development shall begin proceedings for the zoning of the property in accordance with the procedures governing a rezoning.

DIVISION 2. - GENERAL DEVELOPMENT STANDARDS

Sec. 30-135. - Conformance and permits required.
No building or structure shall be erected, reconstructed, structurally altered, enlarged, repaired, moved, or maintained, nor shall any building, structure or land be used or designed to be used for any purpose other than those permitted in the zone in which such building, structure, or land is to be located, and then only after all permits and licenses required by this code and all laws and other ordinances have been applied for and secured, and all other provisions of this code or other law are complied with. Any permit issued in violation of, or in conflict with the requirements of this section shall be considered null and void.

Sec. 30-136. - Required frontage.

No building permit shall be issued for any building or structure on any lot or parcel of property unless the lot or parcel abuts directly upon a dedicated public street with frontage as established by the zone in which developed or as set forth for lots in the Chapter 26.

Sec. 30-137. - Lot size conformance.

(a) Lot size. No parcel of land held under separate ownership as of April 4, 1957, may be reduced in any manner below the minimum standards established by this article for the district in which the lot is located.

(b) Nonconforming lot size. When a lot has an area, width or depth less than that prescribed by this code and was held under separate ownership or was of record as of April 4, 1957, the lot may be occupied by any use permitted in the zone subject to the regulation of this article. Lots shall have a minimum street frontage of 20 feet to accommodate residential use. Any structure or structures which are constructed upon a nonconforming lot shall be subject to all building setback requirements as specified within the particular zone district in which the parcel is located.

Sec. 30-138. - Fraction of units.

Where any requirements of this article result in a fraction of a unit, a fraction of five-tenths or more shall be a whole unit and a fraction of less than five-tenths shall be disregarded. Residential units shall not exceed the density ranges established in Tables 30-159.A. and 30-159.B.

Sec. 30-139. - Highway setback lines.

For the purpose of protecting future right-of-way lines as set forth in the City Fontana General Plan Circulation Element, it is necessary that official highway setback lines be established. The adherence to these setback lines will facilitate the earliest possible completion of the circulation plan with a minimum of delay, expense, and inconvenience to the general public.

Sec. 30-140. - Setback requirements.

(a) Required setback. Any person constructing, erecting, enlarging or relocating a structure or portion of any structure fronting or siding on any street, highway, or other right-of-way for vehicular travel shall place such structure no closer to the right-of-way than as indicated by the development standards outlined in the various zoning districts.

(b) Greater setback may be required. Where a setback distance clearly exists as a general pattern in a particular block or area, the setback requirements for the area shall be no less than the distance established by the existing setback pattern in the block or area, as determined by the Planning Commission.

(c) Lesser setback. The Planning Commission may adopt by resolution a lesser setback line along any street or highway when the existing setback of buildings or structures in an area necessitates a modification in the highway cross-section standard for that street or highway.

(d) Location of centerline. In those cases where there is a question as to the location of the official centerline of the street or highway, the City Engineer shall determine the precise location of the centerline.
(e) **No use or storage within setbacks.** Any used car lot, parking lot, gasoline pump island, or similar open storage or use, shall be designed, located, and maintained in such a manner as to comply with the setback provisions as set forth in this section.

Sec. 30-141. - Change of setback.

The Planning Commission, after a public hearing, may establish building setback lines within a tract or upon a block less than or greater than that established for the zoning district. This procedure is intended for use in subdivisions when a lesser or greater building setback is determined to be necessary to increase the utility of the land or because of special circumstances which are present on the land or the development proposed thereon. Public hearings shall be scheduled before the Planning Commission and the City Council as provided in Section 30-30, Article II of this code.

Sec. 30-142. - Computation of yards.

(a) **Existing street.** In measuring a front yard or side yard adjoining a street, the yard shall be measured as the perpendicular distance between the closest street right-of-way line and a line through the corner or face of the building closest and parallel to the street. Permitted projecting architectural features shall not be included as part of the building face or corner.

(b) **Future street or right-of-way.** If any future right-of-way line has been established by provisions of a specific ordinance or by the General Plan Circulation Element, then the measurement of the yard shall be made from the future right-of-way line.

Sec. 30-143. - Through lots.

Any structure to be established on a through lot shall be placed on the lot facing the front yard line, as determined by the subdivision design, existing developments in the area, or the Planning Commission. In the case where two front lot lines exist, then the Planning Commission shall determine which the rear lot line is, and the location of all main and accessory buildings shall be governed by the yard regulations of the zone in which the property is located.

Sec. 30-144. - Structures permitted above height limit.

The following structures are permitted to exceed the specified height limits no more than 50 percent of the allowed maximum in the various zone districts: penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, wireless and television masts, water tanks, and churches. No structure or penthouse shall be allowed for the purposes of providing additional floor space. The 50 percent height limitation does not apply to wireless antennae and/or towers for cellular communications.

ARTICLE V. - RESIDENTIAL ZONING DISTRICTS

DIVISION 1. - GENERALLY

Sec. 30-145. - Purpose.

The intent of this article is to create, preserve, and enhance residential neighborhoods suited for a range of development types and lifestyles. Consistent with general plan land use policy, this article establishes design guidelines and development standards intended to:

1. **Encourage** superior architectural, landscape, and other design treatment in all types of residential structures.

2. **Provide** flexibility in overall project design.
(3) Protect residential neighborhoods from incompatible land uses.

(4) Ensure that all residential development is sensitive to environmental constraints and responsive to environmental resources.

Sec. 30-146. - How to use this article.

Subsequent sections of this article describe permitted land uses in residential zoning districts and the development standards and design guidelines applicable to these uses. All uses must comply with the development policies, use regulations, development standards, performance standards and design guidelines established by this article.

The development standards contained in this article serve only as minimum standards for development on a lot. All permitted uses must also adhere to the provisions of the other sections.

Sec. 30-147. - Residential zoning districts.

Six [Seven] base residential zoning districts are established as follows:

(1) Residential estates (R-E). A single-family zoning district that permits low density residential uses, as well as accessory agricultural uses. This district applies primarily to outlying rural areas.

(2) Single-family residential (R-1). The typical single-family zoning district that permits detached residences on individual lots within defined neighborhoods.

(3) Medium-density residential (R-2). A medium intensity, multiple-family zoning district that permits the development of attached and detached single-family, duplex and multiple-family dwellings, as well as condominiums.

(4) Multiple-family residential (R-3). This multiple-family residential zoning district permits development such as garden apartments, corridor apartments, condominiums and townhouses.

(5) Multiple-family medium/high density residential (R-4). This multiple-family residential zoning district provides space for multiple family residential developments commonly found in a dense urban environment within close proximately to public transit stations. Permitted uses include apartments, stacked condominiums, and studios. Mixed use developments are permitted within this zone.

(6) Multiple-family high density residential (R-5). This is the most intense multiple-family residential zoning district and it provides space for high density residential transit-oriented development commonly found in urban environment, especially along existing and/or anticipated future bus routes. Permitted uses include multi-story apartments and mixed use developments.

(7) Residential planned community (R-PC). A zoning district that provides for managed growth or master-planned communities offering a mix of residential housing types and amenities with an approved specific plan or low density residential uses similar to R-E above without a specific plan.

(Ord. No. 1708, Exh. A, § 1, 10-28-14)

DIVISION 2. - DEVELOPMENT POLICIES

Sec. 30-148. - Purpose.

This section establishes general development policies for all residential development. These policies are derived from the general plan and serve the following purposes:

(1) To assure residential development is consistent with all elements of the general plan and other adopted plans.
(2) To assure development is adequately served by public services and facilities.

(3) To assure public health and safety concerns are addressed in the development process.

(4) To assure that residential development approvals are not predicated upon prevailing or predicted economic conditions or factors.

The policies are to be used in conjunction with the development standards specified in Divisions 4, 5 and 8 and the design guidelines outlined in Division 7. No project may be approved unless it conforms to the requirements of this section.

Sec. 30-149. - Plan consistency.

All projects must be consistent with the following plans:

(1) All elements of the general plan.

(2) Applicable specific plans. (All residential specific plans adopted subsequent to the adoption of this development code shall meet or exceed the minimum parking standards contained herein.)

Sec. 30-150. - Land use compatibility.

The site and design of a project shall recognize that conflicts between abutting or nearby land uses can arise due to such factors as the operating characteristics of an existing use, hazards posed by a use, or the physical orientation of a building. On a citywide scale, the General Plan Land Use Map establishes a pattern of land use designed to minimize land use conflicts. At the project level, the features described in this section should be incorporated into a project as appropriate to assure the compatibility of different land uses.

(a) Open space buffer. Landscaped parkways, parks, and similar open space areas will be used as appropriate to separate residential uses from potentially incompatible uses. The width and treatment of the open space buffer will vary depending upon the types of potential conflicts to be resolved. To soften visual impacts, the open space buffer shall include landscaping.

(b) Topography. Grading plans will incorporate natural earth forms and graded earthen berms as appropriate to create visual screens and to buffer noise.

(c) Streets. Street design and site access will be configured to discourage through, nonresidential traffic in residential neighborhoods. Features, such as raised medians that restrict turning movements, cul-de-sacs, and curvilinear street patterns can discourage such through traffic.

(d) Landscaping. Landscaping shall be used alone or in conjunction with other features (e.g. open space buffer, topography) to reduce potential visual, light and glare conflicts.

(e) Physical barriers. Physical barriers such as block walls and fences shall be provided as specified in these regulations to reduce noise, visual, light and glare impacts. These barriers may also be used to restrict unwanted access between abutting land uses.

(f) Building orientation. All buildings shall be sited and oriented to ensure mutual privacy and safety, and to reduce noise, light and glare, visual, and other conflicts.

(g) Infill development. Infill as defined in this chapter shall be especially sensitive to compatibility concerns and shall be developed in a manner sensitive to existing uses in terms of density, scale, aesthetics, and design theme. Infill developments shall meet or exceed the development standards and shall incorporate the general architectural theme of existing development adjacent to the proposed project. Further, the Planning Commission may require any proponent of a proposed infill development project to provide illustrations and site redesigns showing the proposed project in relation to the surrounding developments. Infill development also is subject to reduced development fees as adopted by the City Council and is subject to Subsection 27-53(5), relating to under grounding lines, of Chapter 27, Article III of the Municipal Code.

(h) Community design. Design of residential communities will reduce and/or prevent land use conflicts by considering the constraints and opportunities of adjacent existing neighborhoods
by establishing design themes that ensure some variation of individual units in large developments.

Sec. 30-151. - Infrastructure.

The following shall apply to all projects:

(1) **Streets.** All new development and expansion of existing development shall provide public street and/or private street improvements consistent with the Circulation Element of the general plan. Additional improvements and dedications shall be provided as determined through the design review process.

(2) **Water and sewer.** All projects must verify that adequate water and sewer facilities are or will be available to serve the planned use. In the case of subdivision maps, the proof shall consist of written communication from affected water and sewer agencies.

(3) **Storm drains and basins.** All projects shall provide storm drain and other flood control and drainage facilities consistent with the San Bernardino County Flood Control District's comprehensive drainage plan. All facilities shall comply with the provisions of the National Pollutant Discharge Elimination System (NPDES). All improvements shall be performed in accordance with the provisions of Chapters 12 and 26 of the Municipal Code, and to the satisfaction of the City Engineer.

(4) **Fiber optics.** All projects shall provide the ducting and conduit for an internal fiber optics system.

(5) **Logical extension of facilities.** Development shall be phased in accordance with the logical, incremental extension of necessary infrastructure.

(6) **Developer impact fees.** Public improvement costs related to extension or expansion of infrastructure necessary to serve a particular development will be the responsibility of the project developer.

(7) **Completion of infrastructure.** Prior to the issuance of a certificate of occupancy, all required infrastructure shall be completed and finalized by all the required Divisions and or Departments of the City.

Sec. 30-152. - Public facilities and services.

The following shall apply to all projects:

(1) **Schools.** All projects must have proof that adequate school facilities are or will be available to accommodate the students generated by the project in accordance with state law. In the case of subdivision maps, the proof shall consist of written communication from the affected school districts 90 days before approval of the final map. In the case of other residential projects, the proof shall consist of the issuance of relevant permits or approvals or written substantiation from the affected school district.

(2) **Public transportation.** New development shall provide public transit facilities such as bus stops, bus shelters, or transit turn-outs as recommended in cooperation with the appropriate transit authority.

(3) **Trails.** Public trails shall be provided consistent with the Parks, Recreation and Trails Element of the general plan.

(4) **Developer impact fees.** Public improvement costs related to the expansion of public facilities or services necessary to serve a development shall be the responsibility of the developer.

Sec. 30-153. - Public safety.

The following shall apply to all projects:
(1) Emergency access. Access for emergency vehicles shall be incorporated into project design. Paved fire access roads shall be provided between residential development and wild land fire areas subject to approval by the local fire authority.

(2) Dedicated access. There shall be two separate means of dedicated access to a public road. Access shall be from either a primary, secondary or collector road. If it cannot be achieved, an alternate design may be approved by the Planning Commission subject to concurrence by the fire agency.

(3) Fire hazards.
   a. Wild land fires. Projects constructed within or adjacent to areas identified in the General Plan Safety Element as "fire prone areas" shall incorporate fire breaks into site design. Fire management plans will also be required in fire prone areas.
   b. Response time. Every attempt shall be made to design all projects so that they are within a five-minute response time of a fire protection facility. If a project does not meet this standard, agreement must be reached with the local fire authority as to how adequate fire protection can be achieved.

(4) Geologic hazards.
   a. Faulting. Geologic reports shall be required for development on properties lying within an Alquist-Priolo Special Studies Zone. The development must incorporate site and design features recommended in the geologic study.
   b. Slopes. In the San Gabriel Mountains and Jurupa Hills, no grading shall be permitted on hill slopes in excess of 15 percent. On all other slopes in excess of 15 percent, no grading shall be permitted unless detailed geologic studies are prepared to show that hill slopes can be stabilized and further provided that the grading does not occur on significant topographic features.
   c. Ingress and egress. Ingress and egress to collector roads and arterial highways from all development projects shall be approved by the City Engineer.

DIVISION 3. - USE REGULATIONS

Sec. 30-155. - Uses permitted.

(a) Uses by zoning district. Table 30-155.A lists the uses permitted in each of the residential zoning districts. A "P" indicates a use is permitted by right, a "C" indicates the use requires the granting of a conditional use permit, and "—" means the use is not permitted in that zoning district.

(b) Uses subject to specific requirements. Permitted uses marked with an asterisk "***" indicate that the use is subject to special use regulations in Section 30-157. Conditional uses are subject to the provisions in Section 30-158. Uses marked with a double asterisk "****" indicate that the use is allowed only as part of a specific plan subject to the provisions of Division 8 of this article.

<table>
<thead>
<tr>
<th>Table 30-155.A.</th>
<th>Permitted Uses in Residential Zoning Districts</th>
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<tr>
<td>Use</td>
<td>R-E</td>
</tr>
<tr>
<td>A.</td>
<td>Residential Uses</td>
</tr>
<tr>
<td>Use</td>
<td>P</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>---</td>
</tr>
<tr>
<td>Single-family detached dwelling</td>
<td></td>
</tr>
<tr>
<td>Single-family attached dwelling</td>
<td></td>
</tr>
<tr>
<td>Planned Unit Development</td>
<td></td>
</tr>
<tr>
<td>Multiple-family dwelling</td>
<td></td>
</tr>
<tr>
<td>Senior housing</td>
<td>C</td>
</tr>
<tr>
<td>Manufactured home</td>
<td>P</td>
</tr>
<tr>
<td>Group home—Licensed (one to six persons)</td>
<td>P</td>
</tr>
<tr>
<td>Group home—Licensed (seven or more persons)</td>
<td>C</td>
</tr>
<tr>
<td>Mobile home (not in a mobile home park)</td>
<td></td>
</tr>
<tr>
<td>Mobile home park</td>
<td>P</td>
</tr>
<tr>
<td>Boarding home (less than 3 rooms)</td>
<td>P</td>
</tr>
<tr>
<td>Boarding home (3 or more rooms)</td>
<td></td>
</tr>
</tbody>
</table>

**B. Other Uses**

<table>
<thead>
<tr>
<th>Use</th>
<th>P</th>
<th>P</th>
<th>P</th>
<th>P</th>
<th>P</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ambulance building</td>
<td></td>
<td></td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Assisted living facility (senior or otherwise)</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Automobile sales (wholesale internet only, no display)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Bakery goods store (employing not more than five persons with all goods sold on premises)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>C**</td>
</tr>
<tr>
<td>Barber shop or beauty parlor</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>C**</td>
</tr>
<tr>
<td>Book store</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>C**</td>
</tr>
<tr>
<td>Cemetery</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Category</td>
<td>Location</td>
<td>Certificate</td>
<td>Approval</td>
<td>Permit</td>
<td></td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
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<td>----------</td>
<td>--------</td>
<td></td>
</tr>
<tr>
<td>Clubs, civic, community or private</td>
<td>—</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Convalescent or nursing home</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Day care (one to six persons)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Day care (seven or more persons)</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Drugstore</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>C**</td>
<td></td>
</tr>
<tr>
<td>Equestrian facility (other than private stable)</td>
<td>C</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td></td>
</tr>
<tr>
<td>Fire stations/police stations</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Florist shop</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>C**</td>
<td></td>
</tr>
<tr>
<td>Golf courses and accessory uses</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Governmental buildings and uses</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Ice cream store</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>C**</td>
<td></td>
</tr>
<tr>
<td>Laundry, retail or clothes cleaning agency or pressing establishment,</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>C**</td>
<td></td>
</tr>
<tr>
<td>but excluding on-site cleaning.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Music and vocal instruction</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>C**</td>
<td></td>
</tr>
<tr>
<td>Newsstand</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>C**</td>
<td></td>
</tr>
<tr>
<td>Optician</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>C**</td>
<td></td>
</tr>
<tr>
<td>Parolee Housing</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Pet shop</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>C**</td>
<td></td>
</tr>
<tr>
<td>Philanthropic and charitable organizations</td>
<td>—</td>
<td>—</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Places of assembly</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Public park or playground</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Public utility and public service structures</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>-------------------------------</td>
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<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Residential care facility—license (six or fewer persons)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Residential care facility—licensed (seven or more persons)</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Restaurant and cafe, excluding those having dancing and/or floor shows.</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>C**</td>
</tr>
<tr>
<td>Restaurant and cafe, excluding those having dancing and/or floor shows. Alcoholic beverages are not permitted.</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>C**</td>
</tr>
<tr>
<td>Schools, Private or parochial</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Schools, public</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Stable, Private</td>
<td>P*</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Stationery store</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>C**</td>
</tr>
<tr>
<td>Video rental store</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>C**</td>
</tr>
</tbody>
</table>

### C. Accessory Uses

<table>
<thead>
<tr>
<th>Accessory structures</th>
<th>P</th>
<th>P</th>
<th>P</th>
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<tbody>
<tr>
<td>Agricultural uses</td>
<td>P*</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Animals, small—Keeping and raising</td>
<td>P*</td>
<td>P*</td>
<td>P*</td>
<td>P*</td>
<td>P*</td>
</tr>
<tr>
<td>Animals, large—Keeping and raising</td>
<td>P*</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Antenna, receiving</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Antenna, transmitter, cellular poles</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Commercial vehicle parking</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Garage, private</td>
<td>P*</td>
<td>P*</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Granny housing</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Guest house</td>
<td>P</td>
<td>P</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Temporary Uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---------------------------------</td>
<td>---</td>
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<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>Construction trailers</td>
<td>P*</td>
<td>P*</td>
<td>P*</td>
<td>P*</td>
<td>P*</td>
</tr>
<tr>
<td>Sales or rental office</td>
<td>P*</td>
<td>P*</td>
<td>P*</td>
<td>P*</td>
<td>P*</td>
</tr>
</tbody>
</table>

sec. 30-156. - Prohibited uses.

Any use not specifically permitted by Table 30-155.A or Sec. 30-157 shall be prohibited, unless the Director of Community Development determines, pursuant to the provisions of Sec. 30-4 of this chapter, the use to be similar to or have substantially the same operating characteristics as a permitted use, and issues a written determination to that effect.

Sec. 30-157. - Special use regulations.

This section establishes special regulations for certain uses permitted by right, as indicated by an asterisk *** in Table 30-155.A. The use specified is permitted provided that the use conforms to the following regulations:

(1) Agricultural uses (retail and wholesale uses).

a. Crops and orchards. Farms or ranches for orchards, tree crops, field crops, berry or bush crops, flower gardening, and the like are permitted if a residential lot has a net area equal to or greater than 20,000 square feet. The following regulations apply:

1. Retail sale of agricultural goods grown on the premises is permitted.
2. No commercial nurseries shall be permitted.
b. *Small animals.* The raising of chickens, rabbits, or other similar fowl or small animals is permitted subject to the following:

1. The number of animals shall be prescribed in Table 30-157.A.
2. All animals shall be corralled, penned or caged, as defined below in "Animals: keeping and raising”.
3. The operator shall comply with all other regulations established by City and county health ordinances.
4. Animal slaughtering for production of marketable products or for private consumption shall be prohibited in all zoning districts.

(2) *Animals—Keeping and raising.*

a. Table 30-157.A. summarizes the number of animals that may be kept on any property.

b. Location of animals.

1. Areas containing generally accepted household pets other than dogs or cats, such as passerine or exotic birds, hamsters, garter snakes, lizards, frogs, and fish are not subject to these regulations.
2. All animals shall be corralled, penned or caged at least 40 feet from any dwelling on the property (including contiguous parcels under one ownership used as one property) containing the corral, pen or cage and 50 feet from any property line.
3. Grazing shall not be permitted within any public right-of-way, front yard, or street side yard at any time.
4. Animal slaughtering for production of marketable products or for private consumption shall be prohibited in all zoning districts.

<table>
<thead>
<tr>
<th>Type of Animal</th>
<th>District Permitted</th>
<th>Minimum Site Area Required</th>
<th>Maximum # of Each Animal on Site</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Each cat</td>
<td>All</td>
<td>None</td>
<td>(a)(b)</td>
</tr>
<tr>
<td>b. Each dog</td>
<td>All</td>
<td>None</td>
<td>(a)(b)</td>
</tr>
<tr>
<td>c. Generally accepted household pets other than cat or dog, such as passerine or exotic birds, hamsters, garter snakes, lizards, frogs, rabbits, and fish</td>
<td>All</td>
<td>None</td>
<td>5</td>
</tr>
<tr>
<td>d. Horse, donkey, mule, pony, llama, sheep, goat, geese, rooster, peacock, or similar crowing/squawking bird</td>
<td>R-E</td>
<td>½ acre</td>
<td>two per ½ acre</td>
</tr>
<tr>
<td></td>
<td>Household exotic animals (other than exotic birds)</td>
<td>All</td>
<td>None</td>
</tr>
<tr>
<td>---</td>
<td>--------------------------------------------------</td>
<td>-----</td>
<td>------</td>
</tr>
<tr>
<td>f.</td>
<td>Pot-bellied pigs</td>
<td>All</td>
<td>None</td>
</tr>
<tr>
<td>g.</td>
<td>Parrot or other mimicking bird(s)</td>
<td>All</td>
<td>None</td>
</tr>
<tr>
<td>h.</td>
<td>Chicken, pigeon, duck, or similar small fowl or animal</td>
<td>All</td>
<td>15,000 sf</td>
</tr>
<tr>
<td>i.</td>
<td>Apiary</td>
<td>R-E</td>
<td>1 acre</td>
</tr>
<tr>
<td>j.</td>
<td>Aviary</td>
<td>R-E</td>
<td>1 acre</td>
</tr>
</tbody>
</table>

(a) No more than one per multiple-family dwelling unit.
(b) No more than three per single-family dwelling unit.

(3) **Construction trailer.** A trailer used for construction offices or watchman's quarters is permitted at a construction site with the approval of a temporary use permit as required in Article II provided:

a. The trailer is located on the same or adjacent premises as the construction project.
b. The trailer is used only during the period of construction. All trailers shall be removed prior to final project inspection.
c. Not more than one person per shift resides in the trailer if used for watchman's quarters.
d. Shall comply with the provisions set forth for temporary uses as defined in Article II.

(4) **Garage, carports, and driveways; private.**

a. Each parking stall within an enclosed garage or carport area shall have a minimum clear unobstructed area of ten feet in width by 20 feet in length. An encroachment into this clear space of up to 42 inches may be permitted on the wall opposite the garage vehicle entrance, provided a minimum ground clearance of at least four feet is maintained.
b. For single-family residences, in addition to a direct pedestrian door way and door from the garage into the house, each garage shall also have a minimum of at least one direct pedestrian doorway and door, at least 32 inches wide, to the rear or side yard.

(5) **Private swimming pool.** The requirements of Section 30-178 shall apply to all private swimming pools, spas and hot tubs.

(6) **Oversized vehicle parking.** Recreational house trailers, motor homes, campers, boats, and similar recreational vehicles may be parked on any residential property that is developed with a primary residence provided that the vehicle conforms to the following regulations:
a. The vehicle, when parked, shall not extend into any public right-of-way, including sidewalks, into any private access easement or area, or into or on the front yard setback area, excluding approved driveways (refer to Section 17-162 of the Municipal Code).

(7) **Stable: private.** Private stables are permitted subject to the regulations for the keeping of animals specified in Table 30-157.A. Also, private stables shall not be located in any required front yard area.

(8) **Home occupations.** Home occupation uses, including cottage food operations, are permitted provided a valid home occupation permit has been obtained pursuant to the provisions of Article II, Division 12 of this chapter.

(Ord. No. 1679, § 1, 8-27-13)

Sec. 30-158. - Conditional use permit regulations.

All uses marked with a "C" in Table 30-155.A must comply with the conditional use permit procedural requirements outlined in Article II, Division 7 of this chapter. In addition, certain conditional uses must comply with the specific development and operational standards outlined below.

(1) **Places of assembly.** Places where people assemble for meetings, events, religious services, cultural activities and similar events are subject to the provisions of this subsection.

a. The minimum site area shall be one acre and shall have frontage on a secondary, primary, or major highway.

b. The width of the frontage of the site shall be not less than 120 feet.

c. Front yards shall be that required for the zoning district in which the use is located except that if the entrance to the main building faces the street, the minimum front yard shall be 40 feet.

d. Main buildings and structures on the site shall not be closer than 25 feet to any property line that is a common property line with "R" zoned property, except that accessory buildings and structures (no more than 640 square feet in area) shall maintain a side yard of ten feet with five feet added at ground level for each additional story over the first. Any detached one-family dwelling on such site shall conform to the yard requirements and required distance between buildings as required for the zoning district in which the dwelling is located.

e. The required front yard for any off-street parking area shall be no less than that required for the zoning district in which the parking area is located.

f. On interior lots, the required side-yard setback area shall not be used to provide off-street parking areas, and on corner lots, the interior side yard shall not be similarly used. Under no circumstances may the required side yard on the street side be used for off-street parking.

h. Limitations on lot coverage by buildings shall not apply.

i. A solid wall not less than six feet in height shall be constructed and maintained on any property lines adjoining residential property, provided such wall shall not extend into any required front yard.

j. All lights provided to illuminate any parking area or building on the site shall be so arranged as to direct the light away from any adjoining premises.

k. The use shall comply with the noise standards in Table 30-182.A.
l. The conditional use permit may impose restrictions upon the hours of operation to ensure the health and safety of the community and to ensure compatibility with the surrounding land uses for uses located outside activity areas.

(2) Parolee homes.

a. Any use that engages in the operation of a parolee home shall be subject to the approval of a conditional use permit. A new conditional use permit shall be required for the following actions:

1. Commence operation of a parolee home.
2. Existing parolee homes, unless it was lawfully established prior to the effective date of the ordinance.
3. Any changes in operating conditions from what was originally imposed by the city, including, but not limited to, number of parolees or modifications to the conditions of approval.
4. Any changes in the operating conditions of existing parolee homes lawfully established prior to the effective date of the ordinance.
5. Sale, transfer, or new lease agreement of a parolee home to another individual, entity, etc.
6. An existing parolee home discontinued for a consecutive period of 30 days is deemed abandoned and shall be required to obtain a new conditional use permit.

b. Location requirements.

1. In judging requests for parolee homes, particular attention will be directed to the physical relationship and proximity of the proposed use to similar uses on the same or surrounding sites, the compatibility of the proposed use with neighboring uses (i.e., schools, parks, and other similar uses), and ensuring that no adverse effects on the public health, safety, or welfare will be created by the proposed use.
2. When a conditional use permit for a parolee home is requested, other than for a renewal or ownership transfer, it should be a minimum of 660 feet away from an existing or proposed school, park, religious institution, hospital, youth facility, or other similar uses.
3. When a conditional use permit for a parolee home is requested, other than for a renewal or ownership transfer, it should be a minimum of 1,320 feet away from an existing parolee home or other similar uses.

c. In addition to any other conditions imposed by the planning commission pursuant to section 30-46 of this Code to safeguard the public health, safety, and welfare, a conditional use permit for a parolee home shall meet the following conditions:

1. Each parolee home or "parolee home" unit is limited to a maximum number of six parolees with each bedroom not exceeding two parolees.
2. Multi-family residential projects with less than 25 units shall be limited to one "parolee home" unit.
3. Multi-family residential projects with 25 or more units shall be limited to two "parolee home" units.
4. City staff shall prepare an annual status report on the parolee home for the planning commission's review and consideration.
5. The property owner or a designated on-site manager must live on the site of the parolee home.
6. The police department shall be provided a weekly update by the applicant of the parolees living at the parolee home.
d. Revocation. Pursuant to section 30-51 of this Code, the planning commission may revoke a conditional use permit. The revocation hearing must be noticed at a public hearing as required in section 30-30 and 30-31 of this Code and the planning commission must make the necessary findings to revoke the conditional use permit as set forth in section 30-51 of this Code.

DIVISION 4. - DEVELOPMENT STANDARDS FOR PRIMARY STRUCTURES

Sec. 30-159. - Residential development standards in R-E, R-1 and R-PC (without approved specific plan) zoning districts.

Residential development standards are basic standards designed to create quality residential developments. The residential development standards indicated in Table 30-159.A. (Residential Development Standards) and Table 30-161.A. (Density Bonus Residential Development Standards) serve as the minimum standards controlling development.

Table 30-159.A. Residential Development Standards

<table>
<thead>
<tr>
<th></th>
<th>R-E</th>
<th>R-1</th>
<th>R-2(a)</th>
<th>R-2(b)</th>
<th>R-3</th>
<th>R-PC(a)</th>
<th>R-PC(b)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Density</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum permitted number</td>
<td>2.0</td>
<td>5.0</td>
<td>7.6</td>
<td>12.0</td>
<td>12.0-24.0(c)</td>
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<td>3.0-6.4</td>
</tr>
<tr>
<td>number of dwelling units</td>
<td></td>
<td></td>
<td>detached</td>
<td>multi-family</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>per adjusted gross acre</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lot Dimensions, Lot Size, Lot Coverage (v)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum width @ required front setback</td>
<td>80' (h)</td>
<td>60' (h)</td>
<td>50' (h)</td>
<td>N/A</td>
<td>N/A</td>
<td>70' (h)</td>
<td>(d)</td>
</tr>
<tr>
<td>Minimum width @ front P/L</td>
<td>80'(f) (h)</td>
<td>60'(f) (h)</td>
<td>50'(f) (h)</td>
<td>200'</td>
<td>200'(f)</td>
<td>70' (f) (h)</td>
<td>(d) (f)</td>
</tr>
<tr>
<td>Minimum flag lot frontage @ front P/L</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>(d) (g)</td>
</tr>
<tr>
<td>Minimum depth</td>
<td>150' (h)</td>
<td>100' (h)</td>
<td>90'(h)</td>
<td>300</td>
<td>300'</td>
<td>100' (h)</td>
<td>(d)</td>
</tr>
<tr>
<td>---------------</td>
<td>---------</td>
<td>---------</td>
<td>---------</td>
<td>------</td>
<td>------</td>
<td>---------</td>
<td>-----</td>
</tr>
<tr>
<td>Minimum lot size (sq. ft.) (x)</td>
<td>21,780</td>
<td>6,000 and 7,200 average</td>
<td>5,000 and 5,445 average</td>
<td>5 acres</td>
<td>5 acres</td>
<td>10,000</td>
<td>(d)</td>
</tr>
<tr>
<td>Maximum lot coverage (as a percent of adjusted gross acreage of total site)</td>
<td>45%</td>
<td>45%</td>
<td>50%</td>
<td>50%</td>
<td>50%</td>
<td>45%</td>
<td>(d) (e)</td>
</tr>
</tbody>
</table>

### Single-Family Minimum Dwelling Unit Size

<table>
<thead>
<tr>
<th>Minimum dwelling unit size (sq. ft.), one-story</th>
<th>2,000</th>
<th>1,850</th>
<th>1,550</th>
<th>Multi-Family Minimum Dwelling Sizes below</th>
<th>Multi-Family Minimum Dwelling Sizes below</th>
<th>2,000</th>
<th>(d)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum dwelling unit size (sq. ft.), two-story (j)</td>
<td>2,000</td>
<td>2,000</td>
<td>1,550</td>
<td>Multi-Family Minimum Dwelling Sizes below</td>
<td>Multi-Family Minimum Dwelling Sizes below</td>
<td>2,000</td>
<td>(d)</td>
</tr>
<tr>
<td>Minimum dwelling unit size (sq. ft.) in-fill development, one- and two-story (j)</td>
<td>N/A</td>
<td>1,200</td>
<td>1,200</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>1,200 or (d)</td>
</tr>
<tr>
<td>Minimum dwelling unit size (sq. ft.)</td>
<td>See Table 30-161.A. Density</td>
<td>See Table 30-161.A. Density</td>
<td>See Table 30-161.A. Density</td>
<td>See Table 30-161.A. Density</td>
<td>See Table 30-161.A. Density</td>
<td>See Table 30-161.A. Density</td>
<td>See Table 30-161.A. Density</td>
</tr>
</tbody>
</table>
### Multiple-Family Minimum Dwelling Size (Standard)

<table>
<thead>
<tr>
<th></th>
<th>Studio</th>
<th>One bedroom (j)</th>
<th>Two bedrooms (standard) (j)</th>
<th>Two bedrooms (two &quot;master&quot;) (j)</th>
<th>Three or more bedrooms (j)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Size</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Minimum</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Size (550 sq. ft.)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Size (700 sq. ft.)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Size (900 sq. ft.)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Size (1,000 sq. ft.)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Multiple-Family Minimum Dwelling Size (Senior/Standard)

<table>
<thead>
<tr>
<th></th>
<th>Studio</th>
<th>One bedroom (j)</th>
<th>Two bedroom (j)</th>
<th>Two bedroom (two &quot;master&quot;) (j)</th>
<th>Three or more bedrooms (j)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Size</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Minimum</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Size (550 sq. ft.)</td>
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<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Minimum</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Size (700 sq. ft.)</td>
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<tr>
<td>Minimum</td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Size (900 sq. ft.)</td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Size (1,000 sq. ft.)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Multiple-Family Minimum Dwelling Size (Affordable)

<table>
<thead>
<tr>
<th></th>
<th>Studio</th>
<th>N/A</th>
<th>N/A</th>
<th>N/A</th>
<th>550 sq. ft.</th>
<th>550 sq. ft.</th>
<th>N/A</th>
<th>550 sq. ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>One bedroom</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>650 sq. ft.</td>
<td>650 sq. ft.</td>
<td>N/A</td>
<td>650 sq. ft.</td>
</tr>
<tr>
<td>(j)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Two bedroom</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>800 sq. ft.</td>
<td>800 sq. ft.</td>
<td>N/A</td>
<td>800 sq. ft.</td>
</tr>
<tr>
<td>(j)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Two bedroom</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>800 sq. ft.</td>
<td>800 sq. ft.</td>
<td>N/A</td>
<td>800 sq. ft.</td>
</tr>
<tr>
<td>(two &quot;master&quot;)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(j)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Three or more</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>950 sq. ft.</td>
<td>950 sq. ft.</td>
<td>N/A</td>
<td>950 sq. ft.</td>
</tr>
<tr>
<td>bedrooms (j)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

### Multiple-Family Minimum Dwelling Size (Senior/Affordable)

<table>
<thead>
<tr>
<th></th>
<th>Studio</th>
<th>N/A</th>
<th>N/A</th>
<th>N/A</th>
<th>550 sq. ft.</th>
<th>550 sq. ft.</th>
<th>N/A</th>
<th>550 sq. ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>One bedroom</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>600 sq. ft.</td>
<td>600 sq. ft.</td>
<td>N/A</td>
<td>600 sq. ft.</td>
</tr>
<tr>
<td>(j)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Two bedroom</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>750 sq. ft.</td>
<td>750 sq. ft.</td>
<td>N/A</td>
<td>750 sq. ft.</td>
</tr>
<tr>
<td>(j)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Two bedroom</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>750 sq. ft.</td>
<td>750 sq. ft.</td>
<td>N/A</td>
<td>750 sq. ft.</td>
</tr>
<tr>
<td>(two &quot;master&quot;)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(j)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Three or more</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>850 sq. ft.</td>
<td>850 sq. ft.</td>
<td>N/A</td>
<td>850 sq. ft.</td>
</tr>
<tr>
<td>bedrooms (j)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Building Height

- **Single-Family (k)**
  - 35'
  - 35'
  - 35'
  - N/A
  - N/A
  - 35'
  - (d)
<table>
<thead>
<tr>
<th>Multi-Family (k) (u)</th>
<th>N/A</th>
<th>N/A</th>
<th>N/A</th>
<th>55'</th>
<th>55'</th>
<th>N/A</th>
<th>(d)</th>
</tr>
</thead>
</table>

**Single-Family Setbacks Building to P/L (v)**

<table>
<thead>
<tr>
<th>Front yard (q)</th>
<th>30'(s) (t)</th>
<th>25'(s) (t)</th>
<th>25' (s) (t)</th>
<th>N/A</th>
<th>25'(s) (t)</th>
<th>25'(s) (t)</th>
<th>(d)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Side yard, interior (m) (q) (r)</th>
<th>15'</th>
<th>5' min./15' aggregate (z)</th>
<th>5'</th>
<th>N/A</th>
<th>5' min./15' aggregate (z)</th>
<th>5' min./20' aggregate</th>
<th>(d)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Side yard, corner lot (n) (q) (r)</th>
<th>15'</th>
<th>10'</th>
<th>10'</th>
<th>N/A</th>
<th>10'</th>
<th>15'</th>
<th>(d)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Rear yard (q) (r) (b) (l)</th>
<th>30'(l)</th>
<th>20'(n)(l)</th>
<th>20'(l)</th>
<th>N/A</th>
<th>20'(n)</th>
<th>20'(n)</th>
<th>(d)</th>
</tr>
</thead>
</table>

**Single-Family Patio Setbacks**

<table>
<thead>
<tr>
<th>Rear yard</th>
<th>15'</th>
<th>10'</th>
<th>6'</th>
<th>6'</th>
<th>10'(p)</th>
<th>15'</th>
<th>N/A</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Side Yard</th>
<th>15'</th>
<th>(i)</th>
<th>5'</th>
<th>N/A</th>
<th>(i)</th>
<th>(i)</th>
<th>N/A</th>
</tr>
</thead>
</table>

**Single-Family Balcony Setbacks**

<table>
<thead>
<tr>
<th>Rear yard</th>
<th>15'</th>
<th>10'</th>
<th>6'</th>
<th>6'</th>
<th>10'</th>
<th>15'</th>
<th>N/A</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Side Yard</th>
<th>15'</th>
<th>(i)</th>
<th>5'</th>
<th>N/A</th>
<th>(i)</th>
<th>(i)</th>
<th>N/A</th>
</tr>
</thead>
</table>

**Multi-Family Setbacks Building to P/L**

<table>
<thead>
<tr>
<th>For all zoning districts and public rights-of-way (streets)</th>
<th>See Table 30-160.A. Building Separation Requirements</th>
<th>See Table 30-160.A. Building Separation Requirements</th>
<th>See Table 30-160.A. Building Separation Requirements</th>
<th>See Table 30-160.A. Building Separation Requirements</th>
<th>See Table 30-160.A. Building Separation Requirements</th>
<th>N/A</th>
<th>See Table 30-160.A. Building Separation Requirements (d)</th>
</tr>
</thead>
</table>

**Multi-Family Setbacks Building to Building**
### Building Separation and Setback (s)

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Building Separation and Setback (s)</th>
<th>See Sec. 30-179 (Second Dwelling)</th>
<th>See Sec. 30-179 (Second Dwelling) and/or Sec. 30-180 (Granny Dwelling)</th>
<th>See Table 30-160.A. Building Separation Requirements</th>
<th>See Table 30-160.A. Building Separation Requirements or (d)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multi-Family Parking Setbacks to P/L</td>
<td>N/A</td>
<td>N/A</td>
<td>25'</td>
<td>N/A</td>
<td>25' or (d)</td>
</tr>
<tr>
<td>Major or primary</td>
<td>N/A</td>
<td>N/A</td>
<td>25'</td>
<td>N/A</td>
<td>25' or (d)</td>
</tr>
<tr>
<td>Secondary or collector</td>
<td>N/A</td>
<td>N/A</td>
<td>20'</td>
<td>N/A</td>
<td>15' or (d)</td>
</tr>
<tr>
<td>Local</td>
<td>N/A</td>
<td>N/A</td>
<td>15'</td>
<td>N/A</td>
<td>15' or (d)</td>
</tr>
<tr>
<td>Multi-Family Open Space Requirements</td>
<td>N/A</td>
<td>N/A</td>
<td>150/100</td>
<td>N/A</td>
<td>(d)</td>
</tr>
<tr>
<td>Open space, private ground/upper floor (sq. ft.), minimum</td>
<td>N/A</td>
<td>N/A</td>
<td>150/100</td>
<td>N/A</td>
<td>(d)</td>
</tr>
<tr>
<td>Open space, common, as a percentage of adjusted gross acreage of project area, minimum.</td>
<td>N/A</td>
<td>N/A</td>
<td>35%</td>
<td>N/A</td>
<td>(d)</td>
</tr>
<tr>
<td>Open space, useable, (combined total of private and common</td>
<td>N/A</td>
<td>N/A</td>
<td>40%</td>
<td>N/A</td>
<td>(d)</td>
</tr>
</tbody>
</table>
open space), as a percentage of adjusted gross acreage of project area, minimum.

<table>
<thead>
<tr>
<th>Landscape Requirements</th>
<th>See Sec. 30-303(a)</th>
<th>See Sec. 30-303(a)</th>
<th>See Sec. 30-303(b)</th>
<th>See Sec. 30-303(b)</th>
<th>See Sec. 30-303(b)</th>
<th>See Sec. 30-303(a) or (d)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recreational Facilities</td>
<td>N/A</td>
<td>N/A</td>
<td>See Sec. 30-160(j)</td>
<td>See Sec. 30-160(j)</td>
<td>See Sec. 30-160(j)</td>
<td>N/A</td>
</tr>
<tr>
<td>Amenities</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>See Optional Density Standards Policy</td>
<td>See Optional Density Standards Policy</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>See Optional Density Standards Policy</td>
<td>See Optional Density Standards Policy</td>
<td>See Optional Density Standards Policy</td>
</tr>
</tbody>
</table>

N/A = Not Applicable.

Notes:

(a) Applies to projects of less than 145 adjusted gross acres (see Sec. 30-190.3) and/or projects of more than 145 adjusted gross acres without an approved specific plan.

(b) Applies to projects of 145 adjusted gross acres or more that comply with Section 30-190.2, which provides for alternative standards under a specific plan.

(c) Maximum density may be increased to a maximum of 24 dwelling units per adjusted gross acre if in compliance with the Optional Density Standards established by the City Council.

(d) As required in a specific plan approved pursuant to Section 30-190.2.

(e) But not to exceed more than 55 percent lot coverage, Section 30-190.2 not withstanding.

(f) Minimum width of cul-de-sac lots and "knuckles" shall be 42 linear feet as measured at the property line. The Planning Commission may reduce this minimum requirement provided the applicant submits the tentative tract map and design review concurrently along with a plotting exhibit (showing the footprint and driveway of each dwelling unit located on a cul-de-sac or knuckle) demonstrating parking compliance to the satisfaction of the Director of Community Development.

(g) One additional enclosed garage shall be required when using flag lots. As an alternative to this standard, additional parking may be provided in the driveway to the satisfaction of the Planning Commission.
(h) For single-family residential lots, the Planning Commission may vary the minimum lot width or depth by ten percent for particular lots, due to unique or special circumstances, and/or parcel of unusual configuration. For lots located on a cul-de-sac or knuckle, the lot depth can be calculated by averaging both side property lines provided the average is not less than the specified lot depth for that zoning district.

(i) Side-yard setbacks for patios in the R-1, R-2 and R-PC(a) shall be consistent (equal to or greater) with the side-yard setbacks for any existing dwelling unit.

(j) Each dwelling unit built within any residential zoning district shall provide a minimum one half bath ("powder room"), consisting of at least a water closet (toilet) and sink, on the first or ground floor when such first or ground floor contains habitable living space.

(k) In hillside areas, structure heights shall be limited to 25 feet as specified in Section 30-102.13b(2)a. (Hillside Overlay).

(l) For lots located on a cul-de-sac or knuckle, the rear setback can be calculated by averaging both rear corners of dwelling provided the average is not less than the specified setback for that zoning district.

(m) Where any door (excluding a service door to the attached garage) opens onto a side yard area from habitable living space, that side yard setback area shall be increased to a minimum of ten feet.

(n) Any garage which fronts on, or opens onto, a street shall be setback at least 25 feet, except as provided for by (t).

(o) Reserved.

(p) Development standards apply to attached or multi-family projects of 7.7 to 12 du/ac.

(q) For allowed projections into required yard area setbacks see Section 30-167, Projections into yards.

(r) For setbacks pertaining to accessory buildings and structures see Section 30-174 (Accessory Buildings and Structures).

(s) The habitable living space of a building may be allowed to encroach into the required front yard setback in compliance with the Plotting and Design Criteria; in no case, however, shall the garage portion of a building encroach into the required front yard setback, except as provided for by (t).

(t) Side-on garages may be allowed to encroach into the required front yard setback up to a maximum of six feet.

(u) For the purposes of this section, subterranean or partial subterranean parking shall not be considered a floor/story for the purpose of determining building set backs.

(v) "Alternative minimum standards may be established with an approved Conditional Use Permit pursuant to Section 30-102.3(b)(1), (Planned Unit Development Regulations).

(w) 10,000 square foot lots in specific plans shall comply with the R-PC(a) development standards pursuant to Section 30-62(f)(2).

(x) For existing legal lots smaller than this minimum see Section 30-137 (Lot Size Conformance).

(y) Corner lots shall have a width of not less than 65 feet (see Section 26-180(1), Area and width of lots.)

(z) The 15-foot aggregate pertains to new single-family residential development only.

(aa) All setbacks shall be measured from the main structure, not the overhang.

(Ord. No. 1727, § 1, 4-28-15)
Sec. 30-160. - Development standards in R-2 and R-3 zoning districts.

Residential development standards are basic standards designed to create quality residential developments. The residential development standards indicated in Table 30-159.A. (Residential Development Standards) and Table 30-161.A. (Density Bonus Residential Development Standards) serve as the minimum standards controlling development. In addition to the applicable standards indicated in Table 30-159.A. and Table 30-161.A., the following standards shall be required of all multiple-family residential developments in the R-2 and R-3 zoning districts.

(a) **Building separation.** Table 30-160.A. sets forth specific standards for minimum building separation and setbacks as follows:

**Table 30-160.A.**

**Building Separation Requirements**

<table>
<thead>
<tr>
<th>Building (a) Setback and Separation (in feet)</th>
<th>R-2</th>
<th>R-3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building, parking and drive aisle to adjacent (g) zoning districts (m)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>R-E</td>
<td>75 (c)</td>
<td>75 (c)</td>
</tr>
<tr>
<td>R-1</td>
<td>25 (c)</td>
<td>25 (c)</td>
</tr>
<tr>
<td>R-2, Single-Family</td>
<td>25 (c)</td>
<td>25 (c)</td>
</tr>
<tr>
<td>R-2, Multi-Family</td>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td>R-3</td>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td>R-PC, Single-Family</td>
<td>75 (c)</td>
<td>75 (c)</td>
</tr>
<tr>
<td>R-PC, Specific Plan (b) (single-family/multi-family)</td>
<td>25(c)/15</td>
<td>25 (c)/15</td>
</tr>
<tr>
<td>All other zoning districts</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Building to public rights-of-way (streets) (h) (k) (m)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Major or primary</td>
<td>35 (c)</td>
<td>35 (c)</td>
</tr>
<tr>
<td>Secondary or collector</td>
<td>30 (c)</td>
<td>30 (c)</td>
</tr>
<tr>
<td>Local</td>
<td>25 (c)</td>
<td>25 (c)</td>
</tr>
<tr>
<td>Description</td>
<td>All Residential</td>
<td>All Other</td>
</tr>
<tr>
<td>-------------------------------------------------</td>
<td>-----------------</td>
<td>-----------</td>
</tr>
<tr>
<td>Building to building (g) (j)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front to front (f)</td>
<td>35 (c)</td>
<td>35 (c)</td>
</tr>
<tr>
<td>Front to side (f)</td>
<td>35 (c)</td>
<td>35 (c)</td>
</tr>
<tr>
<td>Front to rear (f)</td>
<td>35 (c)</td>
<td>35 (c)</td>
</tr>
<tr>
<td>Rear to side (n)</td>
<td>30 (c)</td>
<td>30 (c)</td>
</tr>
<tr>
<td>Rear to rear (n)</td>
<td>25 (c)</td>
<td>25 (c)</td>
</tr>
<tr>
<td>Side to side</td>
<td>20 (c)</td>
<td>20 (c)</td>
</tr>
<tr>
<td>Oblique alignment</td>
<td>(i)</td>
<td>(i)</td>
</tr>
</tbody>
</table>

Parking area and drive aisle setbacks to adjacent zoning districts

<table>
<thead>
<tr>
<th>Description</th>
<th>Major or primary</th>
<th>Secondary or collector</th>
<th>Local</th>
</tr>
</thead>
<tbody>
<tr>
<td>All residential</td>
<td>25</td>
<td>20</td>
<td>15</td>
</tr>
<tr>
<td>All other</td>
<td>25</td>
<td>20</td>
<td>15</td>
</tr>
<tr>
<td>Parking area setback to public right-of-ways (streets) (h)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Private street or driveway</td>
<td>5</td>
<td>5</td>
<td></td>
</tr>
</tbody>
</table>

Accessory structure (e) setbacks and separation (in feet)

<table>
<thead>
<tr>
<th>Description</th>
<th>See Sec. 30-160(2)</th>
<th>See Sec. 30-160(2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>In all cases</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Notes:
(a) Building shall mean dwelling units. For purpose of this table, building setback standards shall be for two-story development, setback standards may be modified by other lettered notes herein.

(b) Applies to projects of 145 adjusted gross acres or more that comply with Section 30-190.2.

(c) Subtract ten feet for a single-story dwelling unit or a multi-story dwelling unit having a single-story element with a depth of at least ten feet.

(d) The pedestrian walkway may project into the setback area provided a minimum ten-foot area is maintained free and clear for landscaping.

(e) For the purpose of this table, accessory structure means a subordinate structure which is incidental and not attached to a building, but is on the same lot. If an accessory structure is attached to the building, or if the roof is a continuation of the building roof, the accessory structure shall be considered an addition to the building.

(f) "Front" is defined as that face of the building or unit with a major glass area and/or major private recreation area and may include access to that private recreation area. This access may or may not relate to the primary entrance to the building that faces the street or drive; therefore, some buildings may have more than one "front" under this definition.

(g) For the purpose of this table, zoning districts are not considered adjacent if separated by a dedicated public right-of-way of more than 50 feet in width.

(h) Setback measured from building to property line.

(i) "Oblique alignment" is defined as the intersection of the parallel face of one building by the corner angle of a second building where said angle is greater than 25 percent. The corner angle of the intersecting building may encroach into the setback of the other building by up to 5 feet provided there is an equal or greater setback at the other end of the intersecting building. Such encroachment shall also be averaged so that for each building that is allowed to encroach into the setback, another building will offset such encroachment by an equal number of feet. (Where two buildings meet at corner angles, the side-to-front setback criteria shall be used.)

(j) Balconies, patios (uncovered and covered), patio fences/walls, porches, and similar liked structures (as determined by the Director of Community Development may project into the setback area up to a maximum of six feet, providing, however, that such structures shall never be separated by less than 15 feet (horizontal).

(k) Buildings may be staggered to encroach into the required setback up to a maximum of five feet, provided there is an equal or greater setback at the opposite/other face of the building. Such staggered encroachment shall be averaged so that for each building which encroaches into the setback, another building will offset such encroachment by an equal number of feet along the same frontage.

(l) Reserved.

(m) Where there is a grade differential between properties of greater than ten feet (as determined by the precise grading plan), the setback requirement may be modified as follows: when the building is at the lower grade, the required setback may be reduced by one linear foot for each three vertical feet of difference. Where the building is at the higher grade, the required setback shall be increased by one linear foot for each three vertical feet of difference. Such modification to the required setback shall be limited to a maximum of ten feet.

(n) The "rear" of a building is defined as the point or area farthest from the front. Where a building is identified to have two fronts the building may be considered not to have a rear facing.

(b) Separation of accessory buildings, parking areas, and vehicular access ways.
(1) Distance between an accessory building and side and rear property lines shall be no less than ten feet. Where the adjacent zoning district is non-residential, garages and carports may encroach a maximum of 25 percent into the required width of the side or rear yard setback.

(2) Distance between two accessory buildings shall be no less than ten feet.

(3) Distance between an accessory building and any dwelling unit shall be no less than 15 feet.

(4) Distance between open, guest parking areas and any dwelling unit shall be no less than ten feet.

(5) Distance between vehicular access way and any dwelling unit shall be no less than ten feet.

(6) If a carport is located no less than ten feet from a side or rear property line, the rear wall of the carport may have openings to allow view and accessibility to an adjacent landscaped area, as illustrated in the design guidelines.

(7) Detached assigned and/or required parking stalls, carports and enclosed garages shall be located no more than 150 feet from the dwelling unit they serve, unless otherwise approved by the Director of Community Development.

(c) Minimum driveway access width. Minimum access way width of 26 feet is required for all access drives serving multiple-family developments. A minimum access way width of 30 feet is required for all access drives serving multi-family developments of three stories or more.

(d) Water heaters. Each dwelling unit shall have a separate hot water heater or may be provided with a centralized circulation water heating system sufficient to serve all dwelling units on the property.

(e) Laundry facilities. All multiple-family residential units shall be provided washer and dryer hookups and laundry space with the unit or garage. The laundry area shall not infringe upon garage parking area. In the case of apartments, common laundry facilities may be included in addition to the individual unit hookups.

(f) Storage facilities. A separate area having a minimum of 125 cubic feet of private and secure storage space shall be provided for each unit.

(1) Said storage area may be located within the garage, provided it does not interfere with garage use for automobile parking.

(2) Normal closet and cupboard space within the dwelling unit shall not count toward meeting this requirement.

(3) No storage shall be in carport area.

(4) Enclosed garages are required to provide 125 cubic feet of storage cabinet space, or 125 cubic feet of storage space may be provided elsewhere on the site.

(g) Garage doors. All garages (one, two, three, and four cars) shall be provided with sectional garage doors and automatic garage door openers.

(h) Dwelling entries.

(1) All units shall be provided with standard door locks and dead bolts.

(2) No dwelling entry shall be located with direct, uninterrupted, unimpeded access to a primary or secondary arterial street.

(i) Refuse storage areas. There shall be provided standard refuse storage facilities for the containment of standard receptacles based on the following requirements:

(1) Number of receptacles.

<p>| Number of Units | Types of Receptacles | Number of Receptacles Required |</p>
<table>
<thead>
<tr>
<th>0—8</th>
<th>3-Yard Bin</th>
<th>1</th>
</tr>
</thead>
<tbody>
<tr>
<td>16—24</td>
<td>3-Yard Bin</td>
<td>2</td>
</tr>
<tr>
<td>Each 8 Additional Units</td>
<td>3-Yard Bin</td>
<td>1</td>
</tr>
</tbody>
</table>

(2) All refuse storage areas shall be readily accessible to the users they serve as well as for collection operations and shall be enclosed by a solid decorative masonry or concrete block wall at least 60 inches in height that shall be designed in a manner architecturally compatible with the overall design of the project's buildings.

a. The site area shall have a concrete pad at least four inches in thickness.

b. The storage area shall be designed with a metal lattice cover matching the exterior building material and color and has a gate with view obscuring slats or other opaque material.

c. The refuse storage area shall be located within 150 feet walking distance of the unit it services.

(j) **Recreational facilities.** The developer shall provide recreational facilities in conjunction with common open space as a minimum requirement for all multi-family projects in the R-2 zone and for the minimum density allowed in the R-3 zone. To achieve a density greater than 12.1 du/ac in the R-3 zone the "Optional Density Standard Policy" shall apply:

(1) Development consisting of 30 units or fewer shall provide three of the following recreational facilities:

a. Large open lawn area, minimum dimensions shall be 50 feet by 20 feet.

b. Tot-lot with multiple play equipment.

c. Spa and/or pool.

d. Barbecue facility equipped with grill, picnic benches, etc.

(2) Development consisting of 31 units to 100 units shall provide another recreational facility as in (1) above, or equivalent, as approved by the Planning Commission.

(3) Development consisting of 101 units to 200 units shall provide five of the following recreational facilities, or equivalent, as approved by the Planning Commission:

a. Large open lawn area, minimum dimensions shall be 100 feet by 50 feet.

b. Multiple tot-lots with multiple play equipment. The tot-lots shall be conveniently located throughout the site. The number of tot-lots and their location shall be subject to Planning Commission review and approval.

c. Pool and spa.

d. Community multi-purpose room equipped with kitchen, defined areas for games, exercises, etc.

e. Barbecue facilities equipped with multiple grills, picnic benches and shade structures. The barbecue facilities shall be conveniently located throughout the site. The number of barbecue facilities and their location shall be subject to Planning Commission review and approval.
f. Court facilities (e.g. tennis, volleyball, basketball, etc.).

g. Jogging/walking trails with exercise stations.

(4) For each 100 units above the first 200 units, another recreational facility as described in Section 30-160(jj), or equivalent, shall be provided for approval by the Planning Commission.

(5) Other recreational facilities not listed above may be considered subject to the Planning Commission review and approval.

(6) Related recreational activities may be grouped together and located at any one area of the common open space.

(7) Where multiple recreational facilities are provided such facilities shall be required to be dispersed throughout the site.

(8) All recreational areas or facilities required by this section shall be maintained by private homeowner’s associations, property owners, or private assessment districts.

(k) Circulation, pedestrian and vehicular parking.

(1) Pedestrian circulation. Every multiple-family residential development shall be designed in such a manner that adequate walkways are provided convenient to the needs of the residents and guests and the services of public agencies. Pedestrian access to the unifying elements of any development should be separate from and free of conflict with vehicular access ways. All developments consisting of six units or more shall provide directories placed in a convenient location at the development entry.

(2) Vehicular circulation. Every multiple-family residential development shall be designed with an internal street and parking system adequate to handle the need for vehicular circulation. Said system shall be improved to meet the standards of the City Engineer and shall be in compliance with all applicable standards of this chapter.

(l) Property Maintenance.

(1) Property Maintenance Agreement. Every multi-family residential development shall enter into a Property Maintenance Agreement with the City of Fontana to professionally maintain all landscaping, parking lot, drainage, lighting and paved areas within the project in accordance with the standards of repair, maintenance and cleanliness specified in the plans submitted and approved by the Community Development Department. If such landscaping, parking lot, drainage, lighting and paved areas are not maintained, such Agreement grants to the City such rights of access, ingress and egress upon and across the project site as deemed necessary to undertake and complete corrective action and assess actual City cost against the applicant/owner/tenant and against the property. The Agreement shall also be incorporated by referencing the Covenants, Conditions and restrictions (CC&R’s) recorded against the property, if any, and recorded with the County Recorder’s office.

(Ord. No. 1727, § 2, 4-28-15)

Sec. 30-160.1. - Applicability [of R-4 and R-5 zoning districts].

The standards of this section provide for high-density residential (R-4 or R-5), mixed-use developments, public, and semi-public uses in close proximity to light rail/commuter rail stations, and future bus rapid transit (BRT) stations, encouraging transit usage in conjunction with a safe and pleasant pedestrian-oriented environment. These standards emphasize the intensification of development, and encourages reduced reliance on motor vehicles.

These standards shall apply to new development projects located within 2,640 feet (½ mile) of light-rail/commuter rail stations, future bus rapid transit stations and/or on a corridor with an operating Omnitrans bus route. The provisions of the Boulevard Overlay District shall not apply to the R-4 and R-5 zoned properties governed by Sections 30-160.1 through 30-160.1.12.
Sec. 30-160.1.1. Multiple-family medium/high density residential (R-4) and multiple-family high density residential (R-5) development projects.

Sec. 30-160.1.2. Uses permitted.

1. Uses permitted in the Multiple Family Medium/High Density Residential (R-4) zoning district, and in the Multiple Family High Density Residential (R-5) zoning district without a commercial component. A "P" indicates the use is permitted by right, a "C" indicates the use requires the granting of a conditional use permit, and "—" means the use is not permitted in that zoning district.

2. Conditional uses are subject to the provisions in Section 30-158 of this Code.

<table>
<thead>
<tr>
<th>Use</th>
<th>R-4</th>
<th>R-5</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Residential Uses</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single-family detached dwelling</td>
<td>P*</td>
<td>P*</td>
</tr>
<tr>
<td>Single-family attached dwelling</td>
<td>P*</td>
<td>P*</td>
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<tr>
<td>Planned Unit Development</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Multiple-family dwelling</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Multiple-family with commercial uses/Mixed Use</td>
<td>—</td>
<td>—</td>
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<tr>
<td>Senior housing</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Manufactured home</td>
<td>P*</td>
<td>P*</td>
</tr>
<tr>
<td>Group home—Licensed (one to six persons)</td>
<td>—</td>
<td>—</td>
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<tr>
<td>Group home—Licensed (seven or more persons)</td>
<td>—</td>
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<tr>
<td>Mobile home (not in a mobile home park)</td>
<td>—</td>
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<tr>
<td>Mobile home park</td>
<td>—</td>
<td>—</td>
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<tr>
<td>Boarding home (less than 3 rooms)</td>
<td>—</td>
<td>—</td>
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<tr>
<td>Boarding home (3 or more rooms)</td>
<td>—</td>
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<tr>
<td>B. Other Uses</td>
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<td>------------------------------------------------------------------------------</td>
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<tr>
<td>Ambulance building</td>
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<tr>
<td>Assembly or meeting hall for lodges, fraternal organizations, private clubs,</td>
<td></td>
<td></td>
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<tr>
<td>labor unions, or similar uses</td>
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<tr>
<td>Assembly (religious service)</td>
<td>P P</td>
<td></td>
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<tr>
<td>Assisted living facility (senior or otherwise)</td>
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<td></td>
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<tr>
<td>Automobile sales (wholesale internet only, no parking, storage, repair, or</td>
<td>P P</td>
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<tr>
<td>display)</td>
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<tr>
<td>Bakery goods store (employing not more than five persons with all goods</td>
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<tr>
<td>sold on premises</td>
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<td></td>
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<tr>
<td>Barber shop or beauty parlor</td>
<td></td>
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<tr>
<td>Book store</td>
<td></td>
<td></td>
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<tr>
<td>Cemetery</td>
<td></td>
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<tr>
<td>Clubs, civic, community or private</td>
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<td></td>
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<tr>
<td>Convalescent or nursing home</td>
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<tr>
<td>Day care (one to six persons)</td>
<td>P P</td>
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</tr>
<tr>
<td>Day care (seven or more persons)</td>
<td>C C</td>
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<tr>
<td>Drugstore</td>
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<tr>
<td>Equestrian facility (other than private stable)</td>
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<tr>
<td>Fire stations/police stations</td>
<td></td>
<td></td>
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<tr>
<td>Florist shop</td>
<td></td>
<td></td>
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<tr>
<td>Golf courses and accessory uses</td>
<td></td>
<td></td>
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<tr>
<td>Governmental buildings and uses</td>
<td></td>
<td></td>
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<tr>
<td>Accessory Uses</td>
<td></td>
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<td>-------------------------------------------------------------------------------</td>
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<tr>
<td>Ice cream store</td>
<td></td>
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<tr>
<td>Laundry, retail or clothes cleaning agency or pressing establishment, but excluding on-site cleaning.</td>
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<tr>
<td>Music and vocal instruction</td>
<td></td>
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<tr>
<td>Newsstand</td>
<td></td>
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<tr>
<td>Optician</td>
<td></td>
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<tr>
<td>Parolee housing</td>
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<tr>
<td>Pet shop</td>
<td></td>
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<tr>
<td>Philanthropic and charitable organizations</td>
<td></td>
<td></td>
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<tr>
<td>Public park or playground</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public utility and public service structures</td>
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<td></td>
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<tr>
<td>Residential care facility—license (six or fewer persons)</td>
<td></td>
<td></td>
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<tr>
<td>Residential care facility—licensed (seven or more persons)</td>
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<tr>
<td>Restaurant and café, excluding those having dancing and/or floor shows. Alcoholic beverages are not permitted.</td>
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<tr>
<td>Schools, private or parochial</td>
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<tr>
<td>Schools, public</td>
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<tr>
<td>Stable, private</td>
<td></td>
<td></td>
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<tr>
<td>Stationery store</td>
<td></td>
<td></td>
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<tr>
<td>Video rental store</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C. Accessory Uses</td>
<td></td>
<td></td>
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<tr>
<td>Accessory structures</td>
<td>—</td>
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</tr>
<tr>
<td>Agricultural uses</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Animals, small—Keeping and raising</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Animals, large—Keeping and raising</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Antenna, receiving</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Antenna, transmitter, cellular poles</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Commercial vehicle parking</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Garage, private</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Granny housing</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Guest house</td>
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</tr>
<tr>
<td>Home occupation</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Industrial home occupation</td>
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<td>—</td>
</tr>
<tr>
<td>Private swimming pool</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Oversized vehicle parking</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Recreational vehicle storage yard (associated with a multiple-family use)</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Second dwelling units</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Tennis courts, private</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>D. Temporary Uses</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Construction trailers</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Sales or rental office</td>
<td>—</td>
<td>—</td>
</tr>
</tbody>
</table>
Existing single-family residences in this zone are permitted and subject to the single-family residential (R-1) development standards. New single-family construction is not permitted nor is subdivision for the purpose of development of single-family residential lots.

**Sec. 30-160.1.3. Residential development standards.**

The following development standards apply to multi-family residential development projects without a commercial component, which are proposed at minimum density of 24.1 to 39 dwelling units per acre within the Multiple-Family Medium/High Density Residential (R-4) zoning district, and 39.1 to 50 dwelling units per acre in the Multiple-Family High Density Residential (R-5) zoning district.

<table>
<thead>
<tr>
<th>Residential Development Standards</th>
<th>R-4</th>
<th>R-5</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Maximum Density</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum permitted number of dwelling units per adjusted gross acre</td>
<td>24.1.0—39.0</td>
<td>39.1—50.0</td>
</tr>
<tr>
<td><strong>Lot Dimensions for New Lots, Lot Size, and Lot Coverage</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum width at front P/L</td>
<td>200'</td>
<td>200'</td>
</tr>
<tr>
<td>Minimum depth</td>
<td>300'</td>
<td>300'</td>
</tr>
<tr>
<td>Minimum lot size (sq. ft.) (a)</td>
<td>2 acres</td>
<td>2 acres</td>
</tr>
<tr>
<td>Maximum lot coverage (adjusted gross acreage of total site)</td>
<td>70%</td>
<td>70%</td>
</tr>
<tr>
<td><strong>Multiple-Family Minimum Dwelling Size (Standard/Market Rate, Senior and Affordable)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum dwelling unit in square feet (c)</td>
<td>550 sq. ft.</td>
<td>550 sq. ft.</td>
</tr>
<tr>
<td>Maximum dwelling unit in square feet</td>
<td>1,800 sq. ft.</td>
<td>1,800 sq. ft.</td>
</tr>
<tr>
<td><strong>Building Height</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Multi-Family (b)</td>
<td>55'</td>
<td>55'</td>
</tr>
<tr>
<td><strong>Multi-Family Open Space Requirements</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Open space, private ground/upper floor (sq. ft.), minimum | 120/80 | 120/80
---|---|---
Open space, common, as a percentage of adjusted gross acreage of project area, minimum | 30% | 30%
Open space, useable, (combined total of private and common open space), as a percentage of adjusted gross acreage of project area, minimum | 35% | 35%

Notes:
(a) For existing legal lots smaller than this minimum, see Section 30-137 (Lot Size Conformance).
(b) For the purpose of this section, subterranean or partial subterranean parking shall not be considered a floor/story for the purpose of determining building setbacks.
(c) For parcels located in the R-4 district, the number of bedrooms shall be limited to a maximum of two bedrooms per dwelling unit.

**Sec. 30-160.1.4. Multiple-family building separation requirement.**

<table>
<thead>
<tr>
<th>Building Setback and Separation (in feet) (a)</th>
<th>R-4</th>
<th>R-5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Yard, Building to Public Right-of-Way (streets) (g)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Major or primary</td>
<td>5' (c)</td>
<td>5' (c)</td>
</tr>
<tr>
<td>Secondary or collector</td>
<td>5' (c)</td>
<td>5' (c)</td>
</tr>
<tr>
<td>Local</td>
<td>0' (c)</td>
<td>0' (c)</td>
</tr>
<tr>
<td>Corner Lot, Side Building Setback to P/L</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Major or primary</td>
<td>5' (l) (m)</td>
<td>5' (l) (m)</td>
</tr>
<tr>
<td>Secondary or collector</td>
<td>5' (l) (m)</td>
<td>5' (l) (m)</td>
</tr>
<tr>
<td>Local</td>
<td>5' (l) (m)</td>
<td>5' (l) (m)</td>
</tr>
<tr>
<td>Corner Lot, Side Parking Setbacks to P/L</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Category</td>
<td>R-1</td>
<td>R-2 (Single-family use)</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
<td>-------</td>
<td>-------------------------</td>
</tr>
<tr>
<td>Major or primary</td>
<td>10' (n)</td>
<td>10' (n)</td>
</tr>
<tr>
<td>Secondary or collector</td>
<td>10' (n)</td>
<td>10' (n)</td>
</tr>
<tr>
<td>Local</td>
<td>10' (n)</td>
<td>10' (n)</td>
</tr>
<tr>
<td>Side Yard (interior), Building, Setback to Adjacent Zoning Districts (f)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>R-1</td>
<td>25' (b)(k)</td>
<td>25' (b)(k)</td>
</tr>
<tr>
<td>R-2 (Single-family use)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>R-2 (Multi-family use)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>R-3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>R-4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>R-5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>R-PC, Single-family</td>
<td></td>
<td></td>
</tr>
<tr>
<td>R-PC, Specific plan (b) (single-family/multi-family)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>R-E</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P-PF</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C-2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>All other zoning districts, (C-1, RMU, and OS)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parking Area and Drive Aisle Setbacks to Adjacent Zoning Districts</td>
<td></td>
<td></td>
</tr>
<tr>
<td>All residential</td>
<td></td>
<td></td>
</tr>
<tr>
<td>All other</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Onsite Building to Building Setbacks (f) (i)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory Structure Setbacks and Separation (in feet) (d)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>----------------------------------------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front to front (e)</td>
<td>30' (b)</td>
<td>30' (b)</td>
</tr>
<tr>
<td>Front to side (e)</td>
<td>30' (b)</td>
<td>30' (b)</td>
</tr>
<tr>
<td>Front to rear (e)</td>
<td>30' (b)</td>
<td>30' (b)</td>
</tr>
<tr>
<td>Rear to side (i)</td>
<td>25' (b)</td>
<td>25' (b)</td>
</tr>
<tr>
<td>Rear to rear (i)</td>
<td>20' (b)</td>
<td>20' (b)</td>
</tr>
<tr>
<td>Side to side</td>
<td>15' (b)</td>
<td>15' (b)</td>
</tr>
<tr>
<td>Oblique alignment</td>
<td>(h)</td>
<td>(h)</td>
</tr>
</tbody>
</table>

In all cases See Section 30-160.1.5

Notes:

(a) Building shall mean a structure containing dwelling units. For purpose of this table, building setback standards shall be for any building exceeding a single-story. Setback standards may be modified by other lettered notes herein.

(b) Subtract ten feet for a single-story dwelling unit or a multi-story dwelling unit having a single-story element with a depth of at least ten feet.

(c) All primary ground-floor common entries and individual dwelling unit entries fronting Foothill Blvd, Orange Way, Cypress Avenue or Valencia Avenue shall be oriented to the street, not the interior of the development or parking lot.

(d) On a case by case basis, the Community Development Director may require up to ten feet of additional building setback from all property lines to accommodate entrance stops, porches, patios and other architecture features, as well as landscaping areas.

(e) For the purpose of this table, accessory structure means a subordinate structure which is incidental to and is detached from the main building, but is on the same lot and supports the primary use on-site. If an accessory structure is attached to the building by way of a continuation of the building roof, the accessory structure shall be considered an addition to the building.

(f) "Front" is defined as that face of the building or unit with a major glass area and/or major private recreation area and may include access to that private recreation area. This access may or may not relate to the primary entrance to the building that faces the public right-of-way or private drive aisle; therefore, some buildings may have more than one "front" under this definition.
(g) For the purpose of this table, zoning districts are not considered adjacent if separated by a dedicated public right-of-way or utility easement of more than 50 feet in width.

(h) Setback measured from building to property line.

(i) "Oblique alignment" is defined as the intersection of the parallel face of one building by the corner angle of a second building where said angle is greater than 25 percent. The corner angle of the intersecting building may encroach into the setback of the other building by up to five feet provided there is an equal or greater setback at the other end of the intersecting building. Such encroachment shall also be averaged so that for each building that is allowed to encroach into the setback, another building will offset such encroachment by an equal number of feet. (Where two buildings meet at corner angles, the side-to-front setback criteria shall be used.)

(j) Balconies, patios (uncovered and covered), patio fences/walls, porches, and similar like structures (as determined by the Director of Community Development) may project into the setback area up to a maximum of six feet, providing, however, that such structures shall never be separated by less than 15 feet (horizontal).

(k) The "rear" of a building is defined as the point or area farthest from the front. Where a building is identified to have two fronts the building may be considered not to have a rear facing.

(l) Setback from underdeveloped property in the R-2 zone shall be determined at the R-1 single-family zones development standard of 25 feet.

(m) Where a new building is to be constructed on a corner lot or intersection, a wraparound building design with an angled corner shall be utilized in order to maximize and encourage pedestrian activity.

(n) Parking setback may be decreased to zero for subterranean parking structures.

Sec. 30-160.1.5. Separation of accessory building/structures, parking areas, and vehicular access ways.

1. Distance between an accessory building and side and rear property lines shall be no less than ten feet. Where the adjacent zoning district is non-residential, garages and carports may encroach a maximum of 25 percent into the required width of the side or rear yard setback.

2. Distance between two accessory buildings shall be no less than ten feet.

3. Distance between an accessory building and any dwelling unit shall be no less than 15 feet.

4. Distance between open, quest parking areas and any dwelling unit shall be no less than ten feet.

5. Distance between vehicular access way and any dwelling unit shall be no less than ten feet.

6. If a carport is located no less than ten feet from a side or rear property line, the rear wall of the carport shall have openings to allow view and accessibility to an adjacent landscaped area.

7. Detached assigned and/or required parking stalls, carports and enclosed garages shall be located no more than 150 feet from the dwelling unit they serve, unless otherwise approved by the Director of Community Development.

Sec. 30-160.1.6. Ancillary services.
1. **Minimum driveway access width.** Minimum access way width of 26 feet is required for all access drives serving multiple-family developments. A minimum access way width of 30 feet is required for all access drives serving multi-family developments of three stories or more.

2. **Water heaters.** Each dwelling unit shall have a separate hot water heater or may be provided with a centralized circulation water heating system sufficient to serve all dwelling units on the property.

3. **Laundry facilities.** All multiple-family residential units shall be provided washer and dryer hookups and laundry space with the unit or garage. The laundry area shall not infringe upon garage parking area. In the case of apartments, common laundry facilities may be included in addition to the individual unit hookups.

4. **Storage facilities.** A separate area having a minimum of 125 cubic feet of private and secure storage space shall be provided for each unit.
   a. Said storage area may be located within the garage, provided it does not interfere with garage use for automobile parking.
   b. Normal closet and cupboard space within the dwelling unit shall not count toward meeting this requirement.
   c. No storage shall be in the carport area.
   d. Enclosed garages are required to provide 125 cubic feet of storage cabinet space, or 125 cubic feet of storage space may be provided elsewhere on the site.

5. **Garage doors.** All garages (one, two, three, and four cars) shall be provided with sectional garage doors and automatic garage door openers.

6. **Dwelling entries.**
   a. All units shall be provided with standard door locks and dead bolts.
   b. No dwelling entry shall be located with direct, uninterrupted, unimpeded access to a primary or secondary arterial street.

7. **Refuse storage areas.** There shall be provided standard refuse storage facilities for the containment of standard receptacles based on the following requirements:
   a. Number of receptacles.

<table>
<thead>
<tr>
<th>Number of Units</th>
<th>Types of Receptacles</th>
<th>Number of Receptacles Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>0—8</td>
<td>3-Yard Bin</td>
<td>1</td>
</tr>
<tr>
<td>16—24</td>
<td>3-Yard Bin</td>
<td>2</td>
</tr>
<tr>
<td>Each 8 additional units</td>
<td>3-Yard Bin</td>
<td>1</td>
</tr>
</tbody>
</table>

   b. All refuse storage areas shall be readily accessible to the users they serve as well as for collection operations and shall be enclosed by a solid decorative masonry or
concrete block wall at least 60 inches in height that shall be designed in a manner architecturally compatible with the overall design of the project's buildings.

(a) The site area shall have a concrete pad at least four inches in thickness.

(b) The storage area shall be designed with a metal lattice cover matching the exterior building material and color and has a gate with view obscuring slats or other opaque material.

(c) The refuse storage and recycling bins area shall be located within 150 feet walking distance of the unit it services.

Sec. 30-160.1.7. Recreational facilities.

On-site amenities shall be considered in the context of existing off-site amenities and their spatial relationships (distance, ease of access and safety) to active retail services, bicycle lanes, walking trail, and mass transit such as Commuter/light rail or Bus Rapid Transit (BRT) service.

In addition to the off-site amenities mentioned above, the developer shall provide on-site recreational facilities in conjunction with common open space as a minimum requirement for all multi-family projects in the R-4 zone and the R-5 zone:

1. Development consisting of 50 units to 79 units shall provide three of the following recreational facilities:
   a. Indoor gym/fitness facility (minimum 500 square feet).
   b. Tot-lot with multiple play equipment.
   c. Spa and pool (min 25 yard by 15 yards).
   d. Barbecue facility equipped with grill, picnic benches, etc (min of five areas).

2. Development consisting of 80 units to 200 units shall provide all recreational facilities as listed (1.a.—d. of this section) above.

3. Development consisting of 201 units to 400 units shall provide all recreational facilities as listed in Section 30-16.1.7(1) and a minimum of one of the following additional recreational facilities, or equivalent, as approved by the Planning Commission:
   a. Large open lawn area, minimum dimensions shall be 100 feet by 50 feet (eg. Rooftop garden).
   b. Multiple tot-lots with multiple play equipment. The tot-lots shall be conveniently located throughout the site. The number of tot-lots and their location shall be subject to Planning Commission review and approval.
   c. Lap pool and spa (eg. Rooftop, min 25 yard by 25 yards).
   d. Community multi-purpose room equipped with kitchen, defined areas for games, exercises, etc.
   e. Barbecue facilities equipped with multiple grills, picnic benches and shade structures. The barbecue facilities shall be conveniently located throughout the site. The number of barbecue facilities and their location shall be subject to Planning Commission review and approval.
   f. Court facilities (e.g. tennis, volleyball, basketball, etc.).
   g. Jogging/walking trails with exercise stations.
   h. Other recreational facilities not listed above may be considered subject to the Planning Commission review and approval.

Related recreational activities may be grouped together and located at any one area of the common open space. Where multiple recreational facilities are provided such facilities shall
be required to be dispersed throughout the site. All recreational areas or facilities required by this section shall be maintained by private homeowner's associations, property owners, or private assessment districts.

   a. Pedestrian circulation. Each multiple-family residential development shall be designed with adequate walkways to provide convenience to the needs of the residents, guests, and the service providers of public agencies. Pedestrian access to the unifying elements of any development shall be separate from, and free of, conflict with vehicular access ways. All developments consisting of six units or more shall provide directories placed in a convenient location at the development entry.

Sec. 30-160.1.8. Mixed use development projects.

The following requirements apply to mixed-use development projects, which are described as:

Vertical mixed-use — The combination of retail commercial and residential uses where the residential component is located above the retail commercial component in the same structure; or,

Horizontal mixed-use — The combination of commercial and residential uses where the residential component is located in a separate detached structure(s) behind the commercial component.

The above development combinations shall apply to multi-family residential projects proposing at least 24.1 to 39 dwelling units per acre within the R-4 zoning district, or 39.1 to 50 dwelling units per acre within the R-5 zoning district. The residential component of a mixed use development shall meet the requirements of Section 30-160.1.5-30-160.1.10 of this Code. In addition to the recreational amenities listed in Section 30-160.1.6, the multi-family component of the development will be designed to provide access to other pedestrian oriented uses such as shops, plaza areas with restaurants, and cafés with outdoor seating areas.

1. Conditional use permit requirements. A Conditional Use Permit (CUP) shall be required for all mixed-use projects containing retail commercial and a residential component in the R-4 and R-5 districts. A limited amount of business and professional office uses may be allowed and shall not exceed ten percent of the total commercial square footage. In reviewing the CUP, substantiated written findings shall be made that the site design and use or combination of uses is compatible with mass transit.

2. Required findings. Conditional Use Permit approval shall require that the reviewing body first make the following findings in addition to the findings required by Section 30-46:
   a. The project consists of a use, or mix of uses, encouraging transit use and is demonstrably oriented toward transit users.
   b. The project is designed to enhance pedestrian access and/or other non-motor vehicle modes of transportation to public transit.
   c. The project encourages pedestrian activity and/or other non-motor vehicle modes of transportation and reduces dependency on motor vehicles.

Sec. 30-160.1.9 Uses Permitted Within Mixed Use Development Projects.

1. A "P" indicates the use is permitted by right, a "C" indicates the use requires the granting of a conditional use permit, and "—" means the use is not permitted in that zoning district.

2. Minor uses are subject to the provisions in Section 30-42.1 of this Code.

3. Conditional Uses are subject to the provisions in Section 30-43 and Section 30-205 of this Code.

4. The uses listed below indicating the requirement of a Conditional Use Permit (CUP) is in addition to the CUP required for the Mixed-Use project requirement.
### Residential Use

<table>
<thead>
<tr>
<th>Use Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family detached dwelling (a)</td>
</tr>
<tr>
<td>Single-family attached dwelling (a)</td>
</tr>
<tr>
<td>Planned Unit Development, excluding new single-family residential</td>
</tr>
<tr>
<td>Multiple-family dwelling</td>
</tr>
<tr>
<td>Multiple-family with commercial uses/mixed Use</td>
</tr>
<tr>
<td>Senior housing</td>
</tr>
<tr>
<td>Manufactured home</td>
</tr>
<tr>
<td>Group home—Licensed (one to six persons)</td>
</tr>
<tr>
<td>Group home—Licensed (seven or more persons)</td>
</tr>
<tr>
<td>Mobile home (not in a mobile home park)</td>
</tr>
<tr>
<td>Mobile home park</td>
</tr>
<tr>
<td>Boarding home (less than 3 rooms)</td>
</tr>
<tr>
<td>Boarding home (3 or more rooms)</td>
</tr>
</tbody>
</table>

### Commercial Uses

<table>
<thead>
<tr>
<th>Use Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail Sales</td>
</tr>
<tr>
<td>Adult businesses (see Article XVIII of Chapter 15 of the FCC)</td>
</tr>
<tr>
<td>Antique shop</td>
</tr>
<tr>
<td>Art supply store</td>
</tr>
<tr>
<td>Category</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Auctions, except livestock</td>
</tr>
<tr>
<td>Automobile sales agency with incidental repairing and sales display area</td>
</tr>
<tr>
<td>Automobile supply store (no machine shop)</td>
</tr>
<tr>
<td>Bakery goods store (employing not more than five persons with all goods sold on premises)</td>
</tr>
<tr>
<td>Bar, tavern, cocktail lounge</td>
</tr>
<tr>
<td>Bicycle shop</td>
</tr>
<tr>
<td>Boat sales with incidental repair and sales display area</td>
</tr>
<tr>
<td>Book store</td>
</tr>
<tr>
<td>Building materials, retail sale of (if contained within a completely enclosed building)</td>
</tr>
<tr>
<td>Building materials with outdoor storage</td>
</tr>
<tr>
<td>Blueprinting establishment</td>
</tr>
<tr>
<td>Boat sales</td>
</tr>
<tr>
<td>Caterer</td>
</tr>
<tr>
<td>Clothing store</td>
</tr>
<tr>
<td>Confectionery store</td>
</tr>
<tr>
<td>Computer store</td>
</tr>
<tr>
<td>Convenience store</td>
</tr>
<tr>
<td>Cyber cafés</td>
</tr>
<tr>
<td>Department store</td>
</tr>
<tr>
<td>Discount store</td>
</tr>
<tr>
<td>Store Type</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Drugstore</td>
</tr>
<tr>
<td>Dry goods or notions store</td>
</tr>
<tr>
<td>Electrical supply store (no outdoor storage of supplies and equipment)</td>
</tr>
<tr>
<td>Feed store</td>
</tr>
<tr>
<td>Floor covering store</td>
</tr>
<tr>
<td>Florist shop</td>
</tr>
<tr>
<td>Food locker (for individual home locker rental only; no slaughtering permitted)</td>
</tr>
<tr>
<td>Furniture store</td>
</tr>
<tr>
<td>Garden furniture and supplies store</td>
</tr>
<tr>
<td>Gift shop</td>
</tr>
<tr>
<td>Glass or mirror store</td>
</tr>
<tr>
<td>Grocery, fruit, vegetable, meat, fish, poultry, or delicatessen store, including the sale of alcoholic beverages as an incidental part of a permitted use</td>
</tr>
<tr>
<td>Hardware store</td>
</tr>
<tr>
<td>Hobby supplies store</td>
</tr>
<tr>
<td>Home furnishing store</td>
</tr>
<tr>
<td>Household appliance store</td>
</tr>
<tr>
<td>Ice cream store</td>
</tr>
<tr>
<td>Ice storage locker (if not more than five-ton capacity)</td>
</tr>
<tr>
<td>Interior decorating shop</td>
</tr>
<tr>
<td>Jewelry store</td>
</tr>
<tr>
<td>Store Type</td>
</tr>
<tr>
<td>-------------------------------------------------------</td>
</tr>
<tr>
<td>Leather goods store</td>
</tr>
<tr>
<td>Liquor store</td>
</tr>
<tr>
<td>Newsstand</td>
</tr>
<tr>
<td>Novelties store</td>
</tr>
<tr>
<td>Nursery, plant (includes statuary sales)</td>
</tr>
<tr>
<td>Office equipment store</td>
</tr>
<tr>
<td>Paint and wallpaper shop</td>
</tr>
<tr>
<td>Pawn shop</td>
</tr>
<tr>
<td>Pet shop</td>
</tr>
<tr>
<td>Photographic supplies store</td>
</tr>
<tr>
<td>Plumbing supply store (no outdoor storage of supplies and equipment)</td>
</tr>
<tr>
<td>Radio, television, and small electrical appliance shop (including repair when incidental to retail sales)</td>
</tr>
<tr>
<td>Restaurant and café with no dancing, floor shows, live entertainment, and no service of alcoholic beverages. (outdoor dining/seating allowed)</td>
</tr>
<tr>
<td>Restaurant and café with no dancing, floorshows, or live entertainment. Alcoholic beverages permitted. (See Section 30-205(f) for alcoholic beverage sales) (outdoor dining/seating allowed)</td>
</tr>
<tr>
<td>Restaurant, drive-thru and take out</td>
</tr>
<tr>
<td>Sewing machine shop</td>
</tr>
<tr>
<td>Secondhand store</td>
</tr>
<tr>
<td>Shoe store</td>
</tr>
<tr>
<td>Business Type</td>
</tr>
<tr>
<td>---------------------------------------------------</td>
</tr>
<tr>
<td>Sporting goods store</td>
</tr>
<tr>
<td>Stamp and coin store</td>
</tr>
<tr>
<td>Stationery store</td>
</tr>
<tr>
<td>Swap meet (Indoor/outdoor)</td>
</tr>
<tr>
<td>Trailer and mobile home sales and rental</td>
</tr>
<tr>
<td>Used vehicle lot</td>
</tr>
<tr>
<td>Wholesale auto sales (requires one stall)</td>
</tr>
<tr>
<td>Warehousing sales, retail</td>
</tr>
<tr>
<td>Warehousing sales, wholesale</td>
</tr>
<tr>
<td>Variety store</td>
</tr>
<tr>
<td>Vending, outdoor</td>
</tr>
<tr>
<td>Video rental store</td>
</tr>
<tr>
<td>Administrative and professional offices involving no retail trade (b)</td>
</tr>
<tr>
<td>Art gallery</td>
</tr>
<tr>
<td>Banks</td>
</tr>
<tr>
<td>Clinic, medical or dental, acupuncture</td>
</tr>
<tr>
<td>Credit unions</td>
</tr>
<tr>
<td>Convention centers</td>
</tr>
<tr>
<td>Government offices</td>
</tr>
<tr>
<td>Service/Establishment</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Laboratory, medical or biological</td>
</tr>
<tr>
<td>Medical marijuana dispensaries</td>
</tr>
<tr>
<td>Optician</td>
</tr>
<tr>
<td>Pharmacy</td>
</tr>
<tr>
<td>Radio/television studio (with transmitter)</td>
</tr>
<tr>
<td>Radio/television studio (without transmitter)</td>
</tr>
<tr>
<td>Savings and loan institutions</td>
</tr>
<tr>
<td>Studios for professional work or teaching of any form of fine art</td>
</tr>
<tr>
<td>D. Service Establishments</td>
</tr>
<tr>
<td>Ambulance service</td>
</tr>
<tr>
<td>Animal hospital, small animals</td>
</tr>
<tr>
<td>Animal hospital, large animals</td>
</tr>
<tr>
<td>Assembly or meeting hall for lodges, fraternal organizations, private clubs, labor</td>
</tr>
<tr>
<td>unions, or similar uses</td>
</tr>
<tr>
<td>Assembly (religious services)</td>
</tr>
<tr>
<td>Automobile service station, with or without car wash</td>
</tr>
<tr>
<td>Automobile and truck rental, two-ton, single unit maximum</td>
</tr>
<tr>
<td>Automobile/vehicle body and fender repair shop</td>
</tr>
<tr>
<td>Automobile/vehicle repair</td>
</tr>
<tr>
<td>Automotive custom repair (includes lowering and lifting)</td>
</tr>
<tr>
<td>Automotive stereo, alarm and upholstery installation</td>
</tr>
<tr>
<td>Service Description</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Automobile storage</td>
</tr>
<tr>
<td>Automobile wash, coin-op manual</td>
</tr>
<tr>
<td>Automobile wash, coin-op non-manned drive thru</td>
</tr>
<tr>
<td>Automobile wash, full service, manned</td>
</tr>
<tr>
<td>Automobile, passenger van, and pick-up truck rated one-ton or less (carrying weight) rental</td>
</tr>
<tr>
<td>Barber shop or beauty parlor</td>
</tr>
<tr>
<td>Chemical substance abuse facility</td>
</tr>
<tr>
<td>Cleaners and laundry(s) (see Section 30-204(16))</td>
</tr>
<tr>
<td>Clothing and costume rental establishment</td>
</tr>
<tr>
<td>Community care facility</td>
</tr>
<tr>
<td>Community center</td>
</tr>
<tr>
<td>Contractor’s yard such as painting, building, plumbing, and electrical</td>
</tr>
<tr>
<td>Convalescent hospital</td>
</tr>
<tr>
<td>Copying, packing and mailing services</td>
</tr>
<tr>
<td>Day care/child care</td>
</tr>
<tr>
<td>Day care/child care 24-hour</td>
</tr>
<tr>
<td>Decorating, paperhanging and upholstery shop</td>
</tr>
<tr>
<td>Depot—Bus</td>
</tr>
<tr>
<td>Depot—Railway, park-and-ride</td>
</tr>
<tr>
<td>Diaper supply service</td>
</tr>
<tr>
<td>Service Type</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Dressmaker or Millinery shop</td>
</tr>
<tr>
<td>Equipment rental</td>
</tr>
<tr>
<td>Fortune-telling</td>
</tr>
<tr>
<td>Heavy contractor’s equipment rental</td>
</tr>
<tr>
<td>Gunsmith</td>
</tr>
<tr>
<td>Hospitals</td>
</tr>
<tr>
<td>Hotels</td>
</tr>
<tr>
<td>Laundromat, self service</td>
</tr>
<tr>
<td>Laundry, retail, or clothes cleaning agency or pressing establishment</td>
</tr>
<tr>
<td>Locksmith</td>
</tr>
<tr>
<td>Machine shop</td>
</tr>
<tr>
<td>Masseur or masseuse, day spa, acupressure</td>
</tr>
<tr>
<td>Mini warehouse (allowed as an ancillary or secondary use to a retail use on-site)</td>
</tr>
<tr>
<td>Mortuaries</td>
</tr>
<tr>
<td>Library</td>
</tr>
<tr>
<td>Museums</td>
</tr>
<tr>
<td>Motel</td>
</tr>
<tr>
<td>Music and vocal instruction</td>
</tr>
<tr>
<td>Nightclub</td>
</tr>
<tr>
<td>Nursing home</td>
</tr>
<tr>
<td>Service Description</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Photographic developing and finishing store (must include retail)</td>
</tr>
<tr>
<td>Parks</td>
</tr>
<tr>
<td>Photographer</td>
</tr>
<tr>
<td>Pick-up truck rated over one ton (carrying weight), commercial truck or van, or truck trailer rental</td>
</tr>
<tr>
<td>Picture framing store</td>
</tr>
<tr>
<td>Post office</td>
</tr>
<tr>
<td>Printer, blueprint shop</td>
</tr>
<tr>
<td>Private schools</td>
</tr>
<tr>
<td>Public utility structures and facilities</td>
</tr>
<tr>
<td>Publishing establishments</td>
</tr>
<tr>
<td>Repair shop for household appliances</td>
</tr>
<tr>
<td>Recycling facility (large)</td>
</tr>
<tr>
<td>Recycling facility (small)</td>
</tr>
<tr>
<td>Reducing salon</td>
</tr>
<tr>
<td>Shoe repair</td>
</tr>
<tr>
<td>Schools such as business colleges, music conservatories, dancing schools, and other schools that offer training in non-industrial professions</td>
</tr>
<tr>
<td>Stenographic services</td>
</tr>
<tr>
<td>Swimming pool, commercial</td>
</tr>
<tr>
<td>Sign painting shop in enclosed structure</td>
</tr>
<tr>
<td>Service</td>
</tr>
<tr>
<td>---------------------------------</td>
</tr>
<tr>
<td>Tailor</td>
</tr>
<tr>
<td>Tattoo establishments</td>
</tr>
<tr>
<td>Taxidermist</td>
</tr>
<tr>
<td>Telegraph office</td>
</tr>
<tr>
<td>Telephone answering service or exchange</td>
</tr>
<tr>
<td>Ticket agency, travel bureau</td>
</tr>
<tr>
<td>Tire shop</td>
</tr>
<tr>
<td>Tire recapping shop</td>
</tr>
<tr>
<td>Truck repair service</td>
</tr>
<tr>
<td>Truck storage yard</td>
</tr>
<tr>
<td>Upholstery shop</td>
</tr>
<tr>
<td>Wedding chapel</td>
</tr>
</tbody>
</table>

**E. Amusement Establishments**

<table>
<thead>
<tr>
<th>Service</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Amusement enterprise for children including pony rides (no stables), merry-go-round, and the like when incidental to a permitted use</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amusement park</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arcades—Pinball, video, and the like</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Archery range</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Baseball; batting range</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bowling alley</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boxing arena</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Classification</td>
<td>Permits Required</td>
<td></td>
</tr>
<tr>
<td>------------------------------------------------------------------------------</td>
<td>------------------</td>
<td></td>
</tr>
<tr>
<td>Circus or other amusement enterprise of a similar type, transient in character, on areas of two or more acres (see Section 30-89(6) for Temporary Use Permit requirements)</td>
<td>— —</td>
<td></td>
</tr>
<tr>
<td>Dance hall</td>
<td>— —</td>
<td></td>
</tr>
<tr>
<td>Entertainment centers</td>
<td>— —</td>
<td></td>
</tr>
<tr>
<td>Game rooms</td>
<td>— —</td>
<td></td>
</tr>
<tr>
<td>Golf, driving range, miniature, pitch and putt</td>
<td>— —</td>
<td></td>
</tr>
<tr>
<td>Gymnasiums, health spas, or physical culture establishments under 4,000 square feet in floor area</td>
<td>P P</td>
<td></td>
</tr>
<tr>
<td>Gymnasiums, health spas, or physical culture establishments over 4,000 square feet in floor area</td>
<td>— —</td>
<td></td>
</tr>
<tr>
<td>Pool hall, billiard center</td>
<td>— —</td>
<td></td>
</tr>
<tr>
<td>Skating rink, roller or ice</td>
<td>— —</td>
<td></td>
</tr>
<tr>
<td>Theater, drive-in</td>
<td>— —</td>
<td></td>
</tr>
<tr>
<td>Theater, indoor</td>
<td>— —</td>
<td></td>
</tr>
<tr>
<td>F. Residential Uses</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senior housing</td>
<td>M M</td>
<td></td>
</tr>
<tr>
<td>Multiple-family dwellings (only as part of a specific plan, refer to Section 30-213)</td>
<td>— —</td>
<td></td>
</tr>
<tr>
<td>G. Other Uses</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Animal kennel</td>
<td>— —</td>
<td></td>
</tr>
<tr>
<td>Animals, small—Keeping and raising</td>
<td>— —</td>
<td></td>
</tr>
<tr>
<td>Antenna, transmitting</td>
<td>— —</td>
<td></td>
</tr>
<tr>
<td>Cemetery and related uses</td>
<td>— —</td>
<td></td>
</tr>
<tr>
<td>Activity</td>
<td>R-4</td>
<td>R-5</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
<td>-----</td>
<td>-----</td>
</tr>
<tr>
<td>Construction trailer</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drive-through businesses</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Home occupation (see Section 30-76 et seq.)</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Homeless shelters on an emergency or temporary basis</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emergency shelter subject to the activation of an emergency operation center</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Metal storage containers (temporary storage only)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Long term construction trailer ancillary to an approved construction project</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Museum and art galleries</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Parking lots (not related to use on same property)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parking structures</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Research and development</td>
<td></td>
<td></td>
</tr>
<tr>
<td>RV park</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Notes:

(a) Existing single-family residences in this zone are permitted and subject to the single-family residential (R-1) development standards. New single-family construction is not permitted nor is subdivision for the purpose of development of single-family residential lots.

(b) Administrative and professional office uses shall not exceed ten percent of the total square footage allocated for the commercial component of the development.

Sec. 30-160.1.10. Mixed use development standards.
<table>
<thead>
<tr>
<th>Maximum permitted number of dwelling units per adjusted gross acre</th>
<th>24.1-39.0</th>
<th>39.1-50.0</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum floor area ratio FAR</td>
<td>5.0</td>
<td>5.0</td>
</tr>
<tr>
<td><strong>Lot Dimensions for New Lots, Lot Size, and Lot Coverage</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum width at front P/L</td>
<td>200’</td>
<td>200’</td>
</tr>
<tr>
<td>Minimum depth</td>
<td>300’</td>
<td>300’</td>
</tr>
<tr>
<td>Minimum lot size (sq. ft.) (a)</td>
<td>2 acres</td>
<td>2 acres</td>
</tr>
<tr>
<td>Maximum lot coverage (adjusted gross acreage of total site)</td>
<td>70%</td>
<td>70%</td>
</tr>
<tr>
<td><strong>Multiple-Family Minimum Dwelling Size (Standard, Senior and Affordable)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum dwelling unit in square feet</td>
<td>550 sq. ft.</td>
<td>550 sq. ft.</td>
</tr>
<tr>
<td><strong>Building Height</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum height for mixed use building</td>
<td>55’</td>
<td>55’</td>
</tr>
<tr>
<td>Maximum height of ground floor for mixed use buildings with residential above</td>
<td>15’</td>
<td>15’</td>
</tr>
<tr>
<td>Maximum number of stories</td>
<td>4</td>
<td>6</td>
</tr>
<tr>
<td><strong>Mixed Use (Vertical and Horizontal) Setbacks Onsite Building to Building</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building separation and setback</td>
<td>See Table 30-160.1.4, On-site Building Separation Requirements</td>
<td></td>
</tr>
<tr>
<td><strong>Front Yard, Building to Public Right-of-Way (street) Setbacks</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Major or primary</td>
<td>0’ (c)</td>
<td>0’ (c)</td>
</tr>
<tr>
<td>Secondary or collector</td>
<td>0’ (c)</td>
<td>0’ (c)</td>
</tr>
</tbody>
</table>
### Local

<table>
<thead>
<tr>
<th></th>
<th>0' (c)</th>
<th>0' (c)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private street or driveway</td>
<td>0' (c)</td>
<td>0' (c)</td>
</tr>
<tr>
<td>Corner Lot, Side Building Setbacks to P/L</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Major or primary</td>
<td>10' (d)</td>
<td>10' (d)</td>
</tr>
<tr>
<td>Secondary or collector</td>
<td>10' (d)</td>
<td>10' (d)</td>
</tr>
<tr>
<td>Local</td>
<td>5' (d)</td>
<td>5' (d)</td>
</tr>
</tbody>
</table>

### Corner Lot, Side Parking Setbacks to P/L

<table>
<thead>
<tr>
<th></th>
<th>10' (b) (f)</th>
<th>15' (b) (f)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Major or primary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Secondary or collector</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Local</td>
<td>10' (b) (f)</td>
<td>10' (b) (f)</td>
</tr>
</tbody>
</table>

### Side Yard (interior), Building Setbacks to Adjacent Zoning Districts

<table>
<thead>
<tr>
<th></th>
<th>25' (g)(h)</th>
<th>25' (g)(h)</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>R-2 (Single-family use)</td>
<td>25' (g)(h)</td>
<td>25' (g)(h)</td>
</tr>
<tr>
<td>R-2 (Multi-family use)</td>
<td>15'</td>
<td>15'</td>
</tr>
<tr>
<td>R-3</td>
<td>15'</td>
<td>15'</td>
</tr>
<tr>
<td>R-4</td>
<td>0'</td>
<td>0'</td>
</tr>
<tr>
<td>R-5</td>
<td>0'</td>
<td>0'</td>
</tr>
<tr>
<td>R-PC, Single-family</td>
<td>75' (g)</td>
<td>75' (g)</td>
</tr>
<tr>
<td>R-PC, Specific plan (b) (single-family/multi-family)</td>
<td>25' (g)/15</td>
<td>25' (g)/15</td>
</tr>
<tr>
<td>R-E</td>
<td>75'</td>
<td>75'</td>
</tr>
<tr>
<td>Zoning District</td>
<td>Parking Area and Drive Aisle Setbacks to Adjacent Zoning Districts</td>
<td>Accessory Structure Setbacks and Separation (in feet)</td>
</tr>
<tr>
<td>----------------</td>
<td>--------------------------------------------------------------------------------</td>
<td>------------------------------------------------------</td>
</tr>
<tr>
<td>P-PF</td>
<td>30’</td>
<td>30’</td>
</tr>
<tr>
<td>C-2</td>
<td>0’</td>
<td>0’</td>
</tr>
<tr>
<td>All other zoning districts, (C-1, RMU, and OS)</td>
<td>20’</td>
<td>20’</td>
</tr>
<tr>
<td>Parking Area and Drive Aisle Setbacks to Adjacent Zoning Districts</td>
<td></td>
<td></td>
</tr>
<tr>
<td>All residential</td>
<td>5’</td>
<td>5’</td>
</tr>
<tr>
<td>All other</td>
<td>5’</td>
<td>5’</td>
</tr>
<tr>
<td>Accessory Structure Setbacks and Separation (in feet)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>In all cases</td>
<td>See Section 30-160.1.5</td>
<td></td>
</tr>
<tr>
<td>Mixed Use Open Space Requirements</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Open space, private ground/upper floor (sq. ft.), minimum</td>
<td>120/80</td>
<td>120/80</td>
</tr>
<tr>
<td>Open space, common, as a percentage of adjusted gross acreage of project area, minimum.</td>
<td>20%</td>
<td>20%</td>
</tr>
<tr>
<td>Open space, useable, (combined total of private and common open space), as a percentage of adjusted gross acreage of project area, minimum.</td>
<td>25%</td>
<td>25%</td>
</tr>
</tbody>
</table>

Notes:

(a) For existing legal lots smaller than this minimum, see Section 30-137 (Lot Size Conformance).

(b) A limited amount of parking may be allowed provided that the visual presence of parked cars be minimal and entrances not interrupt pedestrian and retail continuity.

(c) All primary ground-floor store front entries fronting Foothill Blvd., Orange Way, Cypress Avenue or Valencia Avenue shall be oriented to the street, not the interior of the development or parking lot. Buildings may be setback an additional eight feet to accommodate outdoor seating areas.

(d) Where a new building is to be constructed on a corner lot or intersection, a wraparound building design with an angled corner shall be utilized in order to maximize and encourage pedestrian activity.
(e) Setback may be increased to incorporate building design elements such as planter's outdoor seating areas, and street furniture to a maximum of ten feet.

(f) Parking setback may be decreased to zero for subterranean parking structures.

(g) Subtract ten feet for a single-story dwelling unit or a multi-story dwelling unit having a single-story element with a depth of at least ten feet.

(h) Setback from underdeveloped property in the R-2 zone shall be determined at the R-1 single-family zones development standard of 25 feet.

Sec. 30-160.1.11. Required number of parking spaces.

Table 30-160.1.1
Required Number of Parking Spaces

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Number of Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multiple-family R-4 and R-5 dwelling apartment, condominium or townhouses within ½ mile of transit</td>
<td></td>
</tr>
<tr>
<td>— Dwelling unit less than 550 square feet</td>
<td>1.25 spaces per unit to maximum of 1.5 spaces per unit</td>
</tr>
<tr>
<td>— Dwelling unit more than 550 square feet</td>
<td>1.75 spaces per unit to a maximum of 2.0 spaces per unit</td>
</tr>
<tr>
<td>— Guest parking</td>
<td></td>
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<tr>
<td>Multiple-family R-4 and R-5 dwelling apartment, condominium or townhouses</td>
<td>Minimum 1.0 spaces per unit to maximum of 1.75 spaces per unit</td>
</tr>
<tr>
<td>— Dwelling unit less than 550 square feet</td>
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<tr>
<td>— Dwelling unit from 550 to 700 square feet</td>
<td>Minimum 1.5.0 spaces per unit</td>
</tr>
<tr>
<td>— Dwelling unit from 700 to 900 square feet</td>
<td>Minimum 1.75 spaces per unit</td>
</tr>
<tr>
<td>— Dwelling units 900 to 1,200 square feet</td>
<td>Minimum 2 spaces per unit</td>
</tr>
<tr>
<td>— Guest parking</td>
<td>Minimum 0.25 spaces per unit</td>
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<tr>
<td>Multiple-family R-4 and R-5 dwelling apartment, condominium or townhouse component of a Mixed Use development project within ½ mile of transit</td>
<td></td>
</tr>
<tr>
<td>— Dwelling unit less than 550 square feet (a)</td>
<td>1 space per unit to a maximum of 1.25 spaces per unit</td>
</tr>
<tr>
<td>— Dwelling unit more than 550 square feet (a)</td>
<td>1.5 space per unit to a maximum of 1.75 spaces per unit</td>
</tr>
<tr>
<td>— Guest parking</td>
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<tr>
<td>Commercial/retail component of a Mixed-use development project containing multi-family residential units (R-4 or R-5)</td>
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</tr>
<tr>
<td>— Retail sales</td>
<td>Table 30-314.A.</td>
</tr>
<tr>
<td>Commercial/retail component of a Mixed-use development project containing multi-family residential units (R-4 or R-5) within ¼ mile of mass transit</td>
<td></td>
</tr>
<tr>
<td>— Retail sales (a)</td>
<td>Table 30-314.A.</td>
</tr>
</tbody>
</table>

Note:
(a) Parking standards may be further reduced upon the approval of a parking demand study.

1. Exceeding allowable parking requirements. A project site may exceed the maximum allowable parking requirements in compliance with the following conditions.
   a. Residential off-street parking. Approval of a parking/market demand study.
   b. Shared parking. A site may exceed the maximum allowable number of parking spaces if the parking is approved to serve as shared parking in compliance with an adjacent/contiguous commercial mixed-use or multi-family project proposing 25 to 39 du/ac (R-4) or 40 to 50 du/ac (R-5).
   c. Joint parking. A site may exceed the maximum allowed number of parking spaces if the parking is approved to serve as joint parking.
i. Joint parking is a type of parking that is designed to serve uses on at least two different sites.

ii. The joint parking provided shall not exceed the maximum required parking for the combined total parking requirements of the different individual sites.

2. Parking location. The mixed-use project may have parking located below grade/subterranean, at grade level behind the ground floor commercial/residential uses and or on the corner side street frontage.

3. All other off-street parking and loading requirements not specifically identified above shall be as provided for in Section 30-315 through 30-344 of this Code.

Sec. 30-160.1.12. Design guidelines for high density residential and mixed-use projects (for R-4 and R-5 zones).

The Residential and Mixed-Use Guidelines provide specific and broad recommendations to create high quality buildings and site plans that will result in attractive, livable, and pedestrian-friendly mixed-use project areas within the high density residential (R-4 and R-5) zoning districts. They aim to be prescriptive enough to create a framework for design, but flexible enough to allow for creativity and innovation in design and planning.

1. Location of commercial and residential uses.

   a. Locate active commercial uses on the ground floor adjacent to the sidewalk, including retail, restaurant, and personal service uses. This ensures that the ground floor commercial uses create an active pedestrian realm that is an engaging and well-populated environment with a variety of uses and activities.

   b. Provide continuous storefront windows, open air store frontages, and frequent, highly visible entrances for ground floor commercial uses adjacent to the street and sidewalk.

   c. Locate buildings at or near the property line. Ground floor street frontage space is to be predominantly for active, pedestrian-oriented uses.

   d. The residential component of mixed-use development adjacent to residential property shall be located to be functionally a part of the residential area. For example, primary access to the residential units shall be from the residential street, and residential units shall have view access to the adjacent residential neighborhood.

   e. Locate and orient buildings to respect the need for privacy, light, and air of surrounding structures, especially adjoining lower density residential development.
2. Building height and form.
   a. Incorporate Crime Prevention Through Environmental Design (CPTED) concepts into the project design in order to create a safe built environment.
   b. Ensure that the scale of buildings is compatible and that taller buildings are not located so as to overwhelm smaller scale buildings or block access to light and sun.
   c. Locate the taller portions of residential projects away from adjoining residential properties, in order to provide height transitions between taller and lower buildings, and to maximize light, air, and privacy for units.
   d. For projects adjacent to lower density residential zones, reduce the visual and shadow impact of upper stories by using one or more of the following design strategies:
      • Locate upper floors in the center of the property at least 30 feet away from adjacent properties,
      • Step back the top one or two stories from the stories below.
      • Tuck the top story inside a pitched roof,
      • Use pitched roofs with dormer windows for top story rooms.
e. These guidelines ensure that continuous buildings with attached or stacked units on deep narrow lots do not end up being overly long and bulky, creating an incompatible institutional character within residential neighborhoods.

f. Design residential projects to avoid large box-like forms with continuous unrelieved surfaces.

g. Include articulation in the project, such that the bulk as seen from existing neighbors is reduced.

h. Minimize the bulk of the buildings by limiting building length, or designing buildings with two or more of the following special features to break up building bulk, including:
   • Horizontal and vertical setbacks and stepbacks (instead of a long flat wall);
   • Changes in roof form and height;
   • Major full-height recesses (typically at least ten feet deep) along the length of the building that successfully break the building into smaller discrete masses.

i. Ground level parking podiums and lobbies can be continuous without a break if the above guidelines are met.

j. Provide visual orientation from the major commercial arterials through graduated heights and/ or varied setbacks or architectural elements such as towers to mark entries or corners to reduce the scale of larger buildings and to provide visual orientation from the major commercial arterials.
3. Building relationship to the street.

   a. Locate active uses on the ground floor, and provide continuous storefront windows and frequent, highly-visible entries.

   b. Locate buildings close to the sidewalk to enclose the public realm of the street and sidewalk, and locate shops and restaurants next to the pedestrian sidewalk. Wider setbacks are appropriate to allow for the following:

      • Outdoor seating and display;
      • Building entrances and facade articulation;
      • Outdoor cafes;
      • Plazas or other high activity public areas.
c. Design setback areas to be used for public entry, gathering and outdoor commercial activity. Design them predominantly with hardscape, and provide shade and places to sit. They also may be appropriate places to locate pedestrian conveniences such as public telephones, trash receptacles, bicycle racks and newspaper dispensers.

d. Minimize the visibility of parking from the street and sidewalk, especially at corners. Locate parking to the side or rear of buildings, or underground.

e. Emphasize building entrances with special architectural and landscape treatments.

f. Locate all customer entries and entryways to be directly visible from the public sidewalk, and accessible from public and private walkways. Corner buildings are encouraged to have corner entries.

g. Provide a pedestrian walkway from the public sidewalk to the entry frontage of buildings set back from the street edge.

h. Design public street facing residential facades with individual entries, such as steps, porches, entrance stoops and paths from living units to the street help to break down the scale of multi-unit buildings.

i. Provide attractive rear and side access to businesses where there is parking at the rear or side of the site, but in all cases, there must be a principal entry that is strong and visible from the public sidewalk.

4. **Building design.**

   a. Design projects with a consistent design integrity, exhibited by all building components including, but not limited to, building mass and articulation, roof forms, windows (proportion and design), building materials, facade details (doors and entrances), fencing, and landscaping.

   b. Design commercial building facades fronting on sidewalks to consist of storefronts that include clear glass display windows and entry doors that provide visibility into the ground floor lease space.

      • In some circumstances, such as when building security would be placed at risk or when a side or rear wall of a building is adjacent to or near the street, shallow display windows, containing merchandise or artworks, are encouraged.
• Ground floor office uses are discouraged; however, where present, must be designed and maintained as storefront spaces.

c. Organize facade areas to provide:
   • Horizontal emphasis through recesses, ornamentation and other types of decorative detail;
   • Pedestrian orientation through overhangs, eaves, awnings, display windows and architectural ornamentation; and
   • Harmonious composition through use of complementary combinations of materials and colors.

d. Include architectural elements providing shade and weather protection for pedestrians, such as overhangs and arcades.

e. Use building materials that convey a sense of durability and permanence. Use high quality materials that will last for the life of the building. Install materials so that building facades do not stain or deteriorate quickly.

f. Use the highest quality and most durable materials at the ground floor of buildings, because those can be most impacted by landscaping, people, and automobiles. Ground floor exterior materials must be tile, stone, brick, glass, concrete, and other highly durable materials. The use of foam material on the first three feet above sidewalk level is discouraged.
g. Use exterior siding materials such as stucco, wood siding, masonry, tile, wood shingles, metal panels, and glass panels. Do not use scored plywood, aluminum siding, or shake or wood shingles.

h. Use a complementary palette of materials on all four sides of buildings. Use building materials of similar durability and quality throughout the project.

i. Locate material changes at interior corners as a return at least six feet from the external corners or other logical terminations and not at external corners.

j. Use secondary materials (such as ceramic tile, terra cotta, or wood millwork) applied to the primary finish material that are complementary to the primary material and compatible with the overall building design. Do not use false stone, plastic, aluminum, or plywood.

k. Finish any blank building walls adjacent to and visible from residential properties with quality materials and maintain them free of any signs or graffiti.

l. Where they are visible from the street or adjacent to pedestrian walkways, design the blank sides and backs of buildings to provide visual interest by making use of such elements as recesses, bays, covered walkways, or shallow display windows. Highly textured materials that provide contrasts of shade and light or murals are other appropriate design solutions for otherwise blank walls that are visible to adjacent uses. Murals are considered public art and require approval of a conditional use permit (see Section 30-296(h)(1)).

m. Select a coordinated palette of complimentary colors, rather than a patchwork of competing colors.

n. Use bright colors only as accent colors.

o. Do not use fluorescent or neon colors.

p. Integral color exterior building materials are preferred, whenever possible, for new buildings or for exterior remodelings, and such materials should not be painted, with the exception of integral color stucco or comparable materials, which may require long term repaintings. Wood siding is a traditional exterior building material, which does require painting for weather protection, as do certain other materials over time.

q. Use predominant building colors that are generally light in tone (this does not restrict the color palette to any one color range, such as earth tones). Avoid corporate colors not consistent with these guidelines on color. Darker colors may be used for trim.
r. Use muted colors for large areas such as building walls.
s. Wood siding and trim may be left natural and stained to be light in tone.
t. Use a consistent color scheme for a building's entire facade and all visible sides.
u. Wherever possible, limit the number of colors appearing on the building exterior to no more than three colors or tones of the same color, including trim and accent colors.
v. Use architectural detailing, including the use of color, that complements and embellishes principal design features, materials and colors of a building facade.
w. Design window recesses, window trim, doorways, columns, overhangs and other architectural elements to be substantial in depth, in order to create shadow and architectural relief. Incorporate at least three and typically four of the following features that provide articulation and design interest, on all sides of buildings:
   • Decorative trim elements that add detail and articulation, such as window and door surrounds with at least a two-inch depth; or deeply recessed windows (more than two inches). They must be designed as an integral part of the design, and not appear "tacked-on;"
   • Pitched/variegated roof forms;
   • Roof overhangs at least 18 inches deep;
   • Variety in use of materials, especially at ground level stories, for detailing at building entrances or other special parts of the building;
   • Building base (typically bottom three feet) that is faced with a stone or brick material, or is delineated with a channel or projection; and/or
   • Railings with a design pattern in wood, metal, or stone.

x. Incorporate variable roof forms into the building designs, to the extent necessary to avoid a boxy appearance of buildings. This may be accomplished by changes in roof height, offsets, change in direction of roof slope, dormers, parapets, etc.
y. Design roof forms such that no more than two side-by-side units are covered by one unarticulated roof. Articulation may be accomplished by changing roof height, offsets, and direction of slope, and by introducing elements such as dormers, towers, or parapets. Other alternative design approaches that achieve the same goal of breaking down building masses into small individual units may also be acceptable, for example shifting the units in section and varying the design treatment for individual units.
z. Design roof elements to have a functional integrity that is part of the overall building design. Do not use false roof forms, such as those used for purely decorative or advertising purposes. Do not use mansard roofs on any building with a height less than four stories.
aa. Call visual attention to corners and entries using architectural features such as tower elements.

bb. Incorporate projections and recesses throughout the facade design to add architectural interest and a visual play of light and shadow. Examples include: bay windows, chimneys, front porches, balconies, overhangs, brackets, and cornices.

c. Incorporate building projections that enhance the design and articulation of the building. These may project into required front, side, and rear yards up to the limits allowed in the development standards.

d. Design window patterns and proportions to enhance all facades of the building and add architectural interest. Differentiate window designs (size, proportion) to reflect the different components of residential units, for example entrances, living areas, stairways, and bedrooms, while ensuring harmony within that variety.

e. Design the locations and proportions of all window openings with consideration for the overall composition of the building facade.

f. Design remodels and additions to conserve the design integrity and character of the existing building.

g. Do not close, move or enlarge exterior openings for doors and windows without consideration for the overall composition of the building, including all other remaining exterior openings.
hh. Design additions to existing buildings with consideration for the overall form of the resulting building or complex buildings; additions must not mix styles or introduce incongruous design motifs to an existing building or building complex.

ii. Do not remove or cover high quality original finish materials and ornamentation integral to the design integrity of the building with new incompatible materials.

jj. Use materials to fill openings or to repair damage to the existing building that match existing exterior materials.

kk. Design new windows and doors to match existing window, door and hardware materials, except when the existing materials are of low quality, in which case they all shall be replaced with wood or high-quality metal materials.

ll. Design elements added to the exterior of buildings, including windows and doors, security hardware, fire escapes, utility boxes, and screens of any kind, to be compatible with the existing design detail and composition of the building facade.

5. **Building setbacks for light, air, and privacy.**
   a. Provide adequate light, air, and privacy for residential units in the project, as well as for residential units on adjoining properties.
   b. Provide distance between buildings on the same project site that is adequate to ensure light, air and privacy for adjacent residential units and to minimize shadows on open space.
   c. Use design strategies to protect privacy, such as: offsetting windows of adjacent units; locating minor windows above eye level, and using opaque glass for minor windows.

6. **Auto circulation: Site access and driveways.**
   a. Minimize the number of entrances and exits to parking areas, in order to minimize conflicts with pedestrians, reduce congestion at street intersections, and preserve existing on-street parking.
   b. Locate entries and exits to allow direct, through movement among individual parking areas where possible.
   c. Provide access to rear parking areas predominantly from side and rear streets.
   d. Minimize the number of entrances and exits to parking areas in order to minimize conflicts with pedestrians and reduce congestion at street intersections.
   e. Share parking areas and/or parking entrances/ exits between adjacent properties to the maximum extent feasible. Place covenants on deeds to ensure continued shared use.
   f. Design vehicular circulation to allow through movement between adjacent parking areas.

7. **Parking location and design.**
a. Locate parking to the rear or side of buildings, underneath buildings, or underground and avoid land intensive surface parking lots. Recommended parking locations include the following:
   • Interior Side Parking
   • Rear Yard Parking
   • Partial Below Grade Parking
   • Below Grade Parking

b. Disperse contiguously paved areas throughout the project in smaller segmented parking areas rather than creating land intensive surface parking lots.

c. Do not locate parking between buildings and the street.
   • Parking areas between the building edge and the sidewalk are not allowed. Buildings may be located behind other buildings that are located at the street edge, with on-site parking provided between the two sets of buildings.

d. Locate garage entrances and driveways to the side of the property instead of at the center.

e. Screen parking areas from view from the pedestrian sidewalk.

8. **Facilities, pedestrian circulation, bicycles and transit.**

   a. Provide new or repaired improvements in the public right-of-way along the lot frontage, including sidewalks, street trees, curbs, and gutters as per the City of Fontana's Municipal Code.

   b. Provide street trees along the street frontage that enhance the visual appearance of the street and provide shade for pedestrians, but do not block the visibility of commercial signs.

   c. Locate buildings to be contiguous wherever possible, and make accommodations for pedestrian circulation between adjacent businesses and sites.

   d. Where new parking areas are to be located adjacent to existing parking areas on an adjoining site or sites, provide pedestrian walkways that connect the two areas.

   e. Provide sidewalks within residential projects, connecting from the street or driveway to unit entrances.

   f. Provide pedestrian walkways with landscape amenities from within parking areas to permit and encourage direct access to shop entries, and to other pedestrian oriented uses and destinations.
g. Incorporate decorative pervious paving into paved and landscaped areas in order to enhance the appearance of the project, reduce the visual impact of paved surfaces and act as a traffic calming measure. Decorative paving includes: brick, patterned colored concrete (stamped, not just scored), stone blocks or pavers, interlocking colored pavers, grasscrete, and other comparable materials.

h. Locate decorative paving in the following priority locations:
   - The first 20 feet of the driveway closest to the street(s);
   - Parking areas;
   - Parking areas or fire turnarounds that can also occasionally function as outdoor courtyards.

i. Provide short-term bike parking in parking areas and other locations near commercial-type uses entrances.

j. If the provision of a transit shelter is required, provide transit shelter that enhances the streetscape and that offers adequate seating and shade.

9. **Site landscaping.**
   
   a. Incorporate landscaping in order to create an attractive visual outlook for residential units, create usable open space, maximize stormwater infiltration, and provide privacy for adjacent residential units.
   
   b. Design site landscape treatments to be attractive, with consistent design integrity throughout the project.

   c. Provide site landscaping in the following priority areas:
      - In areas that are visible from the primary living areas of residential units
      - Within common open space areas
• Along the edge of driveways
• Along the property perimeter
• Between buildings and driveways
• Between buildings and parking
• Between commercial-type uses and residential uses in mixed-use projects

d. Landscape parking lots, driveways, and other auto circulation areas in order to improve the visual appearance of circulation and parking areas from residential units, from the common areas of the project, and from adjacent properties.

e. Incorporate trees, landscape islands, shrubs, and groundcover throughout parking areas, consistent with required standards.

f. Shade paved surfaces to the maximum extent possible in order to reduce heat gain and other environmental effects.

g. Design landscaped areas to serve as stormwater management areas as well as visual amenities.

h. Integrate stormwater management facilities into the site landscaping. Innovative stormwater management practices are encouraged.

i. Provide landscaping to comply with the City's Landscaping and Water Conservation Ordinance. More specifically, wherever possible, incorporate a drought tolerant plant palette.

j. Select landscaping materials that meet the following criteria:
• Drought tolerant plants
• Low-water use plants
• Sturdy enough to withstand close contact with pedestrians and vehicles
k. Landscape areas requiring higher water usage for maintenance shall be restricted to small courtyards and other kinds of intensively used areas.

l. Use fast growing, long lived species that will achieve the desired size and form at maturity without extensive pruning or training once they have been established.

m. Use accent landscaping and special landscape elements, such as feature planting, including freestanding columns or trellises with vines for vertical accent, to give visual expression to site circulation, especially at entrances and exits.

10. **Usable open space.**

   a. Design common open space as a space where people can interact, host guests, and enjoy some time in the open air.

   b. Design private open space for the exclusive use of household members to eat outside, garden, enjoy the open air, and grill outdoors.

   c. Provide usable open space that may have a dual function for stormwater treatment and incorporates strategies such as grassy swales, vegetated swales, flow through planters, rain gardens, etc.

   d. Design common open space(s) to be a shared open space for use by all residents.

   e. Locate common open space(s) in a central location that serves all the units, not at the edge of the property. Common open space can be on the ground, or in courtyards above the ground level.

   f. Include seating areas and other passive recreation facilities.

   g. Include landscaping with trees, shrubs, and groundcover. If the space is not located on the ground, include extensive pots and planter boxes that accommodate trees, shrubs, and groundcover.
h. Include children's play areas in the common open spaces.

i. Design private open space to be used exclusively by a single unit.

j. Locate private open space in patios, balconies, decks, or other outdoor spaces attached to individual units.

k. Dimension private open space so there is room for a table and chairs where residents can sit outside.

11. *Fences and walls.*

   a. Design fences and walls to be an attractive part of the project, with materials and designs that are compatible with the exterior building materials and demonstrate design integrity with the project as a whole.

   b. Locate fences or walls on the property to define private open space and common open space areas, protect privacy, and buffer residents from noise sources.

   c. Use masonry materials for sound reduction purposes.

   d. Build fences and walls using masonry materials that include a top or cap.

   e. Wood fencing, chain link, or chain link with slats is prohibited.

12. *Services.*

   a. Locate ancillary facilities within buildings, not along the street facing facade, to the maximum extent feasible. Where ancillary facilities such as trash receptacles and utility meters absolutely cannot be incorporated into a building, locate them at the rear of the site in freestanding, completely enclosed structures designed to be compatible with the architecture of the rest of the development.

   b. Design streets and driveways to accommodate vehicles commonly used for loading and unloading.

   c. Minimize the visibility of loading areas in mixed use residential complexes, and screen them with screen walls, landscaping, and other devices.

   d. Provide on-site facilities for trash storage and for recyclable materials.

   e. Provide trash areas within buildings, or centralized garbage dumpsters inside trash enclosures.
f. Build covered trash enclosures with durable materials such as stone, concrete block, steel, and heavy timber.

g. Locate electrical panels to minimize their visibility from the street, in locations such as side yard walls, and/or behind landscaped areas. Integrate them into the design of residential buildings to the maximum extent feasible.

h. Minimize the visibility of utilities connections from the public street.

(Ord. No. 1708, Exh. A, § 3, 10-28-14)

Sec. 30-161. - Density bonus development standards.

(a) **Affordable housing.** Density bonus standards allow for more intense residential development for the production of lower income housing units provided a project meets the provisions of Government Code Section 65915 of the State of California. Maximum permitted densities are indicated in Table 30.161.A.

(b) **High-amenity projects.** Development standards allowing for more intense residential development, pursuant to Section 30-161(a), may be approved under certain conditions if amenity features are provided as indicated in Table 30-159.A.

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<tr>
<td>Maximum Density</td>
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<td>Lot Dimensions, Lots Size, and Lot Coverage</td>
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<td>Maximum lot coverage (as a percent of adjusted gross acreage of total site)</td>
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<td>Single-Family Minimum dwelling unit size (sq. ft.)</td>
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<tr>
<td>Multiple Family Minimum Dwelling Size</td>
</tr>
<tr>
<td>Studio</td>
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<tr>
<td>One bedroom</td>
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<tr>
<td>Two bedroom</td>
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<tr>
<td>Two bedroom (two &quot;master&quot;)</td>
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<tr>
<td>Three or more bedrooms</td>
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<td>Setbacks Building to P/L</td>
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<td>Building separation and setback</td>
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**Open space requirements**

| Private open space (square feet) | 2,000 | 1,000 | 150 | 100 | N/A | (d) |
| Common open space (minimum percentage of site) | N/A | N/A | 35% | 35% | N/A | (d) |
| Usable open space (private and common) | N/A | N/A | 40% | 40% | N/A | (d) |

**Recreational Facilities**

| Recreational Facilities | N/A | N/A | See Section 30-160(j) | N/A | See Section 30-160(j) or (d) |

**Notes:**

(a) Applies to projects of less than 145 adjusted gross acres (see Section 30-190.3) and/or projects of more than 145 adjusted gross acres without an approved specific plan.

(b) Applies to projects of 145 adjusted gross acres or more that comply with Section 30-190.2, which provides for alternative standards under a specific plan.

(c) Density may be increased up to 30 units per adjusted gross acre if at least four of the features listed in Section 30-190.2.(3)d., not including the ten percent affordable housing feature, are provided. The Planning Commission shall determine the adequacy of the features. If at least four features are not provided, the maximum density is 15.1 units per adjusted gross acre.

(d) May be modified by an approved specific plan pursuant to the provisions of Section 30.190.2.

(e) Each dwelling unit built within any residential zoning district shall provide a minimum one half bath ("powder room"), consisting of at least a water closet (toilet) and sink, on the first or ground floor when such first or ground floor contains habitable living space.

(f) Any garage that fronts on, opens onto, a street shall be setback at least 20 feet.

(g) Staggered setbacks shall be provided per the Plotting and Design Criteria.

(h) Minimum rear yard shall be 20 percent of the depth, but need not exceed 25 feet.

(i) The rear yard setback for an open (lattice) patio cover shall be no less than ten feet.
(j) If doors open onto the side yard from major living spaces, the yard area shall be increased to ten feet, except garage man doors.

(k) For multi-family dwelling units see Table 30-159.A. (Residential Development Standards).

(l) The habitable living space of a building may be allowed to encroach into the required front yard setback in compliance with the Plotting and Design Criteria; in no case, however, shall the garage portion of a building encroach into the required front yard setback, except as provided for by (m).

(m) Side-on garages may be allowed to encroach into the required front yard setback up to a maximum of six feet.

(n) Reserved.

(o) Reserved.

(p) Development standards apply to attached or multi-family projects of 7.7 to 12 du/ac.

Sec. 30-162. - Reserved.

Sec. 30-163. - Staggered front yard setbacks.

Front yard setbacks shall comply with minimum required front yard setback as determined by zoning district. Front yard setbacks beyond the minimum required depth shall be staggered at the discretion of the Planning Commission and shall otherwise comply with the requirements of Table 30-159.A. and the Plotting and Design Criteria.

Sec. 30-164. - Parking area setbacks.

Parking areas serving more than one dwelling unit shall be setback from public right-of-way as specified in Table 30-160.A. The setback shall be landscaped as required by the landscaping provisions of this article. No more than 50 percent of the front yard shall be paved.

Sec. 30-165. - Reserved.

Sec. 30-166. - Parking requirements.

Off-street parking shall be provided as required by Article XI of this chapter.

Sec. 30-167. - Projections into yards.

Projections into side yard setbacks for single-family residential projects shall not reduce the minimum five foot setback requirement by more than 18 inches. The following projections into required yard areas are permitted subject to these regulations:

1. **Balcony.** A balcony may project up to six feet into any required yard facing a street.

2. **Chimneys.** Chimneys may be located in any required yard, provided they do not reduce the required yard more than 18 inches nor create any yard less than two inches.

3. **Fire escape.** A fire escape not withstanding other codes, laws or ordinances or unenclosed stairway may project up to four feet into any required yard facing a street.
(4) **Planter boxes.** Planter boxes may extend up to three feet into any required yard area.

(5) **Porches.** A covered or uncovered porch or platform that does not extend vertically beyond the first floor of a building may extend up to six feet into any required yard area. Open work railing may be installed provided such railing is no higher than 30 inches above the porch or platform, or as required by the Uniform Building Code.

(6) **Roof lines.** Roof projections may extend into required yards as follows, if not otherwise regulated by the Uniform Building Code.

(7) **Decorative architectural projections.** Any feature of a building structure that protrudes from the main building wall(s) and functions to enhance the visual attractiveness of said structure by breaking up the flat, monotonous relief of a flat wall. Decorative architectural projections include, but are not limited to, pilasters, window surrounds, shadow lines, decorative bands, and bias reliefs.

<table>
<thead>
<tr>
<th>Required Yard</th>
<th>Permitted Projection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front</td>
<td>2 feet</td>
</tr>
<tr>
<td>Side</td>
<td>18 inches</td>
</tr>
<tr>
<td>Rear</td>
<td>2 feet</td>
</tr>
</tbody>
</table>

(8) **Utilities.** Utilities, mechanical equipment and accessories may be located in any required yard, provided they do not reduce the required side yard more than 18 inches nor create any yard less than 42 inches.

Sec. 30-168. - Signs.

On-site signs are permitted as provided for in Chapter 3 of the Municipal Code.

Sec. 30-169. - Unobstructed corner cut-off required.

No structure, accessory structure, feature, wall, fence, landscaping, or hedge may exceed a height of 30 inches or create a visual obstruction that would constitute a traffic or pedestrian hazard, if located within the street corner cut-off safety area of a property. A street corner cut-off safety area is described in the adopted "CalTrans Design Standards" and has been adopted as the City's minimum standards for safe stopping distances at intersections. To accommodate entry monumentation and full height landscaping in front of the block walls, there shall be a minimum of eight feet of additional right of way dedication behind the required sight lines along all street frontages for roadway classifications of collector and above. This requirement shall be demonstrated at the time of tentative map submittal to the satisfaction of the City Engineer.

Within all residential zones, no structure, accessory structure, feature, wall, fence or landscaping feature shall be located within the "driveway corner cut-off" area which shall be a safety area, clear of any visual obstructions measuring over 30 inches from street level and which would constitute a traffic or pedestrian hazard, as the triangular area created by a line between two points measured ten feet from, and along the axis of, the intersecting point of a street property line and the edge of a driveway nearest a side property line.
**Unobstructed Corner Cut-Off Required**

Sec. 30-170. - Conversion of multiple-family residential units.

(a) **Purpose.** The purpose of this section shall be to establish criteria for regulation of the conversion of existing multiple residential rental units and divisions of land that accommodate any conversion of rental units to ownership units. The intent of this section with respect to conversion projects shall be to:

1. Increase the opportunity for qualifying low- and moderate-income households, especially those of conversion project residents to acquire and reside in ownership housing.
2. Assist the City to meet its stated commitment to low- and moderate-income housing goals as set forth in the housing assistance plan and the Housing Element of the General Plan.
3. Reduce the impact of conversion on residents in rental housing who may be required to relocate.
4. Ensure that purchasers of converted housing have been properly informed as to the conditions of the unit purchase.
5. Ensure that converted housing achieves high quality appearance and safety and is consistent with the goals and objectives of the general plan and applicable building codes.

(b) **Exception to conversion.** The project creating a condominium or stock cooperative and involving only one existing dwelling unit shall not be considered a conversion. For the purposes of this exclusion, the number of existing dwelling unit(s) shall be determined on the date of application for the permit, if the project calls for destruction of the structures housing the dwelling unit(s), those units shall not be counted as existing unit(s).

(c) **Minimum conditions and requirements.** The following conditions and requirements must exist at the date of application for conversion of real units to condominium, stock cooperative or community apartment ownership units. All buildings must be in compliance with:

1. The minimum standards of the most recently adopted uniform codes of the State of California as adopted by the City.
2. The general plan of the City or be legally nonconforming to the general plan.
(3) The zoning ordinance or be legally nonconforming.

(4) The subdivision ordinance of the City and the Subdivision Map Act of the State of California.

(d) Development standards. The following minimum standards shall apply to all conversion projects:

(1) Unit size. The enclosed living or habitable area shall not be less than that which was applicable under the ordinance the project was developed under. On recommendation of the Planning Commission, the Commission or City Council may determine at the time of approval that the project amenities compensate for the minimum required enclosed area and thereby reduce the required minimum unit size. Compensating amenities may include but are not limited to the following:
   a. Private enclosed space.
   b. Enclosed developed facilities within the common area.
   c. Compatibility of the density of the total project in relation to the project’s amenities and surrounding neighborhood.

(2) Utility metering.
   a. The consumption of gas and electricity within each unit shall be separately metered so that the unit owner can be separately billed for each utility. A water shut-off valve shall be provided for each unit and for each plumbing fixture. Each unit shall have access to its own meter(s) and heater(s) and air conditioning units that shall not require entry through another unit. This requirement shall not be construed to restrict use of solar space or water heaters.
   b. Each unit shall have its own panel for all electrical circuits that serve the unit or shall have access to such a panel.

(3) Condition of equipment and appliances.
   a. The applicant shall provide written certification to the buyer of each unit on the initial sale after conversion that any dishwasher, garbage disposal, stove, refrigerator, hot water tank and air conditioner are new and in working condition as of the close of escrow.
   b. At such time as the cooperative or homeowners association of the maintenance organization takes over management of the development, the applicant shall provide written certification to the association that any pool and pool equipment and any appliances and mechanical equipment to be owned in common by the association are in working condition.
   c. The applicant shall establish a replacement reserve fund equal to ten percent of the estimated replacement value of all association owned appurtenant equipment and appliances. Such estimated replacement value shall be included in the physical elements report and be utilized as the basis for computing the replacement reserve fund. At the time of activation of the association, the replacement reserve established shall be given by applicant to the association. Written receipt of this action shall be submitted by association or applicant.

(4) Underground utilities. The applicant shall waive the right, through deed restriction, to protest the formation of an underground utility district. Overhead utility distribution lines within the boundaries of the project shall be fully converted to underground.

(5) Refurbishing and restoration. All main buildings, structures, fences, patio enclosures, carports, accessory buildings, sidewalks, driveways, landscaped areas, refuse storage areas, irrigation systems, storm drainage facilities, appurtenances and related items as required by the Community Development Department and the City Building Official shall be modified, replaced or refurbished and restored as necessary to achieve high quality appearance and to protect the health, safety and public welfare of future site occupants and adjacent properties. Normal building permit requirements and procedures shall be required where applicable. Improvement elements may include but not be limited to:
   a. Repainting.
b. Re-plastering, stuccoing, or additional architectural treatment.

c. Replacement of landscaping, walls, fences or accessory structures.

d. Replacement or resurfacing of driveways and parking areas.

e. Drainage plan.

f. Addition of improvements to meet minimum conditions and standards, including but not limited to replacement of fixtures and appliances.

g. Others as deemed necessary by the Community Development Department, the Building Official, Planning Commission, or City Council.

(6) Physical elements useful life. Any physical element identified in the physical elements report described herein having a useful life of less than three years, as determined by the Building Official shall be replaced, except for equipment and appliances that are covered in this title.

(e) Application procedures. An application for a cooperative, condominium or community apartment conversion project must include the following to be accepted for processing.

(1) Applicant shall be required to submit a design review application and tentative tract map as set forth in Article III.

(2) A physical elements report that shall include but not be limited to:

a. A report prepared, at applicant’s expense, by the Building Official or his designee, detailing the condition and estimating the remaining useful life of each element of the project proposed for conversion; roofs; foundations; exterior paint; paved surfaces; mechanical systems; electrical systems; plumbing systems; including sewage systems, swimming pools, sprinkler systems for landscaping; utility delivery systems; central or community heating and air conditioning systems; fire protection systems, including automatic sprinkler systems; alarm systems, or stand pipe systems; and structural elements.

b. A replacement cost estimate shall be provided for an element whose useful life is less than five years. Estimate for equipment, structures and appurtenances to be deeded to the association as defined herein shall be required.

c. A structural pest control report prepared specifically for the conversion application. Such report shall be prepared by a licensed structural pest control operator.

d. A building history report including: the date of construction of all existing physical elements of the project; a statement of the major uses of the project since construction; the date and description of each major repair or renovation of any structure or structural element since the date of construction for which an expenditure of more than $1,000.00 was made or for which a building permit was issued; a statement regarding current title holders and lien holders of all land and improvement.

e. A copy of the proposed covenants, conditions, and restrictions that would be applied on behalf of any and all owners of condominium units within the project shall be submitted to the staff. With regard to stock cooperatives, this submission shall consist of a summary of proposed management, occupancy and maintenance policies.

f. Specific information concerning the characteristics of the project including but not limited to the following:

1. Square footage and number of rooms in each unit.

2. Rental rate history for each type of unit for previous two years.

3. Monthly vacancy rate for each month during preceding two years.

4. Survey of makeup of existing tenant households, including family size, length of residence, age of tenants and whether receiving federal or state rent subsidies, welfare or other public assistance payments.
5. Proposed sale price of unit.

6. Proposed initial homeowners association fee, financing available.

7. Names and addresses of all current tenants. When the applicant can demonstrate that such information is not available, these requirements may be modified by the Community Development Department.

(3) The applicant shall submit evidence that certified letter of notification of intent to convert was sent to each tenant. Such certified letter shall be sent to each tenant within ten days following the acceptance of a project for processing.

(4) The application shall certify in writing that he has not engaged in coercive or retaliatory action regarding the tenants after the submittal the first application for City review through the date of approval. In making this finding, consideration shall be given to:

   a. Rent increases at a rate greater than the rate of increase in the Consumer Price Index (all items), unless provided for in leases or contracts in existence prior to the submittal of the first application for City review; or

   b. Any other action by applicant that is taken against tenants to coerce them to refrain from opposing the project. An agreement with tenants that provides for benefits to the tenants after the approval shall not be considered a coercive or retaliatory action.

   c. Any other information that, in the opinion of the Community Development Department, Building Official or City Engineer, will assist in determining whether the proposed project will be consistent with the purposes of this section.

(f) Required findings. The Planning Commission's approval of an application for conversion requires that:

   (1) All provisions of the purpose and intent of this chapter are individually and affirmatively addressed, and a determination is made that the project will not be detrimental to the health, safety and general welfare of the community.

   (2) Vacancies in the project have not been increased for the purpose of preparing the project for conversion. In evaluation of the current vacancy level under this subsection, the increase in rental rates for each unit over the preceding two years and the average monthly vacancy rate for the project over the proceeding one year shall be considered.

The recommendation of the Planning Commission shall be transmitted to the City Council within 30 days of the date of the public hearing closure. The City Council shall set the matter for public hearing with required public notice. The decision of the City Council upon completion of the public hearing and deliberation is final.

(g) Tenant provisions.

   (1) Preliminary notice of intent. A preliminary notice of intent to convert shall be sent by certified mail, return receipt requested, to each tenant within 60 days after acceptance of the application for processing. The notice of intent shall include:

      a. Name and address of current owner.

      b. Name and address of applicant/sub-divider.

      c. Schedule of hearing dates before Planning Commission.

      d. Other data as required by the Community Development Department.

   (2) Official notice of intent. An official notice of intent to convert shall be delivered to each tenant's dwelling unit within 30 days after approval by the City Council of the tentative tract map. Evidence of delivery shall be submitted to the Community Development Department prior to consideration of the application by the planning coordinating committee. The form of the notice shall be as provided by the Community Development Department and shall contain not less than the following:
a. Name and address of current owner.
b. Name and address of proposed sub-divider.
c. Approximate date on which the tentative map will be or was approved.
d. Approximate date on which the final map is to be filed.
e. Approximate date on which the unit is to be vacated by non-purchasing tenants.
f. Tenant's right to purchase.
g. Tenant's right of notification to vacate.
h. Tenant's right of termination of lease.
i. Statement of limitations on rent increase.
j. Provision for special cases.
k. Provision of moving expenses.
l. Provision of relocation assistance.
m. Other information as may be deemed necessary by the Community Development Department.

(3) Tenant's right to purchase. As provided in Government Code Sec. 66427.1(d) any present tenant or tenants of any unit shall be given a nontransferable right of first refusal to purchase the unit occupied a minimum of 90 days from the date of issuance of the subdivision public report, or commencement of sales, whichever date is later.

(4) Vacation of units. Each non-purchasing tenant, not in default under the obligations of the rental agreement or lease under which he occupies his unit, shall have not less than 180 days from the date of receipt of notification from the applicant of his intent to covert or from the filing date of the final subdivision map, whichever date is later, to find substitute housing and to relocate with assistance from the applicant. All rental deposits paid by the renter shall be returned.

(5) Increase in rents. From the date of approval of the tentative subdivision map until the date of conversion, no tenant's rent shall be increased more frequently than once every six months and at a rate grater than the rate of increase in the Consumer Price Index, on an annualized basis, for the same period. This limitation shall not apply if rent increases are provided for in leases or contracts in existence prior to the filing date of the tentative map.

(6) Relocation services and moving expenses required. The applicant shall provide relocation counseling and financial assistance at a rate which shall be set forth in a resolution of the City Council for those tenants who have lived in the apartment complex for a period of ten years.

(7) Procedure to ensure relocation assistance. A bond, surety or cash deposit in the amount of the relocation assistance for all units in the development as approved by the City Attorney shall be provided to the City by the developer to ensure that the provisions for tenant assistance are complied with. Said bond, surety, or cash deposit shall be returned to the developer upon written verification that all tenants have received the appropriate amount of financial assistance, as determined by the City Building Official. The bond, surety or cash deposit shall be provided to the City prior to release of the final tract map.

(8) Final map approval. Each tenant shall be sent a written notice within ten days of approval of a final map.

(h) Notice to new tenants. After submittal of the application to convert, any prospective new tenants shall be notified in writing of the intent to convert prior to leasing or renting any unit and shall not be subject to the provisions of this section.

Sec. 30-171. - Mobile home parks
It is the purpose of this section to provide regulations for the location, design and improvements of mobile home parks that equal or exceed all applicable State laws.

(a) **Compliance to standards.** Any person desiring to enlarge or establish a mobile home park shall meet or exceed the design standards set forth in this section.

(b) **Minimum areas.** Mobile home parks shall be developed on a parcel of land at least ten adjusted gross acres in area.

(c) **Lot areas.** Each mobile home space shall contain a minimum area to accommodate either double wide or triple wide mobile homes.

(d) **Clearances.** Mobile homes shall be located so they are at least ten feet apart from side to side, eight feet apart from side to rear, six feet apart from rear to rear, and ten feet from any building.

(e) **Minimum side and rear lot clearances.** There shall be minimum side lot clearances totaling ten feet in width; provided, however, that no mobile home shall be closer than three feet to any side or rear lot line. Where lots abut side or rear yards as defined in Subsection 88.0315(j), said yard areas may be included as part of this requirement.

(f) **Occupied area.** The occupied area of each mobile home space shall not exceed 75 percent of the total area of such mobile home lot. The area shall be deemed to be occupied when covered or occupied by a trailer coach, cabana, vehicle, ramada, awning, closet, cupboard or any other structures.

(g) **Yards and setbacks.** The following yards shall be maintained on each mobile home park:

1. Front yard of at least 25 feet in depth, along the public street upon which the mobile home park fronts. This yard shall extend across the entire width of the park.

2. Side yards of not less than ten feet in width along each side boundary line of the mobile home park.

3. A rear yard of not less than ten feet in depth along the rear boundary line of the mobile home park.

4. Greater yards or setbacks may be required where, in the opinion of the Planning Commission, such yards or setbacks are necessary due to topographic conditions, grading, drainage or protection of adjacent property.

5. No part of any mobile home shall be located within any yard or required setback area.

(h) **Roads within mobile home parks.** Roads within mobile home parks shall be designed to provide reasonable and convenient traffic circulation and shall meet the following standards:

1. No road shall be less than 34 feet in width if car parking is permitted on one side of the road and not less than 42 feet in width if car parking is permitted on both sides.

2. Road widths to provide for parking on one side shall be deemed necessary when lots abut the road on one side only. Road widths to provide for parking on both sides shall be deemed necessary when lots abut the road on both sides.

3. The entire width of the roads within mobile home parks shall be surfaced with a minimum of two-inch thick asphalt, concrete, plant mix or other approved material.

(i) **Parking.** There shall be provided two parking spaces on each lot. There shall also be established and maintained within each mobile home park automobile parking area for use of guests. The number of such spaces shall be equal to one for every ten mobile home spaces for fraction thereof within the mobile home park.

(j) **Walkways.** Walkways shall be provided to permit reasonably direct access to all lots, service buildings and other areas or buildings used by occupants of the trailers. Collector walkways serving utility buildings, playgrounds and other general areas shall be four feet in width or more and individual entrance walks to each mobile homes site shall be at least two feet in width. All
walkways shall be constructed of asphalt, concrete, plant mix or other approved materials that will permit all-weather pedestrian movement.

(k) **Enclosures of mobile home park.** A wall decorative masonry six feet in height shall be erected and maintained along each side and rear boundary of a mobile home park.

(l) **Vehicle storage.** Common storage areas shall be provided with an enclosed fenced area for the residents of the mobile home park for the storage of recreational vehicles, trailers, travel trailers, and other licensed or unlicensed vehicles. This area shall total not less than 50 square feet for each mobile home lot. All storage on a mobile home lot shall be in accordance with the provisions of Title 25 of the California Administrative Code.

(m) **Modifications in design.** Where mobile home parks are submitted for approval which, although not complying with the requirements of design as stated herein, is consistent with the general intent and purpose of this chapter, the Planning Commission may approve such parks and conditions and restrictions which insure that the general purposes are satisfied. Park designs utilizing duplex or cell-type groupings of mobile home lots or other modified designs may be approved under the provisions of this section.

(n) **Recreational facilities.**

1. Each mobile home park shall have an outdoor recreational facility that contains one or more of the following elements: swimming pool, spa, playground, basketball courts, and tennis courts.

2. In addition to these outdoor recreational areas all mobile home parks shall have an enclosed recreation/activity room.

Sec. 30-172. - Senior housing.

Senior housing shall be permitted in any residential zoning district subject to review and approval of a conditional use permit. Design standards and density shall be established by the Planning Commission during the review of the conditional use permit and design review.

1. For tenants, residents, or occupants who are married to each other, either spouse shall be 55 years of age or older or 100 percent disabled.

2. For individuals who are not married, each individual shall be 55 years of age or older or 100 percent disabled.

3. Land uses in the immediate and surrounding area, current and projected, must be compatible with the living environment required by senior citizens and must be free of health, safety, or noise problems (i.e., area generally quiet).

4. Area infrastructure must be in place or constructed as part of the project and capable of serving the proposed project including:
   a. Streets.
   b. Sidewalks.
   c. Traffic/pedestrian signals.

5. Proposed site topography must be fairly level and easily traversed by persons of limited mobility.

6. Proposed site must demonstrate proximity to commercial establishments, service providers, and other amenities including:
   a. Food shopping.
   b. Drug stores.
   c. Banks.
   d. Medical and dental facilities.
e. Public transit (main or frequently served routes).

f. Open space/recreational facilities.

(7) Development incentives granted by the City to a developer constructing senior housing are predicated upon the long-term availability and affordability of the units for the target population previously defined. In order to ensure that the units remain available and affordable to this group, the developer will be required to enter into a development agreement with the City per California Government Code Section 65864 through 65869.5.

Sec. 30-173. - Manufactured homes.

Manufactured homes may be located on individual lots in all residentially zoned property lots and shall comply with all development standards of the zoning district in which it is located. In addition, the manufactured home shall be subject to the following requirements:

1. Shall be on a permanent foundation.
2. Shall have a two-car enclosed garage.
3. Shall have a roof overhang not to exceed 16 inches.
4. Shall be fire sprinklered.
5. Shall be architecturally compatible or superior to the existing homes in the surrounding neighborhood.

DIVISION 5. - DEVELOPMENT STANDARDS FOR ADDITIONS, ACCESSORY STRUCTURES AND FEATURES

Sec. 30-174. - Accessory buildings, structures, and sheds.

All detached accessory buildings, structures and sheds, with the exception of pools, spas and hot tubs (see Section 30-178 for applicable regulations), are subject to the following requirements.

1. Private garages and carports, attached.
   a. On lots of less than one net acre, the total area is not to exceed 1,000 square feet or 25 percent of the living area of the principal residence, whichever is greater.
   b. On lots of one net acre or larger but less than two acres, the area shall not exceed 1,500 square feet or 25 percent of the living area of the principal residence, whichever is greater.
   c. On lots of two acres or larger but less than four net acres, the area shall not exceed 2,000 square feet or 25 percent of the living area of the principal residence, whichever is greater.
   d. On lots of four acres or larger, the area shall not exceed 3,000 square feet or 25 percent of the living area of the principal residence, whichever is greater.

2. Detached garages and carports, storage buildings, workshops, hobby shops, recreation rooms and other similar uses.
   a. On lots of less than one net acres, the combined area of all such structures shall not exceed 1,000 square feet of 25 percent of the living area of the principal residence, however, whichever is greater.
   b. On lots of one net acre or larger but less than two net acres, the combined area shall not exceed 1,500 square feet or 25 percent of the living area of the principal residence, whichever is greater.
   c. On lots of two net acres or larger but less than four acres, the combined area shall not exceed 2,000 square feet or 25 percent of the living area of the principal residence, whichever is greater.
d. On lots of four net acres or larger, the combined area shall not exceed 3,000 square feet or 25 percent of the living area of the principal residence, whichever is greater.

3. Accessory buildings or structures shall be architecturally compatible with or superior to the primary dwelling unit; metal and aluminum sided and roofed buildings are prohibited.

4. The following setbacks shall be maintained:

<table>
<thead>
<tr>
<th>Property Line</th>
<th>Required Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front</td>
<td>25 Feet</td>
</tr>
<tr>
<td>Side</td>
<td>5 Ft. Min. 15 Ft. Aggregate</td>
</tr>
<tr>
<td>Rear</td>
<td>10 Feet</td>
</tr>
</tbody>
</table>

(a) Reversed corner lot. On reverse corner lots, accessory buildings and structures shall not extend beyond the required front yard of the abutting key lot and shall maintain a distance of five feet from the side property line of the abutting key lot.

(b) Two-story buildings. Two-story accessory buildings are not permitted within any part of a required rear yard. If additional rear yard area beyond the minimum required is provided, a two-story structure may be placed within the additional area, provided the following setbacks are maintained:

<table>
<thead>
<tr>
<th>Property Line</th>
<th>Required Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front</td>
<td>60 Feet</td>
</tr>
<tr>
<td>Side</td>
<td>7 Feet</td>
</tr>
<tr>
<td>Rear</td>
<td>25 Feet</td>
</tr>
</tbody>
</table>

(c) Distance from alley centerline. All accessory buildings and structures shall be located a minimum distance of 15 feet from the centerline of an alley.

(d) Distance from primary structure. All accessory buildings shall be located a minimum distance of six feet from the primary structure. If the two structures are connected by a breezeway, the minimum distance shall also be six feet.

5. Sheds.
(a) **Location.** All sheds shall be permitted, provided that:

1. The shed does not exceed eight feet in height.
2. The size of the shed does not exceed 120 square feet in floor area.
3. Reserved.
4. There shall be no more than one shed for each 7,200 square feet of lot area.
5. Architectural compatibility with the primary structure is encouraged; metal, aluminum and vinyl sheds are permitted provided the regulations of this section are met.
6. The following setbacks shall be maintained:

<table>
<thead>
<tr>
<th>Property Line</th>
<th>Required Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Side</td>
<td>3 Feet</td>
</tr>
<tr>
<td>Rear</td>
<td>3 Feet</td>
</tr>
</tbody>
</table>

(b) **Corner lot.** On corner lots, sheds shall not be visible from the public right-of-way.

6. Temporary shade awnings and easy-ups.

(a) Temporary shade awnings and easy-ups are prohibited within the yard area between the front or side of a dwelling or garage and any public right-of-way.

Sec. 30-174.1. - Additions/existing single-family zoning districts.

(a) **Single-story additions.** Single-story additions, including screened and/or enclosed patio structures, may be permitted on the lot in accordance with all development standards.

1. Side yard setbacks for additions shall be equal to or greater than the existing side yard setback of the main structure.
2. The architecture of the proposed addition shall be compatible in design with the main structure. The roofing shall be of the same style and material as the main structure, with the exception of open and enclosed patio covers.

(b) **Two-story additions.** Two-story additions to single-family zoning districts dwelling units. All plans for second-story additions shall be reviewed for approval by the Community Development Department. Approval by the City shall be based on the following findings. Wherein any of these findings cannot be made the addition will be denied.

1. All zoning requirements of the single-family zone are complied with; However, side yard setbacks for additions shall be equal to or greater than the existing side yard setback of the main structure.
2. The architectural style and materials of the addition is compatible with the existing dwelling unit.
3. All of the following privacy provisions are complied with:
   a. Windows on second story additions shall be situated so that they are not directly opposite those windows of adjacent residential dwelling units.
   b. Window locations shall take into account adjacent properties, recreation areas and amenities (pools, spas, etc.).
c. Where conflicts between proposed window locations occur, visual intrusion mitigation measure(s) shall be provided, such as, the use of high windows, wing walls, view obscuring window treatment, window alignment, etc.

(c) All additions. In order to insure compatibility with existing single-family development, the following standards shall be applicable to new single-family subdivisions.

(1) For all new development other than specific plans developed under a valid development agreement, the median home size of the new development shall be no less than 90 percent of the median home size of any adjoining developments of 20 residential units or more.

a. When a project adjoins two or more existing developments of at least 20 residential units each, the development with the highest median home size shall be used.

b. The term adjoining is meant to include not only those existing developments which share a common boundary with the site for the new development, but those that are across streets, easements, open spaces, etc. Adjoining development will not include existing developments separated from the site of the new development by major thoroughfares, utility easements or other corridors of 300 feet or more, or commercial/industrial developments of at least 300 feet in width.

c. In situations where a distinctive adjoining development cannot be identified, where no specific design review can be found due to the age or nature of the development surrounding the site of new development, the developer shall utilize the required 300 foot radius map to perform a survey of all home sizes within that area. This will be the basis for the establishment of adjoining median and establish the 90 percent requirement.

(2) In instances where there is an existing single story unit the new subdivision shall be required to site a new single story unit unless a combination of the following visual intrusion mitigation(s) shall be utilized.

a. High windows.

b. View obscuring window treatment, wing walls, 90-degree angles, etc.

c. Opaque or frosted windows.

d. Interviewing patio walls, special window assignment.

Sec. 30-175. - Antenna, radio, television, satellite dishes, and wireless telecommunications.

Refer to Chapter 32 of the Municipal Code.

Sec. 30-176. - Hedges, walls, and fences.

The following provisions regarding hedges, walls and fences shall apply to all projects:

(1) Front yard setback. Hedges, walls, and fences of solid construction (including vinyl), located in the required front yard setback along either the front or side property line, shall not exceed three and one-half feet in height. The following exceptions apply:

a. Wrought iron and/or tubular steel decorative fencing, with or without solid pilasters, at a maximum height of five feet measured at the adjacent sidewalk elevation, may be permitted if the following criteria are met:

1. Pilasters, if used, shall be spaced a minimum of ten feet on center with a maximum width of 18 inches, unless otherwise approved in writing by the Director of Community Development.

2. Prior to installation, the applicant and/or owner of the property shall verify in writing that the fencing meets the sight distance required for safe ingress and egress from the property as determined by the City Traffic Engineer or his/her designee using Cal-Trans stopping sight distance criteria.
b. Wrought iron and/or tubular steel fencing with pilasters, in combination with solid, masonry wall "filler", a maximum height of five feet measured at the side-walk elevation to the highest point of the fence, including any decorative fixture or treatment, may be permitted if the following criteria are met:

1. The block wall "filler" shall not exceed three and one-half feet in height measured at the adjacent sidewalk elevation.

2. Prior to the installation, the applicant and/or owner of the property shall verify that the fencing meets the sight distance required for safe ingress and egress from the property as determined by the City Traffic Engineer or his/her designee using Cal-Trans stopping sight distance criteria.

c. Vinyl fencing, open or privacy, shall not exceed three and one-half feet (42 inches) as measured from the adjacent sidewalk.

d. Open chain link fencing not to exceed four feet in height may be permitted in the front and rear yard setback. Wood, metal, plastic, or other fabric or material, slats are not permitted within an open chain link fence. Prior to installation, the applicant and/or owner of the property shall verify in writing that the fencing meets the sight distance required for safe ingress and egress from the property as determined by the City Traffic Engineer or his/her designee using Cal-Trans stopping sight distance criteria.

e. The height limits noted within this section shall not apply to hedges, trees, or other landscaping located along any interior property line, within the area between the front of the home on either property and the public right-of-way, and which landscaping is no closer than 20 feet from any driveway and which does not constitute a visibility hazard as determined by the Director of Community Development on a case-by-case basis.

(2) Side and rear yard setbacks. Side and rear yard hedges, walls, and fences (including vinyl), located in required side or rear yards shall not exceed six feet in height. The following exceptions apply:

a. No fence, hedge or wall may exceed a height of 30 inches if located within the corner cutoff of a property. On corner or reversed corner lots there shall be no visual obstruction at the intersection caused by fences, hedges, shrubs, trees, walls, etc., which would constitute a traffic/pedestrian hazard as determined by the City Traffic Engineer within an area defined by a corner cutoff line between two points each measured 30 feet horizontally from the point of intersection of the property lines at the street corner.

b. The maximum height of six feet can be increased to a maximum of eight feet in height when adjacent properties differ in elevation or other special circumstances exist as determined by the Director of Community Development. Such increase in height shall not interfere with safe stopping site distance and/or cause a traffic or pedestrian hazard as determined by the City Traffic Engineer or his/her designee. This shall be determined on a case-by-case basis.

c. When a retaining wall is necessary to attain proper site drainage to a public right-of-way, combined retaining walls and hedge(s), wall(s) or fence(s) shall be permitted, however, no combination of retaining wall and hedges, walls, or fences shall exceed a combined total height of nine feet as measured from the exterior, future adjoining grade. Combined retaining and hedge(s), walls(s) or fence(s) shall not be permitted to exceed six feet in height along the street side yard of a reverse corner lot. These height limitations may be exceeded with the approval of an administrative variance.

d. The height limits noted within this section shall not apply to hedges, trees, or other landscaping located along any interior property line and which landscaping is no closer than 20 feet from any driveway and which does not constitute a visibility hazard as determined by the Director of Community Development on a case-by-case basis.

(3) For any new single-family construction regardless of number of units, solid masonry walls or equivalent of a minimum of six feet in height measured from finished grade shall be required at
all interior, rear and side property lines. Further, the perimeter of the project shall be furnished with the same type of wall subject to review and approval by the appropriate approving body.

(4) Temporary fencing.

a. Vacant land. An open chain link type fence limited to eight feet in height may be located around the perimeter of a vacant parcel of land (at property line) until such time as the subject parcel is developed.

b. Abandoned buildings. An open chain link type fence limited to eight feet in height may be located around a parcel of land (at property line) that contains an abandoned building(s) until such time as the subject parcel is developed.

(5) Gates. Manual or automatically opening gates across a driveway and located within the required front setback area shall not exceed the maximum height as referenced in Section 30-176(1)a. Where gates are provided, said gates shall be installed and maintained in working order at all times. At no time shall said gate(s) open into the public right-of-way.

(Ord. No. 1717, 1-27-15)

Sec. 30-177. - Garages—Private.

The following shall apply to all projects:

(1) Detached garages. Detached garages shall conform to the development standards established for detached accessory structures in Section 30-174.

(2) Attached garages.

a. Standard lot. Attached garages on standard lots shall conform to the development standards established for primary structures in Table 30-159.A. (Residential Development Standards) and Table 30-161.A. (Density Bonus Residential Development Standards).

b. Corner lot. Attached garages located on corner lots may extend into the required rear yard area provided the garage is set back a minimum of five feet from the rear property line. Side and front yard setbacks shall be as established in Table 30-159.A. and Table 30-161.A. for primary structures.

c. Reversed corner lot. Attached garages on reversed corner lots may extend into the required rear yard area provided the garage is set back a minimum of five feet from the rear property line and further provided that the garage does not project beyond the front yard of the abutting key lot.

Sec. 30-178. - Swimming pools, spas and hot tubs.

(a) Applicability. The provisions of this section apply to all new construction of swimming pools, spas, hot tubs or any body of water in excess of 18 inches in depth, on land within the City by any person in possession of such land, either as owner, purchaser under contract or lessee.

(b) Location.

(1) Swimming pools, spas and hot tubs shall not be placed within the yard area between the front of a home and any public right-of-way unless completely screened from view from that public right-of-way, and such screening shall be in compliance with the pool barrier requirements of this Code Section and all sight distance requirements referenced in Section 30-176 of the Fontana Municipal Code. Further, no swimming pool, slide, water fall, spa or hot tub shall be located within the ten foot street side yard setback area, or within five feet of an interior or rear property line, except when the lot is less than 5,000 square feet in area, a swimming pool, spa or hot tub may be located a minimum of five feet from the street side property line and a minimum of three feet of an interior or rear property line.
(2) Pool equipment setbacks shall be as follows:

<table>
<thead>
<tr>
<th>Location</th>
<th>Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rear yard:</td>
<td>Three feet if the yard has a wood or chain link fence. No setback if the yard has a block wall</td>
</tr>
<tr>
<td>Side yard:</td>
<td>Three feet of clear space is to be maintained between the fence and the equipment and provided the equipment can be installed with sound attenuation device(s) subject to approval of the Community Development Director. No setback if the yard has a block wall</td>
</tr>
<tr>
<td>Front yard:</td>
<td>Not permitted</td>
</tr>
</tbody>
</table>

(3) Pool equipment may be placed adjacent to exterior air conditioning equipment, provided the pool equipment is not located adjacent to or below a first-story bedroom window of the home.

(4) Swimming pools shall not be placed in such a manner that required swimming pool barrier fencing cannot be properly installed to meet the provisions as noted within this section and in conformance to the City's latest adopted Pool Fencing Ordinance.

Sec. 30-179. - Second dwelling units.

Second dwelling units are allowed subject to administrative review with the following conditions:

1. A lot coverage shall not exceed 45 percent.
2. The unit is not intended for sale but may be rented.
3. The lot contains an existing single-family dwelling.
4. The second unit is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.
5. The floor area of an attached second unit shall not exceed 30 percent of the existing living area of the existing unit.
6. The floor area for a detached second unit shall not exceed 1,200 square feet. The minimum floor area shall be 750 square feet.
7. Construction and occupation of the second unit shall not be detrimental to adjoining properties.
8. The second unit must meet all development standards applicable to primary residential structures.
9. The second dwelling unit shall not cause any negative impacts to any permanent structures on the subject parcel or surrounding parcels.
10. The Director of Community Development shall review and make a determination on the architectural features of all second dwelling units.
11. If the second dwelling unit is physically detached from the main dwelling unit, a breezeway connecting the two structures may be constructed subject to review and approval by the Director of Community Development.
12) Off-street parking shall be provided per Article XI of this chapter. The parking spaces shall not be located within the required enclosed garage designated for the primary residence.

13) In cases where the existing single-family home on a single lot meets the requirements of a second dwelling unit an additional dwelling unit can be constructed as a, “first unit” provided all of the development standards in this Article are met.

Sec. 30-180. - "Granny" housing.

Second dwelling units referred to as "granny" housing are allowed subject to administrative review with the following conditions:

1) The second dwelling unit shall be occupied only by one or two adult persons who are 62 years of age or older.
2) The second unit shall be attached to or detached from a primary residence on a parcel zoned for a single-family residence.
3) The floor area of an attached unit shall not exceed 30 percent of the existing living area of the existing unit.
4) The floor area for a detached second unit shall not exceed 1,200 square feet.
5) Lot coverage shall not exceed 45 percent.
6) The second unit must meet all development standards applicable to primary residential structures.
7) Construction and occupation of the second unit shall not be detrimental to adjoining properties.
8) The second dwelling unit shall not cause any negative impacts to any permanent structures on the subject parcel or surrounding parcels.
9) The Director of Community Development shall review and make a determination on the architectural features of all nonpermanent dwelling units.
10) If the second dwelling unit is physically detached from the main dwelling unit, a breezeway connecting the two structures may be constructed subject to review and approval by the Director of Community Development.
11) One off-street parking space within a wholly enclosed garage having a minimum dimension of ten by 20 shall be provided for an attached or detached unit. The parking space shall not be located within the required enclosed garage designated for the primary residence.

DIVISION 6. - PERFORMANCE STANDARDS

Sec. 30-181. - Purpose.

This section establishes standards for conducting activities in residential zoning districts. The standards are designed to protect residents from annoying or potentially harmful environmental conditions.

Sec. 30-182. - Noise.

(a) No use shall create or cause to be created any sound that exceeds the ambient noise standards outlined in Table 30-182.A.

(b) No use shall create or cause creation of noise from a portable electronic device such as a car stereo, portable radio and/or cassette/compact disc player or similar device which exceeds the ambient noise standards outlined in Table 30-182.A.

Table 30-182.A.
Noise Standards
<table>
<thead>
<tr>
<th>Location of Measurement</th>
<th>Maximum Allowable</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>7:00 a.m. to 10:00 p.m.</td>
</tr>
<tr>
<td>A. All zoning districts</td>
<td>45 db</td>
</tr>
<tr>
<td>Interior</td>
<td>65 db</td>
</tr>
<tr>
<td>Exterior</td>
<td>65 db</td>
</tr>
</tbody>
</table>

Sec. 30-183. - Vibration.

No use shall create or cause to be created any activity that causes a vibration that can be felt beyond the property line with or without the aid of an instrument.

Sec. 30-184. - Light and glare.

All lights shall be directed and/or shielded to prevent the light from adversely affecting adjacent properties. No structure or feature shall be permitted which creates adverse glare effects.

Sec. 30-185. - Odors.

All uses shall be operated in a manner such that no offensive odor is perceptible at or beyond the property line of that use.

Sec. 30-186. - Electromagnetic interference.

No use, activity or process shall be conducted which produces electromagnetic interference with normal radio and television receptions beyond the property line.

DIVISION 7. - DESIGN GUIDELINES

Sec. 30-187. - Purpose.

These guidelines are established to promote good design and to ensure residential development conforms to the community design goals set forth in the general plan. The guidelines are to be used in concert with the development policies and standards contained in this article to create integrated neighborhoods that are visually and functionally compatible with surrounding uses.

Sec. 30-188. - Applicability.

These guidelines apply to all new residential development, as well as to additions, remodeling, and relocation of existing structures. These guidelines supplement the Plotting and Design Criteria.
Sec. 30-189. - Subdivision and site plan design.

The following shall apply to all projects:

(1) General. All new development shall consider and be sensitive to natural features and existing development surrounding the development site. With regard to natural features, significant view sheds shall be preserved and not obscured by buildings or landscaping. With regard to the built environment, new development shall be consistent in scale and massing of buildings on adjacent properties; scale extremes shall be avoided.

(2) Grading.

a. Graded slopes shall meet Uniform Building Code and the City Engineer's standards.

b. Grading for new residential projects shall result in a harmonious transition from the man-made grade to the natural terrain. Finished grades shall not adversely affect adjacent lands, shall avoid high retaining walls on property lines, shall provide for the disposal of water, and shall ensure the privacy of existing adjacent homes.

c. Where cut-and-fill slopes are unavoidable, such slopes shall be sculpted to blend with the adjacent terrain. Rounding the tops and toes of all slopes shall be required.

d. Grading shall not occur within the drip line of a tree (with a caliper size greater then ten inches at chest height) that merits preservation or within ten feet of the bank of a riparian corridor unless such grading is approved by a landscape architect and the City of Fontana.

e. Development on slopes equal to or greater than two to one (2:1) is not allowed unless specifically approved by the Planning Commission. The application for approval shall be accompanied by an erosion control management plan. The plan shall address soil contamination, erosion control, drainage, irrigation system design and plant materials and the maintenance thereof.

f. The minimum building pad establishes the minimum, nominally flat land area on which a building and associated useable yard areas can be placed. The minimum building area equals minimum building pad less setbacks.

(3) Drainage.

a. Natural drainage ways shall be preserved whenever possible. Grading activity shall minimize alterations to natural drainage ways and shall prevent soil erosion. Developed drainage ways, if lined, are encouraged to use rock from the site or native to the area.

b. All proposed on-site drainage shall comply with the drainage standards administered by the City of Fontana.

(4) Building orientation.

a. Buildings shall be designed and cited to minimize the impact of built forms on the natural landscape. Roof lines shall keep a low profile so as to not dominate the horizon line and shall not pitch or step in opposite directions to the slope of the land.

b. The orientation of a building and its parts shall be related to the nature and the elements: sun, wind and rain. The design and placements of windows and doors shall be considered with exposure to natural elements in mind.

c. A majority of the primary living spaces within a residential building should receive direct sunlight for the daylight hours. In new projects, buildings shall be positioned to minimize the impact of shadows on adjacent properties. Landscaping and building architecture shall be design to provide shade in the summer and sunlight in the winter.

(5) Staggered setbacks. In single-family residential subdivisions, the front yard setback of individual units shall be varied from lot to lot to create a varied streetscape.

(6) View protection.
a. Specific selected views to be maintained should be identified prior to a detailed landscaping plan being approved for any project. General landscaping guidelines which incorporate tree types and views shall be part of planned development approvals in residential areas where views are an important consideration.

b. Subdivision design shall protect and enhance an open, spacious, north-south view corridor through the City. Emphasis should be placed on distant views of the mountains to the north and the inland valley to the south.

c. Residences shall be cited to take advantage of views. For example, split-level dwellings may be used to facilitate views from one house over another.

(7) Access/circulation.

a. Pedestrian.
   1. Guest parking areas shall be provided with a walkway system to the main entrances of dwelling units. Walk widths will vary depending on the anticipated use and location.
   2. Walkways between dwellings in a multifamily project shall be expanded in select locations to provide for occasional sitting areas.
   3. On-site pedestrian circulation systems shall be provided to meet the movement needs of on-site users. Such systems shall provide safe, all-weather surfaces and aesthetically pleasing means of on-site foot travel. Pedestrian walkways shall be an integrated part of the overall architecture and site design concept.
   4. Pedestrian and bicycle access shall be conveniently provided to connect neighborhoods to schools, parks, and commercial uses.

b. Vehicular.
   1. Streets, as opposed to parking drives, shall be the preferred means of vehicular access to dwelling units and parking areas.
   2. New project streets shall connect with adjacent public streets to form a continuous community network of streets.
   3. Access drives on collector and local roads shall be coordinated with median openings, and where median openings are not available, designed for efficient "right-turn only" ingress and egress.
   4. Frontage roads at the perimeter of a project shall be separated from adjacent public streets by a landscaped island or median.
   5. Private streets shall be used infrequently and will only be approved with planned development zonings. Private streets shall be distinguishable visually from public streets, but shall include all of the elements of a public street under comparable circumstances. These elements include sufficient roadway for vehicular travel lanes and may also include on-street parking, sidewalks, and planting strips or other provisions for street trees.
   6. Driveways are intended to be used primarily for vehicular circulation and access and should be visually distinct from the streets.
   7. At least part of the common open space within a project shall be accessible and visible from a driveway and entry drive.
   8. Townhouses and cluster housing projects are required to have entry drives. These shall be long enough to provide a definite sense of arrival at the entry of the residential community. Sidewalks shall be provided on at least one side of the entry drive.

(8) Open space areas.
a. Residents shall have access to useable open space, whether public or private, for recreation and social activities. The design and orientation of these areas shall take advantage of available sunlight and shall be sheltered from the noise and traffic of adjacent streets or other incompatible uses.

b. In projects where common open space is required, the space shall be located conveniently for the majority of units.

c. Private open space areas shall be contiguous to the units they serve, screened from public view and be of a useable size (for example, big enough to accommodate a patio table and four chairs or a patio and gardening area).

d. Children's play areas shall be visible from dwelling units.

e. Scenic open space adjacent to a project or to a street shall be integrated into the landscape concept.

(9) **Landscaping.**

a. Landscaping of planted areas shall be used to frame, soften and enhance the quality of the environment, to buffer units from noise or undesirable views and to break up large expanses of parking. Active uses such as tot-lots, picnic areas or other uses which would attract activity are not allowed in required landscape setbacks for any district. Trees and shrubs as well as turf and groundcovers shall be utilized in all planting areas.

b. Landscaping shall be provided by the developer in all required front yards, on corner lots including street parkway areas, as required by the Landscape Development Section.

c. All parking areas in multi-family residential projects shall be designed and landscaped so as to break up the monotony of a large single paved area.

(10) **Lighting.**

a. All exterior lighting shall be adequately controlled and shielded to prevent glare and undesirable illumination to adjacent properties or streets.

b. The use of energy-conserving fixtures or lighting systems shall be given primary consideration.

c. Security lighting shall be utilized in all parking areas and pedestrian walkways within all multi-family residential projects.

(11) **Utilities.**

a. Temporary overhead power and telephone facilities are permitted only during construction.

b. Transformers, utility pads, cable TV, and telephone boxes shall be installed and maintained underground. Placement, location and screening of utilities of any kind which cannot be installed underground and must be placed above ground for function and safety reasons require written approval by the Director of Community Development prior to any administrative or discretionary approval.

c. All utilities including, but not limited to, drainage systems, sewers, gas lines, water lines, and electrical up to 35 kV, telephone, underground cable television, and communications wires and equipment shall be installed and maintained underground. Placement, location and screening of utilities of any kind which cannot be installed underground and must be placed above ground for function and safety reasons require written approval by the Director of Community Development prior to any administrative or discretionary approval.

d. All utility easements shall be landscaped and shall be maintained as provided in the easement document.

(12) **Public safety.**

a. Entrances to buildings shall be well lighted and void of any large shrubbery or obstructions.
b. Adequate emergency access routes shall be required for all projects. Where space for a separate vehicle access road is difficult, a segment of a greenbelt or open space area shall be line with "turf block" to allow heavy equipment to access structures.

c. A fuel modification zone shall be required in areas threatened by fire hazard.

d. "Defensible space" design shall be incorporated into all projects to minimize any crime threats. Examples may include:

1. Interior stairwells in multi-family project shall access several units. The physical configuration of the stairs and lobby areas provides an opportunity for inhabitants to develop a territorial concern for these spaces while creating a small network of social groups.

2. The positioning of dwelling unit front entrances along a street provides an opportunity for continuous supervision by passers-by.

Sec. 30-190. - Building design.

In addition to the City's Plotting and Design Criteria, the following shall apply to all projects:

(1) Design theme. In order to establish and reinforce a neighborhood identity, new residential projects are encouraged to develop a central design theme around which the following architectural elements can be designed: building form, signage, light fixtures, walls and fences, landscaping and other site furnishings.

(2) Scale.

a. Building heights shall be varied by a combination of single-level and two-story units where proposed.

b. The design of residential development shall be compatible with the surrounding neighborhood.

(3) Architecture.

a. Residential building construction shall not be required to follow a specific theme or style; innovative architectural concepts are encouraged.

b. When parking is not attached to or part of the building, structures that enclose parking shall incorporate simple jogs so that long plain roofs and long wall elevations can be avoided.

c. Architectural variety along residential streets shall be fostered by differing setbacks and combinations of different prototypes.

d. Occasional side entry garages shall be provided to promote varying design in auto courts and driveways to garages.

e. In higher density housing developments of attached dwelling units, individual residences shall be turned and oriented in a variety of ways to avoid the monotony of long corridors of garage doors.

f. Building elevations visible from public view shall be broken with reveals, recesses, plant-ons, trim elements, and other architectural features designed to provide variety and visual interest to the streetscape.

(4) Materials and colors.

a. The total building and its related parts shall be visually unified to display order and coherence, not only with the project, but also with the surrounding environment.

b. Generally acceptable materials shall include stucco, vinyl and wood siding, native rock and stone, split face, concrete and brick.

c. The following materials are prohibited: aluminum or plastic siding; or corrugated fiberglass.
d. Generally acceptable colors shall include muted natural colors, earth tones, pastel colors, natural stains and accent colors to contrast eaves, trims, moldings and doors.

e. Prohibited colors shall include bright or assertive colors as primary wall colors.

(5) Screening of exterior equipment.

a. All mechanical equipment, ground mounted equipment, utilities, storage, shall be screened from adjoining properties and public streets by a visual barrier such as a wall, a fence, or landscape material. Where landscaping only is used for screening, it shall be planted with five gallon (minimum size) shrubs spaced to provide a dense screen.

b. Roof mounted mechanical equipment shall be hidden from view by building parapets of equal height. If building parapets do not provide adequate screening when observed from adjacent buildings, mechanical equipment shall be screened by designing the parapet so that it appears as an integrated part of the roof and overall architectural design.

c. No exterior components of plumbing, processing, heating, cooling, and ventilating systems shall be mounted on any building wall unless they are an integrated architectural design feature.

(6) Signs. Refer to Chapter 3 of the Municipal Code.

(7) Central air conditioning or cooling system required.

a. All new residential structures shall be equipped with a central air conditioning or cooling system.

b. For the purposes of this section, a "central air conditioning or cooling system" shall be defined as all that equipment, including associated refrigeration, intended or installed for the purpose of cooling air by mechanical means and discharging such air into a residential structure used for living purposes. A central air conditioning or cooling system shall not include portable cooling units, absorption units or evaporative coolers.

(8) All new residential structures shall be equipped with a gas line stub-out for a barbeque located at the rear of the structure.

DIVISION 8. - RESIDENTIAL PLANNED COMMUNITIES

Sec. 30-190.1. - Applicability.

The R-PC zoning district is intended to facilitate the development of large parcels in an integrated and innovative manner that results in the formation of residential neighborhoods with local-serving neighborhood and commercial centers. It has been determined that projects equal to or greater than 145 adjusted gross acres or 160 gross acres are suitable for this approach. Therefore, there are two different regulatory approaches within the R-PC zoning district: one for projects less than 145 adjusted gross acres and less than 160 gross acres and one for projects equal to or greater than 145 adjusted gross acres or 160 gross acres. The approach for the larger project size allows more flexibility and opportunities.

Sec. 30-190.2. - Projects 145 adjusted gross acres or larger.

This section applies to all projects that are equal to or more than 145 adjusted gross acres or 160 gross acres.

(1) Requirements for all projects. All projects shall comply with the following provisions: (note that 10,000 sq. ft. lots within a specific plan shall comply with the R-PC(a) requirements in Table 30-159A pursuant to Section 30-62)

a. The preparation and approval of a specific plan is required.
b. The development standards are as set forth in Table 30-159.A. If a specific standard is not shown, it shall be as set forth in the specific plan.

c. All uses marked with a double asterisk "**" in Table 30-155.A. are allowed as indicated in that table.

d. The total area used for commercial uses shall not exceed 10 percent of the total project area.

e. Single-family detached residential development is allowed at densities from 3.0 to 4.7 du/acre, with a specific plan.

f. Single-family detached residential development is allowed at densities between 4.8 to 6.4 du/acre, with a specific plan, subject to the following:

   1. The project must be adjacent to an activity center or major or primary highway as identified in the General Plan Circulation Element;

   2. The project must have a mix of for sale residential product types including: single-family homes, condominiums, townhomes, and/or rental multifamily housing projects that contain at least 100 units (multifamily projects less than 100 units may be allowed provided CC&R's are established and on-site management is provided) with 25% usable open space;

   3. A specific plan must be prepared;

   4. The design of the community must encompass a variety of amenities to serve the project which may include, but are not limited to, the following:

      a) Twenty-five percent open space;
      b) Trails and paseos;
      c) Child care facilities;
      d) Neighborhood/satellite community libraries;
      e) Fire stations;
      f) Golf courses;
      g) Fountains;
      h) Water features;
      i) Public art;
      j) Amphitheaters;
      k) Skate park and/or skateboard park;
      l) Community owned sports fields, courts, tot lots, putting greens, pools, lakes, recreation/community complexes, exercise trails, and dog parks;
      m) Public facilities/parks substantially in excess of that required by Quimby Act provisions;
      n) Other amenities may include public facilities with a recognizable connection to the project, substantially in excess of minimum requirements.

   g. For projects of less than 145 adjusted gross acres the provisions of Section 30-190.3. "Projects smaller than 145 acres" apply.

h. Multi-family projects must comply with Section 30-160. Development standards in R-2 and R-3 zoning districts.

i. Affordable housing—Limited features. If affordable housing is provided pursuant to Section 30-161, but the project does not meet the requirements of Subsection (3) above, the density shall not exceed 5.9 dwelling units per adjusted gross acre.
j. Affordable housing—Enhanced features. If affordable housing is provided pursuant to Section 30-161, the project shall have a density not to exceed 8.0 dwelling units per adjusted gross acre, provided it complies with all of the following Subsections:

1. The project shall be adjacent to an activity center or major or primary highway as identified in the Circulation Element of the General Plan.

2. The project shall contain a mix of the following building types: single-family detached, single-family attached, multiple-family (condominiums or apartments).

3. Any multiple-family projects shall contain a minimum of 100 units (multifamily projects less than 100 units maybe allowed provided CC&R's are established and professional on-site management is provided).

4. The project shall include a minimum of four of the features listed in Subsection (3)c. above, not including the ten percent affordable housing feature. The Planning Commission shall determine the adequacy of the features.

Sec. 30-190.3. - Projects smaller than 145 acres.

This section applies to all projects that are less than 145 adjusted gross acres and less than 160 gross acres.

(1) Development standards. Development shall comply with the standards in Table 30-159.A. for development within the R-PC(a) zoning district, except as provided below:

a. The maximum number of units per adjusted gross acre shall be 4.3 and the minimum lot size shall be 10,000 square feet.

(2) Uses. Uses marked with a double asterisk "**" in Table 30-155.A. are not allowed except as provided in subsection (4) below.

(3) Affordable housing—Standards. If affordable housing is provided pursuant to Section 30-161, development shall comply with the standards in Table 30-161.A. for development within the R-1 zoning district, except as provided below:

a. The maximum number of units per adjusted gross acre shall be 5.4 and the minimum lot size shall be 8,000 square feet.

(4) Affordable housing—Housing types. If affordable housing is provided pursuant to Section 30-161, single-family attached units are allowed in addition to single-family detached units.

ARTICLE VI. - COMMERCIAL AND MIXED-USE ZONING DISTRICTS

DIVISION 1. - GENERALLY

Sec. 30-191. - Purpose.

The commercial zoning districts are established to create, preserve, and enhance areas for a variety of commercial and, in some areas, mixed-used activity. The intent of this article is to assure the compatible and mutually beneficial interaction of commercial uses with other uses, residential consumers, industrial suppliers, and the transportation system that ties all of the uses together. Consistent with general plan land use policy, this article establishes design guidelines and development standards intended to:

(1) Provide flexibility in overall project design;

(2) Encourage superior architectural, landscape and other design treatment in all types of commercial and mixed-use structures;

(3) Prevent conflicts between commercial uses and other land uses;
(4) Promote commercial and/or mixed-use centers and discourage strip commercial development; and

(5) Promote the high quality architectural and site development standards as stated within the City’s adopted design guidelines.

Sec. 30-192. - How to use this article.

This article contains subsequent sections that describe permitted land uses in commercial and mixed-use zoning districts and the development standards and design guidelines applicable to these uses. All uses must comply with the development policies, use regulations, development standards, performance standards, and design guidelines established by this section.

The development standards contained in Division 4 of this article serve only as minimum standards on a lot. All permitted uses must also adhere to the provisions of the other sections.

Sec. 30-193. - Commercial and mixed-use zoning districts.

Three base commercial and mixed-use zoning districts are established as follows:

(1) Community commercial (C-1). A zoning district that accommodates retail development that serves the need of City residents, offices and businesses providing administrative and professional services, and medical offices and clinics.

(2) General commercial (C-2). A zoning district that accommodates a wider range of commercial activities than the C-1 Zone, including retail and wholesale activities, automobile-related sales and services, offices and businesses providing administrative and professional services, and medical offices and clinics.

(3) Regional mixed use (RMU). A zoning district that accommodates a wide range of retail commercial, office, light manufacturing, civic, and, under certain circumstances, residential uses to create vibrant activity centers with compatible activities.

DIVISION 2. - DEVELOPMENT POLICIES

Sec. 30-194. - Purpose.

This section establishes general development policies for all commercial and mixed-use development. These policies are derived from the general plan and serve three primary purposes: to assure commercial and mixed-use development is consistent with all elements of the general plan and other adopted plans, to assure development is adequately served by public services and facilities, and to assure public health and safety concerns are addressed in the development process.

The policies are to be used in conjunction with the commercial and mixed-use development standards specified in Division 4 and the design guidelines outlined in Division 7. No project may be approved unless it conforms to the requirements of this section.

Sec. 30-195. - Plan consistency.

All projects must be consistent with the following plans:

(1) All elements of the general plan;

(2) The San Bernardino County Hazardous Waste Management Plan; and

(3) Applicable specific plans.

Sec. 30-196. - Land use compatibility.
The site and design of a project shall recognize that conflicts between abutting or nearby land uses can arise due to such factors as the operating characteristics of an existing use, hazards posed by a use, or the physical orientation of a building. On a City-wide scale, the General Plan Land Use Policy Map establishes a pattern of land use designed to minimize land use conflicts. At the project level, the following features should be incorporated into a project as appropriate to assure the compatibility of different land uses.

(a) **Open space buffer.** Landscaped parkways and similar open space features will be used as appropriate to separate commercial and mixed uses from potentially incompatible uses. The width and treatment of the open space buffer will vary depending upon the types of potential land use conflicts to be resolved. To soften visual impacts, the open space buffer should include landscaping.

(b) **Topography.** Grading plans will incorporate natural earth forms and graded earthen berms as appropriate to create visual screens and to buffer noise.

(c) **Streets.** Street design and site access will be configured to prevent through commercial traffic from using adjacent residential streets. Features such as medians which restrict turning movements can discourage such traffic.

(d) **Landscaping.** Landscaping shall be used alone or in conjunction with other features (e.g. open space buffer, topography) to reduce potential visual, light and glare conflicts.

(e) **Physical barriers.** Physical barriers such as masonry walls shall be provided as specified in these regulations to reduce noise, visual, light and glare impacts. These barriers may also be used to restrict unwanted access between abutting land uses.

(f) **Building orientation.** All buildings shall be cited and oriented to reduce noise, light and glare, visual, and other conflicts. For example, loading areas should be located in areas where noise from such operations will not adversely impact adjacent residential uses.

(g) **Infill development.** Infill development in established commercial areas shall be especially sensitive to compatibility concerns and shall be developed in a manner sensitive to existing uses in terms of scale, design theme, etc.

Sec. 30-197. - Infrastructure.

(a) **Streets.** All new development and expansion of existing development shall provide public street and/or private street improvements consistent with the Circulation Element of the General Plan. Additional improvements and dedications shall be provided as determined through the design review process.

(b) **Water and sewer.** All applicants must verify that adequate water and sewer facilities are or will be available to serve the planned use. Commercial and mixed-use project proponents are encouraged to incorporate recycling systems and decorative fountains or water elements for gray-water reuse into building and site design in order to provide for more efficient water use.

(c) **Storm drains and basins.** All applicants shall provide storm drain and other flood control and drainage facilities consistent with the San Bernardino County Flood Control District's comprehensive drainage plan and City of Fontana Master Plan for Drainage. All facilities shall comply with the National Pollutant Discharge Elimination System (NPDES). All improvements shall be performed in accordance with the provisions of Chapters 12 and 26 of the Municipal Code.

(d) **Fiber optics.** All projects shall provide an internal fiber optics system with a connection to the City-wide system.

(e) **Logical extension of facilities.** Development shall be phased in accordance with the logical, incremental extension of necessary infrastructure of streets and utilities.

(f) **Developer impact fees.** One-time public improvement costs related to extension or expansion of infrastructure necessary to serve a particular development will be the responsibility of the project developer.
(g) **Impact fee amounts.** Where developer impact fees have been adopted, the developer/applicant shall pay the fees according to appropriate rates and schedules.

(h) **Mitigation charges.** Where mitigation charges are determined, a fair share amount shall be assessed by means of a special study or analysis prepared and/or reviewed by appropriate City staff.

Sec. 30-198. - Public facilities and services.

(a) **Public transportation.** New development shall provide public transit facilities such as bus stops, bus shelters or transit turnouts where appropriate as determined through consultation with the appropriate transit authority. Where a new development will impact an adjacent, off-site transportation facility such as a bus stop, ride share parking lot, or multi-modal transportation facility, the project proponent shall contribute a fair share of the funds necessary to construct and/or maintain the facility.

(b) **Developer impact fees.** One-time public improvement costs related to the expansion of public facilities or services necessary to serve a development shall be the responsibility of the developer.

Sec. 30-199. - Resource conservation.

(a) **Energy resources.** New projects shall be encouraged to incorporate passive and active solar systems into site and building design.

(b) **Topography.** Significant topographic features shall be preserved. No grading or development shall be permitted on hilltops. Views to the San Gabriel, San Bernardino and San Jacinto Mountains, and Jurupa Hills shall be protected.

Sec. 30-200. - Public safety.

(a) **Emergency access.** Access for emergency vehicles shall be incorporated into project design.

(b) **Fire hazards.** Projects constructed within or adjacent to areas identified in the general plan safety element as "fire prone areas" shall incorporate fire breaks into site design. Fire management plans will also be required in fire prone areas.

(c) **Geologic hazards.**

1. Geologic reports shall be required for development on properties lying within an Alquist-Priolo Special Studies Zone. The development must incorporate site and design features recommended in the geologic study.

2. In the San Gabriel Mountains and Jurupa Hills, no grading shall be permitted on hill slopes in excess of 15 percent. On all other slopes in excess of 15 percent, no grading shall be permitted unless detailed geologic studies are prepared to show that hill slopes can be stabilized.

(d) **Corner cut-off.** The provisions of Section 30-169 regarding unobstructed corner cut-off visibility shall be required.

Sec. 30-201. - Reserved.

DIVISION 3. - USE REGULATIONS

Sec. 30-202. - Uses permitted.

(a) **Uses by zoning district.** Table 30-202A lists the uses permitted in each of the commercial and mixed-use zoning districts. A "P" indicates a use is permitted by right subject to design review by the Planning Commission or administrative site plan review by the Director of Community Development, an "M" indicates the use requires the granting of a minor use permit, a "C" indicates the use requires the granting of a conditional use permit, and "—" means the use is not permitted in that zoning district.
(b) **Uses subject to specific requirements.** Permitted uses marked with an asterisk “*” indicate that the use is subject to special use regulations in Section 30-204 and Section 15 of the Municipal Code. Conditional uses are subject to the provisions in Section 30-205.

(c) **Modular buildings.** Notwithstanding the provisions of Table 30-202.A., modular buildings require the granting of a conditional use permit.

### Table 30-202.A.
**Permitted Uses in Commercial Zoning Districts**

<table>
<thead>
<tr>
<th>Use</th>
<th>C-1</th>
<th>C-2</th>
<th>RMU</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. Retail sales.</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adult businesses</td>
<td>P*</td>
<td>P*</td>
<td>—</td>
</tr>
<tr>
<td>Antique shop</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Art supply store</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Auctions, except livestock</td>
<td>C</td>
<td>C</td>
<td>—</td>
</tr>
<tr>
<td>Automobile sales agency with incidental repairing and sales display area</td>
<td>—</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Automobile supply store (no machine shop)</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Bakery goods store (employing not more than five persons with all goods sold on premises)</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Bar, tavern, cocktail lounge</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Bicycle shop</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Boat sales with incidental repair and sales display area</td>
<td>—</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Book store</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Building materials, retail sale of (if contained within a completely enclosed building)</td>
<td>—</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Building materials with outdoor storage</td>
<td>—</td>
<td>P*</td>
<td>P*</td>
</tr>
<tr>
<td>Blueprinting establishment</td>
<td>—</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Business Type</td>
<td>Code</td>
<td>Code</td>
<td>Code</td>
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<td>--------------------------------------------------</td>
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<td>------</td>
</tr>
<tr>
<td>Boat sales</td>
<td>—</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Caterer</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Clothing store</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Confectionery store</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Computer store</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Convenience store</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Cyber cafés</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Department store</td>
<td>—</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Discount store</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Drugstore</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Dry goods or notions store</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Electrical supply store (no outdoor storage of supplies and equipment)</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Feed store</td>
<td>C</td>
<td>M</td>
<td>—</td>
</tr>
<tr>
<td>Floor covering store</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Florist shop</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Food locker (for individual home locker rental only; no slaughtering permitted)</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Furniture store</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Garden furniture and supplies store</td>
<td>P*</td>
<td>P*</td>
<td>P*</td>
</tr>
<tr>
<td>Gift shop</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Glass or mirror store</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Store Type</td>
<td>P*</td>
<td>P*</td>
<td>P*</td>
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<td>---------------------------------------------------------------------------</td>
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<tr>
<td>Grocery, fruit, vegetable, meat, fish, poultry, or delicatessen store, including the sale of alcoholic beverages as an incidental part of a permitted use</td>
<td>P*</td>
<td>P*</td>
<td>P*</td>
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<tr>
<td>Hardware store</td>
<td>P*</td>
<td>P*</td>
<td>P*</td>
</tr>
<tr>
<td>Hobby supplies store</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Home furnishing store</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Household appliance store</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Ice cream store</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Ice storage locker (if not more than five-ton capacity)</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Interior decorating shop</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Jewelry store</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Leather goods store</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Liquor store</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Newsstand</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Novelties store</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Nursery, plant (includes statuary sales)</td>
<td>P*</td>
<td>P*</td>
<td>P*</td>
</tr>
<tr>
<td>Office equipment store</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Paint and wallpaper shop</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Pawn shop</td>
<td>—</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Pet shop</td>
<td>P</td>
<td>P</td>
<td>C</td>
</tr>
<tr>
<td>Photographic supplies store</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Plumbing supply store (no outdoor storage of supplies and equipment)</td>
<td>—</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Business Type</td>
<td>P</td>
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<td>------------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>Radio, television, and small electrical appliance shop (including repair when incidental to retail sales)</td>
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<tr>
<td>Restaurant and café, excluding those having dancing and/or floorshows. Alcoholic beverages are not permitted.</td>
<td>P*</td>
<td>P*</td>
<td>P*</td>
</tr>
<tr>
<td>Restaurant and café with entertainment and/or dancing. Alcoholic beverages permitted.</td>
<td>C*</td>
<td>C*</td>
<td>C*</td>
</tr>
<tr>
<td>Restaurant and café without entertainment and/or dancing. Alcoholic beverages permitted. (See Sec. 30-205(f) for alcoholic beverage sales)</td>
<td>M*</td>
<td>M*</td>
<td>M*</td>
</tr>
<tr>
<td>Restaurant, drive-thru and take out</td>
<td>P*</td>
<td>P*</td>
<td>P*</td>
</tr>
<tr>
<td>Sewing machine shop</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Secondhand store</td>
<td>—</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Shoe store</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Smoke/tobacco shop and vape shop</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Sporting goods store</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Stamp and coin store</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Stationery store</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Swap meet (Indoor/outdoor)</td>
<td>—</td>
<td>—</td>
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</tr>
<tr>
<td>Tattoo establishments</td>
<td>P*</td>
<td>P*</td>
<td>P*</td>
</tr>
<tr>
<td>Trailer and mobile home sales and rental</td>
<td>—</td>
<td>P*</td>
<td>C</td>
</tr>
<tr>
<td>Used vehicle lot</td>
<td>—</td>
<td>C</td>
<td>—</td>
</tr>
<tr>
<td>Wholesale auto sales (requires one stall)</td>
<td>C</td>
<td>C</td>
<td>—</td>
</tr>
<tr>
<td>Warehousing sales, retail</td>
<td>C</td>
<td>P*</td>
<td>P*</td>
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<tr>
<td></td>
<td>A</td>
<td>B</td>
<td>C</td>
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</tr>
<tr>
<td>Warehousing sales, wholesale</td>
<td>—</td>
<td>C</td>
<td>P*</td>
</tr>
<tr>
<td>Variety store</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Vending, outdoor</td>
<td>M</td>
<td>M</td>
<td>M</td>
</tr>
<tr>
<td>Video rental store</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td><strong>B. Business and Professional Offices</strong></td>
<td></td>
<td></td>
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<tr>
<td>Administrative and professional offices involving no retail trade</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Art gallery</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Banks</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Clinic, medical or dental, acupuncture</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Credit unions</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Convention centers</td>
<td>—</td>
<td>—</td>
<td>P</td>
</tr>
<tr>
<td>Government offices</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Laboratory, medical or biological</td>
<td>—</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Medical marijuana dispensaries</td>
<td>—</td>
<td>—</td>
<td>—</td>
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<tr>
<td>Optician</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Pharmacy</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Radio/television studio (with transmitter)</td>
<td>—</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Radio/television studio (without transmitter)</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Savings and loan institutions</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Studios for professional work or teaching of any form of fine art</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>
# C. Service Establishments

<table>
<thead>
<tr>
<th>Establishment</th>
<th>P</th>
<th>P</th>
<th>P</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ambulance service</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Animal hospital, small animals</td>
<td>M</td>
<td>M</td>
<td>C</td>
</tr>
<tr>
<td>Animal hospital, large animals</td>
<td></td>
<td>M</td>
<td></td>
</tr>
<tr>
<td>Assembly or meeting hall for lodges, fraternal organizations, private clubs, labor unions, religious services, or similar uses</td>
<td>C</td>
<td>M</td>
<td>C</td>
</tr>
<tr>
<td>Automobile service station, with or without car wash</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Automobile and truck rental, two-ton, single unit maximum</td>
<td></td>
<td>P*</td>
<td></td>
</tr>
<tr>
<td>Automobile/vehicle body and fender repair shop</td>
<td></td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Automobile/vehicle repair</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Automotive custom repair (includes lowering and lifting)</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Automotive stereo, alarm and upholstery installation</td>
<td>C</td>
<td>M</td>
<td>M</td>
</tr>
<tr>
<td>Automobile wash, coin-op manual</td>
<td></td>
<td>M</td>
<td>M</td>
</tr>
<tr>
<td>Automobile wash, coin-op non-manned drive thru</td>
<td></td>
<td>M</td>
<td>M</td>
</tr>
<tr>
<td>Automobile wash, full service, manned</td>
<td></td>
<td>M</td>
<td>M</td>
</tr>
<tr>
<td>Automobile, passenger van, and pick-up truck rated one-ton or less (carrying weight) rental</td>
<td></td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Barber shop or beauty parlor</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Chemical substance abuse facility</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Cleaners and laundry(s)</td>
<td>P*</td>
<td>P*</td>
<td>P*</td>
</tr>
<tr>
<td>Clothing and costume rental establishment</td>
<td>P</td>
<td>P</td>
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</tr>
<tr>
<td>Service Description</td>
<td>C</td>
<td>M</td>
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</tr>
<tr>
<td>------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>Community care facility</td>
<td>C</td>
<td>M</td>
<td>C</td>
</tr>
<tr>
<td>Community center</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Contractor's yard such as painting, building, plumbing, and electrical</td>
<td>—</td>
<td>—</td>
<td>—</td>
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<tr>
<td>Convalescent hospital</td>
<td>M</td>
<td>M</td>
<td>C</td>
</tr>
<tr>
<td>Copying, packing and mailing services</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Day care/child care</td>
<td>M</td>
<td>M</td>
<td>M</td>
</tr>
<tr>
<td>Day care/child care 24 hour</td>
<td>—</td>
<td>C</td>
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<tr>
<td>Decorating, paperhanging and upholstery shop</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Depot—Bus</td>
<td>—</td>
<td>P*</td>
<td>P*</td>
</tr>
<tr>
<td>Depot—Railway, park-and-ride</td>
<td>—</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Diaper supply service</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Dressmaker or millinery shop</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Equipment rental</td>
<td>—</td>
<td>P*</td>
<td>P*</td>
</tr>
<tr>
<td>Fortune-telling</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Heavy contractor's equipment rental</td>
<td>—</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Gunsmith</td>
<td>—</td>
<td>P</td>
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</tr>
<tr>
<td>Hospitals</td>
<td>—</td>
<td>M</td>
<td>M</td>
</tr>
<tr>
<td>Hotels</td>
<td>—</td>
<td>M</td>
<td>M</td>
</tr>
<tr>
<td>Laundromat, self service</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Laundry, retail, or clothes cleaning agency or pressing establishment</td>
<td>C</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Service Type</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>-----------------------------------------------------------------</td>
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<td>----</td>
</tr>
<tr>
<td>Locksmith</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Machine shop</td>
<td></td>
<td></td>
<td>C</td>
</tr>
<tr>
<td>Masseur or masseuse, day spa, acupressure</td>
<td></td>
<td></td>
<td>C</td>
</tr>
<tr>
<td>Mini warehouse (allowed as an ancillary or secondary use to a retail use on-site)</td>
<td></td>
<td></td>
<td>C</td>
</tr>
<tr>
<td>Mortuaries</td>
<td></td>
<td></td>
<td>C</td>
</tr>
<tr>
<td>Library</td>
<td></td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Museums</td>
<td></td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Motel</td>
<td></td>
<td></td>
<td>C</td>
</tr>
<tr>
<td>Music and vocal instruction</td>
<td></td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Nightclub</td>
<td></td>
<td></td>
<td>C</td>
</tr>
<tr>
<td>Nursing home</td>
<td></td>
<td></td>
<td>M</td>
</tr>
<tr>
<td>Photographic developing and finishing store (must include retail)</td>
<td></td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Parks</td>
<td></td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Photographer</td>
<td></td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Pick-up truck rated over one ton (carrying weight), commercial truck or van, or tractor trailer rental</td>
<td></td>
<td></td>
<td>C</td>
</tr>
<tr>
<td>Picture framing store</td>
<td></td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Post office</td>
<td></td>
<td></td>
<td>M</td>
</tr>
<tr>
<td>Printer, blueprint shop</td>
<td></td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Private schools</td>
<td></td>
<td></td>
<td>M</td>
</tr>
<tr>
<td>Public utility structures and facilities</td>
<td></td>
<td></td>
<td>M</td>
</tr>
<tr>
<td>Service Description</td>
<td>Code</td>
<td></td>
<td></td>
</tr>
<tr>
<td>------------------------------------------------------------------------------------</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Publishing establishments</td>
<td>P P P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Repair shop for household appliances</td>
<td>P P P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reducing salon</td>
<td>P P P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shoe repair</td>
<td>P P P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Schools such as business colleges, music conservatories, dancing schools, and other</td>
<td>P P P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>schools that offer training in non-industrial professions</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stenographic services</td>
<td>P P P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Swimming pool, commercial</td>
<td>P P P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sign painting shop in enclosed structure</td>
<td>— P P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tailor</td>
<td>P P P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Taxidermist</td>
<td>P P P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Telegraph office</td>
<td>P P P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Telephone answering service or exchange</td>
<td>P P P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ticket agency, travel bureau</td>
<td>P P P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tire shop</td>
<td>— C C</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tire recapping shop</td>
<td>— C C</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Truck repair service</td>
<td>— — —</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Truck storage yard</td>
<td>— — —</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Upholstery shop</td>
<td>— P P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wedding chapel</td>
<td>P P P</td>
<td></td>
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</tbody>
</table>

**D. Amusement Establishments**
<table>
<thead>
<tr>
<th>Activity</th>
<th>P</th>
<th>C</th>
<th>C</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amusement enterprise for children including pony rides (no stables), merry-go-round, and the like when incidental to a permitted use</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Amusement park</td>
<td>—</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Arcades—Pinball, video, and the like</td>
<td>—</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Archery range</td>
<td>—</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Baseball; batting range</td>
<td>—</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Bowling alley</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Boxing arena</td>
<td>—</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Circus or other amusement enterprise of a similar type, transient in character, on areas of two or more acres (See Sec. 30-89(6) for Temporary Use Permit requirements)</td>
<td>—</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Dance hall</td>
<td>—</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Entertainment centers</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Game rooms</td>
<td>—</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Golf, driving range, miniature, pitch and putt</td>
<td>—</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Gymnasiums, health spas, or physical culture establishments under 4,000 square feet in floor area</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Gymnasiums, health spas, or physical culture establishments over 4,000 square feet in floor area</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Pool hall, billiard center</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Skating rink, roller or ice</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Smoking lounge, hookah lounge, vapor lounge, e-lounge (allowed only as a secondary use to a full service restaurant)</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Activity</td>
<td>M</td>
<td>C</td>
<td>P</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
<td>--------</td>
<td>--------</td>
<td>--------</td>
</tr>
<tr>
<td>Theater, drive-in</td>
<td></td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Theater, indoor</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
</tbody>
</table>

### E. Residential Uses

<table>
<thead>
<tr>
<th>Activity</th>
<th>M</th>
<th>C</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Senior housing</td>
<td>M</td>
<td>M</td>
<td>M</td>
</tr>
<tr>
<td>Multiple-family dwellings (only as part of a specific plan, refer to Sec. 30-213)</td>
<td></td>
<td></td>
<td>P</td>
</tr>
</tbody>
</table>

### F. Other Uses

<table>
<thead>
<tr>
<th>Activity</th>
<th>M</th>
<th>C</th>
<th>P</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal kennel</td>
<td></td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Animals, small—Keeping and raising</td>
<td>p*</td>
<td>p*</td>
<td>p*</td>
</tr>
<tr>
<td>Antenna, transmitting</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Cemetery and related uses</td>
<td></td>
<td>M</td>
<td>C</td>
</tr>
<tr>
<td>Construction trailer</td>
<td>p*</td>
<td>p*</td>
<td>p*</td>
</tr>
<tr>
<td>Home occupation</td>
<td>p*</td>
<td>p*</td>
<td>p*</td>
</tr>
<tr>
<td>Homeless shelters</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emergency shelter subject to the activation of an emergency operation center</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Metal storage containers (temporary storage only)</td>
<td>p*</td>
<td>p*</td>
<td>p*</td>
</tr>
<tr>
<td>Long term construction trailer ancillary to an approved construction project</td>
<td>M</td>
<td>M</td>
<td>M</td>
</tr>
<tr>
<td>Museum and art galleries</td>
<td></td>
<td>M</td>
<td>M</td>
</tr>
<tr>
<td>Parking lots (not related to use on same property)</td>
<td></td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Parking structures</td>
<td></td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Research and development</td>
<td></td>
<td>P</td>
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</tr>
</tbody>
</table>
Sec. 30-203. - Prohibited uses.

Any use not specifically permitted by Table 30-202.A. shall be prohibited, unless the Director of Community Development finds the use to be similar to or have the same operating characteristics of a permitted use, pursuant to the provisions of Section 30-4.

Sec. 30-204. - Special use regulations.

This section establishes special regulations for certain permitted uses marked with an asterisk (*) in Table 30-202.A. The specified use is permitted provided that the use conforms to the following regulations:

(1) **Construction trailers.** Trailers used for construction offices or watchman's quarters are permitted at a construction site with the approval of a temporary use permit as required in Article II provided:
   a. Trailers are located on the same or adjacent premises as the construction site.
   b. Trailers are used only during the period of construction. All trailers shall be removed prior to final project inspection.
   c. Not more than one person per shift resides in the trailer if used for watchman's quarters.
   d. Shall comply with provision set forth for temporary uses as defined in Article II.

(2) **Restaurant.**
   a. **Drive-thru.**
      1. A minimum stacking distance of 132 feet shall be provided from the forward most drive-up window to the entrance of the stacking space. The stacking space shall be located completely clear of any adjacent public right-of-way and all circulation aisles provided on the site.
      2. The menu board shall be enhanced, landscaped and located to provide a minimum distance of 40 feet from the menu board to the entrance to the stacking space.
      3. The drive-thru lane and parking areas visible from a public street shall be screened from view by decorative screening devices that will be integrated into the overall landscape design. Such screening devices may include planters, berms, landscaping, or other screening acceptable to the Director of Community Development.
      4. A drive-thru lane is not permitted adjacent to a parcel zoned for a residential use.
      5. Exterior doors on any children's play area shall be for emergency exit only.
      6. Outdoor dining/seating is permitted provided the parking standards of Table 30-314A are met.
   b. **Other restaurant.**
      1. Outdoor dining/seating is permitted provided the parking standards of Table 30-314A are met.

(3) **Equipment rental.**
a. No heavy contractor's equipment or concrete mixers over one sack capacity shall be stored on the site or rented.

b. The business shall comply with the provisions for outdoor display outlined in Section 30-204(6).

(4) Garden supply. The business shall comply with the provisions for outdoor display outlined in Section 30-204(6).

(5) Hardware. The business shall comply with the provisions for outdoor display outlined in Section 30-204(6).

(6) Outdoor display of materials or goods for sale or rent (vehicles, equipment, garden supply, or building materials).
   a. A building shall be provided on the same parcel or on an adjacent parcel associated with the same business.
   b. All display materials, including vehicles, shall be set back five feet from any landscaped area and shall not be located on required parking areas.
   c. The entire area used for display purposes shall be surfaced with asphalt or an equally serviceable hard pavement surface. The surface shall be maintained in good condition.
   d. Display of equipment or materials, with the exception of vehicles for sale or rent, shall be screened by a visually solid masonry wall of minimum height six feet. The Planning Commission may determine through the design review process that the subject use requires a solid masonry wall higher than six feet.
   e. Outdoor display areas shall be maintained in a neat and orderly condition.

(7) Plant nursery. The business shall comply with the provisions for outdoor display outlined in Section 30-204(6); however, the requirement for a block wall for screening purposes may be waived by the Director of Community Development provided only the following items are on display: plants, water fountains, and statuaries.

(8) Tire shop. The business shall comply with the provisions for outdoor display outlined in Section 30-204(6).

(9) Trailer and mobile home sales and rental. Trailers and mobile homes parked in sales or rental yards may be used for purposes incidental to their sale or rental, including office and showroom facilities, and may include display or retail sales of trailer equipment, hardware or accessories.

(10) Warehousing sales, retail and/or wholesale. All activities shall occur within a completely enclosed building, and/or fenced or screened in areas.

(11) Metal storage containers. Metal storage containers may be allowed for temporary storage subject to an administrative site plan review by the Director of Community Development.

(12) Vehicle repair, service, customizing and supply. Automobile/vehicle repair or service shall not be permitted outside an enclosed building.

(13) Tattoo establishments. Tattoo establishments shall comply with the following provisions:
   a. No person less than 18 years of age shall be tattooed without parental consent. The operator shall obtain proof of age before the tattoo procedure is done.
   b. Hours of operation shall be Monday through Thursday 12:00 noon to 10:00 p.m. and Friday through Sunday 12:00 noon to 12:00 midnight.
   c. It shall be unlawful for any person to tattoo another person except at a tattoo establishment that has a current tattoo establishment permit issued by the City.
   d. Any person desiring a tattoo establishment permit shall make written application for a permit on forms provided by the Business License Administrator. The application shall include the
applicant's full name, address, telephone number, location of the proposed tattoo establishment and such other information as the Administrator requires enforcing the provisions of this Ordinance.

e. An annual inspection fee, an amount to be established by the City Council, shall be collected by the Business License Administrator at the time the permit is issued.

f. A permit for a tattoo establishment may be granted at any time during the year, but all such permits shall expire on the 31st day of the next succeeding December. Tattoo establishment permits shall not be transferable.

g. The tattoo establishment permit and all regulations of the City shall be posted at all times in a conspicuous place in the tattoo establishment.

h. Tattoo establishment permits may be suspended by the Director of Community Development for failure of the holder to comply with the requirements of this article. Whenever the City finds unsanitary or other conditions in the operation of a tattoo establishment that, in its judgment, constitutes a substantial hazard to the public health, the City may issue a written notice to the permit holder citing such condition, specifying the corrective action to be taken, and specifying the time period within which such action shall be taken. If deemed a substantial hazard to the public health, such order shall state that the permit is immediately suspended and all tattoo operations are to be immediately discontinued. Any person to whom such an order is issued shall comply immediately, but upon written petition to the City, shall be afforded a hearing within five days.

i. Any person whose permit has been suspended may, at any time, make application for a re-inspection for the purpose of reinstatement of the permit. Within five business days following the receipt of a written request, the health authority shall make a re-inspection. If the applicant is complying with the requirements of this article, the permit shall be reinstated.

j. For serious or repeated violations of any of the requirements of this article, or for interference with the City in the performance of its duties, the permit may be permanently revoked after an opportunity for a hearing has been provided by the City. Prior to such action, the City shall notify the permit holder in writing, stating the reasons for which the permit is subject to revocation and advising that the permit shall be permanently revoked at the end of ten days following service of such notice, unless a request for a hearing is filed by the City, by the permit holder, within such ten-day period. A permit may be suspended for cause pending its revocation or a hearing on the revocation. Appeal from the action of the City may be made to the City Council.

k. Tattoo establishments shall comply with all County Environmental Health Services requirements.

l. Tattoo designs displaying profanity or nudity shall not be displayed in open viewing where minors are present or may otherwise view the display.

m. Tattoo establishments shall not provide service to patrons who appear to be intoxicated.

n. The location of a tattoo establishment shall be a minimum of 600 feet away from an existing or proposed school.

(14) Animals, small—Keeping and raising. Cats, dogs, and generally accepted household pets as described in the first three categories under "Types of Animals" as shown in Table 30-157.A. are allowed in residential units within mixed-use projects as per the provisions of Table 30-157.A.

(15) Home occupations. Home occupation uses are permitted in residential units within mixed-use projects provided a valid home occupation permit has been obtained pursuant to Article II, Division 12 of this chapter.

(16) Cleaners and laundries. Cleaners and laundries are limited to receiving and cleaning personal items, belonging to individuals, which are dropped off by customers. They do not include the
cleaning of items dropped off at another location or the bulk cleaning of goods for commercial establishments.

(17) **Masseur or masseuse and day spa.** Masseur or masseuse and day spa services and facilities shall comply with the provisions of Article XII of Chapter 15 of the Municipal Code.

(18) **Adult businesses.** Adult businesses shall comply with the provisions of Article XVIII of Chapter 15 of the Municipal Code.

(19) **Bus depot.** Bus depot sites shall provide the following:
   a. A dedicated and identified passenger loading/unloading area with a minimum dimension of 12-feet wide by 45-feet in length and, if applicable, a minimum 14-foot height clearance. The loading/unloading areas shall be located outside of any required drive aisle, parking area, setback area, or any other area designated or dedicated for another purpose.
   b. A permanent covered area for waiting passengers shall be provided and shall include, at minimum, a restroom, seating, and a trash bin.
   c. Amenities such as the sale of sundries and/or convenience items, services, or similar, shall be available to waiting passengers within 1,320 feet (¼ mile) of the bus terminal, as measured from the required passenger waiting area.

(20) **Bus terminal.** Bus terminal sites shall provide the following:
   a. A dedicated and identified passenger loading/unloading area with a minimum dimension of 12-feet wide by 45-feet in length and, if applicable, a minimum 14-foot high clearance. The loading/unloading areas shall be located outside of any required drive aisle, parking area, setback area, or any other area designated or dedicated for another purpose.
   b. A permanent covered area for waiting passengers shall be provided and shall include, at minimum, a restroom, seating, and a trash bin.
   c. Amenities such as the sale of sundries and/or convenience items, services, or similar, shall be available to waiting passengers within 1,320 feet (¼ mile) of the bus terminal, as measured from the required passenger waiting area.
   d. All bus/motor carrier repair and washing shall be conducted in a fully enclosed building.
   e. Busses/motor carriers stored on-site for more than 12 hours shall be located in a designated area for that purpose and be screened from view of adjacent public streets or rights-of-way by a decorative wall. Other effective means of screening such as mature landscaping of sufficient height and density may be approved through an administrative site plan application.

(Ord. No. 1618, Exh. A, 6-9-10; Ord. No. 1665, § 4(Exh. A), 6-26-12)

Sec. 30-205. - Conditional use regulations.

All uses marked with a "C" or "M" in Table 30-202.A. must comply with the conditional use permit or minor use permits procedural requirements outlined in Article II, Divisions 6.5 and 7 of this chapter. In addition, certain conditional uses must comply with the specific development and operational standards outlined below.

(a) **Automobile service and repair stations, customizing and supply.**
   (1) **Applicability.** The provisions of this section shall apply to all new construction of automobile service stations and all places where motor fuels are dispensed.
   (2) **Lot area and frontage.** Each service station site shall have a minimum net lot area as specified in the zoning district in which the service station will be located.
(3) **Existing stations.** The provisions contained in paragraph (2) above shall not be applicable to existing service stations in the City so long as such service stations remain in use as service stations.

(4) **Regulations.**

   a. **Location.** The site shall have direct frontage on a major, primary or secondary highway.

   b. **Driveway access.** One access drive shall be permitted for each street frontage unless additional access drives will enhance the public health, safety, and welfare.

(5) **Repair and servicing.** All hydraulic hoists and pits, and all lubrication, greasing, automobile washing and polishing and permitted repair equipment must be enclosed entirely within a building, and all work shall be done within a completely enclosed building. No outdoor storage of inoperative vehicle or vehicles under repair shall be permitted on the site.

(6) **Signs.** See Chapter 3 of the Municipal Code.

(7) **Storage and display.** Outside storage and display of new or used merchandise shall not be permitted.

(8) **Hours of operation.** Hours of operation shall be determined on a case-by-case basis by the Planning Commission.

(9) **Restroom requirements.** All fuel retailers shall provide both male and female restrooms which are continuously maintained for the use of, and at no charge to customers and employees. The restroom entrances shall be screened from view from adjacent properties and public rights-of-way by decorative structural screening as approved by the Community Development Department.

(10) **Air/water.** Air and water dispensing equipment shall be provided. Such equipment shall be located in an easily accessible location and shall be maintained at all times. Non-operating equipment shall be repaired within five calendar days.

(11) **Service bay.** Service bay doors shall be oriented away from the public right-of-way.

(12) **Renovation of existing facilities.** Renovation of existing facilities which increases assessed evaluation of the facility by more than 30 percent shall comply with the requirements contained herein. When existing conditions prevent compliance with these requirements, the renovation shall be considered to be in substantial compliance with this Ordinance as determined by the Planning Commission.

(13) **Abandonment and revocation.**

   a. If an automobile service station is abandoned or vacated for a period of six consecutive months such abandonment shall be considered to be forfeiture of all rights and privileges granted by a conditional use permit (CUP). A hearing shall be held for the purpose of revoking such permit in accordance with the provision of this article. Within 30 days after revocation of a CUP operation a plan must be presented to the City outlining plans for removal of above or below ground storage tanks.

   b. Any automobile service station that becomes vacant or ceases operation beyond six months shall be required to remove all underground storage tanks (in a method acceptable to the Central Valley Fire Protection District and all other government authorities) remove all gasoline pumps and pump islands, and shall remove freestanding canopies. In order to prevent said action, the owner must supply the Manager of Planning with written verification prior to the sixth month that an allocation of gas has been received and operation of the station will commence within 30 days of the date of written correspondence. If the service station is to resume operation after the 180 days, then the Director of Community Development or designee shall require processing and approval of a conditional use permit/design review application as well as the required approvals from the appropriate regulatory agency whether it be Federal, State, or local to ensure that the facilities will be reasonably upgraded and maintained.
This could include but not be limited to such items as replanting existing landscape areas, installing new landscape areas, painting of structures, upgrading or installing trash enclosures, striping parking spaces, installation of signs in conformance with adopted signs provisions in Chapter 3 of the Municipal Code.

(b) Smoke shop and vape shop.

(1) Regulations.
   a. The business shall be owner-operated or otherwise exempt from the prohibition of smoking in the workplace set forth in Cal. Labor Code Section 6404.5.
   b. Food for consumption is not permitted on the premises.
   c. No alcoholic beverages shall be sold or consumed on the business premises.
   d. No person under 18 years of age shall be permitted within any area of the business premises in conformance with Section 30-314 where the smoking of tobacco is allowed.
   e. No amusement devices, as said term is defined in Section 30-11 of this Code, shall be permitted anywhere within the business.

(2) Development standards.
   a. There shall be no obstructions within the storefront windows and doors which would hinder visual surveillance of the interior of the tenant space from the outside of the premises during operating hours. Obstructions would include signage, window tint, window coverings, advertisements, etc.
   b. The interior of the business shall be maintained with adequate illumination to make the conduct of patrons within the premises readily discernible to persons of normal visual acuity.
   c. All required emergency access/exits or fire lanes shall be provided and maintained as required by the Fontana Fire Department.
   d. The business shall also be in conformity with all other city, state, and federal laws.

(3) Distance requirements.
   a. Distance shall be measured from property line to property line.
   b. The tenant space shall not be located within 1,500 feet of any existing or proposed school, park, religious institution, hospital, youth facility, or other sensitive land uses, whether said uses are within or outside of the corporate boundaries of the City of Fontana.
   c. The tenant space shall be a minimum distance of 500 feet from any smoke/vape shop and smoking/vape/hookah/e-lounges, as said terms are defined in Section 30-11, whether said uses are within or outside of the corporate boundaries of the City of Fontana.

(c) E-lounge, hookah lounge, smoking lounge, vapor lounge.

(1) Regulations.
   a. Allowed only as a secondary use in the outdoor patio area of a full service restaurant.
   b. All business related activities shall be conducted wholly within a building, with the exception of on-site smoking and outdoor seating in conformance with Section 30-314. Operation of outdoor barbeques or braziers or lighting coals shall not be permitted.
   c. The business shall be owner-operated or otherwise exempt from the prohibition of smoking in the workplace set forth in Cal. Labor Code Section 6404.5
d. No person under 18 years of age shall be permitted within any area of the business premises in conformance with Section 30-314 where the smoking of tobacco is allowed.

e. No admittance fee, cover charge, or requirement of any charge or minimum payment as a condition of entry shall be permitted.

f. In the event security problems occur and at the request of the police Department, the business owner/licensee or management, at his or her own expense, shall provide a California licensed, uniformed security guard(s) on the premises, during such hours as requested and directed by the Police Department. All uniformed security guard(s) shall comply with Fontana City Code section 22-62, and shall be registered with the State of California's Bureau of Security and Investigative Services as a security guard prior to employment within the City of Fontana.

g. The lounge owner shall be responsible for the removal of all trash and debris or spilled food or beverage items, and shall maintain the outdoor seating area and its adjacent area in a clean, sanitary and trash-free manner.

h. Music shall be limited to overhead/background music; any music allowed shall not be audible from outside the premises so as to disturb the peace pursuant to Fontana Municipal Code 16-19, 18-63. Such system may be radio, juke box (coin or token operated customer paid mechanism) or similar non-hosted device or unit, but not including any system requiring an attendant or host such as a disk jockey (Dj) or similar person.

(2) Development standards.

a. Adequate ventilation shall be provided for the heating of coals in accordance with all requirements imposed by the Fontana Fire Department, or as otherwise required by federal laws.

b. Parking shall be provided using the standard for bars and nightclubs.

c. The occupancy shall not exceed the occupancy limit for the premises established pursuant to Chapter 10 of the California Building Code.

d. Furnishings for an outdoor seating area shall not exceed one table and two seats for every five lineal feet of building or unit frontage.

e. Furnishings shall not be placed or allowed to hang over any public right-of-way, required pedestrian access way, required setback or parking area.

f. A minimum six-foot wide pedestrian walkway shall be maintained to provide unobstructed pedestrian access on the sidewalk.

g. Portable or non-fixed furnishings shall not be set up outside the premises more than one-half hours after closing. Permanent or fixed furnishings may remain overnight.

h. Furnishings shall not contain advertising or depict any product or product name, logo, trademark, or similar identification or advertising display. The design, color and material of the furnishings shall be compatible with the building.

i. At least one enclosed trash receptacle shall be provided. The design, color and material of the receptacle(s) shall be compatible with the building.

j. Development standards set forth in Section 30-205(b)(2) shall also apply.

(3) Distance requirements. See Section 30-205(b)(3).

(d) Auto repair (including paint and body work). Use must be conducted within an enclosed building.

(e) Automatic car wash.

(1) Any car wash in which power driven or steam cleaning equipment is used shall be contained wholly within a completely enclosed building, with openings for the entrance and/or exit of
vehicles. Any activity involving hand drying of vehicles does not require enclosure within a building. Hand drying shall only be conducted in areas not used for required parking or vehicular circulation.

(2) Any sound emanating from the operation shall be in conformance with those standards adopted by the City for the control of noise and noise sources per Chapter 18 of the Code of the City of Fontana.

(3) Operation shall not be allowed before 7:00 a.m., or after 10:00 p.m.

(4) Both the entrance and exit of the car wash shall be located in such a way that they are not visible from the public right-of-way or screened to the satisfaction of the Director of Community Development.

(f) Alcoholic beverage sales.

(1) Any use that engages in on or off-site retail sales of alcoholic beverages and that is required to operate under a State Alcoholic Beverage Control (ABC) license shall be subject to the approval of conditional use permit or minor use permit. A conditional use permit or minor use permit shall be required for the following actions:

<table>
<thead>
<tr>
<th>Use</th>
<th>C</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. Alcoholic beverage sales.</strong></td>
<td></td>
</tr>
<tr>
<td>An application for a new ABC license;</td>
<td>C</td>
</tr>
<tr>
<td>Any change in the type of existing ABC license with CUP;</td>
<td>M</td>
</tr>
<tr>
<td>Premise-to-premise transfer of an existing ABC license with CUP;</td>
<td>M</td>
</tr>
<tr>
<td>Any increase of floor area in an ABC licensed establishment;</td>
<td>M</td>
</tr>
<tr>
<td>Any change in operating conditions from what was originally imposed by the City or by ABC, including but not limited to any change of hours of operation or entertainment;</td>
<td>M</td>
</tr>
<tr>
<td>A request to establish live entertainment or dancing in an ABC licensed establishment;</td>
<td>M</td>
</tr>
<tr>
<td>Any ABC licensed establishment that has its license revoked, suspended or surrenders its license to ABC or discontinues use of the license for 30 days or has its conditional use permit revoked or vacates the property will be required to file and have approved a new conditional use permit before reestablishing the use;</td>
<td>C</td>
</tr>
<tr>
<td>Any ABC licensed establishment not previously possessing a conditional use permit when there is an ownership change.</td>
<td>M</td>
</tr>
</tbody>
</table>
(2) Location requirements.

a. In judging requests for alcoholic beverage sales, of particular concern will be the physical relationship and proximity of the proposed use to that of similar uses on the same or surrounding sites; the compatibility of the proposed use with neighboring uses (i.e., schools, parks, religious institutions, hospitals and other similar uses), and that no adverse effect on public health, safety or welfare will be created.

b. A business where a new conditional use permit is requested, other than for a renewal or ownership transfer, for the sale of liquor should be a minimum of 600 feet away from an existing or proposed school, park, religious institution, hospital, youth facility, and other similar uses.

c. The proposed use shall not be incompatible with the adjoining uses as it relates to noise, debris, traffic, storage, design and hours of operation, nor shall it create any adverse effect on public health, safety or welfare.

d. All light standards shall be located so that lighting does not directly shine into adjoining residential properties. Any light pole within the parking area shall have a concrete or similar support base constructed to withstand light vehicle collisions.

e. The establishment shall be operated in such a manner that sound emitted from the premises shall not be audible beyond the boundaries on which it is located.

1. All doors to the building shall remain closed except to allow for the entrance and exit of patrons and employees.

2. Any such liquor sales use or similar use being established for the first time shall have no entrance or exit located within 100 feet of a residentially zoned or utilized property unless adequate sound attenuation measures have been undertaken or unless the entrance or exit is separated from the residentially zoned property by a public street.

f. Any such use established prior to establishment of these regulations, or any such use that is established with a conditional use permit, which for any reason is discontinued for a period of 30 days or more, shall be considered terminated, and any existing conditional use permit shall become null and void. Approval of a conditional use permit shall be obtained prior to the reestablishment of such use.

g. In the event the Director of Community Development has determined that a party holding a conditional use permit at a given location is in violation of the conditions of the permit the Planning Commission, through the public hearing process, shall have the authority to terminate the conditional use until such time as the property has been brought into compliance and the applicant establishes that those conditions have been met.

(g) [Reserved.]

(h) Places of assembly. Places where people assemble for meetings, events, religious services, cultural activities and similar events are subject to the provisions of this subsection.

(1) The minimum site area shall be one acre and shall have frontage on a secondary, primary, or major highway.

(2) The width of the frontage of the site shall be not less than 120 feet.

(3) Front yards shall be that required for the zoning district in which the use is located except that if the entrance to the main building faces the street, the minimum front yard shall be 40 feet.

(4) Main buildings and structures on the site shall not be closer than 25 feet to any property line that is a common property line with "R" zoned property, except that accessory buildings and structures (no more than 640 square feet in area) shall maintain a side yard of ten feet with
five feet added at ground level for each additional story over the first. Any detached one-family dwelling on such site shall conform to the yard requirements and required distance between buildings as required for the zoning district in which the dwelling is located.

(5) The required front yard for any off-street parking area shall be no less than that required for the zoning district in which the parking area is located.

(6) On interior lots, the required side yards may be used to provide off-street parking areas, and on corner lots, the interior side yard may be similarly used. Under no circumstances may the required side yard on the street side be used for off-street parking.

(7) Limitations on lot coverage by buildings shall not apply.

(8) A solid wall not less than six feet in height shall be constructed and maintained on any property lines adjoining residential property, provided such wall shall not extend into any required front yard.

(9) All lights provided to illuminate any parking area or building on the site shall be so arranged as to direct the light away from any adjoining premises.

(10) The use shall comply with the noise standards in Table 30-182.A.

(11) The conditional use permit may impose restrictions upon the hours of operation.

(12) Notwithstanding the above provisions, places of assembly located within established shopping centers:
   a. Shall comply with off-street parking for both places of assembly and retail shopping.
   b. Shall not occupy more than 25 percent of the total gross floor area of the shopping center and be restricted to assembly purposes.
   c. Shall comply with all applicable Uniform Building Codes and Uniform Fire Codes.
   d. Shall require that all work required be performed prior to the issuance of a certificate of occupancy by the City’s Building Official.
   e. Shall have its hours of operation subject to review and approval to insure the health and safety of the community and compatibility with the surrounding uses.

(i) Commercial radio/T.V. Applicant shall furnish proof of a valid Federal communications license prior to approval.

(j) Fortune telling.
   (1) All applicants shall observe all the provisions contained within Chapter 15 of the Municipal Code.
   (2) Said establishment shall be located a minimum of one thousand feet away from any other establishment engaged in the practice of fortune telling.

(k) Hotel/motel.
   (1) The minimum site area shall be 40,000 square feet.
   (2) The minimum street frontage of the site shall be 150 feet.
   (3) In hotels, no provisions for cooking facilities shall be provided within individual rooms or suites.
   (4) No consecutive occupancy in motels shall exceed 30 days in 45 consecutive days.
   (5) The following building setbacks are required:
      a. Front setback 20-foot depth from the lot front property line;
      b. Interior side setback seven and one-half foot width from the lot side line unless adjacent to residentially zoned property. Then setback increases to 25 feet;
c. Exterior side setback ten-foot width from the lot side line;

d. Rear setback seven and one-half foot depth from the lot rear line unless adjacent to residentially zoned property. Then setback increases to 25 feet;

e. The setbacks shall be fully landscaped except for points of ingress and egress;

f. In motels, no more than ten percent of the individual living units shall contain kitchen facilities.

(i) **Automobile and boat sales.**

(1) Minimum site area shall be 15,000 square feet.

(2) All parts, accessories, etc. shall be stored within a fully enclosed structure.

(3) No amplified speaker systems shall be used outside.

(4) All on-site lighting shall be stationary and directed away from adjoining properties and public rights-of-way.

(5) No vehicle or boat service or repair work shall occur except within a fully enclosed structure. Service bays with individual access from the exterior of the structure shall not directly face or front on a public right-of-way or freeway.

(6) All loading and unloading of vehicles or boats shall occur on-site or from loading zones as designated by the City traffic engineer and not in adjoining streets or alleys.

(7) Off-street parking requirements shall adequately accommodate all on-site uses including showroom, office, parts and service areas, as well as employee and customer parking.

(8) Two display parking stalls within the required landscaped setback area are allowed.

(m) **Senior housing.**

(1) For tenants, residents, or occupants who are married to each other, either spouse shall be 55 years of age or older.

(2) For individuals who are not married, each individual shall be 55 years of age or older.

(3) Land uses in the immediate and surrounding area, current and projected, must be compatible with the living environment required by senior citizens and must be free of health, safety, or noise problems (i.e., area generally quiet).

(4) Area infrastructure must be in place or constructed as part of the project and capable of serving the proposed project including:

   a. Streets.
   
   b. Sidewalks.
   
   c. Traffic/pedestrian signals.

(5) Proposed site topography must be fairly level and easily traversed by persons of limited mobility.

(6) Proposed site must demonstrate proximity to commercial establishments, service providers, and other amenities including:

   a. Food shopping;
   
   b. Drug stores;
   
   c. Banks;

   d. Medical and dental facilities;

   e. Public transit (main or frequently served routes); and
f. Open space/recreational facilities.

(7) Development incentives granted by the City to a developer constructing senior housing are predicated upon the long-term availability and affordability of the units for the target population previously defined. In order to ensure that the units remain available and affordable to this group, the developer will be required to enter into a development agreement with the City per California Government Code Section 65864 through 65869.5.

(8) Tubular security fencing up to five feet in height shall be permitted in the front yard area.

(9) The maximum building height shall be 45 feet.

(n) Cyber cafés. Notwithstanding any other provision of this chapter, cyber cafés may be conducted in any C-1, C-2 or RMU zoning districts, provided they are carried on in accordance with the limitations hereinafter set forth, and provided an approved conditional use permit is granted. Cyber cafés shall not be permitted in a specific plan unless explicitly set forth as a permissible use.

(1) A conditional use permit shall be required for all cyber cafés. If at any time the ownership changes or the use is discontinued for 180 days on an existing cyber café that does not have a conditional use permit the new owner will be required to obtain a conditional use permit.

(2) "No Loitering" signs shall be posted at the front and rear of the business. In addition, a waiting area with not less than eight seats shall be provided for customers waiting to use a computer. No outside waiting or seating area is permitted.

(3) No person shall be permitted to consume or sell alcohol on the premises.

(4) There shall be a minimum of one employee managing the cyber café during all working hours.

(5) Occupancy shall not exceed that required under the Uniform Building Code and Uniform Fire Code, and the maximum occupancy load shall be posted at the main entrance.

(6) Any display of, or access to, adult oriented materials where they can be seen by minors is prohibited.

(7) Window areas shall not be covered or made opaque in any way. All windows and entrances must be unobstructed at all times so as to allow an unimpaired line of sight by a police officer.

(8) The Chief of Police is authorized to require a specific owner/operator to provide a security guard on the premises in the event that there are significant calls for service relating to assaults, gang related activity, weapons offenses, disturbances, and juvenile related crime, including truancy, or other good causes.

    a. Any decision of the Chief of Police may be appealed to the City Council. Any appeal shall be made within ten calendar days following the date of the decision by the Chief of Police. Further, such appeal period shall end at 5:00 p.m. on the tenth calendar day following such date of the written decision by the Chief of Police. If such tenth calendar day ends on a Saturday, Sunday or holiday, the ten-day period shall end at 5:00 p.m. on the next regular business day.

    b. All appeals shall be in writing and on forms provided by the Planning Division and shall specify wherein there was any error of decision or requirement by the Chief of Police. Furthermore, a copy of such appeal shall be filed with the Planning Division and the City Clerk.

    c. The City Council may, after public hearing, affirm, reverse, change, or modify the original decision and may make any additional determination it shall consider appropriate within the limitations imposed by this chapter. Such decision shall be filed with the City Clerk, and the Planning Division; one copy thereof shall be sent to the applicant.
(9) No pool tables or other amusement devices not directly related to Internet computer devices shall be permitted.

(10) No gaming tournaments for cash prizes shall be permitted.

(11) A business where a new conditional use permit is requested, other than for a renewal or ownership transfer, for the operation of a cyber café shall be a minimum of 600 feet away from any existing or proposed public or private school.

(o) **Mini warehouses.** Mini warehouses shall only be permitted if commercial retail or office development is located in front of the facility. Only the commercial retail or office development shall be visible from a public street. Outdoor storage may be approved by the Planning Commission on a case-by-case basis and shall only include currently registered vehicles, trailers, and/or vessels in an operating condition.

(p) **Vending, outdoor.** Outdoor Vending is only permitted in conjunction with a large retail building of 100,000 square feet or more. A maximum of two independent vendors are allowed per building (excludes non-man operated vending machines).


DIVISION 4. - DEVELOPMENT STANDARDS FOR PRIMARY STRUCTURES

Sec. 30-206. - Commercial and mixed-use development standards.

The development standards outlined in this section are the minimum standards applicable to the development of commercial and mixed-use structures.

Sec. 30-207. - Lot dimensions, building height and maximum intensity.

Table 30-207.A. specifies required lot dimensions, height limitations, and maximum permitted building intensities. The lot dimension requirements apply only to the creation of new parcels. Also, the lot dimension requirements do not apply to commercial and mixed-use development over five acres in lot area that provides for reciprocal access, parking, and maintenance.

<table>
<thead>
<tr>
<th>Feature</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>C-1</td>
</tr>
<tr>
<td>Lot size</td>
<td></td>
</tr>
<tr>
<td>Minimum</td>
<td>20,000 sf</td>
</tr>
<tr>
<td>Maximum</td>
<td>none</td>
</tr>
</tbody>
</table>
Lot dimensions

| Minimum width | 100 feet | 150 feet | none |
| Minimum depth | 100 feet | 200 feet | none |
| Maximum building heights(b) | 35 feet | 60 feet | 75 feet |
| Lot coverage(c) | 50% | 50% | none |
| Maximum FAR | 0.50 | 1.0 | 1.0(d) |

(a) Refer to Section 30-213 for project size requirements.
(b) Refer to Section 30-144 for structures permitted above the height limit.
(c) Automobile fuel/service stations shall have maximum allowable lot coverage of 35 percent.
(d) In calculating the FAR for mixed-use projects, only 50% of the area devoted to residential and accessory uses shall be included in the calculation.

Sec. 30-208. - Yard areas.

Tables 30-208.A and 30-208.B specify the minimum required yard areas (setbacks) for buildings and parking areas. All required yard areas shall be clear of all structures and shall be landscaped and maintained in a neat and healthy condition according to the landscaping provisions of this title.

Table 30-208.A.
Yard Areas—Building Setbacks

<table>
<thead>
<tr>
<th>Yard</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>C-1</td>
</tr>
<tr>
<td>1. Street yard (measured from property line)</td>
<td></td>
</tr>
<tr>
<td>Abutting freeways</td>
<td>25 feet (c)</td>
</tr>
<tr>
<td>Abutting major highways</td>
<td>20 feet(a)(b)</td>
</tr>
<tr>
<td>Abutting primary highways</td>
<td>20 feet(b)</td>
</tr>
<tr>
<td>Abutting secondary or collector streets</td>
<td>15 feet(b)</td>
</tr>
<tr>
<td>Yard Area</td>
<td>Standard</td>
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<td>-------------------------------</td>
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</tr>
<tr>
<td></td>
<td>C-1</td>
</tr>
<tr>
<td>Abutting local streets</td>
<td>15 feet(b)</td>
</tr>
<tr>
<td>2. Rear yard</td>
<td></td>
</tr>
<tr>
<td>Abutting Freeways</td>
<td>25 feet (c)</td>
</tr>
<tr>
<td>Abutting residential zone</td>
<td>20 feet(c)</td>
</tr>
<tr>
<td>Abutting all other zones</td>
<td>0</td>
</tr>
</tbody>
</table>

3. Interior side yard

<table>
<thead>
<tr>
<th>Yard Area</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>C-1</td>
</tr>
<tr>
<td>Abutting Freeways</td>
<td>25 feet (c)</td>
</tr>
<tr>
<td>Abutting residential zone</td>
<td>20 feet(c)</td>
</tr>
<tr>
<td>Abutting all other zones</td>
<td>0</td>
</tr>
</tbody>
</table>

(a) Building setbacks along Cherry Avenue, Valley Boulevard, Sierra Avenue, Foothill Boulevard, and Baseline Avenue shall be 25 feet.

(b) For properties along the same block face as properties zoned for residential use, the setback shall be the same as established for the residential uses.

(c) An additional setback may be required by the Community Development Director.

**Table 30-208.B.**

**Yard Areas—Parking Area and Drive Aisle Setbacks**

<table>
<thead>
<tr>
<th>Yard Area</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>C-1</td>
</tr>
<tr>
<td>1. Street yard (measured from property line)</td>
<td></td>
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<tr>
<td>Abutting freeways</td>
<td>25 feet (c)</td>
</tr>
<tr>
<td>Abutting major highways</td>
<td>20 feet(a)</td>
</tr>
<tr>
<td>Abutting primary highways</td>
<td>20 feet</td>
</tr>
<tr>
<td>Abutting secondary, or collector street</td>
<td>15 feet</td>
</tr>
<tr>
<td>----------------------------------------</td>
<td>---------</td>
</tr>
<tr>
<td>Abutting local street</td>
<td>15 feet</td>
</tr>
<tr>
<td>2. Rear yard</td>
<td></td>
</tr>
<tr>
<td>Abutting freeways</td>
<td>25 feet (c)</td>
</tr>
<tr>
<td>Abutting residential zone</td>
<td>10 feet</td>
</tr>
<tr>
<td>Abutting all other yard areas</td>
<td>0</td>
</tr>
<tr>
<td>3. Interior side yard</td>
<td></td>
</tr>
<tr>
<td>Abutting freeways</td>
<td>25 feet (c)</td>
</tr>
<tr>
<td>Abutting residential zone</td>
<td>10 feet</td>
</tr>
<tr>
<td>Abutting all other yard areas</td>
<td>0</td>
</tr>
</tbody>
</table>

(a) Parking setbacks along Cherry Avenue, Valley Boulevard, Sierra Avenue, Foothill Boulevard, and Baseline Avenue, shall be 25 feet.

(b) All residential development shall conform to the residential section of the Code.

Sec. 30-209. - Permitted uses in required yard areas.

The accessory uses and structures permitted in yard areas shall be limited as follows:

1. Street yard areas. Landscaping, on-premises signs, and pedestrian walkways.

2. Rear yards, interior side yards, yards abutting alleys. Landscaping, pedestrian walkways, and similar accessory uses.

Sec. 30-210. - Permitted projections into yard areas.

No projections may extend into required yard areas except as follows:

1. Signs, as specified in Chapter 3 of the Municipal Code.

2. Awnings, eaves, canopies, roof projections, and similar architectural features for a distance of five feet, provided the feature is located at least eight feet above grade and no closer than five feet from the property line.

3. Bay windows, chimneys, fireplaces, balconies, and similar features for a distance of three feet, provided the feature is located no closer than five feet from the property line.

4. Theater marquees for a distance of eight feet or no nearer than two feet to the face of an existing curb, whichever is less.
(5) Balconies for residential units within a mixed-use project for a distance of six feet into a required yard facing a street.

Sec. 30-211. - Landscaping requirements.

All required street setbacks shall be landscaped in accordance with provisions in Article X. In no event shall the off-street parking encroach within such setback area.

Sec. 30-212. - Screening required.

(a) General. The following required screening shall apply in all commercial and mixed-use zoning districts:

1. Outdoor storage. Outdoor storage shall be prohibited.
2. Parking lots. All parking lots shall be screened as provided for in Article XI of this title.
3. Adjacent to residential districts. All commercial and mixed uses adjoining or abutting a residential district shall be screened by a solid masonry wall not less than six feet but no higher than eight feet in height. However, in the front yard area abutting the residential lot, the wall may be lower as determined through the design review process.
4. Trash, utility and loading areas. Trash enclosures, utility areas, loading areas and the like shall be screened by walls, earthen berms, landscaping, buildings, or any combination of these features.

(b) Mechanical equipment on rooftops. The following restrictions shall apply to all roof-mounted mechanical equipment:

1. Required. In all commercial and mixed-use zoning districts, rooftop mechanical equipment, except solar collectors and rain gutters, shall be screened on all sides by screening not less than the height of the equipment being screened.
2. Secured. All rooftop mechanical equipment shall be secured from unauthorized entry to the satisfaction of the Building Official.
3. Materials. All rooftop mechanical equipment screening devices shall be of a material requiring a low degree of maintenance. All screening devices shall be well integrated into the design of the building through such items as parapet walls continuous with the walls of the structure, false roofs, or equipment rooms.

(c) Wall heights. The maximum height of walls is set forth in Table 30-212.A.

<table>
<thead>
<tr>
<th>Location</th>
<th>Maximum Permitted Height(a)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Within required street frontage setback</td>
<td>3 feet 0 inches</td>
</tr>
<tr>
<td>Tubular wrought iron fencing</td>
<td>6 feet 0 inches</td>
</tr>
<tr>
<td>2. Abutting residential front yard</td>
<td>3 feet 6 inches</td>
</tr>
<tr>
<td>3. Abutting residential side or rear yard</td>
<td>8 feet 0 inches</td>
</tr>
</tbody>
</table>
4. All other areas

| 8 feet 0 inches |

(a) Notwithstanding the provisions of this section, walls, fences, hedges at a street corner are required to meet the City's street intersection sight distance standards.

(b) Residential development shall conform to the residential section of the Code.

Sec. 30-213. - Special development standards for RMU zoning district.

The following development standards are applicable to mixed use projects within the RMU zoning district:

(1) Project site size. Project sites shall be at least 20 acres except that sites located east of Sierra and north of the 210 Freeway have no required minimum acreage requirement, but a conditional use permit is required for site development.

(2) Density. The maximum density for residential dwelling units in a mixed-use project shall not exceed 12 units per net acre, except that it may be increased up to 24 units per net acre if at least five of the features listed in Section 30-190.2.(3)c. are provided. The Planning Commission shall determine the adequacy of the features.

(3) Residential unit size. The minimum square footage for residential units within a mixed-use project shall be as follows: 1-bedroom unit is 700 sf; 2-bedroom unit is 900 sf; 3-bedroom unit is 1,000 sf; 4 or larger-bedroom units, 1,000 sf plus 100 sf for each bedroom in excess of 3.

(4) Open space. The minimum amount of private open space for residential units within a mixed-use project shall be 100 sf per unit.

(5) Storage facilities. A separate area having a minimum of 300 cubic feet of private and secure storage space shall be provided for each residential unit within a mixed-use project.
   a. The storage area may be located within a garage, provided it does not interfere with garage use for automobile parking.
   b. Normal closet and cupboard space within the dwelling unit shall not count toward meeting this requirement.
   c. No storage shall be allowed in any carport area.

(6) Air conditioning or cooling systems.
   a. The residential portion of a mixed-use project shall be equipped with a central air conditioning or cooling system.
   b. For the purposes of this section, a "central air conditioning or cooling system" shall be defined as all that equipment, including associated refrigeration, intended or installed for the purpose of cooling air by mechanical means and discharging such air into a residential structure used for living purposes. A central air conditioning or cooling system shall not include portable cooling units, absorption units or evaporative coolers.

(7) The preferred mix and range of uses for mixed-use projects is as follows: 10-30% retail; 5-15% office; 15-30% light industrial/business park; 25-35% residential; and 4-6% public open space.

Sec. 30-214. - Off-street parking and loading.

Off-street parking and loading shall be provided as required by Article XI of this chapter.

Sec. 30-215. - On-site signs.
On-site signs are permitted subject to the standards outlined in Chapter 3 of the Municipal Code.

DIVISION 5. - DEVELOPMENT STANDARDS FOR ACCESSORY STRUCTURES AND FEATURES

Sec. 30-216. - Accessory buildings.

Accessory buildings may be located anywhere on a lot except within the required front yard area. Accessory buildings shall conform to the same setback requirements applicable to primary structures.

Sec. 30-217. - Antenna, radio, television, satellite dishes, and wireless telecommunications.

Refer to Chapter 32 of the Municipal Code.

Sec. 30-218. - Fences and walls.

(a) **Height limits.** The height limitations outlined in Table 30-212.A. shall apply.

(b) **Design.** All walls and fences shall be wrought iron, solid decorative masonry or a combination of both. Fencing shall be designed to augment the site, be aesthetically pleasing, and not hinder public safety.

(c) **Temporary fencing.**

   (1) **Vacant land.** An open mesh type fence limited to eight feet in height may be located around the perimeter of a vacant parcel of land (at property line) until such time as the subject parcel is developed.

   (2) **Abandoned buildings.** An open mesh type fence limited to eight feet in height may be located around a parcel of land (at property line) that contains an abandoned building(s) until such time as the subject parcel is developed.

Sec. 30-219. - Trash collection areas and recycling.

All commercial and mixed-use developments shall be provided with trash receptacles, trash enclosures, and recycling containers with pedestrian access as follows:

   (1) **Number.** An adequate number and size of receptacles shall be provided to serve all uses on a property.

   (2) **Mixed-use projects.** The trash and recycling storage areas serving residential units within a mixed-use project shall comply with the provisions of Section 30-165(i).

   (3) **Screening.** All receptacles shall be screened on at least three sides with a solid masonry wall or combination landscape berm and wall. The receptacle shall not be visible above the wall. A visually solid gate shall be provided.

DIVISION 6. - PERFORMANCE STANDARDS

Sec. 30-220. - Purpose.

This section establishes standards for conducting activities in commercial and mixed-use zoning districts. The standards are designed to protect residents from annoying or potentially harmful environmental conditions.

Sec. 30-221. - Public or private nuisance.
No activities conducted within commercial or mixed-use zoning districts shall be conducted in such a manner as to constitute a public or private nuisance. The Planning Commission may impose such conditions or mitigation measures as may be appropriate to insure that activities conducted within a commercial or mixed-use zoning district shall not constitute or become a public or private nuisance.

Sec. 30-222. - Compliance with laws and regulations.

Without limiting the ability of the City to abate, mitigate, or impose conditions upon public or private nuisances and notwithstanding other provisions of this chapter, all activities conducted within commercial and mixed-use zoning districts shall comply with all applicable provisions of local, State and Federal laws and regulations with respect to noise, vibration, smoke, odors, fire and explosive hazards, radiation, toxic or noxious matters, electromagnetic interference, and lighting. The Planning Commission may impose such conditions or mitigation measures as may be appropriate to insure that activities conducted within any commercial or mixed-use zoning district shall not violate any provisions of local, State or Federal laws or regulations with respect to the matters identified in the immediate preceding sentence.

Sec. 30-223. - Public pay telephones.

The establishment or installation of public pay telephones on the exterior and or interior of buildings in a commercial or mixed-use zoning district are only permitted by approval of an minor use permit application by the Director of Community Development.

Sec. 30-224. - Reserved.

Sec. 30-225. - Radiation.

No operation, whether or not it is licensed by the Nuclear Regulatory Commission, shall exceed Federal regulations.

Sec. 30-226. - Toxic or noxious matter.

The concentration of toxic or noxious odors at the property line shall not exceed one-tenth of the maximum allowable concentration set forth in Federal regulations.

Sec. 30-227. - Electromagnetic interference.

No use, activity or process shall be conducted which produces electromagnetic interference with normal radio or television reception beyond the project property line.

Sec. 30-228. - Lights.

All lights and illuminated signs shall be directed and/or shielded to prevent the light from adversely affecting adjacent properties or distracting motorists.

Sec. 30-229. - Noise impact of railroad activity on adjacent land.

Any commercial or mixed-use development that utilizes railroad facilities shall mitigate the noise impact of the railroad facility on adjacent land uses subject to review and approval by the Community Development Director.

DIVISION 7. - DESIGN GUIDELINES

Sec. 30-230. - Purpose.
These guidelines are established to promote good design and to ensure commercial and mixed-use development conforms to the community design goals set forth in the general plan. The guidelines are to be used in concert with the development policies and standards contained in this article to create commercial and mixed-use developments that are visually and functionally compatible with surrounding uses.

Sec. 30-231. - Applicability.

These guidelines apply to all new commercial and mixed-use development, as well as to additions, remodeling, and relocation of existing structures. These guidelines apply in addition to the City of Fontana Plotting and Design Criteria.

Sec. 30-232. - Site plan design.

(a) *Grading and drainage.*

(1) Graded slopes shall meet Uniform Building Code and the City Engineer's standards.

(2) All graded slopes in excess of three to one shall be stabilized and planted with groundcovers and trees or shrubs.

(3) The grading of land along transportation corridors shall conform to the natural topography of the immediate area and result in a harmonious transition of the manmade grade with the natural terrain.

(4) Site grading design shall complement and reinforce the architectural and landscape design character by helping to screen parking, loading and service areas, by helping to reduce the perception of height and mass on large buildings, by providing reasonable transitions between on-site uses, by providing elevation transitions contributing to the efficiency of on-site and off-site movement systems, and by providing reasonable transition between lots.

(5) All three to one slopes or greater shall require an erosion control management plan.

(b) *Building orientation.*

(1) All buildings shall be cited and oriented to reduce noise, light and glare, visual, and other conflicts. Refuse collection and loading areas shall be located in areas where noise from such operations will not adversely impact adjacent residential uses.

(2) Buildings shall be cited for windows and entries to take advantage of scenic views where possible.

(3) Buildings shall be designed and cited to minimize the impact of built forms on the natural landscape. Rooflines shall keep a low profile so as to not dominate the horizon line.

(4) The orientation of a building and its parts shall be related to nature and the elements: sun, wind and rain. The design and placements of windows and doors shall be considered with exposure to natural elements in mind.

(5) In new projects, buildings shall be positioned to minimize the impact of shadows on adjacent properties. Building architecture shall be designed to provide shade in the summer and sunlight in the winter.

(6) Placement of the commercial and mixed-use buildings shall provide the most aesthetic public views.

(7) All design shall appear as an integrated part of an overall design theme.

(8) Building setbacks from the street shall vary to provide character to the area.

(9) All HVAC ducts shall be oriented away from adjoining and on-site residential property.

(10) A majority of the primary living spaces within the residential portion of a mixed-use project should receive direct sunlight for the daylight hours.

(c) *Access and circulation.*
(1) **Pedestrian.**

a. On-site pedestrian circulation systems shall be provided to meet the movement needs of on-site users. Such systems shall provide safe, all-weather surfaces and aesthetically pleasing means of on-site foot travel. Pedestrian walkways shall be an integrated part of the overall architecture and site design concept.

b. Pedestrian and bicycle access shall be conveniently provided to connect surrounding land uses and commercial or mixed uses.

c. All new commercial and mixed-use development shall be accessible to persons with disabilities as required elsewhere in this chapter.

d. All primary ground-floor common entries and individual dwelling unit entries for mixed-use projects fronting on streets should be oriented to the street, not to the interior or to a parking lot.

e. On-site pedestrian circulation for mixed-use projects should be continuous and connect various uses on site, as well as connect to off-site transit stops and parking.

(2) **Vehicular.**

a. Bus turnouts shall be installed in commercial and mixed-use areas that generate the highest bus passenger volume. Mass transit routes that serve areas of commercial and mixed uses shall load passengers in clearly marked, reserved areas with pedestrian facilities provided.

b. The access and circulation of a development shall be designed to provide a safe and efficient system, both on and off the site. Points of access shall be designed in conformance with the City access regulations, and shall not conflict with other planned or existing access points.

c. Access drives for commercial and residential areas shall be located as far as possible from street intersection and shall be coordinated with median openings and where median openings are not available, designed for efficient "right-turn only" ingress and egress.

d. Access drives shall be coordinated with adjacent lots so as to minimize the number of curb cuts required and to not impede on the efficient flow of peak period traffic. Consideration shall be given to adequate separation of adjacent access drives or the development of common access drives.

e. In no case should trucks have to use public right-of-way to maneuver into a loading space, including the necessity to have to back in from a public right-of-way. There shall be adequate truck maneuvering area for the truck size anticipated for the commercial development. Trucks utilizing loading areas shall not encroach upon drive aisles or parking spaces.

(d) **Relationship of parking areas and loading zones to buildings.**

(1) Multi-user parking areas shared between buildings and uses shall be encouraged to the maximum extent possible.

(2) Aisles should be positioned whenever possible perpendicular to building entries for easy pedestrian access. Pedestrian corridors shall also incorporate landscaping material.

(3) Driveway access to rear parking areas and clear signage identifying rear parking availability shall be provided.

(4) Parking areas shall not be the dominant element in the overall design of a project and shall be designed to minimize visual disruption.

(e) **Open space.** The following standards are applicable for commercial and mixed-use development greater than ten acres in size.

(1) Open spaces shall be designed as an integral part of the overall site plan design. Open spaces shall enhance the building design, enhance public views and spaces, provide buffers and transitions, provide for a balance of solar uses, and provide screening.
The display of art and fountains is encouraged in public open spaces.

Open spaces can occur within a commercial or mixed-use development in any scale, from an intimate seat wall to an expansive celebratory plaza. These spaces are encouraged within all new commercial and mixed-use development and shall be designed at a scale proportionate to each individual project.

Designed open spaces shall promote “people gathering”, provide seating areas, and bring the architecture down to a human scale. These spaces shall stand out visually as desirable, active, and functional spaces and shall be typically characterized in the form of plazas, courtyards, auto drop-off zones, promenades and outdoor and sidewalk eating areas.

Open spaces shall provide a strong landscape design and access connection to the primary building entry.

Open spaces shall be integrated into the vehicular and pedestrian circulation systems as a primary focus and destination.

Open spaces shall be strongly defined by adjacent buildings with facades being visually interesting and building mass well articulated.

The provision of ample seating in open spaces areas is essential and should be carefully places to allow a variety of sitting environments and opportunities for people watching.

Open space for the residential portions of mixed-use projects shall comply with the following provisions:

a. Residents shall have access to useable open space, whether public or private, for recreation and social activities. The design and orientation of these areas shall take advantage of available sunlight and shall be sheltered from the noise and traffic of adjacent streets or other incompatible uses.

b. In projects where common open space is required, the space shall be located conveniently for the majority of units.

c. Private open space areas shall be contiguous to the units they serve, screened from public view and be of a useable size (for example, big enough to accommodate a patio table and four chairs or a patio and gardening area).

d. Children's play areas shall be visible from dwelling units.

Lighting.

1. All exterior lighting shall be adequately controlled and shielded to prevent glare and undesirable illumination to adjacent properties or streets.

2. On-site lights shall provide a safe, functional and aesthetic design. Enough lighting should be provided to ensure a safe environment while at the same time not cause areas of intense light or glare.

3. Light fixtures and poles shall be designed and placed in a manner consistent and compatible with the overall site and building design.

4. Shall comply with Fontana Police Department security requirements.

5. Security lighting shall be utilized in all parking areas and pedestrian walkways within the residential portions of mixed-use projects.

Utilities.

1. Temporary overhead power and telephone facilities are permitted only during construction.

2. Transformers, utility pads and telephone boxes shall be installed and maintained underground. Placement, location and screening of utilities of any kind which cannot be installed underground
and must be placed above ground for function and safety reasons require written approval by the Director of Community Development prior to any administrative or discretionary approval.

(3) Transformer enclosures shall be designed of durable materials with finishes and colors used which are compatible and harmonious with the overall architectural theme.

(4) All utilities including, but not limited to drainage systems, sewers, gas lines, water lines, and electrical, telephone, and communications wires and equipment shall be installed and maintained underground. Placement, location and screening of utilities of any kind which cannot be installed underground and must be placed above ground for function and safety reasons require written approval by the Director of Community Development prior to any administrative or discretionary approval.

(h) Public safety.

(1) Entrances to buildings shall be well lighted and void of any large shrubbery or obstructions.

(2) Adequate emergency access routes for the egress/ingress of emergency vehicles shall be required for all projects. Where space for a separate vehicle access road is difficult, a portion of a greenbelt or open space area shall be lined with "turf block" to allow heavy equipment to access structures.

(3) A fuel modification zone shall be required in areas threatened by fire hazard.

(4) The residential units in a mixed-use project shall be designed to ensure the security of residents through the provision of secured entrances and exits that are separate from the non-residential uses. Non-residential and residential uses shall not have common entrance hallways or common balconies.

Sec. 30-233. - Building design.

(a) Design theme.

(1) In order to establish and reinforce a distinctive district identity, new commercial and mixed-use projects are encouraged to develop a central design theme around which the following architectural elements can be designed: building form, signage, light fixtures, walls, landscaping and other site furnishings.

(2) A recognizable design theme shall be established for each development. That theme shall be one that creates a harmonious building style, form, size, color, material and roofline, as it relates to surrounding planned or existing developments.

(3) It is not intended that one style of architecture should be dominant but rather that individual structures shall create and enhance a high quality and harmonious community appearance. Subtle variations are encouraged which provide visual interest but do not create abrupt changes causing discord in the overall design of the immediate area.

(4) Residential windows in mixed-use projects should face away from loading areas and docks. To the extent windows of residential units face each other; the windows should be offset to maximize privacy.

(5) Projecting features in mixed-use projects such as balconies, porches, bays, and dormer windows are encouraged to create visual interest and distinction between units. Trim detail on rooflines, porches, windows and doors on street-facing elevations is encouraged.

(b) Scale.

(1) The height, bulk, and design of commercial and mixed-use development shall be compatible with the surrounding neighborhood. Buildings that violate the existing scale of the area by their height, width or massing shall not be permitted.

(2) No matter the scale of a building, setbacks and overall heights shall provide an element of openness and human scale.
(3) Multi-story buildings shall be set back toward the center of the site or be designed in a stepped style.

(4) The height and bulk of buildings shall not unduly block views or the solar access of adjacent and other nearby buildings.

(c) **Materials and colors.**

(1) Colors, textures and materials shall be coordinated to achieve total compatibility of design and shall blend well with the environment.

(2) A sensitive alternation of colors and materials shall be used to produce diversity and enhance architectural effects.

(3) While no category of exterior materials is considered "correct", the use of a particular material should exemplify the special characteristics of the overall design theme.

(4) Generally acceptable materials include but are not limited to stucco, wood siding, native rock and stone, split face, concrete and brick.

(5) Conditionally acceptable material (only limited usage) shall be steel (painted), wood shakes (as wall surfaces), slump stone, glass block, and black glass windows.

(6) The following materials are not encouraged: aluminum or plastic siding; or corrugated fiberglass.

(7) Roll-up metal, wood, or other material, doors or structures used to cover the exterior front, side or rear facade of a commercial or mixed-use building or a business shall be prohibited. Open grid gates are permitted on the interior of the building only. Businesses with existing roll-up doors, on the exterior of the building, as of the effective date of this provision was originally adopted, which cease to operate for a period of 14 calendar days shall be deemed abandoned, and such roll-up doors shall be removed.

(d) **Lighting.**

(1) Building or roof outline tube lighting are subject to Planning Commission approval.

(2) Use of luminescent or reflective wall surfaces is unacceptable, unless approved by the Planning Commission.

(3) Building or wall light shall be indirect. A limited number of lights may be used to give some building relief.

(4) Allowing interior building lighting in commercial areas to be left on at night is encouraged (to the extent energy use is justifiable) to enhance pedestrian activity on the street.

(5) Building and landscape accent up lighting is encouraged.

(6) Lighting systems shall be architecturally compatible with surrounding buildings to express the unique character of the area. Exposed neon, light-emitting diode (LED), mercury vapor, exposed fluorescent, and exposed high intensity lights are prohibited, unless given approval by the Planning Commission.

(7) All exterior lighting shall be adequately controlled and shielded to prevent glare and undesirable illumination to adjacent properties or streets and to on-site residential units.

(8) Where possible, light fixtures shall be incorporated into the building elements to minimize their impact. Fixtures shall be appropriate for the architectural design and shall be energy efficient.

(e) **Screening of exterior equipment.** All mechanical equipment should be screened from view of residential units within a mixed-use project. Such screening should appear to be an integrated part of the overall architectural design.

(f) **Compatibility within mixed-use projects.**

(1) Commercial uses within a mixed-use project area shall be designed and operated, and hours of operation may be limited, where appropriate, so that neighboring residents are not exposed to
offensive noise, especially from traffic, routine deliveries, or late night activity. No use shall produce continual loading or unloading or heavy trucks at the site between the hours of 9:00 p.m. and 6:00 a.m.

(2) Residential portions of a mixed-use project shall be designed to limit the interior noise caused by the commercial and parking portions of the project to a maximum of 45 db on an annual basis in any habitable room with windows closed. Proper design may include, but shall not be limited to, building orientation, double or extra-strength windows, wall and ceiling insulation, and orientation and insulation of vents. Where it is necessary that windows be closed in order to achieve the required level, means shall be provided for ventilation/cooling to provide a habitable environment.

(3) No use, activity or process within a mixed-use project shall produce continual vibrations or noxious odors that are perceptible without instruments by the average person within the interior of residential units on the site.

ARTICLE VII. - INDUSTRIAL ZONING DISTRICTS

DIVISION 1. - GENERALLY

Sec. 30-234. - Purpose.

The industrial zoning districts are established to create opportunities for a wide range of industrial operations to conduct business in the City, thereby building a strong economic base and providing employment opportunities for residents. Consistent with general plan land use policy, this article establishes design guidelines and development policies intended to:

(1) Encourage development of well-designed, functional industrial buildings;

(2) Ensure that industrial operations are compatible with adjacent, non-industrial land uses; and

(3) Ensure that industrial operations are conducted in a manner that does not threaten the health of City residents and does not harm the environment.

Sec. 30-235. - How to use this article.

Subsequent sections of this article describe permitted land uses in industrial zoning districts and the development standards and design guidelines applicable to these uses. All uses must comply with the development policies, use regulations, development standards, performance standards, and design guidelines set forth in this Article.

Sec. 30-236. - Industrial districts.

Two industrial zoning districts are established as follows:

(1) Light industrial (M-1). An industrial zoning district that accommodates employee-intensive uses, such as business parks, research and technology centers, offices, and supporting retail uses, but which does not permit heavy manufacturing, processing of raw materials, or businesses which generate high volumes of truck traffic.

(2) General industrial (M-2). A general industrial zoning district that accommodates the manufacture and treatment of goods from raw materials, and permits other types of industrial uses not suitable for location in the M-1 District.

(Ord. No. 1665, § 4(Exh. A), 6-26-12)

DIVISION 2. - DEVELOPMENT POLICIES
Sec. 30-237. - Purpose.

This division establishes general development policies for all industrial development. These policies are derived from the general plan and serve three primary purposes: to assure industrial development is consistent with all elements of the general plan and other adopted plans, to assure development is adequately served by public services and facilities, and to assure public health and safety concerns are addressed in the development process.

The policies are to be used in conjunction with the development standards specified in Division 4 and the design guidelines (outlined in Division 7). No project may be approved unless it conforms to the requirements of this division.

Sec. 30-238. - Plan consistency.

All projects must be consistent with the following plans:

1. All elements of the general plan;
2. The San Bernardino County Hazardous Waste Management Plan; and
3. Applicable specific plans. (Note: Any specific plans adopted subsequent to the adoption of this Development Code shall meet or exceed the minimum development standards contained herein.)

Sec. 30-239. - Land use compatibility.

The citing and design of a project shall recognize that conflicts between abutting or nearby land uses can arise due to such factors as the operating characteristics of an existing use, hazards posed by a use, or the physical orientation of a building. On a City-wide scale, the general plan land use policy map establishes a pattern of land use designed to minimize land use conflicts. At the project level, the following features should be incorporated into a project as appropriate to assure the compatibility of different land uses.

a. **Open space buffer.** Landscaped parkways, parking lots, and similar open space areas shall be used as appropriate to separate industrial uses from potentially incompatible uses. The width and treatment of the buffer will vary depending upon the types of potential conflicts to be resolved. To soften visual impacts, the buffer shall include landscaping.

b. **Topography.** Grading plans shall incorporate natural earth forms and graded earthen berms as appropriate to create visual screens and to buffer noise.

c. **Streets.** Street design and site access shall be configured to provide trucks with easy, unobstructed access to parking and off-street loading areas.

d. **Landscaping.** Landscaping shall be used alone or in conjunction with other features (e.g. open space buffer, topography) to reduce potential visual and light and glare conflicts.

e. **Physical barriers.** Physical barriers such as masonry block walls and berms shall be provided as specified in these regulations to reduce noise, visual, and light and glare impacts. These features may also be used to prevent trespass between abutting land uses.

f. **Building orientation.** All buildings shall be cited and oriented to reduce noise, light and glare, visual and other conflicts. For example, loading areas shall be located in areas where noise from such operations will not adversely impact adjacent, noise sensitive uses.

g. **Infill development.** Infill development in established industrial areas shall be especially sensitive to compatibility concerns and shall be developed in a manner sensitive to existing uses in terms of density, scale, and design theme.

Sec. 30-240. - Infrastructure.
(a) **Streets.** All new development and expansion of existing development shall provide public street and/or private street improvements consistent with the circulation element of the general plan. Additional improvements and dedications shall be provided as determined through the design review process.

(b) **Water and sewer.** All project applicants shall verify that adequate water and industrial sewer facilities are or will be available to serve the planned use.

(c) **Storm drains.** All projects shall provide storm drain and other flood control and drainage facilities consistent with the comprehensive drainage plan. All improvements shall be performed in accordance with the provisions of Chapter 26 of the Municipal Code.

(d) **Logical extension of facilities.** Development shall be phased in accordance with the logical, incremental extension of necessary infrastructure.

(e) **Mitigation charges.** Where mitigation charges are determined, a fair share amount shall be assessed by means of a special study or analysis prepared and/or reviewed by appropriate City staff.

Sec. 30-241. - Public facilities and services.

(a) **Public transportation.** New development shall provide public transit facilities such as bus stops, bus shelters or transit turn-outs where appropriate.

(b) **Trails.** Public trails shall be provided consistent with the Open Space Element of the General Plan.

Sec. 30-242. - Resource conservation.

**Energy resources.** New projects shall be encouraged to incorporate passive and active solar systems into site and building design.

Sec. 30-243. - Public safety.

(a) **Emergency access.** Access for emergency vehicles shall be incorporated into project design in accordance with the Uniform Fire Code.

(b) **Fire hazards.** Projects constructed within or adjacent to areas identified in the general plan safety element as "fire prone areas" shall incorporate fire breaks into site design. Fire management plans will be required in fire prone areas.

(c) **Geologic hazards.**

1. **Faulting.** Geologic reports shall be required for development on properties lying within an Alquist-Priolo Special Studies Zone. The development must incorporate capping and design features recommended in the geologic study.

2. **Slopes.** In the San Gabriel Mountains and Jurupa Hills, no grading shall be permitted on hill slopes in excess of 15 percent. On all other slopes in excess of 15 percent, no grading shall be permitted unless detailed geologic studies are prepared to show that hill slopes can be stabilized and further provided that the grading does not occur on significant topographic features.

(d) **Corner cut-off.**

1. The provisions of Section 30-169 regarding unobstructed corner cut-off visibility shall be required.

Sec. 30-244. - Reserved.

DIVISION 3. - USE REGULATIONS

Sec. 30-245. - Uses permitted.
(a) *Uses by zoning district.* Table 30-245.A. lists the uses permitted in each of the industrial zoning districts. A "P" indicates the use is permitted by right, a "C" indicates the use requires a conditional use permit, and "—" means the use is not permitted in that zoning district.

(b) *Uses subject to specific requirements.* Permitted uses marked with an asterisk "*" are permitted subject special to use regulations in Section 30-247. Conditional uses are subject to the provisions of Section 30-248. Uses marked with a double asterisk "**" are subject to the provisions of Section 30-345 et seq.

### Table 30-245.A.
**Permitted Uses in Industrial Zoning Districts**

<table>
<thead>
<tr>
<th>Use</th>
<th>M-1</th>
<th>M-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Manufacturing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Batching plant</td>
<td>—</td>
<td>C</td>
</tr>
<tr>
<td>Manufacturing processes involving raw materials</td>
<td>—</td>
<td>C</td>
</tr>
<tr>
<td>Manufacturing processes involving no raw materials</td>
<td>C</td>
<td>P</td>
</tr>
<tr>
<td>Chrome plating</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>2. Incubator research and development facilities</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>3. Food processing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Animal slaughtering</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Bakery</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Industrial food catering</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Lard, pickles, sauerkraut, vinegar</td>
<td>—</td>
<td>C</td>
</tr>
<tr>
<td>Meat, dog and cat food processing, canning, packaging</td>
<td>—</td>
<td>C</td>
</tr>
<tr>
<td>All other food processing</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>4. Service and repair</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Automobile and truck service and repair*</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Service Type</td>
<td>Column 1</td>
<td>Column 2</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------</td>
<td>----------</td>
<td>----------</td>
</tr>
<tr>
<td>Custom automotive repair (includes lowering and lifting)</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Automobile, truck and other vehicle wash facility</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Automobile, pick-up truck, commercial truck or van, or tractor trailer rental</td>
<td>C</td>
<td>P</td>
</tr>
<tr>
<td>Automobile service stations</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Boat service and repair</td>
<td>C</td>
<td>P</td>
</tr>
<tr>
<td>Body shop</td>
<td>—</td>
<td>C</td>
</tr>
<tr>
<td>Cargo container repair</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Copying, packaging, mailing</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Gymnasiums, health spas</td>
<td>P</td>
<td>—</td>
</tr>
<tr>
<td>Heavy equipment service and repair</td>
<td>—</td>
<td>C</td>
</tr>
<tr>
<td>Industrial laundry</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Machine shop, machinery repair</td>
<td>C</td>
<td>P</td>
</tr>
<tr>
<td>Printer, blueprint shop</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Recycling facilities</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Terminal, bus</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>5. Storage and open yards</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Auto storage</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Automobile/truck dismantling</td>
<td>—</td>
<td>C</td>
</tr>
<tr>
<td>Truck and trailer storage</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Building materials—Finished</td>
<td>p*</td>
<td>P*</td>
</tr>
<tr>
<td>Building materials—Raw (excluding concrete batching)</td>
<td>—</td>
<td>P*</td>
</tr>
<tr>
<td>Contractor's equipment storage yard</td>
<td>—</td>
<td>P*</td>
</tr>
<tr>
<td>Hazardous substance (in amounts below the maximum allowable quantities as determined by the hazardous material inventory list)</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Hazardous substance (in amounts exceeding the maximum allowable quantities as determined by the hazardous material inventory list)</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Junk yard</td>
<td>—</td>
<td>C</td>
</tr>
<tr>
<td>Mini warehouse</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Petroleum and similar flammable materials (for local distribution)</td>
<td>—</td>
<td>C</td>
</tr>
<tr>
<td>RV storage</td>
<td>P*</td>
<td>P*</td>
</tr>
<tr>
<td>Sewer plant (wastewater treatment facility)</td>
<td>C</td>
<td>C</td>
</tr>
</tbody>
</table>

6. Warehousing uses

| Warehousing, high-cube | — | P |
| Warehousing, standard | — | P |
| Warehousing, with distribution | — | P |
| Warehousing sales, retail | P | P |
| Warehousing sales, wholesale | — | M |

7. Retail sales

<p>| Automobile sales and accessory uses | C | P |
| Boat sales and accessory uses | C | P |
| Convenience store | P | P |</p>
<table>
<thead>
<tr>
<th>Activity Description</th>
<th>C</th>
<th>P</th>
</tr>
</thead>
<tbody>
<tr>
<td>Convenience store with alcoholic beverage sales</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Liquor store</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Truck sales and accessory uses</td>
<td>C</td>
<td>P</td>
</tr>
<tr>
<td>Used vehicle lot</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>All other retail sales</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td><strong>8. Restaurants and bars</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bar</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Restaurant without alcoholic beverage sales</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Restaurant with alcoholic beverage sales</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Restaurant, drive-thru</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Restaurant, fast food</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td><strong>9. Administrative and professional offices</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Associated with manufacturing or other industrial use</td>
<td>P*</td>
<td>P*</td>
</tr>
<tr>
<td>Bank, credit union, savings and loan</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Clinic, medical or dental</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Laboratory, medical or biological</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Optician</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Pharmacy</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>All other offices</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td><strong>10. Educational</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Category</td>
<td>Type 1</td>
<td>Type 2</td>
</tr>
<tr>
<td>---------------------------------------------------</td>
<td>--------</td>
<td>--------</td>
</tr>
<tr>
<td>Driver training school</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Trade or technical school</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Vehicle service and repair</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>All other educational institutions</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td><strong>Miscellaneous uses</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adult businesses</td>
<td>P*</td>
<td>P*</td>
</tr>
<tr>
<td>Animal kennel</td>
<td>—</td>
<td>C</td>
</tr>
<tr>
<td>Auctions</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Cemetery and related uses</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Crematory</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Construction trailer</td>
<td>P*</td>
<td>P*</td>
</tr>
<tr>
<td>Depot, bus</td>
<td>P*</td>
<td>P*</td>
</tr>
<tr>
<td>Greenhouse</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Hotel</td>
<td>P</td>
<td>—</td>
</tr>
<tr>
<td>Natural resource development</td>
<td>**</td>
<td>**</td>
</tr>
<tr>
<td>Night watchmen or custodian living quarters</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Parks</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Sanitary landfill</td>
<td>—</td>
<td>C</td>
</tr>
</tbody>
</table>

(Ord. No. 1618, Exh. A, 6-9-10; Ord. No. 1665, § 4(Exh. A), 6-26-12)
Sec. 30-246. - Prohibited uses.

Any use not specifically permitted by Table 30-245.A. shall be prohibited, unless the Director of Community Development determines, pursuant to the provisions of Section 30-4 of this chapter, the use to be similar to or have substantially the same operating characteristics as a permitted use and issues a written determination to that effect.

Sec. 30-247. - Special use regulations.

This section establishes special regulations for certain permitted uses marked with an asterisk (*) in Table 30-245.A. The use is permitted provided that the use conforms to the following regulations.

(a) General outdoor display or storage of materials or goods for sale or rent. All businesses which display or store materials out of doors shall comply with the following provisions:

1. All display or stored materials, including vehicles, shall be set back 25 feet from right-of-way street facing side and shall not be located on any required parking area.
2. The entire area used for display or storage shall be surfaced with asphalt or an equally serviceable hard pavement surface. The surface shall be maintained in good condition.
3. Display or storage of equipment or materials, except equipment and vehicles for sale or rent, shall be screened by a solid masonry wall of minimum height six feet or as otherwise determined through the design review process.

(b) Construction trailers. A trailer used for construction offices or watchman's quarters is permitted at a construction site provided with the approval of a temporary use permit as required in Article II:

1. The trailer is located on the same or adjacent premises as the construction site.
2. The trailer is used only during the period of construction. All trailers shall be moved prior to final project inspection.
3. Not more than one person resides in the trailer if used for watchman's quarters.
4. Shall comply with provision set forth for temporary uses as defined in Article II.

(c) Vehicle service and repair. Vehicle service and repair shall not be permitted outside an enclosed building.

(d) Adult businesses. Adult businesses shall comply with the provisions of Article XVIII of Chapter 15 of the Municipal Code.

(e) Bus depot. Bus depot sites shall provide the following:

1. A dedicated and identified passenger loading/unloading area with a minimum dimension of 12-feet wide by 45-feet in length and, if applicable, a minimum 14-foot height clearance. The loading/unloading areas shall be located outside of any required drive aisle, parking area, setback area, or any other area designated or dedicated for another purpose.
2. A permanent covered area for waiting passengers shall be provided and shall include, at minimum, a restroom, seating, and a trash bin.
3. Amenities such as the sale of sundries and/or convenience items, services, or similar, shall be available to waiting passengers within 1,320 feet (¼ mile) of the bus terminal, as measured from the required passenger waiting area.

(f) Bus terminal. Bus terminal sites shall provide the following:

1. A dedicated and identified passenger loading/unloading area with a minimum dimension of 12-feet wide by 45-feet in length and, if applicable, a minimum 14-foot high clearance. The
loading/unloading areas shall be located outside of any required drive aisle, parking area, setback area, or any other area designated or dedicated for another purpose.

(2) A permanent covered area for waiting passengers shall be provided and shall include, at minimum, a restroom, seating, and a trash bin.

(3) Amenities such as the sale of sundries and/or convenience items, services, or similar, shall be available to waiting passengers within 1,320 feet (¼ mile) of the bus terminal, as measured from the required passenger waiting area.

(4) All bus/motor carrier repair and washing shall be conducted in a fully enclosed building.

(5) Busses/motor carriers stored on-site for more than 12 hours shall be located in a designated area for that purpose and be screened from view of adjacent public streets or rights-of-way by a decorative wall. Other effective means of screening such as mature landscaping of sufficient height and density may be approved through an administrative site plan application.

(Ord. No. 1618, Exh. A, 6-9-10)

Sec. 30-248. - Conditional use regulations.

All uses marked with a “C” in Table 30-245.A. must comply with the conditional use permit procedural requirements outlined in Section 30-44, Article II of this chapter. In addition, certain conditional uses must comply with the specific development and operation standards outlined below.

(a) Automobile service stations. All automobile service stations shall comply with the use conditions and development standards specified in Section 30-205(a), Article VI of this chapter, as well as the fuel retailer’s ordinance and regulations which is herein adopted by reference.

(b) Vehicle dismantling. A solid masonry wall shall be installed around the entire perimeter of the area used for storing wrecked cars, junk or salvage materials. The minimum fence or wall height shall be eight feet, and in all cases the fence or wall shall be high enough to screen stored materials from view. All street frontages shall provide a ten foot landscaped area.

Sec. 30-249. - Reserved.

DIVISION 4. - DEVELOPMENT STANDARDS FOR PRIMARY STRUCTURES

The development standards outlined in this section are the minimum standards applicable to the development of industrial structures. These standards shall be used in conjunction with the development policies contained in Division 4 and the design guidelines (presented in Division 7).

Sec. 30-250. - Lot dimensions, building height and maximum intensity.

Table 30-250.A. specifies required lot dimensions, building heights, and maximum permitted building intensities. The lot dimension requirements apply only to the creation of new parcels.

<table>
<thead>
<tr>
<th>Feature</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>M-1</td>
<td>M-2</td>
</tr>
<tr>
<td>Lot size</td>
<td>Minimum</td>
</tr>
<tr>
<td>-----------------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td>Minimum</td>
<td>20,000 square feet</td>
</tr>
<tr>
<td>Maximum</td>
<td>2 acres</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Lot dimensions</th>
<th>Minimum width</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum width</td>
<td>150 feet</td>
<td>300 feet</td>
</tr>
<tr>
<td>Minimum depth</td>
<td>150 feet</td>
<td>300 feet</td>
</tr>
<tr>
<td>Maximum building height(a)</td>
<td>100 feet</td>
<td>100 feet</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Lot coverage</th>
<th>Minimum</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot coverage</td>
<td>60%</td>
<td>60%</td>
</tr>
<tr>
<td>Maximum FAR</td>
<td>50%</td>
<td>50%</td>
</tr>
</tbody>
</table>

(a) Refer to Article IV, Section 30-144 for structures permitted above height limit.

Sec. 30-251. - Yard areas (setbacks) and outdoor storage areas.

Table 30-251.A. and 30-251.B. specify the minimum required yard areas (setbacks) for buildings and parking areas. All required yard areas shall be clear of all structures and shall be landscaped and maintained in a neat and healthy condition according to the landscaping provisions of this chapter.

Areas used for the outdoor storage of vehicles, equipment and/or building materials (raw or finished) are permitted to use compacted slag, gravel or such other material deemed suitable by the Director of Community Development. Existing City public facilities not able to meet current setback requirements shall be reviewed on a case-by-case basis by the Director of Community Development.

**Table 30-251.A.**
**Yard Areas—Building Setback**

<table>
<thead>
<tr>
<th>Yard</th>
<th>M-1</th>
<th>M-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Street yard (measured from property line)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Abutting major highways</td>
<td>20 feet(a)</td>
<td>20 feet(a)</td>
</tr>
<tr>
<td>Abutting primary highways</td>
<td>20 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>Abutting secondary or collector streets</td>
<td>15 feet</td>
<td>15 feet</td>
</tr>
<tr>
<td>Abutting local streets</td>
<td>15 feet</td>
<td>15 feet</td>
</tr>
<tr>
<td>Abutting residential or C-1 zoning district</td>
<td>30 feet(b)(c)</td>
<td>30 feet(b)(c)</td>
</tr>
<tr>
<td>Abutting secondary, collector or local street</td>
<td>(per street classification above)</td>
<td></td>
</tr>
<tr>
<td>Abutting all other zones</td>
<td>5 feet(b)(c)(d)</td>
<td>05 feet(b)(c)(d)</td>
</tr>
<tr>
<td>Abutting residential or C-1 zoning district</td>
<td>30 feet(b)(c)</td>
<td>30 feet(b)(c)</td>
</tr>
<tr>
<td>Abutting secondary, collector or local street</td>
<td>(per street classification above)</td>
<td></td>
</tr>
<tr>
<td>Abutting all other zoning districts</td>
<td>5 feet(b)(c)(d)</td>
<td>5 feet(b)(c)(d)</td>
</tr>
</tbody>
</table>

(a) Building setbacks along Cherry Avenue, Valley Boulevard, Sierra Avenue, Foothill Boulevard, and Baseline Avenue, shall be 25 feet.

(b) The setbacks may be increased to provide an appropriate separation between uses in order to protect the public health, safety and welfare if alternative means of providing separation are not practical.

(c) Rear and side yard setbacks for mini-warehouse projects may be reduced to zero feet by approval of the Planning Commission on a case-by-case basis, if the Planning Commission determines that such reduction benefits the public health, safety, and welfare.

(d) Rear and side yard setbacks for industrial buildings may be reduced to zero feet by approval of the Director of Community Development on a case-by-case basis, if the Planning Commission determines that such reduction benefits the public health, safety, and welfare.

Table 30-251.B.
Yard Areas—Parking and Drive Aisle Setbacks

<table>
<thead>
<tr>
<th>Yard</th>
<th>M-1</th>
<th>M-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Street yard (measured from property line)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Abutting major highways</td>
<td>20 feet(a)</td>
<td>20 feet(a)</td>
</tr>
<tr>
<td>------------------------</td>
<td>------------</td>
<td>------------</td>
</tr>
<tr>
<td>Abutting primary highways</td>
<td>20 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>Abutting secondary or collector streets</td>
<td>15 feet</td>
<td>15 feet</td>
</tr>
<tr>
<td>Abutting local streets</td>
<td>15 feet</td>
<td>15 feet</td>
</tr>
</tbody>
</table>

2. Rear yard

<table>
<thead>
<tr>
<th>Abutting residential or C-1 zoning district</th>
<th>10 feet</th>
<th>10 feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abutting secondary, collector or local street</td>
<td>(per street classification above)</td>
<td></td>
</tr>
</tbody>
</table>

3. Interior side yard

<table>
<thead>
<tr>
<th>Abutting residential or C-1 zoning district</th>
<th>10 feet</th>
<th>10 feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abutting all other zoning districts</td>
<td>5 feet</td>
<td>5 feet</td>
</tr>
</tbody>
</table>

(a) Parking setbacks along Cherry Avenue, Valley Boulevard, Sierra Avenue, Foothill, and Baseline Avenue, shall be 25 feet.

Sec. 30-252. - Permitted projection into yard areas.

No projections may extend into required yard areas except as follows:

(1) Signs, as specified in Chapter 3 of the Municipal Code.

Sec. 30-253. - Screening.

(a) *Adjacent to residential zoning district.* All industrial uses adjoining or abutting a residential zoning district shall be screened by a solid masonry wall not less than eight feet in height. However, in the front yard area abutting the residential lot, the fence or wall may be lower as determined through the site plan review process. Any masonry wall shall be finished on both sides with plaster, stucco, split-face, or slump stone.

(b) *Rooftop mechanical equipment.* All rooftop mechanical equipment, with the exception of solar collectors and rain gutters, shall be screened on all sides by screening not less than the height of the equipment being screened. The screening devices shall be well incorporated into the design of the building through such features as parapet walls, false roofs, or equipment rooms.

(c) *Loading areas screening.*
All loading areas shall be screened from off-site viewing. The purpose of loading area screening is to allow for loading areas to be screened from view from the public right-of-way and to utilize screening that is architecturally compatible with the surrounding environment.

All loading areas fronting a public street shall be screened by a combination of walls, dense landscaping inclusive of trees and shrubs, berming and/or portions of the building such that the loading areas are not visible from the public street.

Where loading doors face a public street, any openings in the screen wall shall be positioned such that neither the loading doors nor the loading areas are visible from the street.

Loading areas and doors not fronting a public street shall be screened from the view of the public street by concrete wing walls in combination with dense landscaping, inclusive of trees, shrubs and berming, or by portions of the building such that the loading areas and doors are not visible from the public right-of-way.

A sight-line analysis shall be required with all development applications, and shall show that all loading areas and roll up doors are screened from view from the public right-of-way.

A sight-line analysis shall at a minimum contain a site plan and cross section graphics demonstrating the line of site from the right-of-way to the loading or storage areas at six feet above the right-of-way surface at three distinct points: The centerline of the right-of-way and the property lines on either side of the right-of-way. The graphics shall be to scale, fully dimensional, and contain all building elevations, berms, walls, landscaping, setbacks, fences, and other structures as they are being proposed to be built.

Parking and storage screening.

All trash receptacles and disposal areas shall be screened from view.

Along any boundary between an industrial zoning district and abutting, residentially designated property, masonry, concrete, or other similar material wall shall be installed and dense vegetation planted. Trees with at least 24-inch boxes shall be planted at intervals of 30 feet or less, depending upon the species used, along the nonresidential side of the wall. The use of barbed wire, razor wire, electric fencing, or similar materials is prohibited when located along any boundary that abuts residentially designated property.

Parking areas adjacent to, and driveways paralleling a public right-of-way, shall be screened from view by a landscape buffer with a minimum width of 15 feet. Berming shall be provided, mounded to an average height of three feet above the curb height along public streets. Maximum slope of mounds shall be three to one. Trees and shrubs shall be planted in this area according to the standards contained in Article X.

Storage areas shall be screened from the view of public streets by concrete, masonry or similar walls that are architecturally compatible with the surrounding environment and are buffered with dense landscaping inclusive of trees, shrubs, vines, and berming. Screening should be designed to maximize obscuring materials stored on the property.

A sight-line analysis shall be required with all development applications, and shall show that all loading areas, roll-up doors, storage items, equipment, and vehicles, are screened from the public view of adjoining parcels and public streets.

A sight-line analysis shall at a minimum contain a site plan and cross section graphics demonstrating the line of site from the right-of-way to the loading or storage areas at six feet above the right-of-way surface at three distinct points: The centerline of the right-of-way and the property lines on either side of the right-of-way. The graphics shall be to scale, fully dimensioned, and contain all building elevations, berms, walls, landscaping, setbacks, fences, and other structures as they are being proposed to be built.

Where plants are required for screening, such screening shall consist of the use of evergreen shrubs, closely spaced and maintained at least at the specified height of any required walls or...
fences. Plants shall be selected so as to reach the minimum required height 18 months after planting. The planting of a landscape screen adjacent to rail lines is encouraged.

DIVISION 5. - DEVELOPMENT STANDARDS FOR ACCESSORY STRUCTURES AND FEATURES

Sec. 30-254. - Accessory buildings.

Accessory buildings may be located anywhere on a lot except within the required front yard area. Accessory buildings shall conform to the same setback and building height requirements applicable to primary structures.

Sec. 30-255. - Antenna, radio, television, satellite dishes and wireless telecommunications.

Refer to Chapter 32 of the Municipal Code.

Sec. 30-256. - Fences and walls.

(a) **Heights.** Fences, walls and hedges may not exceed eight feet in height when located in a required side or rear yard, and may not exceed three and one-half feet in height when located in any required setback adjacent to a street. In the latter case, however, a fence with a maximum height of eight feet as measured from the sidewalk elevation may be permitted where required for security purposes. Such fencing shall not create a sight distance problem for motorists outdoor storage areas or loading areas may be extended to eight feet in height from highest finished grade if necessary to shield such areas from public view.

(b) **Temporary fencing.**

(1) **Vacant land.** An open mesh type fence limited to eight feet in height may be located around the perimeter of a vacant parcel of land (at property line) until such time as the subject parcel is developed.

(2) **Abandoned buildings.** An open mesh type fence limited to eight feet in height may be located around a parcel of land (at property line) that contains an abandoned building(s) until such time as the subject parcel is developed.

(c) **Fences and walls—General.**

(1) Neither wood nor chain link fencing shall be allowed in any yard adjacent to a public right-of-way.

(2) Fences and walls shall be compatible in terms of design and materials with the main structures on the site.

(3) Approved security fencing located within a required setback adjacent to a street shall be of wrought iron construction, with 18-inch maximum width pilasters a minimum of eight feet on center. Any such fencing shall be complimented by landscaping inclusive of trees and shrubs to provide an aesthetically pleasing and safe environment for businesses within the industrial area.

(4) Any fences or walls adjacent to a public right-of-way and any additional fences or walls determined necessary by the Fontana Police Department shall be coated with an anti-graffiti coating that is approved by the Fontana Police Department. Where possible, vines shall be planted to encourage growth on the wall in an effort to discourage graffiti.

(5) Barbed wire fencing shall not be used within the M-1 Zoning District.

(d) **Electric fencing.**

**Definition.** For the purpose of this section, an electric fence is defined as any bare wire or conductor which is supported on insulators and is located outdoors within ten feet of the ground or a walking surface and is attached to a post, fence, wall, or structure, and which is capable of being energized from any electrical
source, including batteries, unless such bare wire or conductor is guarded against accidental contact by forms of enclosures approved by the current edition of the National Electrical Code. Not included in this definition of electric fence are wires or conductors utilized for railway signaling and communication installations, installations under exclusive control of electric utilities, communication equipment under exclusive control of communication utilities and bare conductors which are specifically permitted in the current edition of the National Electrical Code.

(1) An electrical security fence will be permitted at the discretion of the Community Development Director or his designee through the Director's Determination review process subject to all of the following:

a. **Location:**
   i. Project site is zoned light industrial (M-1) or heavy industrial (M-2), and adhere to all regulations and development standards within the City of Fontana Zoning and Development Code (Chapter 30).
   ii. Electric fences shall be minimized from public view for properties located along major and primary highways as indicated on the most recently adopted Circulation Master Plan and for properties with freeway frontage. A method of visual screening shall be approved by the Director of Community Development.
   iii. Electric fences shall be monitored subject to Chapter 22, Article IV (Burglary, Robbery, and Panic Alarms: Verified Burglary and Fraudulent Verified Burglary Alarms) of the Fontana Municipal Code.
   iv. An electric fence may be installed on properties that do not touch, join at the edge or border, or share a common property line with an existing residential land use or a residential zoning district.
   v. Electric fences shall be installed behind an approved perimeter wall/fence with a minimum height of six feet.
   vi. Electric fencing is prohibited for commercially zoned properties (i.e. C-1, C-2, RMU) within the City of Fontana.
   vii. Electric security fence is not permitted within the front setback or street side yard setback.
   viii. The electrical security fence proposed adjacent to a sidewalk must be installed behind the side yard and front yard setback and a solid masonry wall.

b. **Height.** Electric fences shall have a maximum height of ten feet.


d. **Project site.** Electric fencing on project sites less than one acre requires approval of a Minor Use Permit (MUP).

e. **Perimeter fence or wall.** The electrical security fence is not permitted as a perimeter fence or wall.

f. **Warning signs.**
   i. Electric fences shall be clearly identified with warning signs of a maximum of nine square feet, prepared in English and Spanish that read: "Warning—Electric Fence" at intervals of not less than 60 feet.
   ii. Warning signs shall be black typewritten text with a yellow or white background.
   iii. Warning signs shall not advertise or provide contact information of the electric fence manufacturer.
g. *Separation.* Horizontal separation between the perimeter fence and the electrical security fence shall comply with the IEC standards.

h. *Emergency access.*
   
i. An emergency Knox Box or any other similarly approved device (e.g. Rapid Emergency Access Control Transmitter (REACT) System) must be installed at every gate providing access to a property secured by an electric fence to allow fire department, police department, and/or any other emergency responder access.

   ii. In the event that emergency access by emergency responders (i.e. Police Department, Fire Department, etc.) to a property where a permitted electric fence has been installed and is operating, is required due to an emergency or urgent circumstances, and the Knox Box or other similarly approved device is absent or non-functional, and an owner, manager, employee, custodian or any other person with control over the property is not present to disable the electric fence, emergency responding personnel shall be authorized to disable the electric fence in order to gain access to the property. As a condition of permit issuance, all applicants issued permits to install or use an electric fence as provided herein agree to waive any and all claims for damages to the electric fence against emergency responding units and/or personnel under such circumstances.

i. *Electrification.* The energizer for electric fences must be driven by a commercial storage battery not to exceed 12 volts DC. The storage battery is charged primarily by a solar panel. However the solar panel may be augmented by a commercial trickle charger.

j. *Indemnification.* The applicant/property owner agrees to defend, indemnify, and hold harmless the City of Fontana or its agents, officers, and employees from any claim, action or proceeding against the City of Fontana, or its agents, officers, or employees resulting from the approval and installation of an electrical security fence. The City of Fontana shall promptly notify the applicant/property owner of any claim, action, or proceeding and the City of Fontana shall cooperate fully in the defense. If the City of Fontana fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City of Fontana.

k. *Insurance.* Prior to the approval of any request to install an electrical security fence within the City of Fontana, the applicant/property owner shall provide to the City a certificate of commercial general liability insurance covering third party liability risks in a minimum amount of $1,000,000.00 combined single limit per occurrence for bodily injury, personal injury, and property damage insurance with the City named as an additional insured party.

l. *Landscaping.* Addition of the electrical security fence shall in no way preclude the installation and maintenance of required landscaping.

m. *Violation; misdemeanor.* It shall be unlawful, and a misdemeanor for any person to install, maintain or operate an electric fence in violation of these development standards.

(Ord. No. 1686, § 2(Exh. A), 2-11-14)

Sec. 30-257. - Trash collection areas and recycling.

All industrial and manufacturing developments shall be provided with trash receptacles and trash enclosures and recycling facilities as follows:

(1) **Number.** An adequate number and size of receptacles shall be provided to serve all uses on a property.

(2) **Screening.** All receptacles shall be screened on at least three sides with a solid masonry wall or combination berm and wall. The receptacle shall not be visible above the wall. A visually solid gate shall be provided.
Sec. 30-258. - Public pay telephones.

The establishment or installation of exterior public pay telephones are permitted only by approval of the Planning Commission by a design review application.

DIVISION 6. - PERFORMANCE STANDARDS

Sec. 30-259. - Noise and vibration.

(a) Noise levels. No person shall create or cause to be created any sound which exceeds the noise levels in this section as measured at the property line of any residentially zoned property:

(1) The noise level between 7:00 a.m. and 10:00 p.m. shall not exceed 65 db(A).
(2) The noise level between 10:00 p.m. and 7:00 a.m. shall not exceed 70 db(A).

(b) Noise measurements. Noise shall be measured with a sound level meter that meets the standards of the American National Standards Institute (ANSI) Section S14-1979, Type 1 or Type 2. Noise levels shall be measured using the "A" weighted sound pressure level scale in decibels (reference pressure = 20 micropascals per meter squared).

(c) Vibration. No person shall create or cause to be created any activity which causes a vibration which can be felt beyond the property line of any residentially zoned property with or without the aid of an instrument.

Sec. 30-260. - Light and glare.

All lights shall be directed and/or shielded to prevent the light from adversely affecting adjacent residential or commercial properties. No structure or feature shall be permitted which creates adverse glare effects.

Sec. 30-261. - Odors.

All uses shall be operated in a manner such that no offensive odor is perceptible at or beyond the property line of that use.

Sec. 30-262. - Electromagnetic interference.

No use, activity or process shall be conducted which produces electromagnetic interference with normal radio and television receptions beyond the property line of that use.

DIVISION 7. - DESIGN GUIDELINES

Sec. 30-263. - Purpose.

The following guidelines are to be used in concert with development policies and standards contained in the Article to create industrial developments that are functionally compatible or enhance the surrounding users.

Sec. 30-264. - Applicability.

These guidelines apply to all new industrial development as well as addition and remodeling. No activities conducted within industrial districts shall be conducted in such a manner as to constitute a public or private nuisance. The Planning Commission may impose such conditions or mitigation measures as may
be appropriate to insure that activities conducted within an industrial district shall not constitute or become a public or private nuisance. Without limiting the generality of the foregoing or otherwise modifying other applicable provisions of this chapter, all activities conducted within industrial districts shall comply with all applicable provisions of local, State and Federal laws and regulations with respect to noise, vibration, smoke, odors, fire and explosive hazards, radiation, toxic and noxious matters, electromagnetic interference and lighting. The Planning Commission may impose such conditions or mitigation measures as may be appropriate to insure that activities conducted within any industrial district shall not violate any provisions of local, State or Federal law, or regulations with respect to the matters identified in the immediate preceding sentence. See also industrial building design policy.

Sec. 30-265. - Site plan design.

(a) Grading and drainage.
   (1) Graded slopes shall meet Uniform Building Code and the City Engineer's standards.
   (2) All graded slopes in excess of three to one shall be stabilized and planted with groundcovers and trees or shrubs.
   (3) Grading shall not occur within the drip line of a tree (with a caliper size greater than ten inches at chest height) that merits observation or within ten feet of the bank of a riparian corridor unless such grading is approved by a landscape architect.
   (4) The grading of land along transportation corridors shall conform to the natural topography of the immediate area and result in a harmonious transition of the manmade grade with the natural terrain.
   (5) Site grading design shall complement and reinforce the architectural and landscape design character by helping to screen parking, loading and service areas, by helping to reduce the perception of height and mass on large buildings, by providing reasonable transitions between on-site uses, by providing elevation transitions contributing to the efficiency of on-site and off-site movement systems, and by providing reasonable transition between lots.
   (6) All slopes greater than three to one shall require an erosion control management plan.

(b) Building orientation.
   (1) All buildings shall be cited and oriented to reduce noise, light and glare, visual, and other conflicts. Refuse collection and loading areas shall be located in areas where noise from such operations will not adversely impact adjacent residential uses.
   (2) Buildings shall be cited for windows and entries to take advantage of views.
   (3) Buildings shall be designed and cited to minimize the impact of built forms on the natural landscape. Roof lines shall keep a low profile so as not to dominate the horizon line.
   (4) The orientation of a building and its parts shall be related to nature and the elements: sun, wind and rain. The design and placements of windows and doors shall be considered with exposure to natural elements in mind.
   (5) In new projects, buildings shall be positioned to minimize the impact of shadows on adjacent properties. Building architecture shall be designed to provide shade in the summer and sunlight in the winter.
   (6) Placement of the industrial buildings shall provide the most aesthetic public views. Open work areas shall be located away from public views. Where overriding considerations require that the work areas remain visible to public views, they must be fully screened using walls, berms, landscaping or combinations thereof.
   (7) Design themes for individual projects shall integrate the constraints and opportunities provided by adjacent developments in complying with an overall street design theme.
   (8) Building area setbacks from the street shall vary to provide character to the area.
Whenever possible, buildings should be oriented on the site in a manner that will allow for solar energy devices to have access to sunlight. Running roof ridge lines east-west allows easy solar access for roof mounted solar collectors.

HVAC ducts shall be oriented away from abutting residential areas.

(c) Access and circulation.

(1) Pedestrian.

a. On-site pedestrian circulation systems shall be provided to meet the movement needs of on-site users. Such systems shall provide safe, all-weather surfaces and aesthetically pleasing means of on-site foot travel. Pedestrian walkways shall be an integrated part of the overall architecture and site design concept.

b. Pedestrian and bicycle access shall be conveniently provided to connect industrial uses with surrounding land uses.

c. Walks between buildings may be expanded in select locations to provide for occasional sitting areas.

(2) Vehicular.

a. On-site bus turnouts and shelters shall be installed in industrial areas that generate the highest bus passenger volume. Mass transit routes that serve areas of business use shall load passengers in clearly marked, reserved areas with pedestrian facilities provided.

b. The access and circulation of a development shall be designed to provide safe and efficient system, both on and off the site. Points of access shall be designed in conformance with the City Access Regulations, and shall not conflict with other planned or existing access points.

c. The vehicular circulation system shall be designed to reduce conflicts with pedestrian traffic, minimize impacts on adjacent properties, combine circulation and access areas where possible, and provide adequate maneuvering areas.

d. Access drives for industrial areas shall be located as far as possible from street intersections and shall be coordinated with median openings and where median openings are not available, designed for efficient "right-turn only" ingress and egress.

e. Access drives shall be coordinated with adjacent lots so as to minimize the number of curb cuts required and to not impede on the efficient flow of peak period traffic. Consideration shall be given to adequate separation of adjacent access drives or the development of common access drives.

f. In no case should trucks have to use public right-of-way to maneuver into a loading space, including the necessity to have to back-in from a public right-of-way. There shall be adequate truck maneuvering area for the largest truck size anticipated for the subject industrial development. Trucks utilizing loading areas shall not encroach upon drive aisles or parking spaces. Sufficient area shall be provided for the parking of empty or stored trailers.

g. The citing of handicap parking stalls within an industrial development shall be subject to the requirements of the City of Fontana Building Code.

h. Structures containing manufacturing uses will of necessity require loading platforms and/or large vehicular entries into the structures. Such vehicular entries and platforms shall be screened from public view and shall not be located in the area between the street and the front of the structure.

(d) Relationship of parking areas to buildings.

(1) Adequate parking for employees and visitors shall be provided and located separate from truck loading areas.
(2) Aisles shall be positioned perpendicular to building entries for easy pedestrian access. Pedestrian corridors shall also incorporate landscaping material.

(3) Where design permits, parking areas located behind buildings are encouraged. Driveway access to rear parking and loading areas and clear signage identifying rear parking availability shall be incorporated into the overall design.

(4) Adequate parking shall be provided for all new industrial buildings to accommodate peak hour use. See Article XI for standards.

(e) **Open space.**

(1) Open spaces shall be designed as an integral part of the overall site plan design. Open spaces shall enhance the building design, enhance public views and spaces, provide buffers and transitions, provide for a balance of solar uses, and provide screening.

(2) The display of art and fountains is encouraged in open spaces.

(3) Open spaces can occur within an industrial development in any scale, from an intimate seat wall to an expansive plaza. These spaces are encouraged within all new industrial development and shall be designed at a scale proportionate to each individual project.

(4) Open spaces shall provide a landscape design and access connection to the primary building entry.

(5) Open spaces shall be integrated into the vehicular and pedestrian circulation systems as a primary focus and destination.

(6) Open spaces shall be strongly defined by adjacent buildings with facades being visually interesting and building mass well articulated.

(7) The provision of ample seating in open space areas is essential and should be carefully placed to allow a variety of sitting environments.

(8) Open spaces shall be designed to direct attention toward the entry statement of the project.

(f) **Lighting.**

(1) All exterior lighting shall be adequately controlled and shielded to prevent glare and undesirable illumination to adjacent properties or streets.

(2) On-site lights shall provide a safe, functional and aesthetic design. Enough lighting should be provided to ensure a safe environment while at the same time not cause areas of intense light or glare.

(3) Light fixtures and poles shall be designed and placed in a manner consistent and compatible with the overall site and building design.

(4) High intensity security lighting fixtures shall not be substituted for site or landscape lighting or general building exterior illumination, but shall be limited to loading and storage locations or other similar service areas only.

(g) **Utilities.**

(1) Temporary overhead power and telephone facilities are permitted only during construction.

(2) Transformers, utility pads and telephone boxes shall be installed and maintained underground. Placement, location and screening of utilities of any kind which cannot be installed underground and must be placed above ground for function and safety reasons require written approval by the Director of Community Development prior to any administrative or discretionary approval.

(3) Transformer enclosures shall be designed of durable materials with finishes and colors used which are compatible and harmonious with the overall architectural theme.

(4) All utilities including, but not limited to drainage systems, sewers, gas lines, water lines, and electrical, telephone, and communications wires and equipment shall be installed and maintained...
underground. Placement, location and screening of utilities of any kind which cannot be installed underground and must be placed above ground for function and safety reasons require written approval by the Director of Community Development prior to any administrative or discretionary approval.

(h) **Public safety.**

1. Entrances to buildings shall be well lighted and void of any large shrubbery or obstructions.
2. Adequate emergency access routes for the egress/ingress of emergency vehicles shall be required for all projects.
3. A fuel modification zone shall be required in areas threatened by fire hazard.

Sec. 30-266. - Building design.

(a) **Design theme.**

1. In order to establish and reinforce an industrial district identity, new industrial projects are encouraged to develop a central design theme around which the following architectural elements can be designed: building form, signage, light fixtures, walls and fences, landscaping and other site furnishings, as well as areas of public gathering such as plazas and courtyards.
2. A recognizable design theme shall be established for each building. That theme shall be one that creates a harmonious building style, form, size, color, material and roofline, as it relates to surrounding planned or existing developments.
3. It is not intended that one style of architecture should be dominant but rather that individual structures shall create and enhance a high quality and harmonious community appearance. Subtle variations are encouraged which provide visual interest but do not create abrupt changes causing discord in the overall design of the immediate area.

(b) **Scale.**

1. The height, bulk, and design of industrial development shall be compatible with the surrounding neighborhood.
2. Multi-story buildings shall be set back toward the center of the site or be designed in a stepped style.

(c) **Materials and colors.**

1. Colors, textures and materials shall be coordinated to achieve total compatibility of design and shall blend well with the environment.
2. A sensitive alternation of colors and materials shall be used to produce diversity and enhance architectural effects.
3. While no category of exterior materials is considered "correct", the use of a particular material should exemplify the special characteristics of the overall design theme.
4. Generally acceptable materials are stucco, wood siding, native rock and stone, split face, concrete and brick or combination thereof.
5. Conditionally acceptable material (only limited usage) shall be steel (painted), wood shakes (as wall surfaces), slump stone, glass block, and black glass windows.
6. The following materials are not encouraged: aluminum or plastic siding; or corrugated fiberglass.

(d) **Lighting.**

1. Building and landscape accent up lighting shall be incorporated into the landscape plan.
2. Lighting systems shall be architecturally compatible with surrounding buildings to express the unique character of the area. Exposed neon, light-emitting diode (LED), mercury vapor, exposed
fluorescent, and exposed high intensity lights are prohibited, unless given approval by the Planning Commission.

(3) All exterior lighting shall be adequately controlled and shielded to prevent glare and undesirable illumination to adjacent properties or streets.

(4) Where possible, light fixtures shall be incorporated into the building elements to minimize their impact. Fixtures shall be appropriate for the architectural design and shall be energy efficient.

(5) For those buildings that are located in excess of 100 feet from the front property line, street address numbers of 12 inches or greater in height shall be displayed via an internally illuminated address display box.

ARTICLE VIII. - PUBLIC AND OPEN SPACE ZONING DISTRICTS

DIVISION 1. - GENERALLY

Sec. 30-267. - Purpose.

The purpose and intent of this article is to provide areas that are not primarily residential, commercial, or industrial. Two types of zoning districts are included in this article. The public facilities zoning district is intended to accommodate public facilities for the health, safety and general welfare of the citizens and residents of the City. The open space zoning districts are created to implement the open space policies of the general plan and to achieve the following objectives:

1. Protect lives and property from slope, fire, seismic, and flood hazards;
2. Preserve views of and natural conditions within the Jurupa Hills and San Gabriel Mountains;
3. Prevent premature development of significant aggregate and agricultural resource areas;
4. Promote the managed use of significant biological habitat and groundwater recharge areas; and
5. Provide City residents with a wide range of recreational opportunities.

Sec. 30-268. - How to use this article.

This article contains subsequent sections that describe permitted land uses within the public and open space zoning districts and the development standards and design guidelines applicable to these uses. In general, limited development is permitted in the open space zoning districts. However, standards and guidelines are necessary to ensure development is consistent with the intent of the general plan.

All permitted uses must comply with the development policies, use regulations, development standards, performance standards, and design guidelines established by this Article.

The provisions of this Article shall not be so construed as to limit or interfere with the construction, installation, operation and maintenance of any use which falls within the jurisdiction of the Public Utility Commission, which uses are related to public utilities purposes, water and gas pipes, mains and conduits, electric light and power transmission and distribution lines, fiber optic and telephone lines, sewers and sewer mains and incidental appurtenances.

Sec. 30-269. - Public and open space zoning districts.

Three public and open space zoning districts are established as follows:

1. Public facility (P-PF). A zoning district that accommodates public facilities required for the development and use of land in order to provide for a quality living environment and a dynamic economy.
(2) **Natural area (OS-N).** A zoning district that accommodates those locations within the planning area which, for specific environmental reasons, have been planned to remain in largely a natural condition. Areas designated as OS-N include portions of the Jurupa Hills and the foothills of the San Gabriel Mountains bordering the national forest land. The minimum size for development of any site shall be 20 acres.

(3) **Resource area (OS-R).** A zoning district that accommodates quarries, flood control channels, groundwater percolation basins, and agriculture. The OS-R category allows for the continued productive use of natural resources. However, only structures related to the management of resources are permitted, except structures for those uses that are identified as either permitted or conditional pursuant to Table 30-269.A. The character of these areas is intended to remain as open space.

DIVISION 2. - DEVELOPMENT POLICIES

Sec. 30-270. - Purpose.

This section establishes development policies for all open space and public facility uses. The policies are to be used in concert with the development standards outlined in Division 4 and, in the case of public facility policies, the design guidelines outlined in Division 6.

Sec. 30-271. - Plan consistency.

All open space and public facility uses must be consistent with the following plans:

(1) All elements of the general plan;

(2) Applicable specific plans (Note: Any specific plans adopted subsequent to the adoption of this development code shall meet or exceed the minimum development standards contained herein.);

(3) San Bernardino County flood control master plans; and

(4) San Bernardino County Hazardous Waste Management Plan.

Sec. 30-272. - Land use compatibility.

(a) **Open space uses.** The following features shall be incorporated into open space uses to ensure the use is compatible with surrounding land uses:

(1) For open space uses which include some type of development (for example, golf courses, recreational parks, single-family dwelling), open space buffer zones shall be used as appropriate to separate the active land uses from adjacent, more sensitive uses.

(2) Landscaping shall be used alone or in conjunction with other features (topography, fencing) to reduce potential visual or light and glare conflicts.

(3) Lighting, and especially lighting provided at recreation facilities, shall be shielded and directed to minimize impact on surrounding uses.

(b) **Public facility uses.** The citing and design of a project shall recognize that conflicts between abutting or nearby land uses can arise due to such factors as the operating characteristics of an existing use, hazards posed by a use, or the physical orientation of a building. On a city-wide scale, the general plan land use policy map establishes a pattern of land use designed to minimize land use conflicts. At the project level, the following features should be incorporated into a project as appropriate to assure the compatibility of different land uses:

(1) Landscaped parkways and similar open space features will be used as appropriate to separate public facilities uses from potentially incompatible uses. The width and treatment of the open
space buffer will vary depending upon the types of potential land use conflicts to be resolved. To soften visual impacts, the open space buffer should include landscaping.

(2) Grading plans will incorporate natural earth forms and graded earthen berms as appropriate to create visual screens and to buffer noise.

(3) Street design and site access will be configured to prevent through traffic from using adjacent residential streets. Features such as medians which restrict turning movements can discourage such through traffic.

(4) Landscaping shall be used alone or in conjunction with other features (e.g. open space buffer, topography) to reduce potential visual, light and glare conflicts.

(5) Physical barriers such as masonry walls shall be provided as specified in these regulations to reduce noise, visual, light and glare impacts. These features may also be used to prevent trespass between abutting land uses.

(6) All buildings shall be sited and oriented to reduce noise, light and glare, visual, and other conflicts. For example, loading areas should be located in areas where noise from such operations will not adversely impact adjacent residential uses.

(7) Infill development in established areas shall be especially sensitive to compatibility concerns and shall be developed in a manner sensitive to existing uses in terms of scale, design theme, etc.

Sec. 30-273. - Resource protection.

(a) Biological resources. Areas containing significant biological habitat, as identified in the general plan, shall be preserved and protected.

(b) Water resources. Groundwater recharge areas and natural drainage courses shall be protected.

(c) Grading and landform. If any grading is required, natural terrain shall be incorporated into grading plans. The amount of terrain alteration shall be minimized. Significant topographic features shall be preserved. No grading or development shall be permitted on hilltops. Views to the San Gabriel, San Bernardino, and San Jacinto Mountains, and Jurupa Hills shall be protected.

(d) Natural flood control. Wherever possible, natural flood control features such as swales and vegetated drainage courses shall be maintained.

(e) Energy conservation. New projects shall be encouraged to incorporate passive and active solar systems into site and building design.

Sec. 30-274. - Public safety.

(a) Emergency access. Access for emergency vehicles shall be incorporated into project design.

(b) Fire hazards. Projects constructed within or adjacent to areas identified in the general plan safety element as "fire prone areas" shall incorporate fire breaks into site design. Fire management plans will also be required in fire prone areas.

(c) Geological hazards.

(1) Geological reports shall be required for development on properties lying within an Alquist-Priolo Special Studies Zone. The development must incorporate citing and design features recommended in the geological study.

(2) In the San Gabriel Mountains and Jurupa Hills, no grading shall be permitted on hill slopes in excess of 15 percent. On all other slopes in excess of 15 percent, no grading shall be permitted unless detailed geologic studies are prepared to show that hill slopes can be stabilized.

(d) Corner cut-off. The provisions of Section 30-169 regarding unobstructed corner cut-off visibility shall be required.
Flooding. Structures built within the flood plain shall comply with regulations established by Chapter 12 of the Fontana Municipal Code and Federal Emergency Management Agency (FEMA).

Sec. 30-275. - Infrastructure.

(a) Streets. All new development and expansion of existing development shall provide public street and/or private street improvements consistent with the circulation element of the general plan. Additional improvements and dedications shall be provided as determined through the design review process.

(b) Water and sewer. All applicants must verify that adequate water and sewer facilities are or will be available to serve the planned use. Project proponents are encouraged to incorporate recycling systems and decorative or water elements for gray water reuse into building and site design in order to provide for more efficient water use.

(c) Storm drains. All applicants shall provide storm drain and other flood control and drainage facilities consistent with the San Bernardino County Flood Control District's comprehensive drainage plan and city master plan for drainage. All improvements shall be performed in accordance with the provisions of Chapters 12 and 26 of the Municipal Code.

(d) Logical extension of facilities. Development shall be phased in accordance with the logical, incremental extension of necessary infrastructure of streets and utilities.

(e) Developer impact fees. One-time public improvement costs related to extension or expansion of infrastructure necessary to serve a particular development will be the responsibility of the project developer.

(f) Impact fee amounts. Where developer impact fees have been adopted, the developer/applicant shall pay the fees according to appropriate rates and schedules.

(g) Mitigation charges. Where mitigation charges are determined, a fair share amount shall be assessed by means of a special study or analysis prepared and/or reviewed by appropriate City staff.

DIVISION 3. - USE REGULATIONS

Sec. 30-276. - Uses permitted.

(a) Uses by zoning districts. Table 30-269.A., lists the uses permitted in the public and open space zoning districts. A "P" indicates, the use is permitted by right, a "C" indicates the use requires the granting of a conditional use permit, an "M" indicates the use requires the granting of a minor use permit, and "—" means the use is not permitted.

(b) Uses subject to specific requirements. Permitted uses and uses requiring an MUP are marked with an asterisk "*" and are indicative that the use is subject to special use regulations in Section 30-278. Conditional uses are subject to the provisions in Section 30-279.

<table>
<thead>
<tr>
<th>Use</th>
<th>P-PF</th>
<th>OS-N</th>
<th>OS-R</th>
<th>P-UC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory uses</td>
<td>P*</td>
<td>P*</td>
<td>P*</td>
<td>—</td>
</tr>
<tr>
<td>Use Type</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>-----------------------------------------------------------</td>
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<td>---</td>
</tr>
<tr>
<td>Agricultural uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Animal grazing, breeding, raising or training</td>
<td>P</td>
<td>P*</td>
<td>P*</td>
<td></td>
</tr>
<tr>
<td>Aquarium, zoos, observatories, and museums</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Athletic fields</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Cemeteries</td>
<td></td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Church</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Civic, community clubs, and organizations</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Centers</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Day care</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Farmers Market</td>
<td>M*</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fire and police stations</td>
<td>P</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Flood control facilities</td>
<td>M</td>
<td>M</td>
<td>M</td>
<td>M</td>
</tr>
<tr>
<td>Golf courses</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Historic sites and buildings</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Home occupation</td>
<td>P*</td>
<td>P*</td>
<td>P*</td>
<td></td>
</tr>
<tr>
<td>Hospitals, health facilities</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Libraries</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nursery</td>
<td></td>
<td></td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Off-street parking</td>
<td>P</td>
<td>P*</td>
<td>P*</td>
<td>P</td>
</tr>
<tr>
<td>Open space uses</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

Page 252
<table>
<thead>
<tr>
<th>Category</th>
<th>P</th>
<th>C</th>
<th>M</th>
<th>C</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paseos (trails)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Poultry and egg production</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>—</td>
</tr>
<tr>
<td>Private parks</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Private schools</td>
<td>C</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Produce sales stand</td>
<td>M</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Product sales stand</td>
<td>P</td>
<td>P*</td>
<td>P*</td>
<td>—</td>
</tr>
<tr>
<td>Public, quasi-public or private utility uses, structures, substations and facilities compatible to and relating to the service needs of the community. This may include flood control facilities, retention basins and groundwater recharge basins, water supply reservoirs, communication equipment buildings, electrical distribution substation and public utility booster stations.</td>
<td>M</td>
<td>M</td>
<td>M</td>
<td>M</td>
</tr>
<tr>
<td>Public parks, campgrounds, fishing ponds</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>—</td>
</tr>
<tr>
<td>Public schools</td>
<td>P</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Public utility offices</td>
<td>C</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Quarries</td>
<td>—</td>
<td>C</td>
<td>C</td>
<td>—</td>
</tr>
<tr>
<td>Rabbit and poultry production</td>
<td>—</td>
<td>C</td>
<td>C</td>
<td>—</td>
</tr>
<tr>
<td>Recreational uses owned and/or controlled by a government or quasi-public agency</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>—</td>
</tr>
<tr>
<td>Single-family detached residences</td>
<td>—</td>
<td>P*</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Theater/Performing Arts</td>
<td>P</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Theater/Performing Arts with on-site Alcohol sales</td>
<td>P*</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Transit-related facilities</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>—</td>
</tr>
</tbody>
</table>
Sec. 30-277. - Prohibited uses.

Any use not specifically permitted by Section 30-276 shall be prohibited, unless the Planning Commission finds the use to be similar to or have the same operating characteristics of a permitted use, pursuant to the provisions of Section 30-4, Article I.

Sec. 30-278. - Special use regulations.

This section establishes special regulations for certain permitted uses and uses requiring an MUP marked with an asterisk ** in Table 30-269.A. The specified use is permitted provided that the use conforms to the following regulations.

(a) Animal grazing, breeding, raising or training. The keeping of animals for grazing, breeding, raising, or training is permitted subject to the following:

(1) A minimum lot size of six acres is required. For swine, a minimum lot size of two acres is required.

(2) The number of animals permitted shall be limited as outlined in Table 30-278.A.

<table>
<thead>
<tr>
<th>Type of Animal</th>
<th>Number Permitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bees (apiary)</td>
<td>10 hives per acre</td>
</tr>
<tr>
<td>Birds (aviary)</td>
<td>100 birds per acre</td>
</tr>
<tr>
<td>Livestock, large</td>
<td>4 animals per acre</td>
</tr>
<tr>
<td>Livestock, small</td>
<td>8 animals per acre</td>
</tr>
<tr>
<td>Poultry and rabbits</td>
<td>75 animals per acre</td>
</tr>
<tr>
<td>Swine*</td>
<td>4 swine per acre</td>
</tr>
<tr>
<td>Potbellied pigs</td>
<td>4 swine per acre</td>
</tr>
</tbody>
</table>

* Swine are permitted provided they are not fed garbage.

(b) Home occupation. Home occupation uses are permitted provided a valid home occupation permit has been obtained pursuant to the provisions of Section 30-77 of Article II.
(c) Product sales stand. One stand provided for the display and sale of products grown on-site is permitted by approval of the Planning Manager. The floor area for the stand shall not exceed 200 square feet.

(d) Parking facilities. Parking facilities related to a use located adjacent to but not within the open space zoning district are permitted subject to the following:

1. The parking facility shall be developed in accordance the requirements of Article XI.
2. All parking facilities shall be subject to the development review process outlined in Article III.

(e) Single-family residence. In the OS-N zoning district, the maximum density shall be one unit per 20 acres of land.

(f) Accessory uses. Accessory uses within utility easements shall be subject to the approval of the Community Development Director.

(g) Theater/Performing Arts with Alcoholic Beverage Sales. Alcoholic beverage sales are permitted provided they are located within a theater or performing arts center located within the municipal campus and are associated with civic events.

(h) Farmers Market. Notwithstanding any other provision of this chapter, a farmers’ market may be conducted in the P-PF zoning district, provided they are carried on in accordance with the limitations hereinafter set forth, and provided an approved minor use permit is granted.

1. The operation of the farmers market shall be conducted by a for-profit or nonprofit organization or by a local governmental agency.
2. An established set of operating rules addressing the governance structure of the market, hours of operation, and days of the week, maintenance, and security requirements shall be permitted and approved under the Minor Use Permit (MUP) application and site plan.
3. A MUP, a master site plan, as well as the signed set of Conditions of Approval, shall be posted in a conspicuous place at the market site.
4. The organization responsible for governing or operating the farmers market shall obtain a business license and shall post the business license in a conspicuous place at the site.
5. At least 51 percent of the vendors displaying inventory of the products sold in each farmers market are selling fresh fruits and vegetables.
6. Fifteen percent or fewer vendors are non-food vendors (i.e. handmade crafts, art exhibits, informational booths, etc.)
7. All market signage shall be submitted and approved under the MUP permit.
8. The organization governing or operating the farmers market shall provide access to adequate sanitary facilities, including restrooms and/or portable sinks and toilets.
9. Operation of the farmers market shall not obstruct the safe flow of vehicular or pedestrian traffic on or around the market site.
10. The sale of, or consumption of, alcoholic beverages on the market site is prohibited.
11. The sale of second hand merchandise is prohibited.
12. Portable shelters (e.g.: EZ Up Shelters) with an area no larger than 10 feet by 10 feet are allowed in designated market areas. Any shelter larger than 10 feet by 10 feet must be approved under the MUP application.
13. Animals, other than law enforcement dogs and assistance animals for the disabled (e.g.: Seeing Eye dogs) are not allowed on the market site.
14. A medical marijuana dispensary shall not be permitted pursuant to this section.
(15) The Director of Community Development shall have the authority to determine other market activities, in addition to those specifically listed in this article, which may be permitted, or conditionally permitted, in his or her judgment supported by specific written findings. (Section 30-4)

(Ord. No. 1675, § 6(Exh. A), 3-12-13)

Sec. 30-279. - Conditional use regulations.

All uses marked with a "C" in Table 30-269.A. must comply with the conditional use permit procedural requirements outlined in Section 30-44, Article II of this chapter. In addition, certain conditional uses must comply with the specific development and operational standards outlined below.

(a) Poultry egg production, processing, distribution uses.

(1) No conditional use permit shall be required for the expansion of uses operating on or before January 1, 1982, provided the use is under the same ownership. Any such expansions shall be subject to review by the Planning Commission.

(2) For additions to uses existing on or before January 1, 1982, a minimum 50-foot buffer or setback shall be provided between the property line and the addition. Buffer areas may consist of landscaping, berms, or a combination thereof.

(b) Rabbit and poultry killing and dressing. All animals processed must be raised on the premises.

DIVISION 4. - DEVELOPMENT STANDARDS

The following development standards shall apply to all uses in the public and open space zoning districts.

Sec. 30-280. - Development standards.

(a) Single-family dwelling. All development standards, with the exception of minimum lot size, for a single-family dwelling shall be the same as established for the R-E (residential estate) zoning district. Minimum lot size requirements shall be as established by Table 30-280.A.

(b) All other uses. The development standards set forth in Table 30-280.A. shall apply to uses other than a single-family dwelling.

<table>
<thead>
<tr>
<th>Table 30-280.A. Development Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard</td>
</tr>
<tr>
<td>Minimum lot area</td>
</tr>
<tr>
<td>Lot dimensions</td>
</tr>
<tr>
<td>Minimum width</td>
</tr>
<tr>
<td>Minimum depth</td>
</tr>
<tr>
<td>-----------------------</td>
</tr>
<tr>
<td>Maximum lot coverage</td>
</tr>
<tr>
<td><strong>Setbacks (from property line)</strong></td>
</tr>
<tr>
<td><strong>Front yard</strong></td>
</tr>
<tr>
<td><strong>Side yard</strong></td>
</tr>
<tr>
<td><strong>Interior</strong></td>
</tr>
<tr>
<td><strong>Street side on corner lot</strong></td>
</tr>
<tr>
<td><strong>Rear yard</strong></td>
</tr>
<tr>
<td><strong>Maximum building height</strong></td>
</tr>
<tr>
<td><strong>Stories</strong></td>
</tr>
<tr>
<td><strong>Feet</strong></td>
</tr>
<tr>
<td><strong>Distance between buildings</strong></td>
</tr>
</tbody>
</table>

**Notes:**

(a) Shall be increased by two feet for each foot when the building exceeds 25 feet in height. The required front yard shall be entirely landscaped with the exception of necessary driveways and walkways.

(b) A total aggregate of 35 feet of side yard shall be provided.

(c) Corner cut-off. The provisions of Section 30-169 regarding unobstructed corner cut-off visibility shall be required.

(d) Encroachments into yard areas. Awnings, eaves, canopies, roof projections, and similar architectural features may extend into yard areas for a distance of five feet, provided the feature is located at least eight feet above grade and no closer than five feet from the property line.

(e) Accessory buildings and uses. Accessory buildings and uses may be located anywhere on a lot except within the required front yard area when incidental to any of the principal uses located on the same lot. Accessory buildings shall conform to the same setback requirements applicable to primary structures, except that accessory uses and structures shall be permitted in yard areas as follows:
(1) Landscaping, on-premises signs, off-street parking, pedestrian walkways, and driveways are permitted in street yard areas.

(2) Landscaping, off-street parking, pedestrian walkways, driveways, loading areas, trash receptacles, and similar accessory uses are permitted in rear yards, interior side yards, and yards abutting alleys.

Sec. 30-281. - Landscaping and screening.

(a) **OS-N and OS-R zoning districts.** Within the OS-N and OS-R zoning districts, the level of landscaping to be provided shall be determined through the design review process. Landscaping shall be used to screen utility substations, fences, and parking facilities.

(b) **P-PF zoning district—Landscaping.** Within the P-PF zoning district, all required street setbacks shall be landscaped in accordance with provisions in Article X. In no event shall the off-street parking encroach within the setback area.

(c) **P-PF zoning district—Outdoor storage.** Within the P-PF zoning district, the outdoor storage of material and equipment shall be permitted only within an area surrounded by a wall at least eight feet in height with gates capable of being locked; provided, however, the storage area shall not be located in any required setback area. Within such storage area, except for trucks and other vehicles necessary for the operation, no materials or equipment shall be stored to a height greater than eight feet. Where the storage area is visible from a public street or from adjoining property in residential, office, commercial or institutional use, the storage area shall be screened by an eight-foot sight-obscuring wall along the side of the storage area facing the street or use.

(d) **P-PF zoning district—screening.** Within the P-PF zoning district, a six-foot solid wall or fence shall be required where the side or rear property line of a site adjoins a residential zoning district.

Sec. 30-282. - Parking.

Off-street parking shall be provided as required by Article XI of this chapter.

Sec. 30-283. - Signs.

(a) **OS-N and OS-R zoning districts.** Within the OS-N and OS-R zoning districts, the only on-premises signs permitted shall be directional signs and identification signs. The signs shall be limited in size and location as provided for in Chapter 3 of the Municipal Code. The signs shall be low-level and unobtrusive and shall conform to the character of the open space use, as well as to the design theme of any buildings located on the site.

(b) **P-PF zoning district.** Within the P-PF zoning district, on-site signs are permitted to the standards outlined in Chapter 3 of the Municipal Code.

DIVISION 5. - PERFORMANCE STANDARDS

Sec. 30-283A. - Purpose.

There shall be no discernible noise, vibration, smoke, flare, odor, radiation, electronic or electromagnetic disturbance, humidity, heat or glare beyond the property limits of the site.

DIVISION 6. - DESIGN GUIDELINES

Sec. 30-283B. - Purpose.
All development within the P-PF (public facility) zoning district shall be suitable and architecturally treated to be consistent and compatible with the surrounding existing or future planned development. Where architectural treatment is infeasible, total screening from public view shall be required.

Sec. 30-283C. - Applicability.

These guidelines apply to all new public facility development, as well as to additions, remodeling, and relocation of existing structures within the P-PF zoning district.

Sec. 30-283D. - Site plan design.

(a) Grading and drainage.

(1) Graded slopes shall meet Uniform Building Code and the City Engineer's standards.

(2) All graded slopes in excess of three to one shall be stabilized and planted with groundcovers and trees or shrubs.

(3) The grading of land along transportation corridors shall conform to the natural topography of the immediate area and result in a harmonious transition of the manmade grade with the natural terrain.

(4) Site grading shall complement and reinforce the architectural and landscape design character by helping to screen parking, loading and service areas, by helping to reduce the perception of height and mass on large buildings, by providing reasonable transitions between on-site uses, by providing elevation transitions contributing to the efficiency of on-site and off-site movement systems, and by providing reasonable transition between lots.

(5) All three to one slopes or greater shall required an erosion control management plan.

(b) Building orientation.

(1) All buildings shall be sited and oriented to reduce noise, light and glare, visual, and other conflicts. Refuse collection and loading areas shall be located in areas where noise from such operations will not adversely impact adjacent residential uses.

(2) Buildings shall be sited for windows and entries to take advantage of scenic views where possible.

(3) Buildings shall be designed and sited to minimize the impact of built forms on the natural landscape. Roof lines shall keep a low profile so as to not dominate the horizon line.

(4) The orientation of a building and its parts shall be related to nature and elements: sun, wind, and rain. The design and placements of windows and doors shall be considered with exposure to natural elements in mind.

(5) In new projects, buildings shall be positioned to minimize the impact of shadows on adjacent properties. Building architecture shall be designed to provide shade in the summer and sunlight in the winter.

(6) Placement of buildings shall provide the most aesthetic public view.

(7) All design shall appear as an integrated part of an overall design theme.

(8) Building setbacks from the street shall vary to provide character to the area.

(9) All HVAC ducts shall be oriented away from adjoining residential property.

(c) Pedestrian access and circulation.

(1) On-site pedestrian circulation systems shall be provided to meet the movement needs of on-site users. Such systems shall provide safe, all-weather surfaces and aesthetically pleasing means of on-site foot travel. Pedestrian walkways shall be an integrated part of the overall architecture and site design concept.
(2) Pedestrian and bicycle access shall be conveniently provided to connect surrounding land uses and commercial uses.

(3) All new development shall be accessible to persons with disabilities as required elsewhere in this development code.

(d) Lighting.

(1) All exterior lighting shall be adequately controlled and shielded to prevent glare and undesirable illumination to adjacent properties or streets.

(2) On-site lights shall provide a safe, functional and aesthetic design. Enough lighting should be provided to ensure a safe environment while at the same time not cause areas of intense light or glare.

(3) Light fixtures and poles shall be designed and placed in a manner consistent and compatible with the overall site and building design.

(4) All lighting shall comply with Fontana Police Department security requirements.

(e) Utilities.

(1) Temporary overhead power and telephone facilities are permitted only during construction.

(2) Transformers, utility pads and telephone boxes shall be screened with walls or vegetation.

(3) Transformer enclosures shall be designed of durable materials with finished and colors used which are compatible and harmonious with the overall architectural theme.

(4) All exterior on-site utilities and utility boxes, structures, and equipment including, but not limited to drainage systems, sewers, gas lines, water lines, and electrical, telephone, and communications wires and equipment shall be installed and maintained underground.

(f) Public safety.

(1) Entrances to buildings shall be well lighted and void of any large shrubbery or obstructions.

(2) Adequate emergency access routes for the egress/ingress of emergency vehicles shall be required for all projects. Where space for a separate vehicle access road is difficult, a portion of a greenbelt or open space area shall be lined with "turf block" to allow heavy equipment to access structures.

(3) A fuel modification zone shall be required in areas threatened by fire hazard.

ARTICLE IX. - OVERLAY DISTRICTS

DIVISION 1. - GENERALLY

Sec. 30-284. - Purpose.

The purpose of this article is to create overlay districts that establish additional use regulations and development standards for specific types of use and specific areas of the City requiring special consideration in the development process. The regulations established in this article for the overlay districts shall apply in addition to the regulations established for the underlying zone districts.

(Ord. No. 1708, Exh. A, § 6, 10-28-14)

Sec. 30-285. - Overlay districts.

Nine overlay districts are established as follows:
(1) **Activity center overlay district.** A district that is intended to encourage the development of clustered mixed-use activity centers that serve nearby neighborhoods. A combination of uses, including residential with retail and/or office, is required.

(2) **Medical center overlay district.** A district that may overlay any medical center complex.

(3) **Downtown overlay district.** A district that provides for an appropriate mix of uses and development standards for the downtown area.

(4) **Boulevard overlay district.** A district that is intended to promote retail activity at major intersections with non-retail uses in the mid-block areas. A combination of uses, including residential with retail and/or office, is encouraged.

(5) **Utility corridor overlay district.** A district that is intended to provide for appropriate development within or near those areas containing easements for public utilities.

(6) **Hillside overlay district.** A district that protects the public health and safety, minimizes environmental impacts, and requires development to conform to the natural topography of hillside areas.

(7) **Auto center overlay district.** A district that is intended to promote new car and truck sales adjacent to the 1-210 Freeway.

(8) **Warehousing distribution/logistics overlay district.** A district that provides for the limited, well planned and orderly development of warehousing distribution/logistics uses on properties within the Regional Mixed Use (R-MU) zone as provided for in Section 30-301.20 et seq. Unlike other overlay districts in this Division, this overlay identifies a geographic area where such uses may be allowed subject to a separate zone change request to establish the overlay on one or more parcels eligible to receive it.

(9) **Emergency shelter overlay district.** A district that provides for seamless incorporation of Emergency, Supportive, and Transitional Housing opportunities on specific properties within the Light Industrial (M-1) zoning district to house individuals at risk of homelessness with such needs for no more than a six-month period, as required by Government Code Section 65583(a)(4) and 65583(a)(5).

(Ord. No. 1667, § 3(Exh. B), 8-14-12; Ord. No. 1708, Exh. A, § 6, 10-28-14)

DIVISION 2. - ACTIVITY CENTER OVERLAY DISTRICT

Sec. 30-286. - Activity center overlay district regulations.

(a) **General plan.** The provisions of this division are intended to implement policies within areas that are designated "Activity Centers" on the General Plan Land Use Map.

(b) **Applicability.** These provisions apply to all properties any portion of which are within 300 feet of the center of the following intersections:

1. Sierra Avenue and North Riverside Avenue;
2. Sierra Avenue and Duncan Canyon;
3. Sierra Avenue and Summit Avenue;
4. Summit Avenue and Citrus Avenue;
5. Beech Avenue and the SR 210 (to the north);
6. Beech Avenue and the SR 210 (to the south);
Cherry Avenue and Baseline Road;
(8) Citrus Avenue and Baseline Road;
(9) Sierra Avenue and Baseline Road; and
(10) Maple Avenue and Baseline Road.

(c) Relation to underlying zoning. These provisions apply in addition to the provisions in the underlying zoning district. If the provisions of this division are in conflict with the provisions in the underlying zoning district, the provisions of this division shall apply. However, if a conflict occurs within a specific plan, the specific plan must be amended.

Sec. 30-287. - Uses permitted.

(a) Mixed uses encouraged. Mixed-use projects containing uses allowed by this section are encouraged.
(b) General. Any use permitted in the underlying zoning district shall be permitted in the activity center overlay district except as provided herein.
(c) Residential uses. Multi-family residential, single-family attached residential and senior housing are allowed and shall be located above or behind retail or other non-residential uses.
(d) Live/work units. Units that combine a residential unit with space used for non-residential uses (i.e. artist's lofts, stenographers, etc., but not manufacturing) are allowed with a conditional use permit.
(e) Prohibited uses. The following uses are prohibited:
   (1) Auctions;
   (2) Automobile sales repair and/or automobile related activities;
   (3) Pawn shops;
   (4) Tattoo establishments;
   (5) Hotels and motels;
   (7) Mini-storages;
   (8) Boat and recreational vehicle storage and related oversize vehicles; and
   (9) Other uses deemed incompatible by the Community Development Director.

Sec. 30-288. - Design review required.

Any development proposal within the activity center overlay district shall be subject to the design review process and approval by the Planning Commission.

Sec. 30-289. - Development standards and design guidelines.

(a) Floor-area ratio. The FAR shall be a maximum of 1.5 with a minimum required FAR of 0.25. To encourage mixed use, the FAR for non-residential uses shall comply with the maximum FAR required and the residential uses shall comply with the maximum FAR requirement, but the combined uses need not comply with the maximum FAR requirement. Residential and non-residential uses may be combined to satisfy the minimum FAR requirement.

(b) Density. The minimum density shall be 7.7 dwelling units per adjusted gross acre and the maximum density shall be 24 dwelling units per adjusted gross acre.

(c) Building setbacks. The minimum front and interior side yard setbacks are zero feet, except that a 15-foot front yard setback is required if residential uses are located on the ground floor and a 15-foot interior side yard setback is required if the lot abuts a residential zoning district. The rear yard setback is zero feet, except that a 15-foot rear yard setback is required if residential uses are located at the rear

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of the building and a 15-foot interior rear yard setback is required if the lot abuts a residential zoning district.

d) **Parking location.** Off-street parking shall be located at the rear of the building unless the lot configuration and placement of existing buildings makes this impractical.

e) **Parking requirements.**

1) On-street parking spaces located entirely or partially within the lot frontage and on the same side of the street as the building may be counted toward the number of parking spaces required by Division 2 of Article XI.

2) Residential units less than 1,000 square feet shall require only one parking space per unit. Residential units of 1,000 square feet or larger shall require two parking spaces per unit and the spaces may be in tandem.

3) Reductions in the number of parking spaces may be granted pursuant to Section 30-313 and/or Section 30-318.

f) **Residential unit size.** The minimum square footage for residential units within a mixed-use project shall be as follows: 1-bedroom unit is 700 square feet; 2-bedroom unit is 900 square feet; 3-bedroom unit is 1,000 square feet; and a 4-bedroom unit is 1,100 square feet.

g) **Open space.** The minimum amount of private open space for residential units within a mixed-use project shall be 100 square feet per unit.

h) **Balconies.** Balconies for residential units within a mixed-use project may extend for a distance of six feet into a required yard facing a street provided that no structure may encroach into any public right-of-way.

i) **Storage facilities.** A separate area having a minimum of 200 cubic feet of private and secure storage space shall be provided for each residential unit within a mixed-use project.

1) The storage area may be located within a garage, provided it does not interfere with garage use for automobile parking.

2) Normal closet and cupboard space within the dwelling unit shall not count toward meeting this requirement.

3) No storage shall be allowed in any carport area.

j) **Air conditioning or cooling systems.**

1) The residential portion of a mixed-use project shall be equipped with a central air conditioning or cooling system.

2) For the purposes of this section, a “central air conditioning or cooling system” shall be defined as all that equipment, including associated refrigeration, intended or installed for the purpose of cooling air by mechanical means and discharging such air into a residential structure used for living purposes. A central air conditioning or cooling system shall not include portable cooling units, absorption units or evaporative coolers.

k) **Design features.** In order to provide a pedestrian-oriented environment within activity centers, the following provisions apply.

1) For buildings not containing residential uses on the ground floor, at least 60 percent of the front façade area between two and 12 feet above grade shall be devoted to transparent windows, glass-covered display areas, or entryways.

2) Blank walls of the front façade area between two and 12 feet above grade shall not extend for more than 25 horizontal feet without a window, glass-covered display area, or entryway.

3) The front entrance to all buildings shall face the street.

4) Mixed-use development shall be architecturally and thematically and/or structurally integrated.
(5) The provisions of Division 7 of Article VI, Design Guidelines, shall apply.

(l) **Landscape.** Landscape requirements shall be determined based upon design, aesthetics and functionality of the project to the satisfaction of the Director of Community Development.

(m) **Amenities.** The Optional Density Standards apply to stand alone multi-family projects. For mixed use projects, the Optional Density Standards shall be used as a guideline subject to Planning Commission approval.

DIVISION 3. - MEDICAL CENTER OVERLAY DISTRICT

Sec. 30-290. - Medical center overlay district regulations.

The following provisions apply to projects that meet the definition of a medical center as described in Article I of this chapter. These provisions apply in addition to the provisions in the underlying zoning district. If the provisions of this division are in conflict with the provisions in the underlying zoning district, the provisions of this division shall apply.

(Ord. No. 1642, § 5(Exh. A), 11-8-11)

Sec. 30-291. - Uses permitted.

Any use permitted in the underlying zoning district shall be permitted in the medical center overlay district. Additional uses, which may be allowed in the underlying zone, shall include:

- Psychiatric care.
- Nutrition, Pregnancy, Health, and Drug, Tobacco, and Alcohol Cessation classes and services.
- 24-hour emergency room and ambulance drop-off.
- Bi-weekly farmers market events, duration of which will be no more than five hours per event, not to exceed more than ten hours per calendar month.
- Additional hospital staff events, such as health fairs, employee recognition events, etc., shall be allowed two events per calendar month, not to exceed more than ten hours per calendar month.
- Weekly or permanent use of MRI, Lithotriptor, or other types of large equipment, and their buildings and/or mobile transport trailers. Permanent buildings for these types of equipment to be calculated as hospital support.
- Other uses not listed here that may approved at the discretion of the Director of Community Development.

(Ord. No. 1642, § 5(Exh. A), 11-8-11)

Sec. 30-292. - Design review required.

Any proposal within the medical center overlay district which may or may not involve the issuance of a building permit for the construction or reconstruction of a habitable structure greater than 50,000 square feet shall be subject to the design review process and approval by the Planning Commission.

(Ord. No. 1642, § 5(Exh. A), 11-8-11)
Sec. 30-293. - Development standards and design guidelines.

(a) *Floor area ratio.* Floor area ratio (FAR) shall not exceed 0.75:1.

(b) *Maximum height.* The building height of any structure within the medical center overlay district shall not exceed 125 feet.

(c) *Street frontage.* A minimum setback of 20 feet shall be required between the front property line and the building. This area shall be landscaped with one tree for each 15 feet of street frontage and three shrubs for each tree. Clustering may be permitted on a case-by-case basis. The Director of Community Development shall have the authority to review and approve alternatives to the required landscaping requirements.

(d) *Yards abutting residential districts.* A minimum ten foot wide landscaped strip shall be provided as a buffer along all yard areas abutting a residential district. This area shall contain a minimum of one tree for each 25 linear feet of lot line and three shrubs for each tree. A combination of trees and shrubs shall provide appropriate screening as approved by the Director of Community Development on a case-by-case basis.

(e) *Landscaping of parking lots.* One tree shall be provided for each five parking spaces. Trees which provide a shading canopy at maturity are preferred for parking lot use.

(f) *Landscaping for parking structures.* An attractive landscaping strip shall be provided on all sides of the structure where possible. One tree shall be provided for each 15 feet of perimeter of the structure. These trees shall be distributed evenly throughout the subject landscape area subject to staff review and Director of Community Development approval. Trees shall border the parking structure and shall be of a species that will obtain a mature height. Additionally, all sides of a parking structure shall be screened by vines or other decorative screening approved by the Director of Community Development. The Director of Community Development shall have the authority to review and approve alternatives to the required landscaping requirements.

(g) *Other yard areas.* Not less than one tree shall be provided for each 250 square feet of other required landscaped area on the lot. A minimum of three shrubs shall be provided for each tree. Trees and shrubs shall be provided in all remaining landscape areas in such a way to reinforce the architectural and overall design intent of the project.

(h) *Required trees and shrubs.* The Director of Community Development shall have the authority to review and approve alternatives to the required landscaping requirements.

(i) *Parking area landscaping.* A total of ten percent of the total interior of the off-street parking area shall be landscaped. For landscaping purposes, parking area calculations shall include aisles, access drives, stalls, maneuvering areas, and landscaping contained within the parking and circulation area and site perimeter landscaping adjacent to parking and circulation areas, but shall not be included in any street areas otherwise required by this article.

(j) *Required parking spaces.*

1. Medical offices shall be parked at a ratio of one space per 200 square feet, plus one space per 250 square feet of floor area within the administrative office buildings.

2. Hospitals shall be parked at a ratio of one space per 2.5 beds plus one space per two employees on the maximum shift for the hospital building(s).

3. Off-street loading space(s) shall be provided as required in Article XI of this chapter. The Planning Commission may approve alternative off-street loading spaces based upon a Parking Utilization Study and the recommendation of the Director of Community Development and Traffic Engineer.

4. The Planning Commission may approve alternative off-street parking spaces based upon a Parking Utilization Study and the recommendation of the Director of Community Development.

(k) *Handicap standards.* Handicapped regulations shall be determined by the Americans with Disabilities Act (ADA) and Title 24 in effect at the time of building permits.
(l) Parking lot standards. The provisions and requirements of Table 30-321.A. shall apply to all parking lot standards except as provided herein for compact parking.

(m) Compact parking spaces. Compact parking spaces shall be permitted up to a maximum of 25 percent, or a percentage as appropriate based upon a parking vehicle study, as reviewed and approved by the Director of Community Development. Each compact parking space shall have dimensions of nine feet wide by 16 feet long. Each such compact stall shall be marked as a compact parking space with either signage or stenciled pavement markings.

(n) Temporary construction trailers. A trailer used for construction offices is permitted for the duration of construction at the site subject to staff review and the approval of the Director of Community Development, and shall include the following conditions:

1. Trailer(s) shall be located on the same or adjacent premises as the construction site.
2. Trailer(s) is shall be used only during the period of construction. All trailers shall be removed from the site prior to final project inspection of the project.

(o) Temporary events. Bi-weekly farmers market events, and a maximum of two employee or health-related events for a total of 20 hours of medical center related events per month are permitted without obtaining a Temporary Use Permits with the following conditions:

1. All events shall comply with the conditions specified in Article II (Temporary Use Permits).
2. All events shall be restricted to the Medical Center Overlay District.
3. A temporary use permit shall be required for more than 20 hours of medical center related events per month.

(p) Walls and fences. The maximum height of a wall or fence shall not exceed eight feet in height. Walls along Marygold Avenue used to screen mechanical equipment may exceed eight feet in height but not exceed 15 feet subject to staff review and approval of the Director of Community Development.

(q) Signs. Signs shall be established as part of a Sign Program administered by the City.

(Ord. No. 1588, § 4(Exh. A), 1-13-09; Ord. No. 1642, § 5(Exh. A), 11-8-11)

DIVISION 4. - DOWNTOWN OVERLAY DISTRICT

Sec. 30-294. - Downtown overlay district regulations.

(a) General plan. The provisions of this division are intended to implement policies within areas that are designated "Downtown Overlay" on the Land Use Policy Map.

(b) Applicability. These provisions apply to all properties within the following boundaries: Foothill Boulevard on the north, Merrill Avenue on the south, Juniper Avenue on the west, and Mango Avenue on the east.

(c) Relation to underlying zoning. These provisions apply in addition to the provisions in the underlying zoning and the Boulevard Overlay District. If the provisions of this division are in conflict with the provisions in the underlying zoning district and the Boulevard Overlay District, the provision of this division shall apply.

Sec. 30-295. - Design review required.

Any new proposal within the downtown overlay district shall be subject to the requirements in Article III of the Zoning and Development Code.

Sec. 30-296. - Development standards and design guidelines.
The purpose of the downtown overlay district designation is to apply aesthetic controls for all non-residential projects in the area surrounded by the above-referenced boundaries and thereby enhancing the visual image, circulation patterns, and overall utilization of this area.

(a) **Floor area ratio.** Projects within the downtown overlay district may be exempt from the requirements of Table 30-207.A. of the Zoning and Development Code.

(b) **Lot coverage.** Projects within the downtown overlay district may be exempt from the requirements of Table 30-207.A. of the Zoning and Development Code.

(c) **Landscaping.** Projects within the downtown overlay district may be exempt from the requirements of Article X of the Zoning and Development Code.

(d) **Parking.**

(1) Projects in the downtown overlay district may be exempted from the requirements of Article XI of the Zoning and Development Code.

(2) There shall be a rear yard setback of at least ten feet adjoining any alley to fulfill the loading requirements exempted by this subsection. The reviewing body may waive this setback requirement upon review of the project and determination that all appropriate requirements regarding off-street loading can be met.

(e) **Setbacks.** Non residential projects within the downtown overlay district may be exempt from the requirements of Article X and Tables 30-208.A. and 30-208.B. of the Zoning and Development Code.

(f) **Design guidelines.** Projects within the downtown overlay district shall include: awnings, canopies, decorative hardscape and street furniture. Building architecture shall be subject to review by the Redevelopment/Special Projects Director as well as the Planning Division.

(g) **Specific plans.** At the discretion of the Director of Community Development a specific plan, of any size, may be proposed within the downtown overlay district.

(h) **Signage.** All signage shall be subject to the development standards as outlined in Chapter 3 of the Code of the City of Fontana with the exception of wall murals.

(1) Wall murals may be permitted in the downtown overlay district with the approval of a conditional use permit, except in conjunction with an exclusively residential use, subject to the following conditions:

   a. Wall murals shall be installed directly on a building wall.

   b. There shall be no projection of the wall mural in any direction from the surface of the structure.

   c. The property owner shall give his/her written consent to erect and further shall agree to properly maintain and remove that mural in accordance with conditions established by the Planning Commission.

(2) The Planning Commission shall take into consideration the following matters prior to the approval of a wall mural:

   a. Conceptual compatibility of the design with the immediate environment of the site.

   b. Appropriateness of the design and size to the function of the site.

   c. Compatibility of the design and location within a unified design theme.

   d. Appropriateness of the design as a public work of art. The design may portray, but not be limited to, a cultural, historical or scenic subject.

(3) The Planning Commission may establish such further conditions as it deems appropriate upon approval of an application for a wall mural to safeguard the general purpose of this article.
(4) All applications for murals as specified shall be made to a scale rendering and/or scale model.

(i) Outdoor dining/seating.

(1) Outdoor dining/seating within the downtown overlay is permitted subject to the approval of a Minor Use permit.

Sec. 30-297. - Reserved.

DIVISION 5. - BOULEVARD OVERLAY DISTRICT

Sec. 30-298. - Boulevard overlay district regulations.

(a) General plan. The provisions of this division are intended to implement policies within areas that are designated "Boulevard Overlay" on the General Plan Land Use Map.

(b) Applicability. These provisions apply to all properties any portion of which are within one block on either side of the following streets:

(1) Arrow Highway between Tokay Avenue and the City limit on the east.

(2) Foothill Boulevard from the City limit on the west to the City limit on the east.

(3) Sierra Avenue between SR 210 and Interstate 10.

(c) Relation to underlying zoning. The Boulevard Overlay is a flexible designation that is intended to apply in conjunction with, or as an alternative to the provisions in the underlying zoning. When utilized, if the provisions of this division are in conflict with the provisions in the underlying zoning district, the provision of this division, Division 5. Boulevard Overlay District, shall apply.

(d) Intent. The intent of the Boulevard Overlay is to create a vibrant urban environment and associated street scene. Therefore, projects taking advantage of the Boulevard Overlay development regulations, as opposed to the standard provisions of the underlying zoning, shall be required to take access from said Boulevard unless otherwise approved by the Planning Commission.

(e) Definition. For the purposes of this division, the term "major intersection" shall mean an intersection of two or more major or primary highways.

Sec. 30-299. - Uses permitted.

(a) Mixed uses encouraged. Mixed-use projects containing uses allowed by this section are encouraged.

(b) General. Any use permitted in the underlying zoning district shall be permitted in the boulevard overlay district except as provided herein.

(c) Non-residential uses. The following non-residential uses are allowed by right of zone within approximately 200 feet of a major intersection as measured from the nearest right-of-way of the intersecting street and with a conditional use permit beyond approximately 200 feet of a major intersection as measured from the nearest right-of-way of the intersecting street. Non-residential uses that exist as of the effective date of this section and are beyond approximately 200 feet of a major intersection as measured from the nearest right-of-way become legal nonconforming uses within one year after the effective date of this section unless they have obtained a conditional use permit.

(1) Community-serving retail businesses as listed in the C-1 (Community Commercial) zone, and such similar uses as deemed by the Director of Community Development;

(2) Community-serving service businesses as listed in the C-1 (Community Commercial) zone, and such similar uses as deemed by the Community Director of Community Development;
(3) Professional offices;
(4) Entertainment centers;
(5) Sales outlets;
(6) Eating and drinking establishments;
(7) Parking structures;
(8) Multi-tenant incubator uses dedicated and affordable to the startup and initial growth of small businesses, including management and business support systems, but not including industrial uses; and
(9) Institutional, public and quasi-public uses.

(d) Residential uses. The following residential uses are permitted subject to a conditional use permit provided they are located above or behind retail or other non-residential uses on the same site as the proposed project and within approximately 200 feet of a major intersection (an intersection of two or more major or primary highways) as measured from the nearest right-of-way of the intersecting street.

(1) Multiple-family dwellings;
(2) Single-family attached dwellings; and,

[(e) Residential uses—Right of zone.] The following residential uses are allowed by right of zone beyond approximately 200 feet of a major intersection as measured from the nearest right-of-way of the intersecting street:

(1) Mixed use projects, provided the residential uses are located above or behind retail or other non-residential uses and shall comply with the regulations of Sec. 30-301.

(2) Multiple-family dwellings, provided the minimum lot size is six gross acres and shall comply with the development regulations of Sec. 30-160.

(3) Single-family attached dwellings, provided the minimum lot size is six gross acres and shall comply with the development regulations of Sec. 30-160.

(f) Residential uses subject to conditional use permit.] The following residential uses are allowed subject to a conditional use permit beyond approximately 200 feet of a major intersection as measured from the nearest right-of-way of the intersecting street:

(1) Senior housing.

(g) Live/work units. Units that combine a residential unit with space used for non-residential uses (i.e. artist's lofts, stenographers, etc., but not manufacturing) are allowed with a conditional use permit.

(h) Prohibited uses. The following uses are prohibited:

(1) Auctions;
(2) Used automobile sales;
(3) Pawn shops;
(4) Tattoo establishments;
(5) Other uses deemed incompatible by the Director of Community Development.

Sec. 30-300. - Design review required.

Any development proposal within the boulevard overlay district shall be subject to the design review process.

Sec. 30-301. - Development standards and design guidelines. For a mixed use development

(a) Floor-area ratio.
(1) Within 200 feet of a major intersection as measured from the nearest right-of-way of the intersecting street, the maximum base FAR shall be 1.33.

(2) Beyond 200 feet of a major intersection as measured from the nearest right-of-way of the intersecting street, the maximum base FAR shall be 0.67.

(3) Non-residential uses shall comply with the FAR requirement and the residential uses shall comply with the density requirement, but the combined uses need not comply with the FAR requirement.

(4) The maximum base FAR set forth in subsections (1) and (2) above may be increased as follows:

<table>
<thead>
<tr>
<th>Size of Lot</th>
<th>Multiply Base FAR by:</th>
</tr>
</thead>
<tbody>
<tr>
<td>More than 5 adj. gross acres</td>
<td>1.1</td>
</tr>
<tr>
<td>More than 10 adj. gross acres</td>
<td>1.5</td>
</tr>
</tbody>
</table>

(b) Density. For lots of six gross acres or more, the minimum density shall be 12.1 dwelling units per adjusted gross acre and the maximum density shall be 24 dwelling units per adjusted gross acre. For lots less than six gross acres, the minimum density for single-family attached shall be 7.7 dwelling units per adjusted gross acre and the maximum density shall be 12 dwelling units per adjusted gross acre.

c) Location of residential uses. Within 200 feet of any major intersection, residential uses shall not be allowed on the ground floor of any building side fronting upon a public right-of-way.

d) Building setbacks.

(1) The minimum front and interior side yard setbacks for Arrow Boulevard are zero feet, except that a fifteen-foot front yard setback is required if residential uses are located on the ground floor and a fifteen-foot interior side yard setback is required if the lot abuts a residential zoning district.

(2) The minimum front yard setback for Foothill Boulevard and Sierra Avenue shall comply with Table 30-208.B. The minimum interior side yard setbacks are zero feet, except that a fifteen-foot interior side yard setback is required if the lot abuts a residential zoning district.

e) Parking location. Off-street parking shall be located at the rear of the building unless the lot configuration and placement of existing buildings makes this impractical.

(f) Parking requirements.

(1) On-street parking spaces located entirely or partially within the lot frontage and on the same side of the street as the building may be counted toward the number of parking spaces required by Division 2 of Article XI.

(2) Residential units less than 1,000 square feet shall require only one parking space per unit. Residential units of 1,000 square feet or larger shall require two parking spaces per unit and the spaces may be in tandem.

(3) Reductions in the number of parking spaces may be granted pursuant to Section 30-313 and/or Section 30-318.

(g) Residential unit size. The minimum square footage for residential units within a mixed-use project shall be as follows: 1-bedroom unit is 700 square feet; 2-bedroom unit is 900 square feet; 3-bedroom unit is 1,000 square feet; and 4-bedroom unit is 1,100 square feet.
(h) **Open space.** The minimum amount of private open space for residential units within a mixed-use project shall be 100 square feet per unit.

(i) **Balconies.** Balconies for residential units within a mixed-use project may extend for a distance of six feet into a required yard facing a street.

(j) **Storage facilities.** A separate area having a minimum of 200 cubic feet of private and secure storage space shall be provided for each residential unit within a mixed-use project.

(1) The storage area may be located within a garage, provided it does not interfere with garage use for automobile parking.

(2) Normal closet and cupboard space within the dwelling unit shall not count toward meeting this requirement.

(3) No storage shall be allowed in any carport area.

(k) **Air conditioning or cooling systems.**

(1) The residential portion of a mixed-use project shall be equipped with a central air conditioning or cooling system.

(2) For the purposes of this section, a "central air conditioning or cooling system" shall be defined as all that equipment, including associated refrigeration, intended or installed for the purpose of cooling air by mechanical means and discharging such air into a residential structure used for living purposes. A central air conditioning or cooling system shall not include portable cooling units, absorption units or evaporative coolers.

(l) **Design features.** In order to provide a pedestrian-oriented environment within activity centers, the following provisions apply.

(1) For buildings not containing residential uses on the ground floor, at least 60 percent of the front façade area between two and 12 feet above grade shall be devoted to transparent windows, glass-covered display areas, or entryways.

(2) Blank walls of the front façade area between two and 12 feet above grade shall not extend for more than 25 horizontal feet without a window, glass-covered display area, or entryway.

(3) The front entrance to all buildings shall face the street.

(4) The provisions of Division 7 of Article VI shall apply.

(5) Stand alone residential developments shall comply with the Sec. 30-160, Development standards in R-2 and R-3 zoning districts.

DIVISION 6. - UTILITY CORRIDOR OVERLAY DISTRICT

Sec. 30-301.1. - Utility corridor overlay district regulations.

The following provisions apply to all properties that are designated "(Blue)" on the zoning map. These provisions apply in addition to the provisions in the underlying zoning district. If the provisions of this division are in conflict with the provisions in the underlying zoning district, the provisions of this division shall apply.

Sec. 30-301.2. - Uses permitted.

Any use permitted in the underlying zoning district shall be permitted in the utility corridor overlay district subject to an approved conditional use permit.

Sec. 30-301.3. - Development standards and design guidelines.
The development standards and design guidelines applicable to the underlying zoning district shall apply in the utility corridor overlay district except that more restrictive standards may be applied if it is determined that the standards of the underlying zoning district do not adequately buffer adjacent development from any negative impacts of development within the utility corridor overlay district.

DIVISION 7. - HILLSIDE OVERLAY DISTRICT

Sec. 30-301.5. - Hillside overlay regulations.

(a) Purpose and goals. The purpose of the hillside overlay district is to achieve the following goals:

(1) To protect the public health and safety by preserving steep hillsides in open space and by minimizing geological hazards, erosion and other potential dangers associated with hillside areas.

(2) To minimize potential impacts to endangered, threatened or rare species of flora and fauna.

(3) To ensure that any permitted hillside development conforms to the character of the natural topography and that the visual impacts of grading are softened by requiring designs which incorporate slope undulation, blending and other features to reflect the natural terrain.

(b) Hillside protection policies. City policies aimed at achieving the hillside protection goals set out in subsection (a) of this section shall be as follows:

(1) Development restrictions in steep areas. Development should be restricted in steep areas in order to ensure development safety and limit the amount of grading required for development. Further, the City discourages development on prominent ridges as defined in Section 30-301.1(c) for the purpose of protesting significant public views and prominent ridgeline features. The City instead encourages development on those hillside areas that are a reasonable distance below prominent ridges in order to preserve and protect in their natural state those prominent ridges within the City.

(2) Limitations on earth movement. The amount of earth movement for hillside development should be limited both in quantities moved within a site, in order to limit landform alteration, and quantities imported or exported, in order to limit dirt hauling on City streets.

(3) Contouring of manufactured slopes. Manufactured slopes should be designed to resemble natural hillside contours and should blend with natural terrain where the two join in order to visually integrate development into the natural hillside.

(4) Slope and retaining wall heights. The height of manufactured slopes and retaining walls should be restricted in order to limit the size and accompanying visual impacts of manmade slopes and structures on the hillside.

(5) Landscaping and other visual mitigation. Intensive slope landscaping and other mitigation measures should be required in order to screen and soften the intrusive appearance of hillside building and grading.

(6) Protection of biological resources. Development impacts to endangered, threatened or rare species of flora and fauna and sensitive biological habitats should be avoided or mitigated, consistent with State and Federal definitions and regulations, in order to preserve environmental quality and diversity.

(c) Definitions. In addition to the definitions contained in this title, the words and phrases set forth below, shall, for the purposes of this chapter, be given the following meanings, unless the content clearly requires otherwise:

Average slope means the slope, in percent, calculated using the following formula: Average slope = (0.00229 x I x L)/A, where, using a topographic map, "I" is the contour interval in feet, "L" is the combined length of contour lines in feet, and "A" is the gross area of the lot in acres.

Contour means a line drawn on a plan that connects all points of equal elevation.
Fill means a deposit of earth material placed by artificial means.

Natural slope means the slope of a lot or portion thereof that is not manufactured or manmade (consisting wholly or partially of either cut or filled material).

Pad means an area on a lot upon which a building or structure may be placed.

Prominent ridge means any ridgeline that affords significant public vistas or views and stands out as a prominent feature of a hillside area.

Slope means an inclined ground surface of a lot, or portion of a lot, the inclination of which is expressed as a ratio of horizontal distance (run) to vertical distance or change in elevation (rise). The percent of any given slope is determined by dividing the rise by the run multiplied by 100. Also see “Average slope.”

(d) Applicability. The provisions in this division apply to all properties that are designated in the hillside overlay district on the zoning map. These provisions apply in addition to the provisions in the underlying zoning district. If the provisions of this division are in conflict with the provisions in the underlying zoning district, the provisions of this division shall apply.

Sec. 30-301.6. - Application and procedures.

(a) Review procedures. All projects within a hillside overlay district and located on a lot with a slope of ten percent or greater shall be subject to review and approval of a hillside development permit (HDP) by the Director of Community Development or the Planning Commission in accordance with the provisions contained in this section. This requirement applies to all permits, including but not limited to grading permits, building permits, tentative parcel maps, tentative tract maps, conditional use permits, specific plans, planned unit developments, administrative site plan review, design review projects and associated plan review.

(1) Staff review. The Director of Community Development shall review development proposal applications and impose conditions deemed appropriate under the circumstances described in this subsection. Projects that require grading for large flat areas, including but not limited to such items as tennis courts or riding arenas, may be referred to the Planning Commission if determined necessary by the Director of Community Development.

a. The average natural slopes on the lot are less than 15 percent.

b. The final grading resulting in fills or excavations less than five feet in vertical depth, at their deepest point, measured from the natural ground surface.

c. The excavations or fills, or any combination thereof, on any portion of a site, are less than 2,500 cubic yards.

(2) Planning Commission review. The Planning Commission shall review development proposal applications and impose conditions deemed appropriate under the circumstances described in this subsection.

a. The average natural slopes on the lot are equal to or greater than 15 percent.

b. The final grading resulting in fills or excavations equal to or greater than five feet in vertical depth, at their deepest point, measured from the natural ground surface.

c. The excavations or fills, or any combination thereof, on any portion of a site, are equal to or greater than 2,500 cubic yards.

d. Any fill or excavation will encroach onto or alter a natural drainage channel, blue line stream, waters of the United States, or other watercourse (prohibited unless alternative drainage is proposed).

e. The application requires Planning Commission approval for development entitlements.

f. The application has been referred to the Planning Commission by the Director of Community Development.
(b) **Interpretation of standards.** If ambiguity arises concerning interpretation of the provisions contained in this division, the Director of Community Development shall review such instances to determine compliance with the provisions contained within this section or the matter may be referred to the Planning Commission for consideration.

(c) **Biotic resources management plan.** The application shall be accompanied by a biotic resources management plan that includes the following:

1. **Biotic assessment.** A complete assessment of flora and fauna within and adjacent to the project area, with particular emphasis upon identifying endangered, threatened, and locally unique species as well as sensitive and critical habitats.

2. **Impacts.** A discussion of direct, indirect and cumulative impacts anticipated to adversely affect biological resources.

3. **Mitigation measures.** An identification of effective mitigation measures to specifically affect such impacts to a level of insignificance. Besides impacts to the biotic resources identified above, mitigation measures shall also address potential adverse impacts from any increased runoff, sedimentation, soil erosion and urban pollutants on streams, watercourses, and sensitive habitats on or near the project site.

4. **No net loss of sensitive habitats.** The identified mitigation measures shall observe the State and Federal policy of habitat values. In addition, a discussion of alternatives to not only minimizes adverse impacts to wildlife but also to include direct benefit to wildlife and wildlife habitat shall be included. Stream buffer areas and their maintenance in a natural condition through nonstructural flood control methods shall be incorporated into projects affecting watercourses to continue their high value as wildlife corridors.

5. **Permits.** If required by State and Federal law, a discussion of the necessary biological permits (California Department of Fish and Game, State Fish and Game Code Section 1600 or United States Army Corps of Engineers/Department of the Interior Fish and Wildlife Service, Clean Water Act Section 404) shall be included in the biotic resources management plan. The requirements of the California Environmental Quality Act and Guidelines shall also be incorporated into the plan.

6. **Archaeological/historic/paleontological report.** A site-specific archaeological/historic/paleontological report shall be presented for approval, which shall include identification of such resources on a project site; analysis of potential adverse impacts to such resources; and identification of effective mitigation measure to level potential adverse impacts to a level of insignificance.

(d) **Fire Management Plan/Fuel Modification Zone.** The application shall be accompanied by a fire management plan/fuel modification plan. These plans shall be submitted to the Planning Division incorporating the City's standard format and include, at a minimum, the following:

1. **Special building standards.** Such features should include at a minimum, 1-hour-rated exteriors, non-flammable wood or plastic material on exteriors, double pane or tempered glazing, solid core doors, non-wood garage doors, no non-fire rated plastic or vinyl window frames, proper screening and orientation of vents, non-combustible/non-plastic decking and patio covers, no plastic and no combustible rain gutters.

2. **Fuel Modification Zones.** The fuel modification zone shall incorporate a vegetation management zone around all structures. The recommended vegetation management zones around property lines are as follows: in the northern area of the City, 300 foot wide zones are required; in the Jurupa Mountains, 200 foot wide zones are required.

3. **Special building setbacks.** The fire management plan shall incorporate minimum building setbacks and building separation requirements.

4. **Maintenance.** The fuel modification plan shall include a maintenance plan for all designated fuel modification zones.
(e) **Fencing and landscaping plans.** Prior to the issuance of any building permit for any building or structure to be located within any hillside overlay district, a fence and landscape plan shall be submitted to the Community Development Department for review and approval. The fencing and landscaping plans shall include fire retardant materials and plantings, with irrigation systems and conservation measures to provide for the natural habitat and erosion control.

Sec. 30-301.7. - Uses permitted.

Any use permitted in the underlying zone district shall be permitted in the utility corridor overlay district, provided except as provided in this section.

Sec. 30-301.8. - Development standards and design guidelines.

(a) **Standards dependent upon slope.** The following table establishes the maximum number of residential units per lot, maximum amount of grading per lot, and special provisions.

<table>
<thead>
<tr>
<th>Average Slope of Lot (%)</th>
<th>Dwelling Units Allowed*</th>
<th>Maximum Lot Grading or Disturbance Allowed (%)</th>
<th>Special Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>10.0—14.9</td>
<td>1.75 x Lot Area in acres</td>
<td>75</td>
<td>Buildings and structures, to the greatest extent possible, shall be designed with special architectural and design techniques that minimize the extent of grading on the lot.</td>
</tr>
<tr>
<td>15.0—19.9</td>
<td>1.00 x Lot Area in acres</td>
<td>50</td>
<td>Buildings and structures shall be designed using techniques such as split level foundations of greater than 18 inches, stem walls, stacking and clustering, so that they conform as much as is feasible to the natural topography and natural slope.</td>
</tr>
<tr>
<td>20.0—24.9</td>
<td>0.50 x Lot Area in acres</td>
<td>25</td>
<td>The applicant shall demonstrate to the satisfaction of the Planning Commission, taking into account the professional advice of the City Engineer, that all adverse seismic safety and environmental impacts can be eliminated by the use of open space, observing large yard areas, the use of building structural techniques such as stepped foundations, and other similar design and/or construction techniques.</td>
</tr>
<tr>
<td>25.0 or greater</td>
<td>0.00 x Lot Area in acres</td>
<td>See Special Provisions</td>
<td>No buildings or structures shall be allowed except for fencing, low-water-use landscaping and irrigation systems. Portions of the lot with a slope of 25% or greater shall be maintained in a natural condition, without alteration of any sort, including but not limited to grading operations, unless the owner thereof submits an application for a grading permit accompanied with information that demonstrates</td>
</tr>
</tbody>
</table>
that certain grading operations are necessary to protect other portions of the lot or adjacent lots from slope instability, fire hazards, seismic damage; and/or flood/storm drainage.

* Resulting fractions above 0.5 shall be rounded off to the next highest whole number.

(b) **Site design and architectural controls.** The Director of Community Development shall require that the following architectural requirements are met:

1. **Site design.** The dimensions of a building must parallel to natural contour and shall be maximized in order to limit the amount of cutting and filling and to better fit the building to the natural terrain of the lot. Design of buildings shall be sensitive to the natural terrain, and the buildings shall be located so as to minimize necessary grading and preserve natural features. City policy requires that views of significant visual features, as seen from both within and outside a hillside area, be preserved. To further that policy, the following provisions shall be taken into consideration:
   a. Buildings and structures shall be oriented to allow and/or preserve view opportunities (view sheds). To this end, any person or persons applying for a building permit to construct, alter, enlarge or in anyway modify any structure shall demonstrate via a line of sight analysis that the construction, alteration, enlargement or modifications shall not in anyway restrict, block or alter the view shed from an existing residential structure. The line of site analysis shall be submitted concurrently with any application for development, alterations, expansion, etc., and is subject to review and approval by the Director of Community Development.
   b. Any significant public vista or view corridor as seen from a secondary, collector or major arterial right-of-way shall be protected;
   c. Development within the hillside overlay district lots shall utilize variable setbacks, multiple orientations and other site planning techniques to preserve open space, protect natural features and provide views to residents; and
   d. Development of prominent ridges as defined in Section 30-301.1(c) is discouraged due to its potential harmful impact to significant public views and prominent ridgeline features. The City instead encourages development on those hillside areas that are a reasonable distance below prominent ridges in order to preserve and protect in their natural state.

2. **Architectural controls.** Each building or structure located within an hillside overlay district lot shall observe the following:
   a. No portion or architectural feature of a home shall exceed a height of 25 feet as measured from the natural grade at the point of measurement;
   b. All structures shall comply with the following:
      1. A building or structure shall be terraced to follow the slope of the pad.
      2. Appropriate architectural treatment shall be provided to all sides of each building or structure visible from adjacent properties, roadways, and public rights-of-way to insure compatibility with adjacent uses.
      3. Exterior flood lighting for safety shall be shielded so as not to spill light on adjacent properties.
      4. Rooflines shall be accessible from at least two locations.
5. Skirting of all support structures from view of any public right-of-way or adjoining property shall be required.

(c) Retaining walls. Retaining walls associated with a building pad shall be located as follows:

(1) Upslope (from a building or structure) walls shall not exceed four feet in height. Terraced retaining structures may be utilized when separated by a minimum of three feet and appropriate landscaping as approved by the Director of Community Development.

(2) Down slope (from a building or structure) walls shall not exceed three feet in height. Where an additional retained portion of the lot is necessary due to unusual or extreme conditions, such as lot configuration, steep slope or road design, then the use of terraced retaining structures shall be considered on an individual lot basis. Terraced walls shall not exceed three feet in height and shall be separated by a minimum of three feet, with appropriate landscaping as approved by the Director of Community Development.

(d) Guidelines in general. The following general guidelines are intended to assist those persons attempting to obtain development permits for hillside overlay district lots:

(1) The form, mass and profile of the individual buildings, structures and architectural features should be designed to blend with the natural terrain and preserve the character and profile of the natural slope. Some techniques that may be considered include:
   a. Split pads, stepped footings and grade separations to permit the structure to step up the natural slope;
   b. Detaching parts of a dwelling such as a garage; and
   c. Avoidance of the use of gable ends on downhill elevations. The slope of the roof should be oriented in the same direction as the natural slope and should not exceed natural slope contour by more than 20 percent.

(2) Excessive cantilevers on downhill elevations shall be avoided. The Planning Commission shall review on a case-by-case basis all proposed development incorporating a cantilevered structure, based upon a recommendation by the Director of Community Development.

(3) The utilization of below grade rooms to reduce effective bulk and to provide energy efficient and environmentally desirable spaces. However, the visible area of the building shall be minimized through a combined use of regrading and landscaping techniques.

(4) The use of roofs, on lower levels for decking shall be encouraged.

(5) Building materials and color schemes should blend with the natural landscape of earth tones and natural, native vegetation growth.

(e) Fencing. Walls and fences shall be approved on the fencing and landscaping plan if they are within the height limits applicable to walls and fences in this section and the R-1 zoning district. Wood fences shall not be permitted within any hillside overlay district. Walls and/or fences shall be constructed of masonry, decorative block, river rock or similar material as approved by the Director of Community Development.

(f) Special regulations relative to domestic animals. The development of hillside areas for residential purposes may pose a threat to domestic animals which are kept out of doors, including dogs, cats, rabbits, horses and other domestic animals normally associated with single family residences. Hillside areas are home to several predatory species of animals such as coyotes, bears, snakes and other such animals that prey on domestic animals kept as pets or for recreational uses. Therefore, the City encourages that owners of domesticated animals provide all reasonable protection to such animals in the event that they are allowed or kept out of doors and, therefore, subject to predatory animals that inhabit hillside areas.

(g) Fire protection/suppression. Any development within a hillside overlay district shall comply with all applicable regulations of the fire protection agency/agencies having jurisdiction over the area.
DIVISION 8. - AUTO CENTER OVERLAY DISTRICT

Sec. 30-301.9. - Description of Auto Center Overlay District Boundary.

The Fontana Auto Center Overlay District is defined by those boundaries identified in the Overlay District Map (Figure 1). The Project Area is divided into four separate Planning Areas. Planning Area 1 contains approximately 81.5 gross acres and is generally located adjacent to the south side of the 210 Foothill Freeway, along both sides of South Highland Avenue, between Sierra Avenue on the East and Citrus Avenue on the West. Planning Area 2 contains approximately 26 gross acres and includes the vacant land on the east side of Sierra adjacent to the 210 Foothill Freeway, within the Walnut Village Specific Plan Area. Planning Area 3 contains approximately 25 gross acres and is located between Citrus Avenue and Oleander Avenue, south of South Highland Avenue. Planning Area 4 contains approximately 6.5 gross acres and is located at the northwest corner of Sierra Avenue and South Highland Avenue.

Sec. 30-301.10. - Purpose and intent.

1) The Fontana Auto Center Overlay District is intended to reserve certain specified properties for certain types of uses within the four Planning Areas. Planning Area 1 is reserved primarily for automobile retail sales, service and related uses. Planning Area 2 is reserved primarily for gas stations and restaurants. Planning Area 3 allows all uses within both Planning Areas 1 and 2. Planning Area 4 allows new vehicle dealerships and a variety of conditionally permitted uses that are complimentary to the adjacent Planning Area 1.

The Overlay District promotes the development of a coordinated and well-planned "Auto Center". It would consist primarily of new car and truck dealerships, many of which would have direct frontage along the south side of the 210 Freeway.

Planning Area 2, located within the Walnut Village Specific Plan Area would contain gas stations, a car wash, food court, restaurants, drive-through fast food and other related commercial uses needed to support the Auto Center.

These four Planning Areas will have unique design features that enhance the major gateways into the northern part of Fontana from the 210 Freeway. This includes:

- Architectural styles that complement adjacent developing areas;
- A defined landscape plant palette along the public rights-of-way and required setback areas;
- Coordinated auto display areas along South Highland Avenue, Sierra Avenue and Citrus Avenue;
- A common design theme for certain signage, hardscape treatments, lighting and water features;
- Edge treatments along the 210 Freeway frontage that present a positive image for the City; and
- Enhanced corner statements at Sierra Avenue and South Highland Avenue, Citrus Avenue and South Highland Avenue, and the 210 Freeway and Sierra Avenue.

The use of the development standards and design guidelines contained herein are intended to foster the following objectives for development within the Overlay District:

(1) Encourage the consolidation of automobile dealerships into an "Auto Center" or "Auto Center" that encourages shopping at multiple, adjacent dealerships.

(2) Provide for adequate circulation that allows safe and easy access from the adjacent 210 Freeway, Sierra Avenue and Citrus Avenue, on to South Highland Avenue.
(3) Provide development standards that set forth requirements for high quality site planning and design, architecture, landscaping, hardscape, lighting and water features, that results in a sense of quality and vitality in northern Fontana.

(4) Provide for appropriate signage designed to meet the identification and advertising needs of the automobile dealerships and other allowed uses within the Overlay District, while presenting a coordinated design theme that is pleasing to the public.

(5) Provide minimum development standards to which all construction within the Overlay District must adhere.

(6) Ensure adequate protection for existing adjacent residential uses in Walnut Village Specific Plan and east of Citrus Avenue.

2) All projects within the four Planning Areas involving new construction are required to be in compliance with the Development Standards and Design Guidelines set forth within the Fontana Auto Center Overlay District. The Design Guidelines are intended to provide direction to developers within the Overlay District to encourage the orderly and harmonious design of structures, landscaping, hardscape, signage, lighting, water features, walls, fences and accessory structures. The Guidelines establish a standard for design quality while maintaining flexibility for individual expression and imaginative design solutions.

Sec. 30-301.11. - Definitions.

All words and phrases used in the Fontana Auto Center Overlay District shall have the same meaning as contained within the Fontana Municipal Code, unless the context requires clarification from City staff and/or elected and appointed officials.

Sec. 30-301.12. - Fontana Auto Center Overlay District Project Area Boundary.

The Map entitled "Fontana Auto Center Overlay District" is adopted as a part of this Overlay District (Figure 1), and defines the boundaries of the four Planning Areas.

Sec. 30-301.13. - Authority and requirements.

The Fontana Auto Center Overlay District shall be applied to those properties located within the Overlay District Area, in addition to the land use regulations set forth in Chapter 30 of the Fontana Municipal Code. This Overlay District modifies certain regulations contained in Chapter 30 of the Code, as enumerated herein. If there is a conflict with Chapter 30, the Overlay District shall prevail.
Sec. 30-301.14. - Permitted uses.

The Overlay District permits only the following land uses.
(a) Planning area 1—Auto center.

(1) Principal uses.
   a) New vehicle dealerships oriented primarily toward the sale of new passenger vehicles
      and light-to-medium weight trucks [less than 22,000 pounds gross vehicle weight
      (GVW)].

(2) Accessory uses. As an integral part of, but accessory to the operation of a new vehicle
   dealership, the following uses shall be permitted subject to approval through the Design
   Review process:
   a) Vehicle parts and accessories supply and sales as an integral, but secondary part of
      operating a new vehicle sales facility.
   b) Vehicle service and repair as an integral, but secondary part of operating a new vehicle
      sales facility.
   c) Used vehicle sales as an integral, but secondary part of operating a new vehicle sales
      facility.
   d) Vehicle leasing and rentals as an integral, but secondary part of operating a new vehicle
      sales facility.
   e) Utility infrastructure.
   f) Other accessory uses as determined by the Director of Community Development to be
      substantially compatible with the principal permitted use of new vehicle dealerships.

(3) Conditionally permitted uses.
   a) Collision repair and auto body work.
   b) Paint spray booths.
   c) Specialty vehicle sales, including recreational vehicles and motorcycles.
   d) Wireless telecommunication facilities.
   e) Other uses as determined by the Director of Community Development to be
      substantially compatible with the principal permitted use of new vehicle dealerships.

(4) Prohibited uses.
   a) Any use of land not specifically identified in this Overlay for Planning Area 1 is expressly
      prohibited from the Fontana Auto Center Overlay District.
   b) Any use not fully enclosed within a building except vehicle sales, display and storage
      areas.
   c) All uses of land that are found by the Planning Commission or City Council to be
      objectionable by reason of noise, odor, dust, smoke, vibration or similar causes shall
      be prohibited pursuant to Chapter 30 of the Fontana Municipal Code.

(b) Planning area 2—Auto center supporting uses. The Walnut Village Specific Plan designates
Planning Area 2 for General Commercial Uses. The following Overlay District principal uses and
conditionally permitted uses are consistent with the land uses allowed by the Specific Plan:

(1) Principal uses.
   a) Sit-down restaurant.
   b) Food court.
   c) Sit-down fast food restaurant (excludes drive-thrus).

(2) Accessory uses.
a) Utility infrastructure.

(3) **Conditionally permitted uses.** The following uses are permitted only after a conditional use permit has been approved by the City:

a) Gas Station.
b) Car Wash.
c) Drive-through Fast Food Restaurant.
d) Vehicle Parts, Supplies, Accessories Stores and Installations.
e) Vehicle Leasing and Rental.
f) Wireless Telecommunication Facilities.
g) Other uses as determined by the Director of Community Development to be substantially compatible with the principal permitted uses.

(4) **Prohibited uses.**

a) Any use of land not specifically identified in this Overlay for Planning Area 2 is expressly prohibited from the Fontana Auto Center Overlay District.
b) All uses of land that are found by the Planning Commission or City Council to be objectionable by reason of noise, odor, dust, smoke, vibration or similar causes shall be prohibited pursuant to Chapter 30 of the Fontana Municipal Code.

(c) **Planning area 3—Auto center and auto center supporting uses.** Planning Area 3 allows all uses within Planning Areas 1 and 2.

(1) **Principal uses.**

a) New vehicle dealerships oriented primarily toward the sale of new passenger vehicles and light-to-medium weight trucks (less that 35,000 pounds gross vehicle weight (GVW)).
b) Sit-down Restaurant.
c) Food Court.
d) Sit-down Fast Food Restaurant (excludes drive-thrus).

(2) **Accessory uses.** As an integral part of, but accessory to the operation of a new vehicle dealership, the following uses shall be permitted subject to approval through the design review process:

a) Vehicle parts supply and sales as an integral, but secondary part of operating a new vehicle sales facility.
b) Vehicle service and repair as an integral, but secondary part of operating a new vehicle sales facility.
c) Used vehicle sales as an integral, but secondary part of operating a new vehicle sales facility.
d) Vehicle leasing and rentals as an integral, but secondary part of operating a new vehicle sales facility.
e) Utility infrastructure.
f) Other accessory uses as determined by the Director of Community Development to be substantially compatible with the principal permitted use of new vehicle dealerships.

(3) **Conditionally permitted uses.** The following uses are permitted only after a conditional use permit has been approved by the City:
a) Specialty vehicle sales, including recreational vehicles and motorcycles.
b) Seniors Housing.
c) Gas Station.
d) Car Wash.
e) Drive-through Fast Food Restaurant.
f) Vehicle Parts, Supplies, Accessories Stores and Installations.
g) Vehicle Leasing and Rental.
h) Wireless Telecommunication Facilities.
i) Hotel
j) Other uses as determined by the Director of Community Development to be substantially compatible with the principal permitted use of new vehicle dealerships.

(4) Prohibited uses.
a) Any use of land not specifically identified in this Overlay for Planning Area 3 is expressly prohibited from the Fontana Auto Center Overlay District.
b) Any use not fully enclosed within a building except vehicle sales, display and storage areas.
c) All uses of land that are found by the Planning Commission or City Council to be objectionable by reason of noise, odor, dust, smoke, vibration or similar causes shall be prohibited pursuant to Chapter 30 of the Fontana Municipal Code.

(d) Planning area 4—Auto center and auto center complimentary uses.

(1) Principal uses.
a) New vehicle dealerships oriented primarily toward the sale of new passenger vehicles and light-to-medium weight trucks (less than 22,000 pounds gross vehicle weight (GVW)).

(2) Accessory uses. As an integral part of, but accessory to the operation of a new vehicle dealership, the following uses shall be permitted subject to approval through the Design Review process:

a) Vehicle parts and accessories supply and sales as an integral, but secondary part of operating a new vehicle sales facility.
b) Vehicle service and repair as an integral, but secondary part of operating a new vehicle sales facility.
c) Used vehicle sales as an integral, but secondary part of operating a new vehicle sales facility.
d) Vehicle leasing and rentals as an integral, but secondary part of operating a new vehicle sales facility.
e) Utility infrastructure.
f) Other accessory uses as determined by the Director of Community Development to be substantially compatible with the principal permitted use of new vehicle dealerships.

(3) Conditionally permitted uses.
a) Sit-down Restaurant.
b) Food Court.
c) Sit-down Fast Food (excludes drive thru).
d) Florist.

e) Newsstand.
f) Bank, Credit Union, Savings and Loan or other Financial Institution.
g) Copy, Packing and Mailing Services.
h) Hotel.
i) Theater (Indoor).
j) Park
k) Paint spray booths.
l) Specialty Vehicle Sales, including Recreational Vehicles and Motorcycles.
m) Wireless Telecommunication Facilities.
n) Boat Sales.
o) Automobile, Passenger Van, and Pick-up Truck rated one-ton or less (carrying weight) Rental.
q) Used Vehicle Sales.
r) Automobile/vehicle Body and Fender Repair Shop.
s) Car Wash.
t) Automobile Upholstery Shop.
u) Oil Change Shop.
v) Other retail uses as determined by the Director of Community Development to be substantially compatible with the principal permitted use of new vehicle dealerships.

(4) Prohibited uses.
a) Any use of land not specifically identified in this Overlay for Planning Area 4 is expressly prohibited from the Fontana Auto Center Overlay District.
b) Any use not fully enclosed within a building except vehicle sales, display and storage areas.
c) All uses of land that are found by the Planning Commission or City Council to be objectionable by reason of noise, odor, dust, smoke, vibration or similar causes shall be prohibited pursuant to Chapter 30 of the Fontana Municipal Code.

Sec. 30-301.15. - Plan review.

Design Review and/or a Conditional Use Permit approval shall be required for all projects located within the Overlay District pursuant to the requirements of Chapter 30 of the Fontana Municipal Code. Projects under 10,000 square feet in size can be approved administratively by City staff.

Sec. 30-301.16. - Site planning.

Site planning shall involve careful consideration of the project site, adjacent properties and how the project fits into the overall context of the Fontana Auto Center Overlay District.

(a) Planning area 1—Auto center.

(1) Locate structures and vehicle display areas on each site to enhance the architecture of the auto dealership building and to maximize vehicle displays.
(2) The location of structures shall take into consideration the existing and/or future location of buildings on adjoining properties. Solid block walls adjacent to the 210 Freeway right-of-way are prohibited. Solid block walls that divide adjacent auto dealerships are discouraged, unless controlled pedestrian and vehicle connections are provided for.

(3) Vehicular access and circulation within auto dealerships shall be controlled with properly sized and spaced drive aisles to ensure safe ingress and egress.

(4) All service bays shall be located in such a manner so they are not visible from any public right-of-way, including the 210 Freeway.

(5) All dealerships shall provide attractive, direct and safe pedestrian access and circulation. There should also be convenient pedestrian connections between dealerships.

(6) Locate customer-oriented uses on the ground level of all auto dealership buildings. Business office space and other uses not dependent on customer traffic should be located on upper levels.

(7) There shall be a coordinated landscape setback for all dealerships along South Highland Avenue, Cypress Avenue, Juniper Avenue, Oleander Avenue, and any new streets constructed within the Overlay District.

(8) There shall be coordinated, elevated vehicle display pads for all dealerships located along South Highland Avenue. The vehicle display pads are allowed to encroach within the landscape setback area and the public right-of-way along South Highland Avenue.

(9) Textured hardscape is required at all major driveway entrances and on vehicle display pads.

(10) On-site exterior lighting shall comply with lighting criteria, as set forth within this Overlay District. Creative lighting designs and reinforcement of lighting intensity for highlighting purposes of vehicle pad displays, signage and other merchandising areas are encouraged.

(11) Vehicle loading and unloading shall be provided on-site. Access to loading and service bays should be separated from customer parking areas wherever feasible. Adequate stacking distance shall be provided on-site for car carrier trucks. Adequate stacking distance is also required on-site when the dealership is closed and gates are locked.

(12) There shall be coordinated edge treatments along the 210 Freeway right-of-way and between dealerships that enhances the visual appearance of this Gateway area into northern Fontana. Solid masonry block walls are not allowed along the Freeway right-of-way. The edge treatment shall consist of decorative pilasters connected by tubular wrought iron fencing.

(13) The intersections of Sierra Avenue/South Highland Avenue, and Citrus Avenue/South Highland Avenue shall have special corner focal point treatments with Gateway Avenue features that include theme landscaping, water features, display pads, arches and appropriate monument signage.

(14) Future development adjacent to Cypress Avenue and the 210 Freeway shall dedicate adequate right-of-way to allow for the future extension of this roadway with an overpass over the Freeway.

(b) Planning area 2—Auto center supporting uses.

(1) Allow uses that complement and provide service to the Auto Center dealerships.

(2) Development proposed on the southeast side of South Highland Avenue in Planning Area 2 must demonstrate compatibility with adjacent and nearby Walnut Village Specific Plan residences through creative site planning, setbacks, landscaping and other design and land use considerations.

(3) Design all gas stations "reversed out" with building facilities backed up to the right-of-way setback line and the pump islands to the interior.
(4) The location of structures shall take into consideration the existing and/or future location of
buildings on adjoining properties. Solid block walls between adjacent uses are discouraged
and pedestrian connections are encouraged.

(5) There shall be a coordinated landscape setback for all uses along South Highland Avenue,
and any new streets constructed within Planning Area 2.

(6) Textured hardscape is required at all major driveway entrances.

(7) On-site exterior lighting shall comply with lighting criteria, as set forth within this Overlay
District.

(8) There shall be coordinated edge treatments along the 210 Freeway right-of-way between
Sierra Avenue and Mango Avenue that enhances the visual appearance of this Gateway
area into Northern Fontana. Solid masonry block walls are not allowed along the Freeway
right-of-way.

(9) The intersections of Sierra Avenue and South Highland Avenue shall have special corner
focal point treatments with Gateway features that include theme landscaping, water features,
arches and appropriate monument signage.

(c) Planning areas 3 and 4. All site planning criteria for Planning Areas 1 and 2 apply to Planning
Areas 3 and 4.

Sec. 30-301.17. - Minimum development standards.

The minimum site development standards listed in this section shall only apply to the specific Planning
Area within the Overlay District.

(a) Planning area 1—Auto center development standards.

(1) Building and parking setbacks.
   a) All buildings and parking, except for vehicle display pads and allowed monument signs,
      shall be setback from all street property lines as follows:
      
      Sierra Avenue: 25 Feet
      Citrus Avenue: 20 Feet
      South Highland Avenue: 15 Feet
      Secondary Streets: 10 Feet
      Collector Streets: 10 Feet
      Local Streets: 10 Feet

   b) Vehicle Display Pads shall have no required setback and shall be allowed to encroach
      into the public right-of-way pursuant to the issuance of an encroachment permit
      approved by the City. Adequate site distance must be demonstrated at street
      intersections and driveway entrances for each vehicle display pad. Display pads shall
      not exceed 14 inches in height as measured from the sidewalk grade.

   c) Monument signs are required to be set back a minimum of five feet from the street
      property line.

(2) Building height.
   a) Buildings and other structures shall not exceed a maximum of 60 feet in height as
      measured from the top of curb located adjacent to the street property line to the highest
      building ridge.

(3) Lot coverage.
a) No more than 50 percent of the net lot area may be covered with buildings or other structures.

(4) **Off-street parking and circulation.**

a) Required off-street parking spaces for vehicle dealerships shall be provided at the following ratios:

*Show Room:* One space per 300 square feet.

*Service Area:* One space per 300 square feet.

*Outdoor Display:* One space per 2,500 square feet.

*Employees:* One space per employee on the maximum shift.

*Note:* Service Department parking/stacking is counted and included as required parking spaces.

b) Except for vehicle display pads, all parking spaces shall be a minimum of nine feet wide and 19 feet deep.

c) Drive aisle widths are required to be 25 feet wide, unless otherwise required by the San Bernardino County Fire Department.

d) Driveway approaches on South Highland Avenue are required to be 55 feet deep to allow for adequate stacking distance if entry gates are closed. Driveways must demonstrate adequate turning movement widths for car carrier trucks, per the City of Fontana Traffic Engineer.

(5) **Landscaping.**

a) All vehicle dealerships shall have a minimum of 15 percent landscaping of the net project site (minus the dealership building footprint). A maximum of seven percent of the required landscape area can be provided as decorative hardscape, including vehicle display pads and driveway approaches.

b) Required setback areas shall be landscaped with trees, shrubs, plants, grasses and hardscape as set forth within the Overlay District Landscape Design Guidelines Plant Palette.

c) There shall be a five-foot landscape setback between abutting auto dealership display areas.

(6) **Lighting.**

a) On-site lighting plans shall be submitted showing the design, intensity, layout and exact fixture mounting. Lighting plans shall be reviewed and approved through the required Overlay District Design Review process.

b) Lighting plans shall be consistent with the Lighting Design Criteria and Guidelines set forth within this Overlay District.

c) Shielded fixtures that direct all lighting downward shall illuminate areas used for vehicle display.

d) "Front row" on site dealership lighting closest to South Highland Avenue shall not exceed 20 feet in height and shall have no more than three fixtures per standard at a minimum of 30 feet on center. The interior of the display area shall be illuminated by fixtures no closer than 60 feet to the front line of display lights. These fixtures shall be on standards no higher than 28 feet, they shall be spaced no closer than 60 feet on center, and shall have no more than four fixtures per standard.
e) Service, storage and employee parking areas shall be lighted with standards no taller than 20 feet in height.

f) All lighting fixtures shall be properly shielded to prevent off-site glare. Spot fixtures shall only be downward directed, except at strategic vehicle pad displays, monument signs and other landscape locations along the project's perimeter.

g) Strings of incandescent fixtures are not allowed in any exterior dealership area.

(7) Walls, fences and screening. Walls and fences constructed on an interior lot line, at the rear of the required landscape setback area, or along the 210 Freeway right-of-way shall be in keeping with the development standards set forth herein.

a) Walls shall not exceed eight feet in height, except that within the required building and parking landscaped setback, vehicle pad display areas, walls may not exceed three feet in height.

b) All perimeter walls and fences shall be designed to be consistent with the Design Guidelines set forth herein.

c) Chain link fencing and all types of barbed wire are prohibited, except that chain link fencing is allowed during construction for security purposes.

d) The Freeway edge treatment shall consist of eight-foot tall pilasters at 30 feet on center with tubular or wrought iron fencing between pilasters. These pilasters shall be consistent with the design as set forth within the Auto Center Design Guidelines.

e) Pilasters located within 90 feet of South Highland Avenue shall also be eight-foot tall at 30 feet on center with tubular or wrought iron fencing between pilasters. These pilasters will also be covered with flagstone that matches the monument sign flagstone required along South Highland Avenue, consistent with the design as set forth within the Auto Center Design Guidelines.

f) Solid eight-foot tall block walls located within the interior of auto dealerships are permitted, provided they are not visible from the public rights-of-way. Security walls that are visible from public rights-of-way shall consist of solid walls limited to three feet in height with pilasters on top that are limited to five feet in height (eight feet total height) and tubular or wrought iron fencing between pilasters.

g) All service, trash and employee parking areas shall be screened from view from all public streets by walls and approved fencing. All storage areas shall not be visible from any public right-of-way, including the 210 Freeway.

h) Roof mounted mechanical equipment shall be screened and not be visible from any public rights-of-way, including the 210 Freeway. Roof mounted equipment screening techniques shall involve an integrated architectural design element which is compatible with the architectural design of the dealership building.

i) Solid block walls eight feet tall are required on the property line adjacent to A. B. Miller High School and Warren Ruble Middle School.

(8) Sound attenuation.

a) All air compressor exhaust stacks shall contain noise-muffling devices.

b) Exterior loud speakers shall not be mounted higher that ten feet above finished grade, and shall be oriented toward the interior of each dealership.

(b) Planning area 2—Auto center supporting uses.

(1) Building setbacks.

a) All buildings and parking areas, except for allowed monument signs, shall be setback from all street property lines as follows:
Sierra Avenue: 25 Feet

South Highland Avenue: 20 Feet

Mango Avenue: 15 Feet

210 Freeway Right-of-way: 5 Feet

b) Monument signs are required to be set back a minimum of five feet from the street property line, and must comply with site distance traffic standards at all street corners and driveway entrances.

(2) Building height.

a) Buildings and other structures shall not exceed a maximum of 40 feet as measured from the top of curb located adjacent to the street property line to the highest building ridge.

(3) Lot coverage:

a) No more than 50 percent of the net lot area may be covered with buildings or other structures.

(4) Off-street parking and circulation.

a) Required off-street parking spaces for retail shall be provided at the ratio set forth in Chapter 30 of the Fontana Municipal Code.

b) All parking spaces shall be a minimum of nine feet wide and 19 feet deep.

c) Drive aisle widths are required to be 25 feet wide unless otherwise required by the San Bernardino County Fire Department.

(5) Landscaping.

a) All retail commercial uses shall have a minimum of 15 percent landscaping of the net project site (minus the building footprint).

b) Required setback areas shall be landscaped with trees, shrubs, plants, grasses and hardscape as set forth within the Overlay District Landscape Design Guidelines Plant Palette.

c) For projects that are adjacent to the 210 Freeway right-of-way, there shall be a minimum five-foot wide landscape strip planted with trees and shrubs.

d) Solid block walls adjacent to the 210 Freeway right-of-way are prohibited. The Freeway edge treatment shall consist of eight-foot tall pilasters at 30 feet on center with tubular or wrought iron fencing between pilasters. These pilasters shall be consistent with the design as set forth within the Auto Center Design Guidelines.

(6) Lighting.

a) On-site lighting plans shall be submitted showing the design, intensity, layout and exact fixture mounting. Lighting plans shall be reviewed and approved through the required Overlay District Design Review process.

b) Lighting plans shall be consistent with the Lighting Design Criteria and Guidelines set forth within this Overlay District.

c) Shielded fixtures shall direct all lighting downward, and shall illuminate areas used for parking and drive thrus.

d) All exterior areas shall be lighted with standards no taller than 20 feet in height.
e) All lighting fixtures shall be properly shielded to prevent off-site glare. Spot fixtures shall only be downward directed, except at strategic areas such as monument signs and other landscape locations along the project’s perimeter.

f) Strings of incandescent fixtures are not allowed in any exterior commercial area.

(7) **Walls, fences and screening.** Walls and fences constructed on an interior lot line, at the rear of the required landscape setback area, or along the 210 Freeway right-of-way shall be in keeping with the development standards set forth herein.

a) Walls shall not exceed eight feet in height, except that within the required building and parking landscaped setback, walls may not exceed three feet in height.

b) All walls shall be constructed of split face or masonry material that is compatible with the building design.

c) Chain link fencing and all types of barbed wire are prohibited, except that chain link fencing is allowed during construction for security purposes.

d) All service and trash enclosure areas shall be screened from view from all public streets by walls and approved fencing, wherever feasible. All storage areas shall not be visible from any public right-of-way, including the 210 Freeway.

e) Solid block walls are prohibited. Wall edge treatments shall consist of eight-foot tall pilasters at 30 feet on center with tubular or wrought iron fencing between pilasters. These pilasters shall be consistent with the design as set forth within the Auto Center Design Guidelines.

f) Roof mounted mechanical equipment shall be screened and not be visible from any public rights-of-way, including the 210 Freeway. Roof mounted equipment screening techniques shall involve an integrated architectural design element which is compatible with the architectural design of the commercial building.

(8) **Sound attenuation.**

a) A drive-through lane is not permitted adjacent to any parcel of land that is zoned for residential use.

(c) **Planning areas 3 and 4.**

a) All minimum site development standards listed in Planning Areas 1 and 2 apply to Planning Areas 3 and 4.

Sec. 30-301.18. - Signs and site advertising regulations.

(a) **Purpose and intent.** Signage and site advertising are a key factors and an important aspect of any coordinated Auto Center project. Freeway oriented signs, dealership and other business identification signs, directional signs, banners and other types of advertising are critical to the success of the Auto Center project. The purpose and intent of the Signs and Advertising Regulations section of the Fontana Auto Center Overlay District is:

• To promote the economic success of the Fontana Auto Center;

• To set forth a coordinated signage and advertising program for the Overlay District that identifies this area as a major Gateway into northern Fontana;

• To safeguard and enhance property values;

• To protect public and private investments in property and buildings;

• To preserve and enhance the appearance of Fontana as a place to live and work, and as an attraction to non-residents who come to visit, shop or recreate;
• To encourage sound signing practices as an aid to businesses and for conveying information to the public;

• To prevent excessive and confusing sign displays;

• To reduce hazards to motorists and pedestrians;

• To promote public health, safety and general welfare by regulating and controlling all matters relating to signage and advertising;

(b) Authority and requirements. The Fontana Auto Center Overlay District Sign and Advertising Standards shall be applied to those properties located within the Overlay District Area, in addition to the sign and advertising regulations set forth in Chapter 3 of the Fontana Municipal Code. This Overlay District modifies certain regulations contained in Chapter 3 of the Code, as enumerated herein. If there is a conflict with Chapter 3, the Overlay District standards shall prevail.

No sign shall be erected, re-erected, constructed, installed or altered except as provided for in these development regulations, and/or Chapters 3 and 30 of the Fontana Municipal Code. A sign permit must be obtained from the Building and Safety Division prior to the construction or installation of all permanent and temporary signs within the Overlay District.

No sign shall be erected or used for business purposes of any kind, except such signs that are located on the place of business, and used solely for the naming designating or identifying that specific business, enterprise, calling, product or services available on and within the premises.

The Fontana Auto Center Overlay District is designated, and shall be considered a "Commercial Complex". All applications for approval of signs shall be submitted to the City in the form of a Design Review Sign Application. The Sign Application shall outline and present the type, size, height, composition, location, color and design of all signs, banners and other types of exterior advertising to be constructed or installed. No sign, banners or other advertising shall be installed unless it conforms to an approved Design Review Sign Permit.

(c) Permitted signs. All permitted signs shall file an application for, and obtain an approved Design Review Sign Permit. A sign permit must be obtained from the Building and Safety Division prior to the construction or installation of any permitted permanent and temporary signs within the Fontana Auto Center Overlay District.

1. Planning area 1—Auto center signage standards.

a. Auto center identification sign. The overall freestanding Auto Center Identification Sign with an electronic message board is allowed within the Overlay District. This sign is allowed subject to the approval of a conditional use permit. This Identification Sign's location, size, height, design, composition, message board size, copy, area of copy, colors and materials shall be part of the conditional use permit application. At a minimum, the Auto Center Identification Sign shall identify the "Fontana Auto Center" and the "Fontana Promenade", and shall include an electronic message board.

b. Auto center gateway signs. One monument sign at each end of the Auto Center close to Sierra Avenue and Citrus Avenue up to 30 feet tall that identifies the individual auto dealership name brand or their logo/symbol, per the Design Guidelines set forth in the Fontana Auto Center Overlay District. The maximum size of the dealership's combined name and logo on these monument signs is 36 square feet.

1) Temporary Auto Center gateway signs may be permitted prior to the construction of the permanent Auto Center gateway sign(s) as described above; one temporary sign shall be permitted at each end of the Auto Center close to Sierra Avenue and Citrus Avenue.

i. The temporary Auto Center gateway sign(s) shall be removed, prior to the issuance of a building permit for the permanent sign(s).
ii. The sign(s) permitted in the above provision shall provide direction and identification only to dealerships located in the Auto Center Overlay District.

iii. Each individual auto dealership's name brand and/or their logo/symbol may be located on each temporary sign.

iv. The size of the temporary Auto Center gateway sign shall not exceed ten feet in height and the width shall not be more than four feet.

v. The temporary sign(s) shall be designed, constructed and installed to the satisfaction of the Director of Community Development as a design review sign on forms provided by the Planning Division.

c. **Building mounted signs.** One wall sign is allowed per elevation fronting a parking lot or street that identifies the dealership's brand name and the dealership's logo or symbol. The maximum size of the signs and/or logo that fronts the 210 Freeway or South Highland Avenue is 400 square feet, provided the 400 square foot requirement for elevations facing South Highland Avenue is not exceeded, a secondary wall sign may be permitted provided it identifies only the ownership name or city. The maximum size of the signs and/or logo on any other elevation is limited to a total of 250 square feet. The maximum height is 40 feet on the building.

d. **Monument signs.** One monument sign is allowed for each 200 linear feet of frontage that identifies the dealership's name and their logo or symbol. The maximum height is 12 feet above finished grade. The maximum size of the monument sign is 36 square feet, excluding the required design theme base. This monument sign is required to be set back a minimum of five feet from the street property line, and must comply with site distance traffic standards. The design of the base of all monument signs must comply with the coordinated design theme set forth in the following Design Guidelines for the Fontana Auto Center Overlay District.

e. **Pylon signs.** One, main brand pylon sign shall be allowed for each dealership. Each dealer will be allowed to choose one of the following height and location requirements: a) a pylon sign not to exceed 30 feet in height with a maximum 100 sq. ft. sign face abutting the 1-210 Freeway; b) a pylon sign not to exceed 40 feet in height with a maximum 144 sq. ft. sign face abutting the south edge of the freeway frontage road (old Highland Avenue); c) a pylon sign not to exceed 50 feet in height with a maximum 225 sq. ft. sign face located a minimum 75 feet from the 1-210 freeway. Note that the 50-foot pylon sign is meant to be located adjacent to the rear of the main building and is in no case allowed between the main building and South Highland Avenue.

f. **Service department directional signs.** Up to three wall mounted directional signs indicating service department entrance and exit lanes or other additional services, such as oil change or quick lube are allowed above the entrance of the service department. The maximum letter height of each sign shall not exceed two feet or exceed 34 square feet in area.

g. **On-site signs.** On-site signs that identify the Service & Parts Departments, and auto display area signs that identify specific types of vehicles. The maximum size of each on-site sign is 16 square feet.

h. **Vehicle display pad signs.** One dealership vehicle brand logo or symbol is allowed on the front of the vehicle display pad. Each display pad at prominent corners shall also have a city designed and approved sign that states "Fontana Auto Center". The maximum size of the vehicle logo/symbol is five square feet.

i. **Window signs.** Window signs provided that not more than 25 percent of the window area is obscured.

j. **Directional signs.** Directional signs for customer parking, service entrance and auto carrier trucks are allowed in required setback areas, subject to City approval. The size, location, height, design, color and materials of each proposed directional sign is subject to approval.
as a part of the Design Review Sign Permit process. The maximum size of each on-site sign is 15 square feet.

k. **Temporary signs.** One temporary sign can also be allowed to acknowledge future dealership locations. “Future Home of” signs are required to be removed prior to the issuance of the certificate of use and occupancy. Temporary for sale or lease signs are allowed.

l. **Banners.** Banners attached to on-site light standards are allowed. Light standard banners shall not add any height above the light fixtures, and are limited to five square feet in size. Banners attached to the main dealership building, interior walls or trees are not allowed.

2. **Planning area 2—Auto center supporting uses.**
   a. The standards, regulations and control of the location, size, type and number of signs located within Planning Area 2 shall be governed by the provisions of the Sign Criteria set forth in Chapter 3 and Design Review Criteria in Chapter 30 of the Fontana Municipal Code.

3. **Planning area 3—Auto center and supporting uses.**
   a. The standards, regulations and control of the location, size, type and number of signs located within Planning Area 3 shall be governed by the provisions set forth in Section 30-301.18(c), and by the Sign Criteria set forth in Chapter 3 and Design Review Criteria in Chapter 30 of the Fontana Municipal Code.

4. **Planning area 4—Auto center and complimentary uses.**
   a. The standards, regulations and control of the location, size, type and number of signs located within Planning Area 4 shall be governed by the provisions set forth in Section 30-301.18(c), and by the Sign Criteria set forth in Chapter 3 and Design Review Criteria in Chapter 30 of the Fontana Municipal Code.

(d) **Prohibited signs.** The following types of signs are expressly prohibited within the Fontana Auto Center Overlay District:

1. Roof Signs.
2. Flashing Signs.
3. Projecting Signs.
4. Portable Signs.
5. Revolving Signs.
6. Painted Signs.
7. Animated Signs, except for the City’s overall Freeway Identification Sign.
8. Strings of Flags or Banners between Light Fixtures, Trees or Buildings.
9. Banners that add height to light standards.

(e) **Signs not subject to the design review sign permit process.** The following types of signs do not require permits from the City:

1. The changing of advertising copy or messages on electronic message boards.
2. Window signs that do not obscure over 25 percent of the total window area.
3. Real estate signs, City traffic control signs and City directional signs.
4. Non-advertising signs of utility companies on equipment cabinets and meters.

(Ord. No. 1666, § 4, 8-14-12)

Sec. 30-301.19. - Design guidelines.
The following Fontana Auto Center Overlay District Design Guidelines set forth conceptual design sketches for prominent areas within the Overlay District. The Design Guidelines address the following key areas within the Auto Center Overlay District:

(a) Gateway Corner Treatments—Corner of Sierra Avenue and South Highland Avenue;
(b) Auto Center Corner Treatment for the Northwest corner of Sierra Avenue and South Highland Avenue;
(c) Planning Area 2 Corner Treatment;
(d) South Highland Avenue Design Concepts;
(e) South Highland Avenue Monument Signs;
(f) South Highland Avenue Vehicle Display Pads;
(g) Freeway Edge Treatment—View From the Freeway;
(h) Freeway Edge Treatment—Pilaster Design;
(i) Pilaster Design within 90’ of South Highland Avenue.

In addition to these conceptual design sketches, these Design Guidelines contain a Landscape Plant Palette (Appendix A), and an Exterior Lighting Study (Appendix B). The Plant Palette sets forth guidelines for plantings at main intersections, near entry monuments, and along the 210 Freeway right-of-way. It also provides color photographs of the trees, plants and shrubs included in the Plant Palette. The Exterior Lighting Study sets forth suggested lighting guidelines and restrictions, common area lighting strategies and specifications for lighting fixtures.
Gateway Corner Treatments
Auto Center Corner Treatment - Northwest Corner of Sierra Avenue and South Highland Avenue
Planning Area 2 Corner Treatment—Northeast Corner of Sierra Avenue and South Highland Avenue
South Highland Avenue Design Concepts—View looking west within the Auto Center
Monument Signs are Allowed to be up to 12 Feet Tall, with a Name Brand Sign Area of 36 Square Feet

All Monument Signs should have a Common Design Theme Rock Treatment for its' Base. The Rock Base can be from 2 Feet to 6 Feet Tall

South Highland Avenue Monument Signs—Name Brand Signs
Vehicle Display Pads are Allowed to Encroach up to 6 Feet into the Public Right-of-way Sidewalk Area along South Highland Avenue

Vehicle Display Pads should be Elevated Above Grade. The Dealership's Name Brand or Logo is Allowed on the Front of the Display Pad

All Display Pads should have a Common Design Theme Rock Treatment for its' Base.

South Highland Avenue Vehicle Display Pads
**Freeway Edge Treatment—View from the Eastbound Foothill Freeway**

Dealership Name Brand Pylon Sign up to 30 Feet Tall Adjacent to the Freeway Right-of-way.

Decorative Pilasters at 20 Feet On Center with Wrought Iron Fencing between the Pilasters. All Pilasters should have a Common Design Theme.

Low Growing Shrubs Between Pilasters
Pilaster Design within 90' of South Highland Avenue

DIVISION 9. - WAREHOUSING DISTRIBUTION/LOGISTICS OVERLAY DISTRICT

Sec. 30-301.20. - Warehousing Distribution/Logistics Overlay District regulations.
(a) **Applicability.** The provisions of this division may be applied to any property with a General Plan land use designation of Regional Mixed Use (RMU), and a zoning designation of Regional Mixed Use (R-MU), located on the east side of Sierra Avenue and north of Interstate 210 (I-210) as identified in Figure 1.

**Figure 1**

![Warehousing Distribution/Logistics Overlay District](image)

(b) **Relation to underlying zoning.** The Warehousing Distribution/Logistics Overlay District is a flexible designation that is intended to apply in conjunction with, or as an alternative to the provisions in the underlying zoning. When utilized in conjunction with the underlying zone, if the provisions of this division are in conflict with the provisions of the underlying zoning district, the provisions of this division shall apply.

(c) **Intent.** The intent of the Warehousing Distribution/Logistics Overlay District is to provide for the limited, well planned and orderly development of warehousing distribution/logistic uses on properties within the R-MU zone located on the east side of Sierra Avenue, north of Interstate 210 (I-210), and south of Casa Grande Drive. Additionally, the further intent of this overlay district is to eliminate or adequately mitigate adverse impacts on the community related to such developments and, therefore, projects taking advantage of the overlay development regulations shall be required to provide access to Mango Avenue, thereby limiting and/or prohibiting access onto Sierra Avenue, unless otherwise approved by the Planning Commission and/or the City Council.

(d) **Access.** In line with Section 30-301.20(c), to further ensure the intent of the Warehousing Distribution/Logistics Overlay District, Mango Avenue, a Collector street as classified in the City's General Plan Circulation Master Plan, shall be required to be constructed from Casmalia Avenue to Summit Avenue prior to the establishment of any proposed project-level development, to the satisfaction of the City Engineer. This requirement is to provide an alternate route to Sierra Avenue for properties within the overlay district as a connection to Interstate 210 (I-210). For the purpose of this section, Mango Avenue need not be developed to its ultimate right-of-way width, but must otherwise be constructed to a minimum roadway width to provide for two-way truck traffic and any other circulation needs such as maintenance vehicle turn outs, emergency vehicles, etc., as determined by the City Engineer.
(e) **Definition.** For the purpose of this division, the term "warehousing distribution/logistics" uses shall mean warehouse/distribution facilities used for the storage and/or consolidation of manufactured goods (and to a lesser extent, raw materials) before their distribution to retail locations or other warehouses. Warehouse/distribution centers are generally greater than 100,000 square feet in size, with a land coverage ratio of approximately 50 to 60 percent, and a dock to high-loading-door ratio of approximately 1:5,000—10,000 square feet. They are characterized by a small employment count due to a high level of automation; significant movement and storage of products, materials, or equipment; truck activities frequently outside of the peak hour of the adjacent street system; and good freeway access. They are further characterized by the presence of third-party logistics companies who are neither the manufacturer of the goods to be distributed nor the end user of the goods, but are rather the independent distributor of such goods.

(Ord. No. 1667, § 3(Exh. A), 8-14-12)

Sec. 30-301.21. - Uses permitted.

(a) **General.** Any use permitted in the underlying zoning district shall be permitted in the Warehousing Distribution/Logistics Overlay District, subject to Section 30-301.21(b).

(b) **Warehousing distribution/logistics.** The following warehousing distribution/logistics uses require a Conditional Use Permit (CUP):
   (1) Warehousing, standard;
   (2) Warehousing, with distribution;
   (3) Warehousing, high-cube;
   (4) Similar uses as determined by the Director of Community Development to be compatible pursuant to Section 30-4, Other Uses to be Determined by the Director of Community Development.

(c) **Prohibited uses.** The following uses are specifically prohibited:
   (1) Any use not permitted in the underlying zoning district;
   (2) Multi-family dwellings;
   (3) Senior housing;
   (4) Day care/child care;
   (5) Day care/child care 24-hour;
   (6) Other uses deemed incompatible by the Director of Community Development pursuant to Section 30-4, Other Uses to be Determined by the Director of Community Development.

(Ord. No. 1667, § 3(Exh. A), 8-14-12)

Sec. 30-301.22. - Zone change required.

An application for a change of zone to establish the Warehousing Distribution/Logistics Overlay District on one or more parcels eligible to receive the overlay, shall be filed with the Planning Division pursuant to Section 30-38 et seq. of this Code.

(Ord. No. 1667, § 3(Exh. A), 8-14-12)

Sec. 30-301.23. - Design review or administrative site plan review required.
Any development proposal within the Warehousing Distribution/Logistics Overlay District shall be subject to a design review or administrative site plan review process pursuant to Section 30-103 et seq. of this Code.

(Ord. No. 1667, § 3(Exh. A), 8-14-12)

Sec. 30-301.24. - Development standards and design guidelines.

(a) General. The development standards and design guidelines in this division shall be minimum requirements for warehousing distribution/logistics type uses. Those standards and guidelines not fully addressed in this section shall be as otherwise stated in the appropriate section(s) of the Fontana Municipal Code, including, but not limited to, Section 30-191 et seq., Section 30-234 et seq., Section 30-302 et seq., and Section 30-307 et seq. of this Code. When this division provides for discretionary authority on the part of the Director of Community Development, Planning Commission, or City Council, that discretion may be exercised to impose more stringent requirements, if deemed necessary, to accomplish the overall intent/objective of the Warehousing Distribution/Logistics Overlay District.

(b) Minimum lot size.
   (1) The minimum lot size shall be four acres.

(c) Lot dimensions.
   (1) The minimum lot dimensions shall be:
      (a) Minimum width of 300 feet.
      (b) Minimum depth of 300 feet.

(d) Maximum building height.
   (1) The maximum building height shall be 60 feet.

(e) Maximum lot coverage.
   (1) The maximum lot coverage shall be 50%.

(f) Floor-area ratio (FAR).
   (1) The maximum base FAR shall be 0.50.

(g) Building setbacks. All required yard areas (setbacks) shall be clear of all structures and other required site features such as parking areas, loading areas, fire lanes, etc., and shall be landscaped and maintained in a neat, healthy, aesthetically pleasing condition in accordance with the landscaping provisions of this division. Due to the lot configuration and depth of parcels eligible to receive the overlay district, for the purpose of this division, all buildings are assumed to be fronting on Sierra Avenue.
   (1) Minimum front yard setbacks.
      (a) The minimum front yard setback for Sierra Avenue shall be 40 feet.
      (b) The minimum front yard setback for Casa Grande Avenue shall be 40 feet.
      (c) The minimum front yard setback for Mango Avenue shall be 15 feet.
      (d) The minimum front yard setback for lots abutting local streets shall be 15 feet.
   (2) Minimum rear yard setbacks.
      (a) The minimum rear yard setback for parcels abutting Sierra Avenue shall be 40 feet.
      (b) The minimum rear yard setback for parcels abutting Casa Grande Avenue shall be 40 feet.
      (c) The minimum rear yard setback for parcels abutting Mango Avenue shall be 15 feet.
(d) For lots abutting R-MU zoning districts, or any residential district, the minimum rear yard setback shall be 40 feet. For lots abutting C-2 zoning districts, the minimum rear yard setback shall be 15 [feet]. This setback may be increased to provide an appropriate separation between uses in order to protect the public health, safety, and welfare if alternative means of providing separation are not practical.

(3) Minimum interior side yard setbacks.

(a) The minimum side yard setback for parcels abutting Sierra Avenue shall be 40 feet.

(b) The minimum side yard setback for parcels abutting Casa Grande Avenue shall be 40 feet.

(c) The minimum side yard setback for parcels abutting Mango Avenue shall be 15 feet.

(d) For lots abutting R-MU zoning districts, or any residential district, the minimum interior side yard setback shall be 40 feet. For lots abutting C-2 zoning districts, the minimum interior side yard setback shall be 15 [feet]. This setback may be increased to provide an appropriate separation between uses in order to protect the public health, safety, and welfare if alternative means of providing separation are not practical.

(h) Parking and drive aisle setbacks (yard areas).

(1) Street yard (measured from property line).

(a) The minimum setback for lots abutting Sierra Avenue shall be 40 feet.

(b) The minimum setback for lots abutting Casa Grande Avenue shall be 40 feet.

(c) The minimum setback for lots abutting Mango Avenue shall be 15 feet.

(d) The minimum setback for lots abutting local streets shall be 15 feet.

(2) Rear yard.

(a) The minimum setback for lots abutting Sierra Avenue shall be 40 feet.

(b) The minimum setback for lots abutting Casa Grande Avenue shall be 40 feet.

(c) The minimum setback for lots abutting Mango Avenue shall be 15 feet.

(d) The minimum setback for lots abutting local streets shall be 15 feet.

(e) For lots abutting R-MU zoning districts, or any residential district, the minimum rear yard setback shall be 40 feet. For lots abutting C-2 zoning districts, the minimum rear yard setback shall be 15 [feet]. This setback may be increased to provide an appropriate separation between uses in order to protect the public health, safety, and welfare if alternative means of providing separation are not practical.

(3) Interior side yard.

(a) For lots abutting R-MU zoning districts, or any residential district, the minimum interior side yard setback shall be 20 feet. For lots abutting C-2 zoning districts, the minimum interior side yard setback shall be 15 [feet]. This setback may be increased to provide an appropriate separation between uses in order to protect the public health, safety, and welfare if alternative means of providing separation are not practical.

(i) Parking location. Off-street parking shall be located at the rear of the building, but may be considered elsewhere if its use is to further set back buildings from adjacent and/or surrounding sensitive uses (e.g., residential uses across a public right-of-way). Furthermore, visitor and/or employee parking may be located at the front of the building adjacent to the main entry. Service and loading areas may be located at the sides and rear of the building, except where such building sides are adjacent to a public right-of-way.

(j) Parking and loading requirements. The following are regulations for off-street parking and loading. They identify required number of parking and loading spaces for all new development projects and those proposing substantial modifications to existing buildings. For all parking and loading-related
information or regulations not specifically addressed in this section, refer to Section 30-307 et seq. of this Code.

(1) General parking and loading requirements.

(a) **Methods of calculation.**

(i) **Multiple uses.** If more than one use is located on a site, the total number of required off-street parking and loading spaces shall be the sum of the requirements for the various uses computed separately. If individual uses on the same site have a floor area less than that for which loading spaces would be required, then the total gross floor area of all uses on the site or lot shall be used in determining the required number of loading spaces.

(ii) **Fractional number.** Whenever the computation of the required number of off-street parking or loading spaces results in a fractional number, one additional space shall be required for a fraction of .5 or more, but shall not be required for a fraction of .4 or less.

(b) **Off-site location.** Required off-street parking spaces shall be located on the same parcel as the use that they are intended to serve, unless reciprocal parking and access agreements are recorded between multiple parcels on the same site.

(c) **Shared use facility.** Required off-street parking and loading spaces may be considered as providing parking or loading spaces for another use where joint facilities serving more than one use contain no less than the total number of spaces deemed necessary for each individual use added together with other uses. Where adjoining uses on the same site have different hours of operation with minimal conflict, the Director of Community Development may determine that some or all of the same spaces may be counted as satisfying the requirements for both uses, provided that the number of spaces shall not be less than the number prescribed for the use requiring the greater number.

(2) **Required number of parking spaces.**

(a) Each land use shall provide the number of off-street parking spaces indicated in Table 1—Parking Requirements by Land Use, except as otherwise may be determined by the Director of Community Development per Section 30-301.24(j)(1)(c) above.

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Motor Vehicle Spaces (Minimum #)</th>
<th>Bicycle Spaces (Minimum #)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>GFA—Gross Floor Area</td>
<td></td>
</tr>
<tr>
<td>Distribution, Wholesaling and Warehousing Uses</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Logistics and Distribution Facilities (High Cube)</td>
<td>Vehicle Parking:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1 space/1,000 sq. ft. GFA for the first 20,000 sq. ft.;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1 space/2,000 sq. ft. for the second 20,000 sq. ft.;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1 space/5,000 sq. ft. for that portion over 40,000 sq. ft.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>No add'l spaces if office area less than 10% of total building square footage.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Office space rate if office area over 10% of total building square footage.</td>
<td>None</td>
</tr>
</tbody>
</table>
Truck and Trailer Parking:
1 oversized truck space/5,000 sq. ft. GFA*
*Truck docks shall not be included in this calculation.

Warehousing Facilities
1 space/1,000 sq. ft. GFA for the initial 40,000 sq. ft.;
1 space/4,000 sq. ft. of additional GFA greater than 40,000 sq. ft.;
4 spaces/1,000 sq. ft. GFA of office space.
Where multiple tenants and or uses occupy the same building, the parking shall be calculated based upon the floor area used by each tenant or use

(3) **Required number of loading spaces.**

(a) Each land use shall provide the number of off-street parking spaces indicated in Table 2—Loading Space Requirements by Land Use. Requirements for uses not specifically listed shall be determined by the Director of Community Development based upon the requirements for comparable uses and upon the particular characteristics of the proposed use. For other standards (e.g., size of loading spaces, location, turning radius, etc.), refer to Section 30-333 et seq. of this Code.

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Loading Spaces (Minimum #)</th>
<th>Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Distribution, Wholesaling and Warehousing Uses</td>
<td>5,000—30,000 sq. ft.: 1 space; and 1 additional space for each additional 30,000 sq. ft.</td>
<td>Tractor Trailer</td>
</tr>
</tbody>
</table>

Note: A tractor trailer loading space shall be a minimum of 12 ft. wide by 70 ft. long with a minimum 14 ft. overhead clearance.

(k) **Fences, walls, and screening.** The following are standards and guidelines for fences, walls, and screening.

(1) **Heights.** Fences, walls and hedges may not exceed eight feet in height when located in a required side or rear yard, and may not exceed three and one-half feet in height when located in any required setback adjacent to a street. In the latter case, however, a fence with a maximum height of eight feet as measured from the sidewalk elevation may be permitted where required for security purposes. Such fencing shall not create a sight distance problem for motorists. Incidental outdoor storage areas, and loading areas and doors shall be screened from the public right-of-
way by an eight foot high solid block masonry wall (see Table 3). Additional screening may be required and include the use of line-of-sight diagrams.

<table>
<thead>
<tr>
<th>Location</th>
<th>Materials (1)</th>
<th>Maximum Height (2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Within front setback area</td>
<td>Solid fencing/wall</td>
<td>42 inches</td>
</tr>
<tr>
<td>Within street side setback area</td>
<td>Solid fencing/wall</td>
<td>8 ft. if necessary for security purposes</td>
</tr>
<tr>
<td>Within interior side setback area</td>
<td>Solid fencing/wall</td>
<td>8 ft.</td>
</tr>
<tr>
<td>Within rear setback area</td>
<td>Solid fencing/wall</td>
<td>8 ft.</td>
</tr>
<tr>
<td>Screening of incidental outdoor storage from view from the public right-of-way</td>
<td>Solid fencing/wall</td>
<td>8 ft.</td>
</tr>
</tbody>
</table>

Note(s):

(1) All fences and walls shall be finished on both sides with a decorative material (e.g., stucco, split-face, and/or slump stone).

(2) All fences and walls shall meet the City’s line-of-sight regulations, as determined by the City Engineer.

(2) All warehousing distribution/logistics uses adjoining or abutting a residential zoning district shall be screened by a solid masonry wall not less than eight feet in height. However, in the front yard area abutting the residential lot, the wall may be lower as determined through the site plan review process.

(3) Electric fences, barbed wire fencing, chain link, wood and/or similar fencing materials are prohibited.

(4) Fences and walls shall be compatible in terms of design and materials with the main structures on the site.
(5) Roof-mounted and ground-mounted mechanical equipment, utilities, storage, and solid waste storage areas shall be screened from adjoining properties and public right-of-ways by a visual barrier (e.g., wall, fence, landscape material, etc.) to the satisfaction of the Director of Community Development.

(6) No loading bays shall be permitted facing Sierra Avenue or Casa Grande Avenue to eliminate noise and negative visual impacts.

(7) All loading bays shall be completely screened and a sight-line analysis shall be taken from public right-of-way(s) to demonstrate such screening of all bays. Such analysis shall at a minimum contain a site plan and cross section graphics demonstrating the line of sight from the right-of-way to the loading areas at six feet above the right-of-way surface at three points: The centerline of the right-of-way and the property lines on either side of the right-of-way. The graphics shall be to scale, fully dimensional, and contain all building elevations, berms, walls, landscaping, setbacks, fences, and other structures as they are being proposed to be built.

(8) All incidental storage of materials, including trucks, shall be screened from adjoining properties and public right-of-ways by a visual barrier (e.g., wall, fence, etc.) to the satisfaction of the Director of Community Development. Furthermore, such storage shall not be located on any required parking area.

(i) Building orientation.

(1) All buildings shall be sited and oriented to reduce noise, light and glare, visual and other conflicts. For example, loading areas shall be located in areas where noise from such operations will not adversely impact adjacent, noise sensitive uses.

(2) Placement of the industrial buildings shall provide the most aesthetic public views. Open work areas shall be located away from public views.

(m) Landscaping.

(1) Landscaping shall be used alone or in conjunction with other features (e.g. open space buffer, topography) to reduce potential visual and light and glare conflicts.

(2) Landscape setbacks along public right-of-ways shall incorporate landscape buffers with undulating and variable height earth-mounding (berms), and/or low walls, preferably in a three-tier planting design.

(n) Design guidelines. The design guidelines in this subsection shall apply to all warehousing distribution/logistics projects within the overlay district. Those design guidelines not fully addressed in this section shall be as otherwise stated in the appropriate section(s) of this Code, including, but not limited to, Section 30-191 et seq., Section 30-234 et seq., Section 30-302 et seq., and Section 30-307 et seq. of this Code.

(1) Site design.

(a) Site layout.

(i) The arrangement of multiple buildings and associated circulation, and parking areas should reflect a well-organized site plan.

(ii) Site development may utilize variations on building placement and landscaping when located near a public street.

(iii) The design and location of accessory buildings (e.g., security kiosks, maintenance buildings, and outdoor equipment enclosures) shall be incorporated into and be compatible with the overall design of the project and the main buildings on the site.

(iv) With the exception of security kiosks, accessory buildings shall be located as far back from the front and street side yard setback area as possible.

(v) Sea/train-type metal containers are prohibited.
(vi) Incidental outdoor storage, work, and loading areas shall be incorporated within the building design and located to the rear or side of buildings unless such building side(s) are adjacent to a public street where it would be prohibited.

(b) **Courtyards and plazas.**

(i) Buildings should be arranged to create opportunities for open space amenities (e.g., plazas, courtyards, outdoor eating areas, etc.). See Figure 2.

*Figure 2*

(2) **Building orientation.**

(a) The organization of buildings, parking areas, and landscaping shall recognize the existing characteristics of the site and shall relate to the surrounding development in scale and character.

(b) Buildings should be oriented in a manner that takes advantage of passive solar design.

(c) Buildings shall be oriented to provide a buffer between sensitive uses (i.e. residential, schools, parks, and medical facilities) and outdoor work areas, loading, and incidental storage.

(3) **Site elements.**

(a) **Fences and walls.**

(i) Walls and fencing materials shall consist of wrought iron, tubular steel, stone, stucco, or brick, and shall be compatible with the overall design character/style of the development. The use of chain-link fence and similar materials is prohibited. See Figures 3 and 4.
Figure 4

(ii) Walls and fences shall be integrated with landscaping along the base of the wall or fence.

(iii) Wall heights and surfaces shall be articulated with varying facade depths or pilasters to promote architectural interest, and shall include a cap along the top of the wall.

(iv) Landscaping shall be used in combination with walls and fences to visually soften blank surfaces and to deter graffiti. Additionally, all walls shall have an anti-graffiti coating to further deter graffiti, to the satisfaction of the City. See Figure 5.
(b) **Screening.**

(i) Loading bays and service areas shall be completely screened from public right-of-way(s) by building placement and/or decorative walls. Landscaping may be used in addition to such building placement and/or walls, but shall not be the sole means of screening. A sight-line analysis shall be taken from public right-of-way(s) to indicate screening of all items.

(ii) Trash storage enclosures and outdoor mechanical equipment shall be completely screened from public view.

(iii) Roof-mounted equipment shall be screened from public view through use of parapet walls or other approved screening devices. Special consideration shall be given to the screening of roof-mounted equipment on building rooftops that are visible from the public right-of-way. See Figure 7.

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**Figure 7**

(c) **Lighting.**

(i) Outdoor lighting plans shall take into consideration the location and potential growth pattern of nearby trees (existing and planned) so that appropriate lighting levels are maintained over time.

(ii) Energy efficiency shall be considered through use of proper light location and placement, as well as use of energy-efficient bulbs and/or fixtures.

(iii) Lighting fixtures shall include hoods or other design techniques to reduce glare and light pollution, especially along major streets, and to prevent light spillover onto adjacent properties.
(iv) Lighting shall be provided in project entryways, walkways, and parking lots to promote safety.

(v) Lighting may be mounted on poles or bollards, affixed to building walls, or placed within paved or landscaped areas. Appropriate materials and construction methods shall be used to ensure proper function of project lighting fixtures.

(vi) Decorative light fixtures shall be consistent with the architectural design of the building.

(vii) Truck and truck trailer parking areas shall incorporate lighting to increase real and perceived security.

(4) Parking and access.

(a) Parking.

(i) Parking lots shall not be the dominant visual element on the site.

(ii) Surface parking areas shall integrate trees and landscape improvements to reduce the heat island effect and to promote better visual aesthetics.

(iii) Large parking lots (usually over 100 spaces) shall be divided into multiple, smaller areas and provided with canopy trees located throughout the parking area to reduce the effects of heat and the visual impacts of large parking areas.

(iv) Parking lot design shall include water quality storm water facilities consistent with City standards. See Figure 8.

Figure 8

(b) Access.

(i) The use of common (shared) access points and driveways is required for all service and loading areas pursuant to Traffic Engineering's Standard Plan No. 701 Access Management Requirements, to reduce curb cuts along streets. Additionally, placement of vehicle access points close to building entries shall be avoided to minimize pedestrian and vehicular conflicts.

(ii) Entry drives shall be clearly marked by special features, (e.g., enhanced paving, prominent landscape features, low-level decorative walls, and well-designed monument-type signs). See Figure 9.
(5) Architecture.

(a) Mass and scale.

(i) The mass and scale of the buildings shall respect the visual and physical relationship to the adjacent buildings and surrounding sensitive uses. Taller building elements shall be placed towards the center of the site, with lower elements adjacent to surrounding properties.

(ii) Buildings shall be stepped back when adjacent to or in close proximity to sensitive uses (e.g. residential, schools, etc.).

(iii) Vertical and horizontal offsets shall be provided to reduce the visual bulk of the building. See Figure 10.

Figure 10

(b) Building facades.

(i) Building facades shall incorporate architectural elements such as windows, pillars, and wall plane breaks to minimize blank walls, to create visual interest, and to reduce the opportunity for graffiti.

(ii) All building elevations, whether front, side, or rear shall be architecturally detailed.

(iii) Architectural accents (e.g., cornices, tiles, trim around windows, grooves in building faces, accent band details, bulkheads, etc.) shall be used to create variation along building facades. See Figure 11.
(iv) Roofs shall be designed as an integral component of building form, mass, and facade. Building form shall be enhanced by sloped or offset roof planes, eave heights, and rooflines. See Figure 12.

Figure 12

(c) Colors and materials.

(i) Colors and materials for all structures on-site should consist of earth tones. Use of different colors and materials or textures is strongly encouraged.

(ii) Building materials shall be durable and able to withstand long-term exposure to the elements.

(iii) Large expanses of smooth material (e.g., concrete) shall be broken up with expansion joints, reveals, or changes in texture and color.
(6) **Landscaping.**

(a) Landscaping shall be in scale with adjacent structures, streets, and public spaces, and be sized appropriately when fully grown.

(b) Landscaped areas should incorporate a three-tiered planting system:
   (i) Ground cover and flowering plants;
   (ii) Shrubs and vines; and,
   (iii) Trees.

(c) Development on corner lots shall be enhanced with a combination of specimen trees, accent plantings, upgraded perimeter wall surfaces, hardscape treatments and landscape lighting adjacent to the street intersection.

(d) Drought-tolerant and low-maintenance trees, vines, and groundcovers shall be used on-site. Drip irrigation systems shall be installed to ensure the highest possible level of water conservation.

(e) Setbacks adjacent to sensitive uses shall include dense landscaping to provide visual screening and noise attenuation.

(f) Landscaped berms along site edges shall be used to screen parking, loading and service areas and to serve as a sound reduction measure. See Figure 13.

**Figure 13**

(g) Surface parking lots shall be well-landscaped to reduce heat island effect and visually reduce the expanse of paved area.

(h) Pervious paving materials are strongly encouraged for sidewalks, pathways, and parking lots or other paved surfaces on-site.

(i) An automatic irrigation system using current equipment and technology shall be provided for planted areas.
(j) Run-off retention and on-site water filtration/stormwater treatment features and bioswales should be a part of the overall landscape design, and can also serve as buffering methods for adjacent businesses. See Figure 14.

**Figure 14**

(k) Trees shall be selected and placed to provide canopy and shade for walkways, pedestrian open spaces, and parking areas.

(l) Tree and shrub planting shall be in large masses.

(m) Plant material selected shall be suited to the specific soil and micro climatic conditions.

(Ord. No. 1667, § 3(Exh. A), 8-14-12)

DIVISION 10. - EMERGENCY SHELTER OVERLAY DISTRICT

Sec. 30-301.25. - Emergency Shelter Overlay District (ESO) regulations.

(a) **Applicability.** The provisions of this division shall apply to Light Industrial (I-L) Land Use Designations as specified in Figure 1.

**Figure 1**
(b) Relation to underlying zoning. The Emergency Shelter Overlay District is a flexible designation that is intended to apply in conjunction with, or as an alternative to the provisions in the underlying zoning. When utilized in conjunction with the underlying zone, if the provisions of this division are in conflict with the provisions of the underlying zoning district, the provisions of this division shall apply.

(c) Intent. The intent of the Emergency Shelter Overlay District is to provide for supportive and transitional housing uses on specific properties within the Light Industrial (M-1) zoning district. Additionally, the further intent of this overlay district is to allow emergency shelters without a conditional use permit or other discretionary permit in accordance with Government Code Section 65583. Recognizing the need for available and affordable sites for establishment of emergency shelters and other transitional housing types outside of the traditional locations in commercial districts, the Emergency Shelter Overlay District provides areas and districts for the development of new emergency and supportive housing to be integrated with commercial and light industrial uses and existing social services throughout the City. The purpose of the designated boundaries (area of applicability) is to maximize the potential for provision of emergency shelter and support services throughout the City of Fontana.

(d) Definitions.

Emergency shelters. The California Health and Safety Code (Section 50801(e)) defines "emergency shelter" as housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

Single room occupancy. Typically, a Single-Room Occupancy (SRO) unit is a multiple tenant building that houses one or two people in individual rooms (sometimes two rooms, or two rooms with a bathroom or half bathroom), or to the single room dwelling itself. SRO tenants typically share bathrooms and/or kitchens, while some SRO rooms may include kitchenettes, bathrooms, or half-baths. Most SRO units are small, with a gross floor area of less than 400 square feet. Each dwelling unit is restricted to occupancy by no more than two persons and is offered on a monthly rental basis or longer.

Supportive housing. Under the Housing Element law, supportive housing is defined as housing with no limit on length of stay that is occupied by a target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community (California Health and Safety Code Section 50675.14(b)).

Transitional housing. The California Health and Safety Code (Section 50675.2) defines "transitional housing" and "transitional housing development" as buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future
point in time, which shall be no more than six months. This definition of transitional housing does not encompass all transitional housing facilities, particularly those that operate as group quarters or community care facilities that charge fees rather than rents.

(Ord. No. 1708, Exh. A, § 6, 10-28-14)

Sec. 30-301.26. - Administrative site plan required.

Any development proposal within the Emergency Shelter Overlay District shall be subject to an administrative site plan review process pursuant to Section 30-103 et seq. of this Code.

(Ord. No. 1708, Exh. A, § 6, 10-28-14)

Sec. 30-301.27. - Emergency shelters.

The following standards shall be required for development or establishment of emergency shelters in the ESO District:

The following development standards shall apply.

(a) The maximum resident density shall be one resident per 150 sq. ft., up to a maximum of 60 residents in a single shelter.

(b) The facility shall be staffed with one staff person per 15 occupied beds and shall be awake during the hours of operation.

(c) Waiting/intake area. The shelter may have a waiting and intake area no larger than 100 square feet combined;

(d) On-site manager. The shelter must have at least one on-site manager at all times during hours of operation.

(e) Distance requirements. The distance between emergency shelters shall be a minimum of 300 feet. No emergency shelter shall be located within 300 feet of any public park and/or school.

(f) Security. The emergency shelter shall provide a security plan that ensures the safety of the residents, visitors and employees. The plan shall be reviewed by the Chief of Police or his designee and shall include, but is not limited to, the following:

1. Color, security surveillance system with recording capability;

2. On-site security guard(s), the number of security guards shall be based on the following ratio of one guard for every ten patrons.

3. Adequate external lighting shall be provided for security purposes. The lighting shall be stationary, directed away from adjacent properties.

(g) Length of stay. Emergency shelter shall only be provided for a time period of six months for any individual resident.

(h) Laundry facility. The shelter shall provide on-site laundry facilities or services adequate for the number of residents.

(k) Outdoor activities. Any emergency shelter adjacent to a residential use shall limit outdoor activities to the following hours: 8:00 a.m. to 9:00 p.m. Monday through Sunday.

(l) Pay phone. There shall not be any outdoor public telephones on the site nor along the public right-of-way.

(m) Signage. No signs are permitted on the property relating to its use as a shelter for the homeless;
(n) Bathroom Facilities. Each emergency shelter shall provide facilities for personal care (i.e., bathroom and shower facilities).

(n) Toilets. No outdoor toilets are allowed on the site unless during construction or a special event;

(o) Shelter provider. The agency or organization operating the emergency shelter shall comply with the following requirements:

1. Staff and services shall be provided to assist residents of the shelter in obtaining permanent housing and income;

2. A written management plan including, as applicable, provision for staff training, neighborhood outreach, security, screening of residents to insure compatibility with services provided at the facility, and for training, counseling, and treatment outreach programs for residents;

(p) Facility layout. Living, dining, and kitchen areas shall be physically separated from sleeping areas.

(q) Sleeping area. Each emergency shelter shall provide at least 35 square feet of sleeping area per bed.

(r) Litter and graffiti. The owner/operator shall:

1. Maintain the exterior of the premises, including signs and accessory structures, free of litter and graffiti at all times;

2. Provide for daily removal of trash from the premises and abutting sidewalks or alleys within 20 feet of the premises; and

3. Remove graffiti within 48 hours of written notice from the City.

(s) Controlled access. The facility and/or the premises shall be accessed by one entrance.

(f) Property maintenance. The agency shall ensure that the facility is clean and litter-free at all times. The grounds shall be landscaped with materials which are compatible with the surrounding neighborhood and maintained in a trim and weed-free state. The structure shall be painted and maintained such that it is compatible with structures existing in the surrounding neighborhood.

(Ord. No. 1708, Exh. A, § 6, 10-28-14)

Sec. 30-301.28. - Transitional housing facilities.

The following development standards shall apply.

(a) Establishment. A management plan form shall be obtained, completed in detail, and returned to the City of Fontana’s Community Development Department for review and approval. The transitional housing program management plan is a detailed analysis of how an agency intends to operate and maintain a transitional housing facility in accordance with existing city ordinances and the criteria contained in this section.

(b) Qualifications. The applicant shall be a qualified agency with knowledge, understanding, and demonstrable experience in the operation and management of a transitional housing facility.

(c) Client screening. The agency should establish a screening process, similar to standard renting procedures, which includes letter(s) of reference, verification of employment, and determination of tenant ability to pay rent. The tenants should agree to participate in the daily maintenance of the transitional housing facility, and in an orientation/training process provided by the facility aimed at promoting their transition toward stability.

(d) Maximum client stay. Clients should be limited to a maximum stay of six months.

(e) Rent structure. The facility shall provide transitional housing below the median rent level within the City of Fontana.
(f) **Property maintenance.** The agency shall ensure that the facility is clean and litter-free at all times. The grounds shall be landscaped with materials which are compatible with the surrounding neighborhood and maintained in a trim and weed-free state. The structure shall be painted and maintained such that it is compatible with structures existing in the surrounding neighborhood.

(g) **Agency services.** The agency shall identify in the management plan the services which are available to clients off-site, and shall demonstrate the client's ability to transport one's self to the site where services are provided.

(Ord. No. 1708, Exh. A, § 6, 10-28-14)

Sec. 30-301.29. - General development standards and design guidelines.

(a) **General.** The development standards and design guidelines in this division shall be minimum requirements for Emergency Shelters, Supportive and Transitional housing type uses. Those standards and guidelines not fully addressed in this section shall be as otherwise stated in the appropriate section(s) of the Fontana Municipal Code, including, but not limited to, Section 30-302 et seq., and Section 30-307 et seq. of this Code.

<table>
<thead>
<tr>
<th>Table 30-301.29.A</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lot Dimensions, Building Height and Maximum Intensity</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Feature</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum lot size</td>
<td>The minimum lot size shall be 20,000 square feet</td>
</tr>
<tr>
<td>Lot dimensions</td>
<td>Minimum width of 150 feet</td>
</tr>
<tr>
<td></td>
<td>Minimum depth of 150 feet</td>
</tr>
<tr>
<td>Maximum building height</td>
<td>The maximum building height shall be 100 feet</td>
</tr>
<tr>
<td>Maximum lot coverage</td>
<td>The maximum lot coverage shall be 60%</td>
</tr>
<tr>
<td>Floor-area ratio (FAR)</td>
<td>The maximum base FAR shall be 0.50</td>
</tr>
</tbody>
</table>

(b) **Building setbacks.** All required yard areas (setbacks) shall be clear of all structures and other required site features such as parking areas, loading areas, fire lanes, etc., and shall be landscaped and maintained in a neat, healthy, aesthetically pleasing condition in accordance with the landscaping provisions of this division. Setback may be increased to provide an appropriate separation between uses in order to protect the public health, safety, and welfare if alternative means of providing separation are not practical.

<table>
<thead>
<tr>
<th>Table 30-301.29.B</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Yard Area-Building Setbacks</strong></td>
</tr>
</tbody>
</table>
Yard | Standard
---|---
Minimum front yard setbacks | 25 feet
Minimum rear yard setbacks | 25 feet
Minimum interior side yard setbacks | 15 feet
Minimum corner/street side yard setback | 15 feet

(c) \textit{Parking and loading requirements}. Off-street parking shall be located at the rear or side of the building, but may be considered elsewhere at the discretion of the Director of Community Development. Visitor parking may be located at the front of the building adjacent to the main entry. Service and loading areas may be located at the sides and rear of the building, except where such building sides are adjacent to a public right-of-way.

(d) \textit{Parking}. The following are regulations for off-street parking and loading. They identify required number of parking and loading spaces for all new development projects and those proposing substantial modifications to existing buildings. For all parking and loading-related information or regulations not specifically addressed in this section, refer to Section 30-307 et seq. of this Code.

\textbf{Table 30-301.29.D}

\begin{center}
\begin{tabular}{|l|c|c|c|c|c|}
\hline
Use & Facility Parking & Staff Parking & Guest Parking & Bike Rack & Loading Spaces \\
\hline
Emergency Shelter & 1 space per five beds & 1 space per employee & 1 space per ten beds & 5 spaces & 1 Truck space \\
Supportive Housing & 1 space per room, family or resident & 1 space per employee & 1 space per three room, family or resident & 5 spaces & 1 Van space \\
Transitional Housing & 1 space per room, family or resident & 1 space per employee & 1 space per three room, family or resident & 5 spaces & 1 Van space \\
\hline
\end{tabular}
\end{center}

1. Parking and access.
   a. Parking lots shall not be the dominant visual element on the site.
b. Surface parking areas shall integrate trees and landscape improvements to reduce the heat island effect and to promote better visual aesthetics.

c. Parking lot design shall include water quality storm water facilities consistent with City standards. See Figure 1.

*Figure 1*

(e) *Fences, walls, and screening.* The following are standards and guidelines for fences, walls, and screening.

**Table 30-301.29.E**

<table>
<thead>
<tr>
<th>Location</th>
<th>Materials</th>
<th>Maximum Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Within front setback area</td>
<td>Solid wall</td>
<td>42 inches</td>
</tr>
<tr>
<td></td>
<td>Wrought iron or tubular steel</td>
<td>6 ft.</td>
</tr>
<tr>
<td>Within street side setback area</td>
<td>Solid wall</td>
<td>8 ft.</td>
</tr>
<tr>
<td>Within interior side setback area</td>
<td>Solid wall</td>
<td>8 ft.</td>
</tr>
<tr>
<td>Within rear setback area</td>
<td>Solid wall</td>
<td>8 ft.</td>
</tr>
<tr>
<td>Screening of incidental outdoor storage from view of the public right-of-way</td>
<td>Solid wall</td>
<td>8 ft.</td>
</tr>
</tbody>
</table>

**Notes:**

(1) All fences and walls shall be finished with decorative material (e.g., stucco, split-face, and or slump stone) when visible from the public right-of-way.

(2) All fences and walls shall meet the City’s line-of-sight regulations as determined by the City Engineer.
1. **Fences and walls.**
   a. Walls and fencing materials shall consist of wrought iron, tubular steel, stone, stucco, or brick, and shall be compatible with the overall design character/style of the development. The use of chain-link fence and similar materials is prohibited.
   b. Walls and fences shall be integrated with landscaping along the base of the wall or fence.
   c. Wall heights and surfaces shall be articulated with varying facade depths or pilasters to promote architectural interest, and shall include a cap along the top of the wall.
   d. Landscaping shall be used in combination with walls and fences to visually soften blank surfaces and to deter graffiti. Additionally, all walls shall have an anti-graffiti coating to further deter graffiti, to the satisfaction of the City. See Figure 2.

![Figure 2](image)

**Figure 2**

(f) **Landscaping.** Those standards and guidelines not fully addressed in this section shall be as otherwise stated in the appropriate section(s) of the Fontana Municipal Code, including, but not limited to, Section 30-302 et seq., of this Code.
   1. Landscaping shall be used alone or in conjunction with other features (e.g. open space buffer, topography) to reduce potential visual and light and glare conflicts.
   2. Landscape setbacks along public right-of-ways shall incorporate landscape buffers with undulating and variable height earth-mounding (berms), and/or low walls, preferably in a three-tier planting design.
   3. Landscaping shall be in scale with adjacent structures, streets, and public spaces, and be sized appropriately when fully grown.
   4. Landscaped areas should incorporate a three-tiered planting system:
      a. Ground cover and flowering plants;
      b. Shrubs and vines; and,
      c. Trees.

(g) **Site design.**
   1. **Courtyards and plazas.**
      a. Buildings should be arranged to create opportunities for open space amenities (e.g., plazas, courtyards, outdoor eating areas, etc.).
   2. **Building orientation.**
      a. The organization of buildings, parking areas, and landscaping shall recognize the existing characteristics of the site and shall relate to the surrounding development in scale and character.
      b. Buildings should be oriented in a manner that takes advantage of passive solar design.
c. Buildings shall be oriented to provide a buffer between sensitive uses (i.e. residential, schools, and parks).

3. **Site elements.**
   a. **Screening.**
      
      (i) Loading areas shall be completely screened from public right-of-way(s) by building placement and/or decorative walls. Landscaping may be used in addition to such building placement and/or walls, but shall not be the sole means of screening. A sight-line analysis shall be taken from public right-of-way(s) to indicate screening of all items.

      (ii) Trash storage enclosures and outdoor mechanical equipment shall be completely screened from public view.

      (iii) Roof-mounted and ground-mounted mechanical equipment utilities, storage, and storage areas shall be screened from public right-of-way by a visual barrier (e.g., wall, fence, landscape material, parapet walls etc.) or other approved screening devices. Special consideration shall be given to the screening of roof-mounted equipment on building rooftops that are visible from the public right-of-way. See Figure 3.

![Figure 3](image)

**Figure 3**

4. **Lighting.**
   
   (i) Outdoor lighting plans shall take into consideration the location and potential growth pattern of nearby trees (existing and planned) so that appropriate lighting levels are maintained over time.

   (ii) Energy efficiency shall be considered through use of proper light location and placement, as well as use of energy-efficient bulbs and/or fixtures.

   (iii) Lighting fixtures shall include hoods or other design techniques to reduce glare and light pollution, especially along major streets, and to prevent light spillover onto adjacent properties.

   (iv) Lighting shall be provided in project entryways, walkways, and parking lots to promote safety.

   (v) Lighting may be mounted on poles or bollards, affixed to building walls, or placed within paved or landscaped areas. Appropriate materials and construction methods shall be used to ensure proper function of project lighting fixtures.

   (vi) Decorative light fixtures shall be consistent with the architectural design of the building.

(5) **Architecture.**

   (a) **Mass and scale.**

      (i) The mass and scale of the buildings shall respect the visual and physical relationship to the adjacent buildings and surrounding sensitive uses. Taller building elements shall be placed towards the center of the site, with lower elements adjacent to surrounding properties.
(ii) Buildings shall be stepped back when adjacent to or in close proximity to sensitive uses (e.g. residential, schools, etc.).

(iii) Vertical and horizontal offsets shall be provided to reduce the visual bulk of the building.

(b) Building facades.

(i) Building facades shall incorporate architectural elements such as windows, pillars, and wall plane breaks to minimize blank walls, to create visual interest, and to reduce the opportunity for graffiti.

(ii) All building elevations, whether front, side, or rear shall be architecturally detailed.

(iii) Architectural accents (e.g., cornices, tiles, trim around windows, grooves in building faces, accent band details, bulkheads, etc.) shall be used to create variation along building facades.

(iv) Roofs shall be designed as an integral component of building form, mass, and facade. Building form shall be enhanced by sloped or offset roof planes, eave heights, and rooflines.

(Ord. No. 1708, Exh. A, § 6, 10-28-14)

DIVISION 11. - FIRE HAZARD OVERLAY DISTRICT

Sec. 30-301.30. - Fire Hazard Overlay District regulations.

(a) Applicability. The Fire Hazard Overlay provisions shall apply in areas so designated on the current General Plan Land Use Map. The Fire Hazard Overlay shall initially be based on the 2008 Very High Fire Hazard Severity Zones map from the California Department of Forestry and Fire Protection (CalFIRE) and on such other subsequent maps or evidence as deemed appropriate by the City.

(b) Purpose. The Fire Hazard Overlay District is created to provide greater public safety to City residents and structures in areas prone to wildfires, by establishing development standards for these areas.

(c) Fuel Modification Zone Plan. Each new tentative tract map application, tentative parcel map application, or design review application within the overlay zone shall include a Fuel Modification Zone (FMZ) Plan, plotted to the same scale as the preliminary grading plans and site plans, showing all fuel modification areas as required. The Fuel Modification Zone Plan shall be submitted as part of a project concurrently with the aforesaid entitlement applications, to the Community Development Department and shall be reviewed and deemed acceptable by the Fontana Fire Protection District prior to such applications being approved. The Fuel Modification Zone Plan shall address the standards referenced in section 30-301.32(c) below, and shall contain the following items:

(1) The natural ungraded slope contour of the land within the project and in the areas adjacent to the project; and

(2) Locations of all onsite as well as offsite fuel modified areas; and

(3) Fire department access to the project and access to the fuel modified area as described in section 30-301.32(c)(3); and

(4) The treatment and maintenance of all fuel modified areas; and

(5) The soil erosion and sediment control measures to alleviate permanent scarring and accelerated erosion, if required; and

(6) A legend with symbols of all fire resistive landscape plant materials used.
(7) When applicable, a landscaping and irrigation plan shall be submitted for the Fuel Modification Zone.

(d) Construction plans. Each new building permit application for a new single family and multifamily dwelling, or any other new construction project within a residentially zoned property, shall include the information required in section 30-301.30 (c)(1) through (7) above, either on a grading plan, a site plan, or a separate Fuel Modification Zone plan as part of the project concurrently with building construction plans. Such information shall be reviewed and approved by the Fontana Fire Protection District prior to such permits being issued.

The Fuel Modification Zone shall be installed prior to the issuance of the certificate of occupancy.

(e) Fire Protection District Standards. The Fire Chief or Fire Marshal of the Fontana Fire Protection District shall have the authority to create local guidelines and standards that pertain to the types of acceptable vegetation and maintenance of Fuel Modification Zones, as well as requirements for fire access roadways and fire protection systems within the Fire Hazard Overlay.

(f) Additions, alterations, enlargements, or reconstructions. When an area of an addition, alteration, enlargement or reconstruction of an existing structure equals or exceeds 50 percent of the existing square footage of the structure, the construction requirement provisions of this section 30-301.30 shall apply to the entire structure impacted by such addition, alteration, enlargement, or reconstruction.

(g) Definitions. In addition to the definitions contained in this Title, the words and phrases set forth below, shall, for the purposes of this division, be given the following meaning, unless the content clearly requires otherwise:

Development perimeter means the portion of a development that is nearest the limits or boundary of the development project and nearest any surrounding undeveloped natural or maintained open space. The location of the development perimeter for each development project shall be determined by the Fontana Fire Protection District.

Fuel Modification Zone means a portion of land, between the perimeter of a development and undeveloped land or open space; where combustible vegetation has been removed, modified by cutting or thinning, or partially or totally replaced with approved fire-resistant plant material in order to provide a level of protection to structures from wildfires.

Fire protection plan means a development project specific plan or study that is prepared by a consultant approved by the Fontana Fire Protection District Fire Chief or Fire Marshal. The Fire Protection Plan shall address fire protection impacts and recommended mitigation, as part of an "Alternate Protection Measures" submittal per section 30-301.32(e)(3).

(Ord. No. 1737, § 1, 1-12-16)

Sec. 30-301.31. - Uses permitted.

(a) Permitted uses. Any use permitted in the underlying zoning district shall be permitted in the Fire Hazard Overlay District.

(b) Applicability of Land Use Zoning District Standards and Other Overlay Standards. The development standards established by a land use zoning district and any applicable overlay shall apply, except as modified by this section.

(Ord. No. 1737, § 1, 1-12-16)

Sec. 30-301.32. - Development standards and design guidelines.

(a) Site and emergency access. Each development project, except for a development project located exclusively on a cul-de-sac, shall have a minimum of two points of vehicular ingress and egress,
designed to applicable City street standards. The Fire Protection District may authorize one point of vehicular ingress and egress access to be an Emergency Vehicle Access (EVA) only route with a minimum 26-foot wide paved driving surface, if the Fire Protection District first makes each of the following findings:

(1) Two points of full vehicle access are impractical due to characteristics of the land or are physically infeasible, as determined by the Fire Chief; and

(2) Legal agreements have been made to reasonably ensure that the emergency vehicle access will be maintained; and

(3) The emergency vehicle access route will provide adequate vehicular ingress and egress during emergencies; or

(4) Alternate protection measures have been submitted and approved in accordance with the provisions of section 30-301.32(e).

(b) Culs-de-sac. The length of a cul-de-sac shall not exceed 350 feet in length, except as allowed by this section.

(1) A cul-de-sac may exceed 350 feet in length, but shall not exceed 600 feet in length if the Fire Chief of the Fontana Fire Protection District makes the following findings:

a. The cul-de-sac is situated and designed so that each parcel taking access from it is not contiguous to or exposed to fire hazard areas, and that the extension of the cul-de-sac will not increase the exposure of buildings to wildfires; and

b. The total number of dwelling units taking access from the cul-de-sac is no more than 15 dwelling units; and

c. Alternate Protection Measures have been submitted and approved in accordance with the provisions of section 30-301.32(e).

(c) Fuel Modification Zones.

(1) Permanent Fuel Modification Zones. A permanent fuel modification area shall be required around a development project or portions thereof that are in the Fire Hazard Overlay, for the purpose of fire protection. In no case shall Fuel Modification Zones be less than 100 feet in width, as measured from the side or rear property lines of private lots. Fuel Modification Zones shall be allowed to be designated on City owned and maintained open space, commonly owned open space maintained by a Home Owners Association (HOA), or on City or HOA maintained easements on private property adjacent to new development projects. Fuel Modification Zones shall not be allowed to be designated on privately owned open space on individual lots within a new development project except as approved on a Fire Protection Plan described in section 30-301.32(e). Fuel Modification Zones shall be within the project boundary (onsite) and shall not be designated on parcels of land adjacent to the project (off-site) unless the following findings are made by the Director of Community Development and the Fire Chief or Fire Marshal:

a. The approval of such off site Fuel Modification Zones would be necessary to achieve consistency with the land use designation, density and zoning of the properties being developed; and

b. An easement is recorded on adjacent parcels, to the satisfaction of the City and the Fire Protection District, that designates Fuel Modification Areas and specifies the maintenance that is to occur in these areas, and grants permission of all parties performing maintenance; and

C. A recorded agreement is formed and signed by all parties that will hold all City personnel harmless of liability while performing maintenance; and

D. A recorded agreement together with a Community Facilities District or other tax assessment is established to the satisfaction of the City and the Fire Protection District that will fund bi-
annual inspections of all Fuel Modification Zones as well as provisions for maintenance by
the City upon documented default of any private party performing the maintenance.

(2) **Temporary Fuel Modification Zones.** When Fuel Modification Zones are required on adjacent
parcels of land on which the current land use designation and zoning allows for development in
the future, temporary Fuel Modification Zones may be allowed to be used with the approval of the
Community Development Director and the Fire Chief. When a development project is phased,
individual phases may be required to provide temporary fuel modification areas, where the
Development Perimeter of a phase is contiguous to a subsequent phase of a project, which in its
undeveloped state is a hazardous fire area. The requirements for a temporary fuel modification
area shall be based upon the same considerations described in section 30-301.32(c)(1), above,
for permanent Fuel Modification Zones.

(3) **Perimeter Access to Fuel Modified and Fire Hazard Areas.** Each development project shall
provide adequate vehicular access for fire fighting vehicles into fuel modified areas from the
boundary of the project, along the portion of the Development Perimeter that is adjacent to either
an existing or proposed fuel modified area, or a fire hazard area. Provisions shall be made, and
shall be required where necessary, through Conditions, Covenants, and Restrictions recorded on
each parcel within the development project, for the continual maintenance of paved roadways
intended to provide the access, in order for them to remain unobstructed, in drivable condition,
and meet all other Fontana Fire Protection District regulations. Perimeter access shall be provided
through either of the following measures, or through alternate measures in compliance with
section 30-301.32(e):

a. A fire vehicle and apparatus access road along the Development Perimeter, or portion
thereof that is exposed to a fire hazard must meet the following criteria:

1. The road shall be capable of supporting fire-fighting equipment, shall be at least 20 feet
in width, and shall not exceed a maximum grade of 14 percent.

2. The road may have gates installed at the entrances at the Development Perimeter per
the requirement of the Fire Protection District.

b. Fire vehicle and apparatus access roadways, situated between lots at the Development
Perimeter or portion thereof that is exposed to a fire hazard, and which are accessible to
firefighting equipment shall consist of the following standards:

1. Such roadways shall be spaced at intervals of no more than 350 feet apart as measured
along each street.

2. Such roadways shall be at least 12 feet in width, with a maximum grade not to exceed
14 percent, and capable of supporting fire fighting vehicles. Such roadways may have
gates installed at the entrances at the Development Perimeter per the requirements of
the Fire Protection District.

(4) All new development within the Fire Hazard Overlay District shall comply with current California
Building Standards Codes, including the provisions of the California Building Code (CBC) Chapter
7A (Materials and Construction Methods for Exterior Wildfire Exposure).

(d) **Fences.**

(1) Where wood or vinyl fencing is used, there shall be a minimum five-foot separation between
the wood or vinyl fencing and the wall of the nearest structure. Fencing within the five-foot separation
area shall be of noncombustible materials.

(2) Fences or walls required adjacent to fuel modification areas or wildfire prone areas as conditions
of approval for a development project shall be constructed of masonry per the California Building
Code.

(3) Where side and rear yards are enclosed by walls or fencing, gates shall be provided on both side
yards for emergency access to the rear yard.

(e) **Alternate Protection Measures.**
(1) **Purpose**. The purpose of this section is to allow greater design flexibility than would otherwise be permitted, and to more practically achieve the purposes of the Fire Hazard Overlay District. Upon the agreement of both the Director of Community Development and the Fire Chief or Fire Marshal of the Fontana Fire Protection District, the substitution of alternate protection measures as documented in an approved Fire Protection Plan may be substituted for otherwise applicable requirements if it is found that they provide the same or a greater level of protection from wildfires and other natural hazards, and that they will fulfill the same purpose as the established standard or requirement.

(2) **Applicability**. The provisions of section 30-301.32(e) Alternate Protection Measures shall apply only to the standards and requirements of:
   a. Site and emergency access.
   b. Length of culs-de-sac.
   c. Width and treatment of Fuel Modification Zones.

(3) **Substitution of Alternative Protection Measures for development standards and requirements**.
   a. If alternative protection measures are proposed, the Fire Chief or Fire Marshal of the Fire Protection District shall determine, with specific consideration of the effect of the proposed alternative protection measures, whether the proposed development project has adequate provisions for fire protection, including the ongoing maintenance of fuel modified areas. The Fire Protection District shall give consideration to the recommendations of the Fire Protection Plan and make each and all of the following findings:
      1. The approved alternative protection measures meet the intent of, and serve the same purpose as, all of the established standards and requirements; and
      2. The approved alternative protection measures provide the same or a greater level of protection or are as effective as the established standards or requirements; and
      3. There are clear and substantial reasons for utilizing the alternative protection measures, because they provide for a more efficient and economic use of the site, or provide for a superior design in terms of safety and efficiency, in the opinion of the Fire Chief, Fire Marshal, and the Community Development Director.
   b. If the Fire Protection District makes a positive determination in compliance with this section, such alternate protection measures shall be approved and signed by the Fire Protection District prior to approval of the project, and may be substituted for specific requirements of this Code and the established standards of the District.

(Ord. No. 1737, § 1, 1-12-16)

**ARTICLE X. - GENERAL LANDSCAPE REQUIREMENTS**

Sec. 30-302. - Purpose.

This article establishes requirements and design guidelines for landscape development within the City. The requirements are intended to:

- Encourage harmonious landscape design;

- Ensure that all landscape development is responsive to the physical characteristics and nature of the site and its surrounding environment; and
• Ensure that the landscape incorporates xeriscape design.

(1) Plans and specifications required. The following are required:
   a. Landscape grading and drainage plan.
   b. Planting plan.
   c. Irrigation plan.
   d. Specifications and details.

Landscape improvements per approved plans and specifications shall be completed and final landscape inspection received prior to the issuance of the certificate of occupancy (C. of O.).

The C. of O. may be permitted by the Director of Community Development/City Engineer or his/her designee on a case-by-case basis prior to final landscape inspection approval. Before issuance of the C. of O., a cash bond for each permitted building shall be posted to insure that the landscaping will be completed per approved plans and specifications. The cash bond will be calculated on the amount of landscape construction remaining.

(2) View protection. Specific selected views to be maintained will be identified prior to a detailed landscaping plan being approved for any project. General landscaping guidelines, which incorporate tree types and views, shall be part of planned development approvals in residential areas where views are an important design consideration.

(3) Summer and winter landscape design. Landscaping and building architecture shall be designed to provide shade in the summer and sunlight in the winter.

(4) Scenic open space. Scenic open space adjacent to a project or to a street shall be integrated into the landscape concept.

(5) Landscaping. Landscaping of planted areas shall be used to frame, soften and enhance the quality of the environment to buffer units from noise or undesirable views and to break-up large expanses of parking. Trees and shrubs as well as turf and groundcovers shall be utilized in all planting areas.
   a. Landscaping shall be used alone or in conjunction with other features (e.g. open space buffer, topography) to reduce potential visual and light and glare conflicts.
   b. Landscaping shall be provided pursuant to the City’s most current adopted standard specifications, which are available from the engineering division.
   c. Open spaces shall provide visual, harmonious and functional landscape design and access connection to the primary building entry.

(6) Existing tree preservation.
   a. Subject to the requirements and limitations of the Fontana Municipal Code, existing healthy major trees shall be preserved and incorporated into any new project landscaping. Structures shall be located outside the drip line of major trees, and disturbance to roots or ground elevation at the tree base shall be avoided. (Ch. 28, Article III, Sections 28-61 through 28-74, FMC).
   b. Grading shall not occur within the drip line of a tree (with a caliper size greater than ten inches at chest height) that merits preservation or within ten feet of the bank of a riparian corridor unless such grading is approved by a landscape architect and the City of Fontana Director of Community Development/City Engineer or his/her designee.

(7) Control management plan slopes. All slopes equal to or greater than two to one shall require an erosion control management plan. The plan shall address soil stabilization, erosion control,
drainage, irrigation system design and plant materials and the maintenance thereof. Slopes greater than two to one are not allowed unless otherwise approved by the City.

(8) **Slope areas.** All slopes greater than four to one shall be planted with groundcovers at 12 inches on center maximum, and one tree minimum of five-gallon per each 400 square feet minimum of slope surface, and one shrub per 50 square feet of slope surface. Groundcovers, trees, and shrubs shall be selected with an emphasis on drought tolerance. Hydro-seeding is permitted. Square footage required for trees is governed by species selected. Residential slopes that do not have a total vertical height of four feet are not required to be landscaped. (Ref. Tree Table 30-307)

(9) **Irrigation system slopes.** Irrigation sprinkler heads used to water slopes greater than four to one shall have application rates which reduce the amount of run-off on slopes and shall be of a type which do not apply water in a fixed, steady stream. All landscaped areas shall be provided with an automatic irrigation system.

(10) **Backflow preventer.** Backflow protection per local code shall be required on all irrigation systems, which are supplied by a potable water system.

(11) **Irrigation system, automatic.** All landscaped areas shall be provided with an automatic irrigation system capable of complete coverage of the landscaped areas (head-to-head coverage). Water conservation techniques shall be incorporated into the design of the irrigation system and shall be designed to minimize run-off and other wasting of water. Projects are encouraged to incorporate gray water collection and reuse systems.
   a. An underground automatic irrigation system shall be installed unless otherwise approved by the City.
   b. Sprinkler heads shall have matched precipitation. Nozzles will be spaced at 50 percent of their diameter assuring 100 percent coverage.
   c. Water velocity through pipe shall not exceed 6.2 feet per second.
   d. Turf and shrub areas shall be valved separately.
   e. For residential developments, the main line shall be stubbed out and capped three feet beyond side yard fence with three control wires minimum and one common wire from irrigation controller. They shall be installed in a round, six-inch valve box.
   f. Pop-up irrigation heads are required in all planters that are adjacent to pedestrian traffic areas including, but not limited to; turf, sidewalks, and driveways. Fixed shrub spray raisers are only permitted when they are located against a wall, fence or structures which are not otherwise located adjacent to pedestrian traffic areas.

(12) **Planter areas.**
   a. Planters shall be a minimum of three feet wide (inside dimension) for residential developments, and a minimum of five feet wide (inside dimension) for commercial/industrial developments, unless otherwise approved by the Director of Community Development/City Engineer or his/her designee.
   b. Concrete curbing of six inches minimum height shall be constructed to contain all landscape areas that abut to asphalt paving, except where decorative walls are provided.
   c. Asphalt paving and turf shall not abut buildings, structures, walls or fences unless otherwise approved by the City.
   d. Turf shall be separated from walls, fences, and/or structures by a minimum three-foot wide, fully landscaped planter(s) in residential development, and by a minimum five-foot wide, fully landscaped planter(s) in commercial and industrial development.

(13) **Plant materials.** Plant material known to have invasive or destructive root systems shall be avoided. Similarly, plants known to have messy and/or staining fruit and/or brittle limbs shall also be avoided. Native drought-tolerant plant material should be given preference.
(14) **Root barriers.** Root barriers shall be installed when trees are located within five feet of sidewalks, curbs, foundations, and/or walls.

(15) **Xeriscape.** While the City encourages xeriscape design and the use of plant materials that are able to tolerate low water conditions, the City discourages the use of desert plant materials in combination with decorative rock surfaces in commercial and industrial zones. These decorative hardscape features shall not exceed 15 percent of the entire landscape areas.

(16) **Drought tolerant plants.** Plant material to be used in any yard or setback area shall be able to tolerate low water conditions. Native drought-tolerant plant material should be given preference. All new developments providing landscaping shall conform to the Fontana Municipal Code, which pertains to water efficient landscape. (Landscape and Water Conserved Ordinance Fontana Municipal Code: Ch. 28, Article IV, Sections 28-91 through 28-115, FMC).

(17) **Street trees.** All new developments shall provide street trees spaced according to the growth characteristics of the species selected. Trees may be clustered. Each tree shall have a minimum size of 15 gallons. Tree species shall conform to the street tree guidelines established by the community development department. Wherever street trees cannot be planted due to inadequate existing parkway width, driveways, or other constraint, the trees shall be planted in the abutting yard area.

(18) **Turf areas.** In all commercial/industrial zones, turf areas shall be planted by hydro seeding or with sod per approved City landscape standards and specifications. Sod shall be required in all residential areas per City standards and specifications.
   a. The seed must be delivered in sealed bags with tags attached that clearly identify the seed mix. The seed tags shall be presented to the City's Landscape Inspection Section.
   b. If evidence of seed germination is not visible in two weeks, all bare areas must be reseeded or sodded.

(19) **Groundcover.** Groundcover shall be planted in such a way to result in coverage of the area within one year of initial planting; such planting shall be done to the satisfaction of the Community Development Director/City Engineer or his/her designee.

(20) **Maintenance.** All landscaped and paved areas shall be maintained in a neat and orderly condition with healthy landscaping free of weeds and litter. Irrigation systems shall be maintained in a fully operational condition. All paved areas, walls and fences in landscaped areas shall be in good repair without broken parts, holes, potholes or litter, etc.

(21) **ADA (Americans with Disabilities Act).** ADA approved tree grates compatible with the project's architecture shall be provided in commercial sidewalk tree wells. These street trees are to be irrigated by a separate valve.

(22) **Property maintenance agreement.** A property maintenance agreement shall be entered into with the City of Fontana to maintain all landscaping, parking lot, drainage, lighting and paved areas within the project in accordance with the standards of repair, maintenance and cleanliness specified in the plans submitted and approved by the Director of Community Development/City Engineer. If such landscaping, parking lot, drainage, lighting and paved areas are not maintained, such agreement grants to the City such rights of access, ingress and egress upon and across the project site as deemed necessary to undertake and complete corrective action and assess the actual City costs against the applicant/owner/tenant and against the property. The agreement shall also be incorporated by reference into the Covenants, Conditions and Restrictions (CC & R's) recorded against the property, if any, and recorded with the County Recorder's Office.

(Ord. No. 1625, § 4(Exhibit B), 10-13-10)

Sec. 30-302.1. - Reserved.
Sec. 30-302.2. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Decorative hardscape, materials used to enhance the landscape area which includes but are not limited to material such as cobble rock decomposed granite in combination with binding material, brickwork, gravel, pavers, water features, stamped concrete, pavers.

Landscape setbacks, required landscape setbacks are intended to both soften and enhance the quality of the environment to buffer residential units from noise and other undesirable views and to break up large expanses of commercial and industrial buildings. Active uses such as tot-lots, picnic areas or other uses which would attract activity are not permitted within the required landscape setbacks for any district.

(Ord. No. 1625, § 4(Exh. B), 10-13-10)

Sec. 30-303. - Residential districts landscaping requirements.

(a) General. The following requirements shall apply in all residential districts.

(1) Yard and setback areas.

a. Plants and sod (synthetic turf may be used subject to the written approval of the Director of Community Development/City Engineer) shall be the primary materials used for required front yard setback areas. No more than 50 percent of the required front yard setback area shall be covered by non-decorative hardscape features (e.g. concrete, asphalt, gravel, driveways, sidewalks, porches, etc.) Of the remaining 50 percent, no more than 25 percent may be covered by decorative hardscape features (e.g., brick, stone, fountains, ponds, etc.). An automatic irrigation system shall be required for the front and side yard landscape area(s). In the event that the original driveway apron exceeds 50 percent of the required front yard setback, no additional hardscape shall be permitted.

b. With the exception of slopes of four feet or greater vertical height (which shall be planted and irrigated with an automatic irrigation system), rear yard areas, and side yard areas located behind a wall or solid fence, are not required to be landscaped.

c. Block walls located on side yards for corner lots shall be located a minimum five feet from the street right-of-way and shall maintain a minimum five feet between the wall and dwelling unit. For corner lots adjacent to collectors or arterials, refer to Section 30-303(a)(4) Walls.

(2) Side yard gate access. All residential side yard gates shall have concrete access sidewalks from the driveway on the garage side. The access sidewalks shall be a minimum of three feet wide with a minimum 36-inch clear access, and end at the stoop to the side yard garage access door.

(3) Residential model homes. Every model in every model complex shall be landscaped to demonstrate a xeriscape garden. Turf areas in such demonstration gardens shall not exceed 35 percent minimum of the total landscape area.

The xeriscape model home shall demonstrate, via signs and information, the principles of water efficient landscapes described in the Landscape and Water Conservation Ordinance (Ref. Ch. 28, Article IV, Sections 28-91 through 28-115, FMC).

a. Signs shall be used to identify the model as an example of a water efficient landscape and featuring elements such as hydro zones, irrigation equipment and others, which contribute to the overall water efficient theme.
b. Information shall be available to potential buyers about designing, installing, and maintaining water efficient landscapes.

(4) **Walls.** Any walls within a residential zone continuous for more than 50 feet along a collector or an arterial (as defined in the circulation element of the general plan) public street shall have a minimum ten-foot landscaped setback from the street right-of-way line. The ten-foot landscaped setback shall include decorative hardscape as determined by the Director of Community Development/City Engineer. Any solid masonry wall within 15 feet of a front or side property line shall be screened with any suitable combination of shrubs, trees, vines, or ornamental groundcovers to the satisfaction of the Director of Community Development/City Engineer or his/her designee.

(5) **Required landscape.** Landscaping shall be provided by the developer in all required front, rear and side yards, and on corner lots including street parkway areas, as required by the community development department.

(6) **Plant size and numbers.** All required landscaping materials shall not be less than the following quantities and sizes:
   a. **Required trees.** Not less than two 15-gallon trees or larger shall be provided for each residential lot. One will be the City approved street tree and the other will be designated as the front yard tree. Corner lots will require additional street trees for each 30 linear feet of side yard.
   b. **Required shrubs.** One shrub shall be required for each nine square feet of planter area. Shrub sizes shall vary, with 50 percent being a minimum of five-gallon, and 50 percent being a minimum of one-gallon.
   c. **Lawns.** Lawn areas shall be sodded and shall cover the designated area.
   d. **Groundcover.** Groundcover shall be planted 12 inches on center so that coverage is achieved within one year of initial planting. Such planting shall be done to the satisfaction of the Director of Community Development/City Engineer or his/her designee.

(7) **Adjacent to open space and/or high fire hazard areas.** Adjacent to identified high fire hazard areas and natural open spaces, two zones shall be established to protect structures from fire hazard. The zones shall be as follows:
   a. Zone 1 shall extend 30 to 50 feet from the building pad, driveways and similar surfaces and shall be planted with fire resistant vegetation.
   b. Zone 2 shall extend up to 100 feet from Zone 1. Fire resistant species are preferred, but native species may be maintained if the covering is thinned.

(b) **R-2 and R-3 Districts.** All new construction in the R-2 and R-3 districts shall provide additional landscaping as follows:
   (1) **Trees.** One tree minimum for each 400 square feet of required yard area, including front yards, side yards, rear yards and common open space. Each tree shall have a minimum size of 24 inch box. Of the required trees, 40 percent shall be 24-inch box or larger (Ref. to Tree Table 30-307). City may require larger box trees at the discretion of the City Director of Community Development/City Engineer or his/her designee.
   (2) **Shrubs.** Three shrubs for each tree. Shrub sizes shall vary 50 percent five-gallon and 50 percent one-gallon.

(c) **Parking areas.** All parking areas in multi-family residential projects shall be designed and landscaped so as to break up a large single paved area to the satisfaction of the Director of Community Development/City Engineer.

(d) **Screening of exterior equipment.** All mechanical equipment, ground mounted equipment, utilities, and storage, shall be screened from adjoining properties and public rights-of-way by a visual barrier such as a wall, a fence, or landscape material to the satisfaction of the Director of Community Development/City Engineer or his/her designee.
Development/City Engineer or his/her designee. Where only landscaping is used for screening, it shall be planted with five-gallon (minimum size) shrubs spaced to provide a continuous dense screen.


Sec. 30-303.1. - Boundary, parkway landscape.

(a) The minimum landscape boundary from the public right-of-way shall be pursuant to Tables 30-208.A. and 30-208.B. This does not include parkway landscape or sidewalk(s).

(b) Landscape buffers along streets within commercial and industrial areas shall incorporate undulating and variable height earth mounding if such mounding is in compliance with the approved Water Quality Management Plan (WQMP), and/or low walls, and/or five-gallon shrubs (minimum of four feet on-center) incorporated into the design to provide visual relief, to the satisfaction of the Director of Community Development/City Engineer.

(c) All block wall and wrought iron fencing shall be located behind landscape setback area(s).

(d) All parkways must be fully landscaped (planting and irrigation).

(e) Location of sidewalk(s) shall be determined by the Community Development Department, Engineering Division.

(f) All turf areas shall be separated from shrub areas by a four by six-inch concrete mow strip or two by four-inch redwood header board.

(g) Intersection sight distance must be maintained for all intersections (City Standard Drawing 700) taking into account plant height, elevation changes, monument walls, garden and retaining walls. Total height shall not exceed 30 inches.

(h) Sufficient right-of-way shall be dedicated to provide for all primary and secondary landscaped entry statements (including trees) with consideration to intersection sight distance in accordance with City standards plans.

(i) Trees shall not be planted within the vehicle line of sight. Landscape plans submitted to the City shall show that safe sight distance standards are met. The plans shall show topographical information, shrub and tree species size and location, and also show the location of the irrigation controller and meter/backflow device.

(Ord. No. 1625, § 4(Exh. B), 10-13-10)

Sec. 30-303.2. - R-4 and R-5 districts.

All new multiple-family construction in the R-4 and R-5 districts shall provide additional landscaping as follows:

(1) Parking areas. All parking areas shall be designed and landscaped so as to break up a large single paved area to the satisfaction of the Director of Community Development or his/her designee.

(2) Screening of exterior equipment. All mechanical equipment, ground mounted equipment, utilities, and storage, shall be screened from adjoining properties and public rights-of-way by a visual barrier such as a wall, a fence, or landscape material to the satisfaction of the Director of Community Development or his/her designee. Where only landscaping is used for screening, it shall be planted with five-gallon (minimum size) shrubs spaced to provide a continuous dense screen.

(3) Open space areas. Trees—One tree minimum for each 400 square feet of required common open space area. Each tree shall have a minimum size of 24 inch box. Of the required trees, 40 percent
shall be 24-inch box or larger (Ref. to Tree Table 30-307). The City may require larger box trees at the discretion of the Director of Community Development or his/her designee.

(4) **Setback areas.**

a. **Front yard.**
   i. Setback areas designed with entrance stoops, or porches, shall contain a private landscape area with a one 24-inch box or larger open space area.
   ii. Street parkway landscaping shall be planted with one tree for each 20 linear feet of street frontage and constructed with decorative paving between each tree. Each tree shall have a minimum size of 24-inch box or larger.

b. **Corner side.** Street parkway landscaping shall be provided by the developer on corner lots.
   i. Parkways shall be constructed with decorative paving and shall include at least one tree for each 20 linear feet of street frontage. Each tree shall have a minimum size of 24-inch box or larger.
   ii. Parking lots visible from the public right-of-way. The setback area shall be planted with five-gallon (minimum size) shrubs spaced to provide a continuous dense screen.

c. **Side (interior) and rear yard.** Setback areas shall be landscaped with one 24-inch box tree for each 30 linear foot of setback area and three shrubs for each tree. Shrub sizes shall vary 50 percent five-gallon and 50 percent one-gallon.

(5) **Perimeter walls.**

a. A solid masonry wall of a minimum of six feet in height measured from finished grade shall be required at all interior, rear and side property lines.

b. Walls visible from the public right-of-way shall be constructed with decorative materials such as slump stone, split face or other decorative block as determined by the Director of Community Development.

(Ord. No. 1708, Exh. A, § 4, 10-28-14)

Sec. 30-303.3. - Mixed use R-4 and R-5 districts.

All new mixed use development projects in the R-4 and R-5 districts shall provide additional landscaping as follows:

(1) **Parking areas.**

a. All parking areas in mixed use projects shall be designed and landscaped so as to incorporate unobstructed pedestrian walkways/pathways connecting the residential uses to the commercial facilities, common open space, plazas and courtyards and public sidewalks.

b. Vehicular traffic shall be adequately separated from pedestrian circulation. Vehicular entrances shall be clearly identified and easily accessible to minimize pedestrian/vehicle conflict.

c. Decorative paving shall be used to delineate crossing at circulation drives, parking aisles, pedestrian walkways and public gathering places.

d. One tree shall be provided for each four parking spaces. These trees may be clustered, but a minimum of one cluster for each 120 feet of a row or double row of parking spaces shall be provided. Trees shall be provided in or bordering the parking areas.

e. All other parking lot landscape areas shall be designed in compliance with Section 30-304-1.1 of this Code.
(2) *Screening of exterior equipment.* All mechanical equipment, ground mounted equipment, utilities, and storage, shall be screened from adjoining properties, public rights-of-way, and interior common areas by a visual barrier such as a wall, a fence, or landscape material to the satisfaction of the Director of Community Development or his/her designee. Where only landscaping is used for screening, it shall be planted with five-gallon (minimum size) shrubs spaced to provide a continuous dense screen.

(3) *Open space areas.* Trees—One tree minimum for each 400 square feet of required common open space area. Each tree shall have a minimum size of 24-inch box. Of the required trees, 40 percent shall be 24-inch box or larger (Ref. to Tree Table 30-307). City may require larger box trees at the discretion of the Director of Community Development.

(4) *Setback areas.*
   a. *Front yard.*
      i. Street parkway landscaping shall be planted with one tree for each 20 linear feet of street frontage and constructed with decorative paving between each tree. Each tree shall have a minimum size of 24 inch box or larger.
   b. *Corner side.* Street parkway landscaping shall be provided by the developer on corner lots.
      i. Parkways shall be constructed with decorative paving and shall include at least one tree for each 20 linear feet of street frontage. Each tree shall have a minimum size of 24-inch box or larger.
      ii. Parking lots visible from the public right-of-way. The setback area shall be planted with five-gallon (minimum size) shrubs spaced to provide a continuous dense screen.
   c. *Side and rear yard.* Setback areas shall be landscaped with one 24-inch box tree for each 20 linear foot of setback area and three shrubs for each tree. Shrub sizes shall vary 50 percent five-gallon and 50 percent one-gallon.

(5) *Perimeter walls.*
   a. A solid masonry wall of a minimum of six feet in height measured from finished grade shall be required at all interior, rear and side property lines.
   b. Walls visible from the public right-of-way shall be constructed with decorative materials such as slump stone, split face or other decorative block as determined by the Director of Community Development.

(Ord. No. 1708, Exh. A, § 4, 10-28-14)

Sec. 30-304. - Commercial districts landscaping requirements.

The following requirements shall apply in all commercial districts:

(1) *Landscaped area.* All required yards and setback areas, and all other portions of a lot not paved or occupied by a structure, shall be landscaped with plant material. Decorative landscape features such as brick, stone, art, fountains, and ponds may be used within the landscaped area, provided such materials present an attractive setting consistent with the intent of these landscaping requirements. These decorative landscape features shall not exceed 15 percent of the entire landscape areas.
   a. Required trees. Tree size shall vary with 90 percent 24-inch box and ten percent 30-inch box or greater.
   b. Required shrubs. Shrub sizes shall vary 50 percent five-gallon and 50 percent one-gallon.
c. Groundcover. Lawn shall be of sod or hydro seeding and shall cover the proposed area. Other groundcover shall be planted in such a way to result in coverage of the area within one year of initial planting (12-inch maximum on center spacing).

d. A minimum of 15 percent of the total site area not including building area shall be landscaped to the satisfaction of the Director of Community Development/City Engineer or his/her designee. Generally, landscaped areas shall be required to be planted so that shrubs and other plants present a dense appearance.

e. The interior landscaping of parking lot areas shall be a minimum of 30 percent of the total 15 percent landscaping required for a project.

f. All motels and hotels shall maintain an additional ten percent landscaped open space area in excess of the required 15 percent landscaping requirement, to the satisfaction of the Director of Community Development/City Engineer or his/her designee.

(2) Street trees. All new developments shall provide at least one tree of not less than 24-inch box size for each 30 linear feet of street frontage. In parkways of inadequate width, street furniture, or driveways, the required street tree(s) shall be planted in the abutting yard area.

(3) Landscape setback. A landscape setback shall be required between the front property line and the building as described in Tables 30-208.A. and 30-208.B. This area shall be landscaped with one tree for each 20 linear feet minimum of street frontage and three shrubs for each tree. Clustering may be permitted on a case-by-case basis. (Ref. Tree Table 30-307)

a. Landscape setbacks along public rights-of-way shall incorporate undulating and variable height earth mounding if such mounding is in compliance with the approved Water Quality Management Plan (WQMP), and/or low garden walls, and/or five-gallon shrubs (minimum of four feet on-center) incorporated into the design to provide visual relief, to the satisfaction of the Director of Community Development/City Engineer.

(4) Yard abutting residential district. A landscaped strip shall be provided as a buffer along all yard areas abutting a residential district pursuant to Tables 30-208.A. and 30-208.B. This area shall contain a minimum of one tree for each 20 linear feet minimum of lot line and three shrubs for each tree. (Ref. Tree Table 30-307)

(5) Parking lots. One tree shall be provided for each four parking spaces. These trees may be clustered, but a minimum of one cluster for each 120 feet of a row or double row of parking spaces shall be provided. Trees shall be provided in or bordering the parking areas and shall be of a species that provides visibility to signage and storefronts.

(6) Parking structures. An attractive landscaping strip ten feet wide shall be provided on all sides of the structure where applicable. One tree shall be provided for each 20 to 40 feet of perimeter of the structure based on species selected. These trees shall be distributed evenly throughout the subject landscape area and are subject to review by the Director of Community Development/City Engineer or his/her designee.

(7) Miscellaneous landscape areas. Not less than one tree shall be provided for each 800 square feet minimum of other required landscaped area on the lot. A minimum of eight shrubs shall be provided for each tree. (Ref. Tree Table 30-307)

(Ord. No. 1625, § 4(Exh. B), 10-13-10)

Sec. 30-304.1. - Parking areas.

(a) Screening. Parking areas shall be screened from streets through combinations of mounding if such mounding is in compliance with the approved Water Quality Management Plan (WQMP), landscaping, low profile walls and grade separations.
(b) **Perimeter planter.** A landscaped planter at least five feet wide, excluding overhang, curb and walkways, shall be provided wherever a parking facility adjoins a side or rear property line.

(c) **Landscape protection.** All landscaping shall be protected by concrete curbs of at least six inches in height. Finger and end of aisle planters on the parking space side shall have a decorative 24-inch wide concrete surface measured from the face of curb. Finger aisle planters shall be a minimum of nine feet wide, and end of aisle planters shall be a minimum of seven feet wide. Finger and end of aisle planters shall be a minimum of seven feet wide as measured from the inside of the curb.

(d) **End of aisles.** All parking areas shall provide a landscaped planter of a minimum width of five feet at the ends of all parking aisles. All planting areas shall have round corners instead of 90 degree corners and be shaped to permit vehicle turn movements.

(e) **Trees required.** One tree shall be provided for each four parking stalls. The trees may be clustered, but a minimum of one cluster shall be provided for each 120 feet of parking row. Trees may be of a species that provides visibility to signage and storefronts.

(f) **Parking area setbacks.** Consistent with general plan goals to provide attractive streetscapes, parking areas shall be setback from the public right-of-way as specified in Table 30-208.B. The setback area shall be landscaped as required by the landscaping provisions of this article.

(g) **[Alternate design.]** An alternate parking lot planter design may be approved if it exceeds the minimum criteria as specified herein, or otherwise meets the satisfaction of the City Director of Community Development/City Engineer or his/her designee.

(Ord. No. 1625, § 4(Exh. B), 10-13-10)

Sec. 30-304.2. - Boundary, parkway landscape.

(a) The minimum landscape boundary from the public right-of-way shall be pursuant to Tables 30-208.A. and 30-208.B. This does not include parkway landscape or sidewalk(s).

(b) Landscape buffers along streets within commercial and industrial areas shall incorporate undulating and variable height earth mounding if such mounding is in compliance with the approved Water Quality Management Plan (WQMP), and/or low walls, and/or five-gallon shrubs (minimum of four feet on-center) incorporated into the design to provide visual relief, to the satisfaction of the Director of Community Development/City Engineer.

(c) All block wall and wrought iron fencing shall be located behind landscape setback area(s).

(d) All parkways must be fully landscaped (planting and irrigation).

(e) Location of sidewalk(s) shall be determined by the Community Development Department, Engineering Division.

(f) All turf areas shall be separated from shrub areas by a four by six-inch concrete mow strip or two by four-inch redwood header board.

(g) Intersection sight distance must be maintained for all intersections (City Standard Drawing 700) taking into account plant height, elevation changes, monument walls, garden and retaining walls. Total height shall not exceed 30 inches.

(h) Sufficient right-of-way shall be dedicated to provide for all primary and secondary landscaped entry statements (including trees) with consideration to intersection sight distance in accordance with City standards plans.

(i) Trees shall not be planted within the vehicle line of sight. Landscape plans submitted to the City shall show that safe sight distance standards are met. The plans shall show topographical information, shrub and tree species size and location, and also show the location of the irrigation controller and meter/backflow device.
Sec. 30-305. - Industrial districts landscape requirements.

(a) *Open space buffer.* Landscaped parkways, parking lots, and similar open space areas will be used to separate industrial uses from potentially incompatible uses. The width and treatment of the buffer will vary depending upon the types of potential conflicts to be resolved. To soften visual impacts, the buffer should include landscaping.

(b) *Landscaped area requirement.* The total of all landscaped areas shall be no less than 15 percent of the total area of the property not covered by buildings, structures, or areas used for outside storage or loading. All required yards and setback areas, and all other portions of a lot not paved or occupied by a structure, or areas used for outside storage or loading, shall be landscaped with plant material. Decorative landscape features such as brick, stone, art, fountains, and ponds may be used within the landscaped areas, provided such materials present an attractive setting consistent with the intent of these landscaping requirements. These decorative landscape features shall not exceed 15 percent of the entire landscape area.

(c) *Street trees.* All new developments shall provide at least one tree for each 20 to 40 linear feet of street frontage based on species selected. Tree size shall vary with 90 percent 24-inch box and ten percent 30-inch box or greater. The trees may be grouped. Street trees disallowed due to inadequate parkway width, street furniture, or driveways, shall be planted in the abutting yard area.

(d) *Number of plants.* A minimum number of plants shall be provided as follows:

1. *Parking lots.* One tree shall be provided for each four parking spaces. Trees are not required for semi-truck parking. These trees may be clustered, but a minimum of one cluster for each 100 feet of a row or double row of parking spaces shall be provided. Trees shall be provided in or bordering the parking area and shall be of a species that provides visibility to signage and store fronts.

2. *Parking structures.* An attractive landscaping strip ten feet wide shall be provided on all sides of the structure where applicable. One tree shall be provided for each 20 to 40 feet of perimeter of the structure based on species selected. These trees shall be distributed evenly throughout the subject landscape area and are subject to review by the Director of Community Development/City Engineer or his/her designee. Additionally, all sides of a parking structure shall be screened by vines or other decorative screening.

3. *Other yard areas.* Not less than one 15-gallon tree shall be provided for each 800 square feet of other required landscaped area on the lot. A minimum of eight shrubs shall be provided for each tree.

(e) *Plant size and number.* All the required landscaping materials shall be planted to give a dense appearance and not less than the following sizes:

1. Required trees and quantities. A minimum of 24-inch box size shall be planted for all street frontage.

2. Required shrubs. Shrub sizes shall vary 50 percent five-gallon and 50 percent one-gallon.

3. Open spaces shall be integrated into the vehicular and pedestrian circulation systems as a primary focus and destination.

Sec. 30-305.1. - Parking areas.

(a) *Screening.* Parking areas shall be screened from streets through combinations of mounding if such mounding is in compliance with the approved Water Quality Management Plan (WQMP), landscaping, low profile walls and grade separations.
(b) **Perimeter planter.** A landscaped planter at least five feet wide, excluding overhang, curb and walkways, shall be provided wherever a parking facility adjoins a side or rear property line.

(c) **Landscape protection.** All landscaping shall be protected by concrete curbs of at least six inches in height. Finger and end of aisle planters on the parking space side shall have a decorative 24-inch wide concrete surface measured from the face of curb. Finger aisle planters shall be a minimum of nine feet wide, and end of aisle planters shall be a minimum of seven feet wide.

(d) **End of aisles.** All parking areas shall provide a landscaped planter of a minimum width of seven feet wide at the ends of all parking aisles. All planting areas shall have round corners instead of 90 degree corners and be shaped to permit vehicle turn movements.

(e) **Trees required.** One tree shall be provided for each four parking stalls. The trees may be clustered, but a minimum of one cluster shall be provided for each 120 feet of parking row. Trees shall be of a species that provides visibility to signage and storefronts.

(f) **Parking area setbacks.** Consistent with general plan goals to provide attractive streetscapes, parking areas shall be setback from the public right(s)-of-way as specified in Table 30-208.B. The setback area shall be landscaped as required by the landscaping provisions of this article.

(g) [Alternate design.] An alternate parking lot planter design may be approved if it exceeds the minimum criteria as specified herein, or otherwise meets the satisfaction of the Director of Community Development/City Engineer or his/her designee.

(Ord. No. 1625, § 4(Exh. B), 10-13-10)

Sec. 30-305.2. - Boundary, parkway landscape.

(a) The minimum landscape boundary from the public right-of-way shall be pursuant to Tables 30-208.A and 30-208.B. This does not include parkway landscape or sidewalk(s).

(b) Landscape buffers along streets within commercial and industrial areas shall incorporate undulating and variable height earth mounding if such mounding is in compliance with the approved Water Quality Management Plan (WQMP), and/or low walls, and/or five-gallon shrubs (minimum of four feet on-center) into the design to provide visual relief, to the satisfaction of the Director of Community Development/City Engineer.

(c) All block wall and wrought iron fencing shall be located behind landscape setback area(s).

(d) All parkways must be fully landscaped (planting and irrigation).

(e) Location of sidewalk(s) shall be determined by the Community Development Department, Engineering Division.

(f) All turf areas shall be separated from shrub areas by a four by six-inch concrete mow strip or two by four-inch redwood header board.

(g) Intersection sight distance must be maintained for all intersections (City Standard Drawing 700) taking into account plant height, elevation changes, monument walls, garden and retaining walls. Total height shall not exceed 30 inches.

(h) Sufficient right-of-way shall be dedicated to provide for all primary and secondary landscaped entry statements (including trees) with consideration to intersection sight distance in accordance with City standards plans.

(i) Trees shall not be planted within the vehicle line of sight. Landscape plans submitted to the City shall show that safe sight distance standards are met. The plans shall show topographical information, shrub and tree species size and location, and also show the location of the irrigation controller and meter/backflow device.

(Ord. No. 1625, § 4(Exh. B), 10-13-10)
Sec. 30-306. - Off-street parking and loading regulations.

(a) Percent coverage. Ten percent of the total interior of the off-street parking area shall be landscaped as specified in the general landscape specification requirements for parking areas. For landscaping purposes, parking area calculations shall include all aisles, access drives, stalls, and maneuvering areas, but shall not include any street setback areas otherwise required by this article.

(b) Screening. Parking areas shall be screened from public rights-of-way through combinations of mounding if such mounding is in compliance with the approved Water Quality Management Plan (WQMP), landscaping, low profile walls and grade separations, to the satisfaction of the Director of Community Development/City Engineer.

(c) Perimeter planter. A landscaped planter at least five feet wide, excluding overhang, curb and walkways, shall be provided wherever a parking facility adjoins a side or rear property line.

(d) Landscape protection. All landscaping shall be protected by concrete curbs of at least six inches in height. Finger and end of aisle planters on the parking space side shall have a decorative 24-inch wide concrete surface measured from the face of curb.

(e) End of aisles. All parking areas shall provide a landscaped planter of a minimum of seven feet wide at the ends of all parking aisles. All planting areas shall have round corners instead of 90 degree corners and be shaped to permit vehicle turn movements.

(f) Trees required. One tree shall be provided for each four parking stalls. The trees may be clustered, but a minimum of one cluster shall be provided for each 120 feet of parking row. Trees shall be of a species that provides visibility to signage and storefronts.

(g) Parking area setbacks. Consistent with general plan goals to provide attractive streetscapes, parking areas shall be setback from the public right-of-way as specified in Table 30-208.B. The setback area shall be landscaped as required by the landscaping provisions of this article.

Table 30-307. - Square footage and spacing table for trees.

<table>
<thead>
<tr>
<th>Tree Category</th>
<th>Spread (feet)</th>
<th>Square Feet Required</th>
<th>Spacing (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Small</td>
<td>10—15</td>
<td>225</td>
<td>20</td>
</tr>
<tr>
<td>Small—Medium</td>
<td>16—20</td>
<td>400</td>
<td>25</td>
</tr>
<tr>
<td>Medium</td>
<td>21—30</td>
<td>750</td>
<td>30</td>
</tr>
<tr>
<td>Medium—Large</td>
<td>31—40</td>
<td>1,300</td>
<td>40</td>
</tr>
<tr>
<td>Large</td>
<td>41 plus</td>
<td>1,600</td>
<td>40 plus</td>
</tr>
</tbody>
</table>

Note: Sunset Western Garden Book is used to determine tree category.

(Ord. No. 1625, § 4(Exh. B), 10-13-10)
ARTICLE XI. - OFF-STREET PARKING AND LOADING REGULATIONS

DIVISION 1. - GENERALLY

Sec. 30-307. - Purpose.

This article establishes regulations for off-street parking and loading areas. The regulations are designated to achieve the following purposes:

(1) To ensure that adequate off-street parking and loading is provided for all new uses and for major alterations to existing uses;

(2) To prevent parking and loading from interfering with circulation on public streets;

(3) To improve internal circulation within off-street parking areas ensuring safety; and

(4) To ensure parking and loading areas designed to protect surrounding uses from adverse noise and visual conditions which may be associated with such facilities.

Certain words whose use is specific to this article are defined in Division 6 (Glossary).

Sec. 30-308. - Applicability.

The provisions of this article shall apply to all proposed and established land uses, buildings, and structures. These provisions shall be the minimum standards for all off-street parking and loading. If a conflict occurs between code sections and applicable actions as part of any local Transportation Control Measures (TCMs), the actions in adopted City Council resolutions or ordinances implementing local transportation control measures as part of the Regional Air Quality Management Plan shall prevail.

Sec. 30-309. - Nonconforming parking and loading.

No existing use or structure shall be deemed to be nonconforming only because the use does not meet the parking or loading requirements of this article. However, existing parking and loading areas shall not be further reduced as of January 17, 1995, the original date of adoption of this chapter.

Sec. 30-310. - Maintenance.

All required parking and loading spaces which are maintained in connection with any existing building or use shall continue to be maintained so long as that building or use remains.

Sec. 30-311. - Enlargement or change in use.

Whenever an enlargement, change in use, or change in occupancy of a structure is proposed, additional parking and loading spaces shall be provided in compliance with the requirements of this article. If, however, the number of spaces existing prior to the enlargement, change in use, or change in occupancy exceeds parking and/or loading requirements, then the excess spaces may be counted toward the required additional spaces.

Sec. 30-312. - General conditions.

(a) Parking located in rear of commercial building(s) shall be credited towards minimum parking requirements.

(b) Cross lot reciprocal parking easements for similar land uses shall be considered wherever possible.

(c) Joint use of driveways adjacent to commercial properties shall be considered wherever possible to minimize the number of entrances/exits from the street.
(d) Under no circumstances shall parking areas or driveways be used for storage purposes.

(e) Parking facilities shall contain shopping cart storage areas for appropriate uses, such as supermarkets and drug stores. These facilities shall be appropriately located not to conflict with vehicular movement during parking and also with pedestrian movement.

(f) Commercial vehicles (as defined by California Vehicle Code Section 260) exceeding a manufacturer’s gross vehicle weight (commonly referred to as GVW) rating of 10,000 pounds and trailers (as defined by California Vehicle Code Section 630) designed and/or used for commercial purposes shall not be parked or stored in residential zones or on properties used for residential purposes, except while the operator of the subject vehicle is making normal deliveries or providing services to the residential premises.

(g) No commercial vehicle, trailer, or recreational vehicle shall be parked on any property zoned commercial, industrial or open space, or on any premises containing any commercial, industrial, public or semi-public use, except while the operator of the vehicle or trailer is patronizing or using the services of the commercial, industrial, public or semi-public use. The storing of any commercial vehicle, trailer, or recreational vehicle in any commercial or industrial, public or semi-public zone including but expressly not limited to any vacant lot, parking lot or parking space, is expressly prohibited, except in a lawfully approved and existing vehicle storage business.

(h) No person shall park a vehicle upon a public or private street, parking lot, or any public or private property for the sole purpose of displaying such vehicle thereon for sale, hire or rental, unless the property is duly zoned and licensed by the city to transact that type of business at that location, except that this section shall not prohibit persons from parking vehicles displayed for sale on private residential or commercial property belonging to and resided in or occupied by the registered owner of the vehicle. No more than one vehicle shall be displayed for sale in any six month period.

(i) All motor vehicles, trailers, vessels, campers, and camper shells must be parked or stored on a fully paved surface with an approved entrance and exit to the street, except that this section shall not prohibit parking or storing of vehicles, trailers, vessels, campers and camper shells in the rear yard behind a fence, wall, hedge or other similar material so as to screen such parking from public view.

(j) Parking of oversized vehicles is restricted in residential zoning districts as set forth in Division 3 of Article IV of Chapter 17 of the Fontana Municipal Code.

(k) Any person violating this section shall be subject to a civil penalty as follows:
   (1) A fine not exceeding $100.00 for a first violation.
   (2) A fine not exceeding $200.00 for a second violation within one year.
   (3) A fine not exceeding $500.00 for each additional violation within one year.

(Ord. No. 1613, §§ 4, 5, 1-27-10)

DIVISION 2. - NUMBER OF PARKING SPACES REQUIRED

Sec. 30-313. - Multiple uses.

(a) Table 30-314.A. indicates the number of off-street parking spaces required for specified uses. Parking spaces required for multiple uses on a lot shall be calculated separately for each use, and the parking required shall be the sum of all uses, except as provided by subsection (b) or by Section 30-318.

(b) The Planning Commission may reduce the number of parking spaces required for multiple uses on a lot subject to the following findings:
   (1) Adequate off-street parking will be provided for the proposed use.
(2) Environmental impacts associated with the project will not be increased by the modification of standards.

(3) A parking study has been prepared by a Traffic Engineer and found acceptable.

Sec. 30-314. - Fractional numbers.

In calculating the number of required parking spaces, fractional numbers shall be rounded up to the closest whole number.

Sec. 30-315. - Uses not specified.

For uses not specified in Table 30-314.A., the Planning Commission shall determine the number of spaces required based on the most similar use outlined in Table 30-314.A. The determination may be appealed to the City Council by any aggrieved party.

### Table 30-314.A.
**Required Number of Parking Spaces**

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Number of Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential uses</td>
<td></td>
</tr>
<tr>
<td>Single-family dwelling</td>
<td>2-car garage plus 1 garage space for every 2 bedrooms over 3 bedrooms. Tandem spaces are permitted only to satisfy the third and fourth space requirement.</td>
</tr>
<tr>
<td>Multiple-family apartments dwelling, condominium or townhouse</td>
<td></td>
</tr>
<tr>
<td>—Studio</td>
<td>1.5 spaces per unit of which one space shall be within an enclosed garage.</td>
</tr>
<tr>
<td>—One bedroom</td>
<td>1.5 spaces per unit of which one space shall be within an enclosed garage.</td>
</tr>
<tr>
<td>—Two bedroom</td>
<td>2.0 spaces per unit of which one space shall be within an enclosed garage and one shall be in a covered space.*</td>
</tr>
<tr>
<td>—Three or more bedrooms</td>
<td>2.5 spaces per unit of which one space shall be within an enclosed garage and one shall be in a covered space.*</td>
</tr>
</tbody>
</table>

* For multiple-family projects, up to 30 percent of the required garage requirement may be satisfied with tandem parking. Tandem parking shall be permitted only when the tandem spaces serve the same...
dwelling unit. Tandem parking spaces shall be no less than 38 feet in length. Tandem spaces may not be used for visitor parking.

<table>
<thead>
<tr>
<th>Senior housing</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>— Studio/efficiency</td>
<td>1.0 space per unit.</td>
</tr>
<tr>
<td>— One bedroom</td>
<td>1.0 space per unit.</td>
</tr>
<tr>
<td>— Two or more bedrooms</td>
<td>1.25 spaces per unit.</td>
</tr>
</tbody>
</table>

| Mobile home park                       | 2 covered spaces per mobile home site, plus guest parking, plus one RV parking stall for every 5 sites |

| Boardinghouse, group care              | 1 space per sleeping room or per 2 beds, whichever is greater, in homes, fraternities, sororities and the like, plus 1 space per 2 employees |

<table>
<thead>
<tr>
<th>Guest parking</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>— Multiple-family dwelling</td>
<td>1 space per 3 units, with a minimum of 3 spaces</td>
</tr>
<tr>
<td>— Condominiums and townhomes</td>
<td>1 space per 3 units, with a minimum of 3 spaces</td>
</tr>
<tr>
<td>— Senior housing</td>
<td>1 space per 8 units (.125 per unit)</td>
</tr>
<tr>
<td>— Mobile home parks</td>
<td>1 space per 3 sites with a minimum of 3 spaces</td>
</tr>
<tr>
<td>— Model home complex</td>
<td>2 spaces per model</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Retail sales</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail sales, stand-alone or multiple uses</td>
<td>1 space per 175 square feet of gross floor area for the initial 5,000 square feet plus 1 space per 200 square feet of gross floor area for the next 5,000 square feet plus 1 space per 225 square feet of additional gross floor area greater than 10,000 square feet</td>
</tr>
<tr>
<td>Plant nurseries (outdoor)</td>
<td>1 space per 500 square feet of outdoor sales or display area, plus 1 space per 2,500 square feet of growing grounds.</td>
</tr>
<tr>
<td>Use</td>
<td>Requirement</td>
</tr>
<tr>
<td>----------------------------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Swap meets</td>
<td>4 spaces per bay plus 50 percent of all load as determined by the UBC</td>
</tr>
<tr>
<td>Discount marts</td>
<td>4 spaces per bay plus 50 percent of all load as determined by the UBC</td>
</tr>
<tr>
<td><strong>Wholesale sales</strong></td>
<td></td>
</tr>
<tr>
<td>Furniture, appliance</td>
<td>1 space per 400 square feet of gross floor area</td>
</tr>
<tr>
<td>wholesale establishments</td>
<td></td>
</tr>
<tr>
<td><strong>Automobile/motor vehicle uses</strong></td>
<td></td>
</tr>
<tr>
<td>Automobile or boat sales</td>
<td>1 space per 300 square feet of display or sales and service area, plus 1 space per 2,500 square feet of out-door sales or display area, plus 1 space per employee</td>
</tr>
<tr>
<td>(new and used), auto or boat auction</td>
<td></td>
</tr>
<tr>
<td>Automobile service station</td>
<td>1 space per 300 square feet of service bay, plus 1 space per employee</td>
</tr>
<tr>
<td>or repair facility</td>
<td></td>
</tr>
<tr>
<td>Bus depot</td>
<td>1 space plus 1 space for each 500 square feet of passenger waiting area</td>
</tr>
<tr>
<td>Bus terminal</td>
<td>3 spaces plus 1 space for each 500 square feet of passenger waiting area</td>
</tr>
<tr>
<td>Car wash, attended, non-coin operated</td>
<td>1 space per employee and 12 spaces for drying and cleaning in a clearly marked area, and 5 spaces for detailing if detailing is provided</td>
</tr>
<tr>
<td>Car wash, non-attended, self-service.</td>
<td></td>
</tr>
<tr>
<td>Truck sales/services</td>
<td>1 space per 250 square feet of sales area, plus 1 space per 3,000 square feet of out-door sales or display area, plus 1 space per employee</td>
</tr>
<tr>
<td>(new and used and auction)</td>
<td></td>
</tr>
<tr>
<td><strong>Service uses</strong></td>
<td></td>
</tr>
<tr>
<td>Beauty or barber shop, shoe repair, cleaners, laundromat, and similar services</td>
<td>1 space per 225 square feet, gross floor area</td>
</tr>
<tr>
<td>Activity</td>
<td>Space Requirement</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>-------------------------------------------------------------</td>
</tr>
<tr>
<td>Blueprinting services</td>
<td>1 space per 400 square feet of gross floor area</td>
</tr>
<tr>
<td>Heating and air conditioning</td>
<td>1 space per 400 square feet of gross floor area</td>
</tr>
<tr>
<td>services</td>
<td></td>
</tr>
<tr>
<td>Hotel or motel</td>
<td>1 space per guest room, plus spaces for restaurants, lounge,</td>
</tr>
<tr>
<td></td>
<td>banquet and meeting rooms, plus 1 space per employee on</td>
</tr>
<tr>
<td></td>
<td>maximum shift</td>
</tr>
<tr>
<td>Self-service storage facilities</td>
<td>5 spaces for office, plus 2 spaces for each caretaker unit,</td>
</tr>
<tr>
<td></td>
<td>plus 1 space for each 25 storage units that are not</td>
</tr>
<tr>
<td></td>
<td>provided with direct vehicular access</td>
</tr>
<tr>
<td><strong>Office</strong></td>
<td></td>
</tr>
<tr>
<td>Banks, savings and loans and</td>
<td>1 space per 200 square feet of gross floor area (does not</td>
</tr>
<tr>
<td>similar institutions</td>
<td>include drive-through)</td>
</tr>
<tr>
<td>Medical or dental office</td>
<td>1 space per 200 square feet of gross floor area</td>
</tr>
<tr>
<td>Professional or unspecified</td>
<td>1 space per 250 square feet of gross floor area</td>
</tr>
<tr>
<td>office</td>
<td></td>
</tr>
<tr>
<td>Government offices</td>
<td>1 space per 200 square feet of gross floor area</td>
</tr>
<tr>
<td><strong>Restaurants and bars</strong></td>
<td></td>
</tr>
<tr>
<td>Fast food restaurant with drive</td>
<td>1 space per 75 square feet of gross floor. Play areas</td>
</tr>
<tr>
<td>through, walk-in area</td>
<td>without seating shall not be counted in the gross floor</td>
</tr>
<tr>
<td></td>
<td>area. Outdoor seating shall be parked at 1 space per</td>
</tr>
<tr>
<td></td>
<td>150 square feet of patio area provide that the patio area</td>
</tr>
<tr>
<td></td>
<td>is less than 50% of the indoor dining area. If the outdoor</td>
</tr>
<tr>
<td></td>
<td>seating exceeds 50% of the indoor seating area it shall be</td>
</tr>
<tr>
<td></td>
<td>parked at 1 space per 75 feet of patio area.</td>
</tr>
<tr>
<td>Other restaurant</td>
<td>1 space per 100 square feet of gross floor area. Outdoor</td>
</tr>
<tr>
<td></td>
<td>seating shall be parked at 1 space per 100 square feet of</td>
</tr>
<tr>
<td></td>
<td>patio area. Outdoor seating shall be parked at 1 space per</td>
</tr>
<tr>
<td></td>
<td>200 square feet of patio area provide that the patio area</td>
</tr>
<tr>
<td></td>
<td>is less than 50% of the indoor dining area. If the outdoor</td>
</tr>
<tr>
<td></td>
<td>seating exceeds 50% of the indoor seating area it shall be</td>
</tr>
<tr>
<td></td>
<td>parked at 1 space per 100 feet of patio area.</td>
</tr>
<tr>
<td>Activity</td>
<td>Parking Requirements</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>--------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Bar, night club, lounge</td>
<td>1 space per 75 square feet of gross floor area</td>
</tr>
<tr>
<td><strong>Entertainment and recreation</strong></td>
<td></td>
</tr>
<tr>
<td>Amusement arcade</td>
<td>1 space per 50 square feet of gross floor area, plus bicycle parking</td>
</tr>
<tr>
<td>Amusement park</td>
<td>Special study required to be approved by the Planning Commission</td>
</tr>
<tr>
<td>Athletic club or gym</td>
<td>1 space per 250 square feet of gross floor area, plus 1 space per 50 square feet of exercise floor area, plus 3 spaces per outdoor ball court</td>
</tr>
<tr>
<td>Bowling alley</td>
<td>4 spaces per lane, plus additional spaces as required for restaurant and other accessory uses</td>
</tr>
<tr>
<td>Dancing, discotheque, skating rink</td>
<td>1 space per 75 square feet gross floor area</td>
</tr>
<tr>
<td>Golf course</td>
<td>4 spaces per hole, excluding clubhouse, restaurant, etc.</td>
</tr>
<tr>
<td>Golf driving range, batting cage and the like</td>
<td>1 space per tee, cage or similar, plus 1 space per employee at maximum shift</td>
</tr>
<tr>
<td>Park</td>
<td>1 space per 4,000 square feet of total park area</td>
</tr>
<tr>
<td>Pool or billiard hall</td>
<td>1 space per 175 square feet gross floor area</td>
</tr>
<tr>
<td>Swimming pools</td>
<td>1 space per 75 square feet of pool area</td>
</tr>
<tr>
<td>Theater</td>
<td>1 space per 3 seats, plus 1 space per 250 square feet gross floor area of accessory uses</td>
</tr>
<tr>
<td><strong>Industrial and manufacturing</strong></td>
<td></td>
</tr>
<tr>
<td>Auto/truck dismantling, scrap, junk, salvage and recycling operations</td>
<td>1 space per 300 square feet gross floor area, plus 1 space per 6,000 square feet of gross yard area</td>
</tr>
<tr>
<td>Machine shops</td>
<td>1 space per 500 square feet gross floor area</td>
</tr>
<tr>
<td>Category</td>
<td>Requirement</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Manufacturing plants, assembly plants, and other similar industrial operations</td>
<td>1 space per 500 square feet of gross floor area for the initial 40,000 square feet plus 1 space per 750 square feet of additional gross floor area greater than 40,000 square feet (or 1 space for each employee on the maximum shift as determined by the Community Development Director) plus 1 space per 250 square feet of gross floor area of office space. Where multiple tenants and or uses occupy the same building, the parking shall be calculated based upon the floor area used by each tenant or use.</td>
</tr>
<tr>
<td>Service yards, contractor storage yard and the like</td>
<td>1 space per 2,000 square feet of lot area</td>
</tr>
<tr>
<td>Warehouses</td>
<td>1 space per 1,000 square feet of gross floor area for the initial 40,000 square feet plus 1 space per 4,000 square feet of additional gross floor area greater than 40,000 square feet plus 1 space per 250 square feet of gross floor area of office space. Where multiple tenants and or uses occupy the same building, the parking shall be calculated based upon the floor area used by each tenant or use.</td>
</tr>
<tr>
<td>Educational institutions</td>
<td></td>
</tr>
<tr>
<td>Elementary and junior high school</td>
<td>1 space per teaching and non-teaching employee on maximum shift, plus at least 5 visitor spaces, plus 1 space per 5 fixed seats in an auditorium, gymnasium or similar place of public assembly</td>
</tr>
<tr>
<td>High school</td>
<td>1 space per teaching and non-teaching position on maximum shift, plus 1 space per 4 students on maximum enrollment, plus not fewer than 10 visitor spaces</td>
</tr>
<tr>
<td>Universities and colleges</td>
<td>1 space per teaching and non-teaching position on maximum shift, plus 1 space per 3 students on maximum enrollment, plus not fewer than 30 visitor spaces</td>
</tr>
<tr>
<td>Trade, professional, vocational, art, dance school</td>
<td>1 space per teaching and non-teaching position on maximum shift, plus 1 space per 2 students on maximum enrollment</td>
</tr>
<tr>
<td>Nursery schools, preschools, day care centers</td>
<td>1 space per employee on the maximum shift, plus 1 space per 10 children</td>
</tr>
<tr>
<td>Public assembly</td>
<td></td>
</tr>
<tr>
<td><strong>Assembly hall, church, temple or synagogue, other public assembly area with fixed seats</strong></td>
<td>1 space per 3 seats</td>
</tr>
<tr>
<td><strong>Assembly hall, church, temple or synagogue, other public assembly area without fixed seats</strong></td>
<td>1 space per 40 square feet of floor area in the principal assembly area and/or overflow area</td>
</tr>
<tr>
<td><strong>Museums, art galleries, private libraries</strong></td>
<td>1 space per 400 square feet gross floor area</td>
</tr>
</tbody>
</table>

**Health facilities**

| **Hospitals with Medical Offices on site** | 1 space per 2.5 patient beds, plus 1 spaces per 2 employees on the maximum shift for the hospital building(s); plus 1 space per 200 square feet of floor area within the medical office building(s) |
| **Hospitals** | 1 space per 2.5 patient beds, plus 1 space per staff doctor and 1 space per 2 employees on maximum shift |
| **Sanitariums, nursing homes and the like** | 1 space per 5 patient beds, plus 1 space per staff doctor and 1 space per employee on maximum shift |

;hn0; (Ord. No. 1618, Exh. A, 6-9-10)

**Sec. 30-316. - Garage or carport required.**

(a) **Single-family dwellings.**

1. All required parking for single-family dwellings shall be provided in a completely enclosed garage. For the purpose of this section, a condominium or town home shall be considered a single-family dwelling. A three-car garage may be required for dwellings at the end of a cul-de-sac where there is a shortage of curb space unless the following is provided:

   (i) Where at least 20 feet of full height curb is maintained along the curb in-between curb cuts.

2. See Section 30-174 for area and location criteria for accessory structures.

(b) **Carports.** Carports if provided shall be architecturally compatible with the main builds. Carports shall be located in such a way as to provide the maximum amount of natural surveillance from surrounding dwelling units.

**Sec. 30-317. - Increased parking requirements.**
Additional parking spaces may be required by the Planning Commission for any use if the body makes the finding that the additional spaces are needed to:

1. Compensate for the lack or critical shortage of curb space;
2. Facilitate the free flow of traffic onto a street; or
3. Reduce a hazard to public safety.

Sec. 30-318. - Joint use parking.

The Planning Commission shall have the authority to grant the joint use of parking facilities for two or more uses. Joint use of parking facilities may only occur when the parties sharing the parking facility provide a signed affidavit which demonstrates that:

1. The hours of parking demand for the uses do not overlap.
2. The parking facility provides a total number of spaces sufficient to meeting the peak parking demand of any combination of simultaneous uses, as determined by the Planning Manager.

DIVISION 3. - DESIGN STANDARDS FOR PARKING FACILITY

Sec. 30-319. - Location of parking areas.

(a) All off-street parking required by this article for residential uses shall be located on the same lot as the use of the parking facility is designed to serve.

(b) All off-street parking required by this article for non-residential uses shall be located within 400 feet of the use or uses it is intended to serve. Appropriate legal instruments shall be required to ensure the continued availability of this parking.

Sec. 30-320. - Ingress/egress.

(a) All parking lots shall be accessible from a street or alley.

(b) Access for individual parking spaces shall be designed so that vehicles are not required to back out onto a public street or alley except parking for single-family dwellings, town homes, and duplexes.

(c) Parking aisles shall be designed so that vehicles are not required to enter a public street in order to drive from one aisle to another.

(d) All collector streets or above classification shall have hammerheads where driveways may be permitted.

Sec. 30-321. - Parking lot configuration.

(a) *Driveways and aisle widths.* Table 30-321.A. outlines the minimum required driveway or aisle width for parking facilities.

<table>
<thead>
<tr>
<th>Land Use or Type of Access</th>
<th>Minimum Driveway Width (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 30-321.A.
[Required Driveway or Aisle Width for Parking Facilities]
<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Single-family dwelling or duplex*</td>
<td>16</td>
</tr>
<tr>
<td>2.</td>
<td>Detached garage located in rear yard for single family dwelling with hammer-head or other turn around</td>
<td>12</td>
</tr>
<tr>
<td>3.</td>
<td>Detached garage located in rear yard for single family dwelling without hammer-head or other turn around</td>
<td>16</td>
</tr>
<tr>
<td>4.</td>
<td>Second dwelling units with hammer-head or other turn around</td>
<td>12</td>
</tr>
<tr>
<td>5.</td>
<td>Second dwelling units without hammer-head or other turn around</td>
<td>16</td>
</tr>
<tr>
<td>6.</td>
<td>One-way driveway and access aisle</td>
<td>20</td>
</tr>
<tr>
<td>7.</td>
<td>Two-way driveway and access aisle</td>
<td>26</td>
</tr>
<tr>
<td>8.</td>
<td>Two-way driveway and access aisle for builds 3 stories and above</td>
<td>30</td>
</tr>
<tr>
<td>9.</td>
<td>Two-way truck access for commercial sites**</td>
<td>30</td>
</tr>
<tr>
<td>10.</td>
<td>Two-way truck access for industrial sites** (drive aisles width may be reduced to 30 ft beyond the minimum required landscaping setback)</td>
<td>40</td>
</tr>
</tbody>
</table>

* Driveway access to residences which are over 150 feet in length shall provide a minimum 20 foot wide drive aisle to accommodate emergency vehicles.

** Upon review of a project site plan by staff, wider driveways may be recommended to the Planning Commission in their Design Review for shopping centers, office complexes and other high traffic generators.

(b) Minimum turning radii. Table 30-321.B. outlines the minimum turning radii required for various parking lot configurations.

### Table 30-321.B.
**Required Inside and Outside Turning Radii**

<table>
<thead>
<tr>
<th>Type of Parking Space</th>
<th>Minimum Radius for 90-Degree and all Other Inside Radii (feet)</th>
<th>Outside Radii Minus Radius for 90-Degree and All Other (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Standard or handicapped</td>
<td>18</td>
<td>30</td>
</tr>
</tbody>
</table>
Sec. 30-322. - Parking stall dimensions.

Parking stalls shall have the minimum dimensions as set forth in Table 30-322.A.

**Table 30-322.A.**
**Parking Stall Dimensions**

<table>
<thead>
<tr>
<th>Type of Stall</th>
<th>Minimum Size (feet)</th>
<th>Proportion</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Standard</td>
<td></td>
<td></td>
</tr>
<tr>
<td>— Open Parking</td>
<td>9 × 19</td>
<td>No restrictions</td>
</tr>
<tr>
<td>— Garage or carport</td>
<td>10 × 20</td>
<td>No restrictions</td>
</tr>
<tr>
<td>— Parallel parking</td>
<td>8 × 22</td>
<td>No more than 10% of the total required parking</td>
</tr>
<tr>
<td>2. Handicapped</td>
<td>14 × 19</td>
<td>As required by Title 24, California Code of Regulations</td>
</tr>
<tr>
<td>3. Handicapped Van</td>
<td>14 × 19</td>
<td>As required by Title 24, California Code of Regulations</td>
</tr>
<tr>
<td>4. Angled Parking</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**4. Angled Parking**

<table>
<thead>
<tr>
<th>Angle in Degrees</th>
<th>Stall Width</th>
<th>Stall Depth</th>
<th>One Way Aisle Width</th>
<th>Two Way Aisle Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>30</td>
<td>9</td>
<td>17.00</td>
<td>20</td>
<td>26</td>
</tr>
<tr>
<td>45</td>
<td>9</td>
<td>20.00</td>
<td>20</td>
<td>26</td>
</tr>
<tr>
<td>60</td>
<td>9</td>
<td>21.00</td>
<td>20</td>
<td>26</td>
</tr>
<tr>
<td>90</td>
<td>9</td>
<td>19.00</td>
<td>20</td>
<td>26</td>
</tr>
</tbody>
</table>

Note: Compact parking stalls shall not be permitted.
Sec. 30-323. - Curb cuts.

The number, location, and width of curb cuts permitted shall be approved by the Planning Commission.

Sec. 30-324. - Drainage.

All parking areas shall be provided with adequate drainage facilities. The drainage facilities shall be designed to prevent the free flow of surface run-off onto adjacent properties and to prevent the creation of ponding or standing pools of water within the parking area.

Sec. 30-325. - Landscaping.

The landscaping provisions of Section 30-302.1 shall apply to parking areas.

Sec. 30-326. - Lighting.

Low level security lighting shall be provided for all multiple-family residential common parking areas, as well as for all other uses anticipated to have night-time activity, per Police Department security code requirements.

All lights shall be directed and shielded to prevent light or glare from spilling over onto and adversely affecting adjacent properties. Light standards shall have a design compatible with the architectural style of related buildings.

Sec. 30-327. - Markings.

The following parking lot striping and signage shall be provided with all signs and markings being official traffic control devices in accordance with adopted City standards and the California Vehicle Code (CVC).

(1) All parking stalls shall be clearly marked by double striping pavement painting. Parking stall sizes shall be measured from the mid-point between the striping. No parking spaces shall be designated in a commercial/retail parking facility, except for disabled persons parking, van pool, car pool, or any other designated parking as required by law.

(2) Entrances, exits, and aisles shall be clearly marked with arrows painted on the parking lot surface and/or with appropriate signage.

Sec. 30-328. - Paving.

All parking lot and loading areas shall be paved with a minimum of three inches of asphalt concrete over 90 percent compacted native soil or aggregate base as recommended in a design soils report as approved by the building official. An alternative Portland cement concrete design may be submitted for a review and approval.

Sec. 30-329. - Screening.

Open parking lots shall be screened as follows:

(a) **Adjacent to a residential zone.** Wherever a parking lot abuts or is adjacent to the side or rear property line of a residential zone, the parking lot shall be screened by a solid masonry wall not less than six feet in height. If the parking lot abuts or adjoins the front property line of a residential zone, the wall shall be reduced in height to three feet.

(b) **Adjoining a public street.** Wherever a parking lot adjoins a public street, screening shall be provided and shall consist of any combination of the following:

(1) A low profile wall not more than three and one-half feet in height.

(2) The combination wall and/or landscaping shall not exceed 3 1/2 feet in height.
(3) A landscaped earthen berm shall not be less than one-half the height of the above ground wall.

(c) **Wall design.** All screen walls shall be attractively designed with pilasters, caps, and a painted or plastered finish, as determined through the design review process. The colors and style of the wall shall be compatible with related on-site buildings and shall require minimal maintenance.

Sec. 30-330. - Parking structures.

The following standards shall apply to parking structures:

1. **Landscaping.** In addition to the requirements of Article X, an attractive landscaped strip ten feet wide shall be provided along any structure face which adjoins a public or private street and within any required setback area. One tree shall be provided for each 15 feet of structure face. Additional landscaping shall consist of vines, hedges, and ground cover and shall be located between the floors.

2. **Alternatives.** The Planning Commission shall have the authority to review and approve alternatives to the required landscaping requirements listed in Article X. Such alternatives shall include good architectural designs of parking structures in lieu of the required landscaping.

Sec. 30-331. - Recreational vehicle parking.

In apartments, townhouses and condominium developments, clustered parking for recreational vehicles may be provided subject to the following:

1. The recreational vehicle parking area shall not be visible from a public street or alley;
2. The parking spaces shall be used only by residents of the residential development; and
3. Parking spaces shall be a minimum of 12 feet by 36 feet.

Sec. 30-332. - Direct access.

Entrances to adjacent building structures shall be readily accessible from any parking facility developed for that building structure.

DIVISION 4. - LOADING AREA REGULATIONS

Sec. 30-333. - Number of loading spaces required.

Table 30-333.A. indicates the number and type of off-street loading spaces required for specific uses.

<table>
<thead>
<tr>
<th>Use Space</th>
<th>Required Loading Spaces</th>
<th>Type of Loading Space</th>
</tr>
</thead>
<tbody>
<tr>
<td>Automobile or vehicle sales and service</td>
<td>1 space</td>
<td>Tractor trailer</td>
</tr>
<tr>
<td>Category</td>
<td>Description</td>
<td>Spaces Required</td>
</tr>
<tr>
<td>----------------------------------------------------</td>
<td>-----------------------------------------------------------------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>Automobile or vehicle parts and service</td>
<td></td>
<td>1 space</td>
</tr>
<tr>
<td>Entertainment and Recreation</td>
<td>(a) from 0 to 29,999 square feet, 1 space</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(b) from 30,000 to 99,999 square feet, 2 spaces</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(c) over 100,000 square feet, 3 spaces</td>
<td></td>
</tr>
<tr>
<td>Hospital, sanitarium, nursing home</td>
<td>(a) from 10,000 to 50,000 square feet, 1 space</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(b) over 50,000 square feet, 1 space</td>
<td></td>
</tr>
<tr>
<td>Hotels and motels home</td>
<td>(a) from 10,000 to 50,000 square feet, 1 space</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(b) over 50,000 square feet, 1 space</td>
<td></td>
</tr>
<tr>
<td>Manufacturing, warehousing, and industrial uses</td>
<td>(a) from 5,000 to 30,000 square feet, 1 space; and</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(b) 1 additional space for each additional 30,000 square feet</td>
<td></td>
</tr>
<tr>
<td>Medical or dental office, clinic or laboratory</td>
<td></td>
<td>1 space</td>
</tr>
<tr>
<td>Professional office</td>
<td>(a) from 5,000 to 50,000 square feet, 1 space</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(b) over 50,000 square feet, 1 space</td>
<td></td>
</tr>
<tr>
<td>Public buildings, schools, colleges, theaters, and</td>
<td>1 space, plus additional spaces as required by design review</td>
<td></td>
</tr>
<tr>
<td>similar public assembly uses</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Day care centers</td>
<td></td>
<td>1 space</td>
</tr>
<tr>
<td>Retail and service commercial use</td>
<td>(a) up to 10,000 square feet, 1 space</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(b) 10,001 to 30,000 square feet, 1 space</td>
<td></td>
</tr>
<tr>
<td>Type of Loading Space</td>
<td>(c) 30,001 to 90,000 square feet, 2 spaces</td>
<td>Tractor</td>
</tr>
<tr>
<td>-----------------------------------------------------------</td>
<td>-------------------------------------------</td>
<td>---------</td>
</tr>
<tr>
<td>Drive-thru restaurants</td>
<td>1 space</td>
<td>Truck</td>
</tr>
<tr>
<td>Gasoline service stations</td>
<td>1 space per station (see also, &quot;retail and service commercial use&quot;)</td>
<td>Tractor</td>
</tr>
</tbody>
</table>

**Notes:**

1. Loading zone bays to be located as close as possible to loading doors.
2. Supermarkets, majors, hardware, building supplies, and similar uses may have specific requirements.
3. Variations in the size, number and/or location of required loading spaces may be reviewed and approved in writing by the Community Development Director on a case-by-case basis following the submission of supporting traffic, parking or loading information, study or analysis.
4. All loading spaces shall have a reasonable relationship to the storage door of the building which includes but not limited distance and location.
5. In the event that it is feasible, upon approval of the Director of Community Development, one loading space may be used between two occupants of a commercial center with a joint use agreement.

Sec. 30-334. - Multiple uses on a lot.

If individual uses on the same site or lot have a floor area less than that for which loading spaces would be required, then the total gross floor area of all uses on the site or lot shall be used in determining the required number of loading spaces.

Sec. 30-335. - Size of loading spaces.

Loading spaces required by Table 30-333.A. shall have the minimum dimensions outlined in Table 30-335.A. Uses not otherwise listed shall be parked for loading at the discretion of the Director of Community Development.

**Table 30-335.A.**

<table>
<thead>
<tr>
<th>Minimum Loading Space Dimensions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type of Loading Space</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>----------------</td>
</tr>
<tr>
<td>Van</td>
</tr>
<tr>
<td>Truck</td>
</tr>
<tr>
<td>Tractor trailer</td>
</tr>
</tbody>
</table>

Sec. 30-336. - Access.

Each off-street loading space shall be accessible from a street. Entry and exit drives shall be located so as to minimize adverse impacts on surrounding land uses, vehicular and pedestrian movements. There shall be no backing into or from the public right-of-way.

Sec. 30-337. - Lighting of loading space.

Exterior lighting shall be directed and shielded so as to illuminate only the loading area and to avoid glare impacts on adjacent properties.

Sec. 30-338. - Location.

Truck loading areas may not be located:

1. In any public street.
2. In any sidewalk or public parkway.
3. In any front yard without proper screening.
4. In the required street side yard of a corner lot.
5. In the required rear yard of a through lot.
6. Within any required parking or interior circulation drive, or aisle or drive approach.

Sec. 30-339. - Safety features.

Pavement markings and other official traffic control devices for vehicles shall be provided to ensure safe and efficient operation of all off-street loading facilities.

Sec. 30-340. - Screening.

All truck loading areas shall be separated from adjoining residential properties and public right-of-way by a building or masonry wall not less than six feet in height. Other types of screening such as landscaping and berming may be required upon project review.

Sec. 30-341. - Turning radius.

All loading areas shall be located to provide adequate turning radius. Adequate turning radius means one which allows a vehicle to maneuver safely without backing into a street or without backing into the loading space from a street.

DIVISION 5. - PARKING STANDARDS FOR BICYCLES AND MOTORCYCLES
Sec. 30-342. - General.

All employers shall provide bicycle parking. There shall be no bike parking on sidewalks unless additional area is provided which does not conflict with sidewalk or entryway. Bicycle and parking facilities should be located in an area of the parking lot convenient to destination entrances for employees as well as for patrons. Bicycle parking facilities should be located in highly visible areas to minimize theft and vandalism and should not interfere with pedestrian traffic. Employers with 100 or more employees shall provide shower and locker facilities to encourage non-motorized travel such as bicycling and walking. Cycle parking facilities should be placed on paved surfaces, well lighted and should be protected from potential damage by other vehicle traffic. All motorcycle parking areas shall be paved with concrete to prevent motorcycle kickstands from damaging the pavement and should be clearly identified for motorcycle usage.

Sec. 30-343. - Dimensions.

Parking racks for bicycles shall be of a size and design which will accommodate the required bicycles.

Table 30-343.A. 
Bicycle Parking Requirements

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Number of Spaces Required (subject to increase by Planning Commission or as mandated by regional or local transportation control measures)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Regional shopping center</td>
<td>5 spaces at each mall entrance</td>
</tr>
<tr>
<td>2. Retail commercial uses</td>
<td></td>
</tr>
<tr>
<td>up to 5,000 square feet</td>
<td>2 spaces</td>
</tr>
<tr>
<td>5,001 to 15,000 square feet</td>
<td>4 spaces</td>
</tr>
<tr>
<td>15,001 to 50,000 square feet</td>
<td>1 space for every 5,000 square feet</td>
</tr>
<tr>
<td>Above 50,000 square feet</td>
<td>1 space per 33 automobile parking spaces required</td>
</tr>
<tr>
<td>3. Restaurants</td>
<td></td>
</tr>
<tr>
<td>Fast food, pizza parlor</td>
<td>4 spaces</td>
</tr>
<tr>
<td>Dinner house, coffee shop</td>
<td>2 spaces</td>
</tr>
<tr>
<td>4. Commercial recreation</td>
<td></td>
</tr>
<tr>
<td>Arcade, game or video</td>
<td>1 space per 3 games up to 20 games, plus 1 space per 5 games for over 20 games</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>--------------------</td>
<td>--------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Bowling alleys,</td>
<td>1 space per 33 automobile parking spaces required</td>
</tr>
<tr>
<td>miniature golf,</td>
<td></td>
</tr>
<tr>
<td>skating rinks,</td>
<td></td>
</tr>
<tr>
<td>movie theaters,</td>
<td></td>
</tr>
<tr>
<td>health clubs,</td>
<td></td>
</tr>
<tr>
<td>similar activities</td>
<td></td>
</tr>
<tr>
<td></td>
<td>5. Community facilities</td>
</tr>
<tr>
<td>Swim clubs,</td>
<td>1 space per 25 automobile parking spaces required</td>
</tr>
<tr>
<td>racquet and tennis</td>
<td></td>
</tr>
<tr>
<td>clubs, community</td>
<td></td>
</tr>
<tr>
<td>centers, and</td>
<td></td>
</tr>
<tr>
<td>similar uses</td>
<td></td>
</tr>
<tr>
<td>Libraries</td>
<td>1 space per 20 automobile parking spaces required</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Government offices</td>
<td>1 space per every 50 employees</td>
</tr>
<tr>
<td></td>
<td>6. Office developments</td>
</tr>
<tr>
<td>Under 50,000</td>
<td></td>
</tr>
<tr>
<td>square feet</td>
<td>2 spaces</td>
</tr>
<tr>
<td>50,001 to 100,000</td>
<td>3 spaces</td>
</tr>
<tr>
<td>square feet</td>
<td></td>
</tr>
<tr>
<td>Over 100,000</td>
<td>5 spaces</td>
</tr>
<tr>
<td>square feet</td>
<td></td>
</tr>
<tr>
<td>7. Banks, savings</td>
<td>2 spaces</td>
</tr>
<tr>
<td>and loans</td>
<td></td>
</tr>
<tr>
<td>8. Hospitals</td>
<td>5 spaces</td>
</tr>
<tr>
<td>9. Medical, dental</td>
<td>2 spaces</td>
</tr>
<tr>
<td>offices</td>
<td></td>
</tr>
<tr>
<td>10. Churches</td>
<td>4 spaces</td>
</tr>
</tbody>
</table>

DIVISION 6. - GLOSSARY

Sec. 30-344. - Definitions.

The following definitions apply only to this article:

* Bicycle rack * means a stationary bicycle storage rack designed to secure the frame and wheels of the bicycle.

* Commercial vehicle * means a vehicle used for commercial purposes which is required to be registered commercial under the State of California Vehicle Code and rated over one ton.
**Drive-thru facility** means a facility which, by its design, allows people to receive goods and/or services while remaining in their automobiles.

*Fast food restaurants* means an establishment whose principal business is the sale of pre-prepared or rapidly prepared food served in disposable packaging directly to the consumer, for consumption either within the restaurant building or off the premises.

**GFA (gross floor area)** commonly refers to the total floor area, wall to wall, floor by floor, as distinct from building area (ground area covered by buildings) or gross leasable area (floor area excluding service areas such as halls and elevators).

**Loading space** means an accessible "off-street" space or berth on the same site as a structure, or within a structure, for the exclusive use of the commercial loading or unloading of goods or materials.

**Parking space** means a readily accessible area, not including driveways, ramps, loading or work areas, maintained exclusively for the parking of one automobile.

**Parking structure** means a structure used for the parking of vehicles where parking is accommodated on two or more levels.

**Paved** means fully covered and maintained with asphalt concrete, concrete, or other approved material.

**Shared parking** means a situation where the same parking spaces can be utilized by two or more different uses due to the differing peak hours of operation of the uses involved.

**Vehicle** means a device by which any person or property may be propelled, moved, or drawn upon a highway or water, except a device moved exclusively by human power.

ARTICLE XIII. - RESOURCE EXTRACTION

Footnotes:

--- (1) ---

Editor's note— Ord. No. 1295, § 1, adopted August 3, 1999, repealed Art. XIII, §§ 30-345—30-382 in their entirety and added §§ 30-345—30-382 which pertained to similar subject matter. See Development Comparative Table.

DIVISION 1. - GENERALLY

Sec. 30-345. - Purpose and intent.

This article is designed to regulate the extraction and utilization of rock, gravel, sand, clay and similar materials consistent with the requirements of the State of California Surface Mining and Reclamation Act of 1975 (Public Resources Code Section 2710, et seq.); Public Resources Code Section 2207 (relating to annual reporting requirements); the State Mining and Geology Board regulations (hereinafter referred to as "State regulations") for surface mining and reclamation practice contained in the California Code of Regulations (CCR), Title 14, Division 2, Chapter 8, Subchapter 1, Section 3500, et seq.; and the City of Fontana General Plan.

The City recognizes that the extraction of minerals, while necessary to meet the needs of society, may also have adverse environmental and aesthetic effects. The City also recognizes that surface mining takes place in diverse areas where the geologic, topographic, climatic, biological, and societal conditions are significantly different and that the reclamation operations and standards may vary accordingly. As a result,
this article establishes minimum procedures and standards for development of resources extraction sites and associated uses necessary to guarantee that:

1. The intended use of land resources will not result in a public nuisance through the creation of hazardous or detrimental environmental or aesthetic conditions on both the extraction site and areas surrounding the extraction site.

2. The most efficient use is made of available land resources.

3. All adverse environmental impacts of resource utilization are mitigated or reduced to a level of insignificance.

4. Reclamation of mined lands may be assured throughout the life of the extractive use.

5. The mining operations result in landforms suitable to adaptive reuse for uses such as parks, open space, water reclamation, housing development or other alternative land uses.

Sec. 30-346. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandonment means cessation of mining, quarrying and extraction operations on the site in compliance with the provisions of this Code.

Commercial extraction operation means the removal or displacement of rock, gravel, sand, clay or similar materials conducted for financial gain.

Department means the Community Development Department of the City of Fontana.

Director means the Director of Community Development of the City of Fontana or the authorized representative.

Division means the Planning Division of the City of Fontana.

Land resource means the general land form (basic geologic structure), the soil types and their associated constraints to land use, and underlying mineral resources.

Minerals means any naturally occurring chemical element or compound, or other groups of elements and compounds, formed from inorganic processes and organic substances.

Mining means the process of obtaining rock, gravel, sand, clay or similar materials from an open excavation in the earth for financial gain, including the removal of minerals extracted by underground methods.

Operator means the person, whether proprietor, lessee or independent contractor, actually in charge and in control of the pit or the operation being conducted upon the site.

Overburden means soil, rock, or other materials that lie above a mineral deposit, or in between deposits, before or after their removal by surface mining.

Owner means a person who owns a site upon which a pit is located or upon which mining, quarrying, or commercial extraction operations are being conducted, have been conducted or may be conducted.

Permit means any permit issued pursuant to the provisions of this code, together with the application for same, the conditions upon which it was issued, and any plans, specifications, reports, and approved modifications pertaining thereto.

Person means any person to whom a permit is issued pursuant to this development code.

Permittee means any individual firm, association, corporation, joint venture composed of individuals, or any other group or combination acting as a unit.

Pit means any excavation or depression or hole in the ground, natural or artificial, from which sand, gravel, rock, aggregate, clay or similar materials are being or have been dug, mined, extracted, or quarried.
**Planning manager** means the Planning Manager of the City of Fontana.

**Quarrying** means the process of removing or extracting stone, rock or similar materials from an open excavation for financial gain.

**Reclamation** means the process of land treatment that minimizes water degradation, air pollution, damage to aquatics or wildlife habitat, flooding, erosion, and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and create no danger to public health or safety. The process may extend to affected lands surrounding mined lands and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization or other measures.

**Settling basin** means an area devoted to the storage of waste residue.

**Site** means a lot or parcel of land, or a series of contiguous or adjacent lots or parcels of land, described by a lease or similar document upon which commercial extraction operations are being or may be conducted, and which is authorized by a permit.

**Slope** means the exposed surface of an excavation or fills which forms an incline.

**Surface mining operations** mean all, or any part of, the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining operations include, but are not limited to, in place distillation or retorting or leaching, the production and disposal of mining waste, prospecting and exploratory activities, borrow pitting, streambed skimming, and segregation and stockpiling of mined materials and their recovery.

**Ultimate right-of-way** means the right-of-way shown as ultimate on an adopted precise plan of highway alignment, or street right-of-way shown within the boundary of a recorded tract map, a recorded parcel map, or a recorded development plan. The latest adopted or recorded document in the above case shall take precedence. If none of these exist, the ultimate right-of-way shall be considered to be the right-of-way required by the highway classification as shown on the master plan of streets. In all other instances, the ultimate right-of-way shall be considered to be the existing right-of-way in the case of a private street, and the existing right-of-way, but not less than 60 feet, in the case of a public street.

Sec. 30-347. - Incorporation by reference.

The provisions of the Surface Mining and Reclamation Act (hereinafter referred to as "SMARA," codified in Pub. Res. Code, § 2710, et seq., Public Resources Code, § 2207, and the State regulations (Cal. Code of Regs., § 3500, et seq.), as those provisions and regulations may be amended from time to time, are made a part of this article by reference with the same force and effect as if the provisions therein were specifically and fully set out herein, excepting that when the provisions of this article are more restrictive than the correlative state provisions, this article shall prevail.

Sec. 30-348. - Permit required.

No person shall conduct an operation for the mining, extraction or removal of any land resource within the City of Fontana without first obtaining a resource extraction permit ("Resource Extraction Permit") which incorporates a reclamation plan ("Resource Reclamation Plan") for such operation and financial assurances for the reclamation. Any applicable exemption from these requirements does not automatically exempt a project or activity from the application of other regulations, ordinances or policies of the City of Fontana, including but not limited to, the application of the California Environmental Quality Act (CEQA), the City of Fontana’s environmental laws and guidelines, requirements for site approvals or other permits, the payment of development impact fees, or the imposition of other dedications and exactions that may be permitted under the law.

Sec. 30-349. - Applicability of article.

The provisions of this article shall not be generally applicable to the following:
Sec. 30-350. - Principal uses.

The following resource extraction uses are permitted subject to the requirements of this article:

(1) Mining, quarrying and commercial extraction of rock, gravel, sand, clay and similar materials, and the storage, stockpiling, distribution and sale thereof.

(2) The installation and operation of plants or apparatus for rock crushing, appurtenant screening, blending, washing, loading and conveyor facilities.

(3) Shops and garages for the repair or maintenance of equipment and warehouses for the storage of equipment or supplies as are necessary for the conduct of the uses permitted.
(4) Offices for the conduct of the uses permitted.
(5) Truck scales and loading facilities.

Sec. 30-351. - Accessory uses during resource extraction.

The following uses may be permitted where such uses are accessory to an approved resource extraction operation under this article:

(1) Manufacture of concrete products and pre-stressed structural units.
(2) Concrete batching plants.
(3) Mixing and processing facilities for Portland cement or asphaltic concrete.

Sec. 30-352. - Uses following reclamation.

The following uses may be permitted where such uses are accessory to an approved resource reclamation operation under this article:

(1) Public or private parks and recreation areas and appurtenant buildings and improvements.
(2) Sanitary landfill.
(3) Water recharge and reclamation.
(4) Flood control or retention facilities in conjunction with a comprehensive flood control program.
(5) Such other appropriate uses as determined by the Planning Commission.

DIVISION 2. - PERMIT AND APPLICATION PROCEDURES

Sec. 30-353. - Application process.

Generally. Applications for a Resource Extraction Permit or Resource Reclamation Plan for surface mining or land reclamation projects shall be accepted only for areas identified as "Regionally Significant Construction Aggregate Resource Areas" on Exhibit CON-1 in the City of Fontana General Plan Conservation Element and in the OS-R (Open Space Resource) General Plan Land Use designation, provided these areas are also zoned for industrial development (M-1 Planned Industrial; M-2 General Industrial). Applications shall be submitted on forms provided by the Planning Division and shall be filed in accordance with this article and any procedures established by the Planning Manager.

Application information. All documentation for Resource Extraction Permits and Resource Reclamation Plans shall be submitted to the City at one time. The following application information shall be submitted prior to considering a Resource Extraction Permit or Resource Reclamation Plan request:

(1) A legal description of the entire property to be utilized for extractive use, accessory operations and reclamation, and a detailed plot plan that includes the following:
   a. The boundaries of the entire property drawn to scale and showing contour intervals of not more than five feet, defining the location and showing exterior boundaries of the area to be excavated. The plot plan shall also show the location of any existing structures, easements, watercourses, levees, drainage facilities, underground utilities and roads or improvements adjoining the property.
   b. A vehicular access plan showing all proposed exit routes designed in such a manner as to result in minimum additional vehicular traffic over residential streets.
   c. A topographic map prepared by a registered civil engineer or licensed surveyor or license photometric surveyor, and a complete report of soils and geologic investigation prepared by a registered civil engineer or registered engineering geologist. The topographic map shall be
accompanied by a written report setting forth probable volume and depth of overburden and non-useable materials.

d. A description of the proposed operation in all of its phases, including a phasing plan and schedule showing the approximate start date, the proposed increments of extraction and the sequence in which such increments will be accomplished. The plan shall also show the approximate future locations of any machinery and processing equipment, excluding vehicles that may be moved during the excavation operations. The plan shall also show the location of proposed buildings and structures, processing plants and other appurtenant equipment, areas to be excavated and their approximate depths, storage of topsoil and overburden, stockpiles, points of ingress and egress, driveways, parking areas, and required setbacks, fencing, berms and screen planting. Where operations include the washing of sand and gravel, the estimated daily quantity of water required and its source and disposition shall also be made a part of this description and application materials.

e. A plan showing the location of proposed protective works, settling basins, desilting ponds and other bodies of water, including a description of the provisions to be taken for the conservation and protection of groundwater, the disposition of drainage and control of erosion.

f. A statement of the estimated time required to complete the proposed excavation.

g. An initial study questionnaire and such other environmental documentation that may be required by the City, as outlined in the City's environmental guidelines.

(2) For Resource Reclamation Plans, as many copies of the application as may be required shall also be submitted in conjunction with all applications for a Resource Extraction Permit. Resource Reclamation Plan requests shall contain detailed information concerning each of the elements required by State law (Public Resources Code, §§ 2772 through 2773), other applicable state regulations, and any other requirements deemed necessary to facilitate an expeditious and fair evaluation of the Resource Reclamation Plan request, including, but not limited to, the following:

a. A final plan, showing the property as it will be prepared for installation and establishment of the proposed ultimate use;

b. A phasing plan showing how the area will be incrementally restored to a natural appealing or otherwise usable condition as excavation operations are completed in one area and moved to the next area;

c. A statement and plan describing the proposed rehabilitation methods and procedures including, but not limited to, the following:
   1. Landscaping plans;
   2. Drainage plans and facilities; and
   3. Slope stability and erosion control plans.
   All such plans are to be approved by the Director of Community Development or designee;

d. An assessment of the effect of implementation of the rehabilitation plan on future mining in the area.

e. For surface mining operations that are exempt from the Resource Extraction Permit requirements pursuant to this article, a Resource Reclamation Plan shall nevertheless be submitted by the applicant that also includes information concerning the exempt mining activity.

Sec. 30-354. - Fees required.

Prior to processing a Resource Extraction Permit and/or Resource Reclamation Plan, the applicant shall provide to the City such fees as may be required by resolution of the City Council of the City of Fontana.
In addition to such filing fees as may be established by resolution, the operator shall be responsible for all city costs directly attributable to conduct of the resource extraction operation and any required reclamation. The operator shall enter into an agreement, acceptable in form to the city attorney that includes, but is not limited to, consideration of the following costs:

1. Road bed maintenance and improvements;
2. Construction of special aprons/approaches, islands, turn pockets;
3. Street sweeping to control dust and gravel;
4. Traffic signalization to accommodate truck traffic;
5. Operation and maintenance of flood control structures;
6. Administrative costs for public hearing notifications, noise monitoring, audits for reclamation assessments, and enforcement costs.

Sec. 30-355. - Processing and hearing procedure.

Upon submittal of a complete application for Resource Extraction Permit and/or Resource Reclamation Plan and filing of all environmental documents and all documents required by the Planning Manager, consideration of the Resource Extraction Permit or Resource Reclamation Plan for the proposed surface mining operation or exempt activity shall be completed pursuant to the following:

1. The Planning Division shall, within 30 days of receipt of such applications, certify the application requests with regard to completeness in accordance with California Government Code § 65920 et seq. (Permit Streamlining Act). The Planning Division shall process the application(s) in accordance with all requirements of the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.) and the City's environmental review guidelines.

2. Within 30 days of acceptance of an application for Resource Extraction Permit and/or Resource Reclamation Plan as complete, the planning division shall notify the State Department of Conservation of the filing of the application(s). Whenever mining operations are proposed in the 100-year flood plain of any stream, as shown in Zone A of the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency, and within one mile, upstream or downstream, of any state highway bridge, the Planning Division shall also notify the State Department of Transportation that the application(s) have been received.

3. Development Advisory Board. Upon deeming the application complete and completing the environmental review procedures, the Planning Division shall forward the application(s) to the Development Advisory Board (DAB). The DAB shall review the plot plan, landscape plans, elevations and any environmental review documents for the intended operation. Upon completion of the review, the DAB shall forward its recommendation and recommended approval conditions to the Planning Commission.

4. Planning Commission Review. The Planning Commission shall hold at least one noticed public hearing on the application for Resource Extraction Permit and/or Resource Reclamation Plan. The Planning Division shall prepare a staff report with recommendations for consideration by the Planning Commission. The staff report shall include, but not be limited to, recommendations concerning the following:

   a. A statement of the recommended intensity of use;
   b. Acceptable accessory uses;
   c. The suitability of the extraction and reclamation proposals; and
   d. Suggested conditions for approval to ensure that the resource extraction use and related accessory uses may be conducted and reclaimed without creating a public nuisance or otherwise adversely affecting the public welfare.
The staff report may recommend denial of the Resource Extraction Permit and/or Resource Reclamation Plan applications if it is determined that the intent of this article cannot be met by the proposed applications.

(5) Planning Commission approvals.

a. The Planning Commission shall take action approving, conditionally approving or denying the Resource Extraction Permit. If a Resource Extraction Permit is being processed concurrently with the Resource Reclamation Plan, the Planning Commission may simultaneously also conceptually approve the Resource Extraction Permit. However, the Planning Commission may defer action on the Resource Extraction Permit until taking final action on the Resource Reclamation Plan and financial assurances.

b. Prior to final approval of a Resource Reclamation Plan, approval of financial assurances (as provided in this article), or any amendments to a Resource Reclamation Plan or existing financial assurances, the Planning Commission shall:

1. Certify to the State Department of Conservation that the Resource Reclamation Plan and/or financial assurances comply with the applicable requirements of state law, and submit the plan, assurance, or amendments to the State Department of Conservation for review. The Planning Commission may conceptually approve the Resource Reclamation Plan and any financial assurances before submittal to the State Department of Conservation.

2. If necessary to comply with permit processing deadlines, the Planning Commission may conditionally approve the Resource Extraction Permit with a condition that the planning division shall not issue any required subsidiary permits for mining operations, including grading and/or building permits, until cost estimates for financial assurances have been reviewed by the State Department of Conservation and final action has been taken on the Reclamation Plan and financial assurances.

3. Pursuant to Public Resources Code, § 2774(d), the State Department of Conservation shall be given 30 days to review and comment on the Reclamation Plan and 45 days to review and comment on the financial assurances. The Planning Commission shall evaluate written comments received, if any, from the State Department of Conservation during the comment periods. Staff shall prepare a written response describing the disposition of the major issues raised by the State for the Planning Commission's approval. In particular, when the Planning Commission's position is at variance with the recommendations and objections raised in the State's comments, the written response shall address, in detail, why specific comments and suggestions were not accepted. Copies of any written comments received and responses prepared by the Planning Commission shall be promptly forwarded to the operator/applicant.

c. Once comments are received by the Department of Conservation, and within 30 days of receipt of such comments, the Planning Commission shall then take action to approve, conditionally approve, or deny the Resource Extraction Permit and/or Reclamation Plan, and to approve the financial assurances pursuant to Public Resources Code, § 2770(d).

d. The decisions of the Planning Commission shall become final unless appealed to the City Council within the time period indicated in Section 30-35 of the Fontana Municipal Code.

e. The Planning Division shall forward a copy of each approved Resource Extraction Permit and/or approved Reclamation Plan, and a copy of the approved financial assurance to the State Department of Conservation. By July 1st of each year, the Planning Division shall submit to the State Department of Conservation for each active or idle mining operation a copy of any Resource Extraction Permit or Reclamation Plan amendments, as applicable, or a statement that there have been no changes or amendments during the previous year.

Sec. 30-356. - Required findings for permit and plan approvals.
A. Resource Extraction Permit Approvals. Resource Extraction Permit Approvals for surface mining operations may be approved by the Planning Commission, or the City Council on appeal, subject to the following findings:

1. The proposed mining operations are consistent with the general plan and the applicable land use zone;
2. The site for the intended mining operations is adequate in size, shape, topography, accessiblity, and other physical characteristics to accommodate the mining operations and all required provisions of this chapter including yards, setbacks, walls or fences, landscaping and other applicable regulations of this article;
3. Adequate streets and highways exist to carry the type and quantity of traffic anticipated by the proposed mining operations and that adequate access to utilities and other services exist;
4. The proposed mining operation at the specific location will be compatible with surrounding properties and that there will be no adverse effect to surrounding properties or their permitted uses;
5. The proposed mining operations will be organized, designed, constructed, operated, and maintained so as to be compatible with the character of the area as intended by the general plan;
6. Any adverse effects upon the surrounding properties are justified by the benefits conferred by the mining operations and those potential adverse effects to the health, safety, and general welfare shall be required to be mitigated in order to minimize such effects. The design and operation requirements contained in Division 3 of this article shall be considered when reviewing the effects upon surrounding properties;
7. The plans and reports submitted incorporate adequate mitigation measures to mitigate probable significant adverse environmental effects of the proposed operation;
8. The plans and reports submitted are sufficiently detailed to adequately describe the proposed operation;
9. The plan as proposed or amended incorporates adequate mitigation measures to restore the site, excluding abandoned pits and previously mined areas, in a diligent manner to a natural-appearing or otherwise usable condition compatible with adjacent areas; and
10. The plans comply with the provisions of SMARA and all State regulations.

B. Resource Reclamation Plans. Resource Reclamation Plans may be approved by the Planning Commission or City Council on appeal, subject to the following findings:

1. The Reclamation Plan complies with State law as set forth in Public Resources Code, § 2772 and § 2773, and any other applicable provisions;
2. The Reclamation Plan complies with applicable requirements of the State regulations contained in the California Code of Regulations, §§ 3500—3505, and §§ 3700—3713.
3. The Resource Reclamation Plan and potential use of reclaimed land pursuant to the plan are consistent with this article as well as the City's General Plan and any applicable resource plan or element.
4. The Resource Reclamation Plan has been reviewed pursuant to CEQA and the City's environmental review guidelines, and all significant adverse impacts from reclamation of the surface mining operations are mitigated to the maximum extent feasible.
5. The land and/or resources to be reclaimed will be restored to a condition that is compatible with, and blends in with, the surrounding natural environment, topography, and other resources, or that suitable off-site development will compensate for related disturbances to natural resource values.
6. The Reclamation Plan will restore the mined lands to a usable condition readily adaptable for alternative land uses that are consistent with the General Plan and applicable resource plans.
A written response to the State Department of Conservation has been prepared, describing the disposition of major issues raised by that department. Where the City’s position is at variance with the recommendations and objections raised by the State Department of Conservation, said response addresses, in detail, why specific comments and suggestions were not accepted.

DIVISION 3. - DESIGN AND OPERATION REQUIREMENTS

Sec. 30-357. - Standards for approval of resource extraction permits and resource reclamation plans.

A. Resource extraction permits. All resource extraction permits shall comply with the following design and operational requirements:

1. Dust control. All quarries, private truck roads connecting quarries, processing plants or stockpiles shall be maintained so as to control dust.

2. Setbacks. No excavation activities shall be carried on less than 50 feet from:
   a. The common property line of any parcel of land upon which such uses are conducted;
   b. Any highway or street; or
   c. Any flood control channel, retarding or conservation basin not a part of the proposed mining operation.

3. Equipment location. No rock crushing plant or other apparatus for the processing of rock, gravel or sand, except primary excavation operation, shall be located within 300 feet of the boundary line of any residential, commercial or specialized employment zoning districts.

4. Slopes. No production from an open pit shall be permitted which creates a finished slope steeper than two feet horizontal to one foot vertical.

5. Days and hours of operation.
   a. With the exception of trucking, distribution, sale, loading and unloading of products and materials, and equipment repairs, all crushing and excavating activities permitted shall be limited to the days of Monday through Saturday, inclusive, between the hours of 7:00 a.m. to 10:00 p.m. The Planning Commission may approve additional operating hours where continuous pours of concrete or other special circumstances require extended hours. Such extended hours shall be permitted only after conduct of a public hearing.
   b. Hours of operation outside of those stated above may be permitted, subject to prior notification to the Planning Manager, in the following situations:
      1. Where required by public authorities to protect the public welfare and safety.
      2. Where necessary due to public emergencies.

6. Noise. The following noise standards shall be observed during all operations:

<table>
<thead>
<tr>
<th>Affected Land Use (receiving noise)</th>
<th>Noise Level</th>
<th>Time Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential district</td>
<td>55 dB(A)</td>
<td>7:00 a.m. 10:00 p.m.</td>
</tr>
</tbody>
</table>
### Noise standards

No person shall operate or cause to be operated any source of sound at any location or allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person, which causes the noise level when measured on any other property, either incorporated or unincorporated, to exceed:

- **a.** The noise standard for that receiving land use (as specified above) for a cumulative period or more than 30 minutes in any hour; or
- **b.** The noise standard plus five dB(A) for a cumulative period of more than 15 minutes in any hour; or
- **c.** The noise standard plus ten dB(A) for a cumulative period of more than five minutes in any hour; or
- **d.** The noise standard plus 15 dB(A) for a cumulative period of more than one minute in any hour; or
- **e.** The noise standard plus 20 dB(A) for any period of time.

If the measured ambient level exceeds any of the first three noise limit categories above, the allowable noise exposure standard shall be increased to reflect said ambient noise level. If the ambient noise level exceeds the fourth noise limit category, the maximum allowable noise level under this category shall be increased to reflect the maximum ambient noise level.

### Off-street parking requirements

Off-street parking shall be provided on the site for all equipment and for all employee vehicles. Operations in this zone shall be exempt from all other off-street parking requirements of this development code. All off-street visitor and employee parking areas shall be treated and/or constructed in such a manner so as to minimize dust and blowing sand.

### Screening

Extracting and processing operations shall be screened in such a manner that they are not readily visible from public or private streets and surrounding properties. The operator shall install such screening along the perimeter of the visible portion of the parcel being operated or previously mined. The required screen shall have a total height of not less than six feet. Where there is a difference in elevation on the opposite side of the screen, the height shall be measured from the highest elevation. A screen shall consist of one or a combination of the following types:

- **Walls.** Walls shall be required for all operations that are visible from a public or private street, subject to the approval of the Planning Commission. A wall shall consist of concrete, stone, brick, tile or similar type of solid masonry material a minimum of four inches thick.
- **Berms.** A berm shall be constructed of earthen materials and it shall be landscaped.
- **Planting.** Plant materials, when used as a screen, shall consist of dense evergreen plants. They shall be of a kind or used in such a manner so as to provide a continuous opaque screen within 24 months after commencement of operations in the area to be screened. Plant materials shall not be limited to a maximum height. The design shall be prepared by a licensed landscape contractor or a licensed landscape architect.
- **Intersections.** Required screening shall be set back as required by the City Traffic Engineer from the point of intersect of:
  1. A vehicular access way or driveway and a street;

<table>
<thead>
<tr>
<th>Commercial district</th>
<th>60 dB(A)</th>
<th>Anytime</th>
</tr>
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<tbody>
<tr>
<td>Industrial property</td>
<td>70 dB(A)</td>
<td>Anytime</td>
</tr>
</tbody>
</table>
2. A vehicular access way or driveway and a sidewalk; and
3. Two or more vehicular access ways, driveways or streets.

e. Installation. Required screening shall be installed prior to commencement of operations in a phased manner so that all operations and excavated sites are continuously screened.

(9) Posting of signs. Within 90 days after an area has been approved for extract uses, the outer boundaries of the site shall be continuously posted with signs not less than 500 feet apart, and at each change of direction of the boundary line in such a manner as will reasonably give notice to passersby of matters contained in such notice, stating in letters not less than four inches in height: "THIS PROPERTY MAY BE USED AT ANY TIME FOR THE EXCAVATION OF ROCK, SAND, GRAVEL OR CLAY, ROCK CRUSHING PLANT OR ANY ASSOCIATED USED." The signs shall be of wood or metal and shall be maintained in legible condition at all times. Such signs shall meet all requirements of the City's Sign Code.

(10) Maximum permitted depth of excavation. The maximum permitted depth of excavation shall be 150 feet.

(11) Excavation below water table. No excavation below historic water tables shall be permitted except as approved by the Santa Ana Regional Water Quality Control Board.

(12) Fencing. Fencing, walls and landscape screening shall be required and maintained in accordance with any permits issued for such fencing, walls and landscape screening.

(13) Arterial highways. Whenever a property is traversed by a highway shown on a precise plan of highway alignment, the necessary right-of-way for such highways shall not be excavated, and no permanent structures shall be erected to the extent of the width of the right-of-way plus an additional 50 feet on each side thereof.

(14) Ingress, egress and traffic safety. Access roads to any premises shall be only at points designated on the extraction plan and shall be constructed on a level with the pavement of any public street or highway for a distance of not less than 80 feet there from, and the 80 feet shall be paved. Adequate sight distance shall be maintained for traffic safety in compliance with the standards and requirements of the City Traffic Engineer.

(15) Drainage.

a. Surface drainage shall be controlled in a manner meeting the approval of the Director of Community Development, City Engineer, Building Official, or State or local laws to prevent loose material from filling any existing drainage course or encroaching upon adjoining property and improvements.

b. All provisions to control natural watercourses shall be designed to prevent overflow or diversion of water away from the natural point of discharge and such provisions shall be subject to review and approval of the City Engineer, Building Official, or State or local laws.

(16) Removal of buildings and equipment. All buildings, foundations and equipment used in the excavation or processing of land resources or in the administration of the resource extraction operations shall be removed within six months of the termination of activities on the property if the buildings are not to be utilized in conjunction with the reclamation plan.

(17) Noise and vibration control. All development and equipment for conduct of the uses permitted shall be constructed, maintained and operated in such a manner as to reduce noise and vibration to a level consistent with the City's noise ordinance. Internal combustion engines shall be equipped at all times with exhaust mufflers in good working condition to control excessive noise.

(18) Air pollution control. All operations shall be conducted in compliance with all the requirements of the South Coast Air Quality Management District.

B. Resource reclamation plans. All resource reclamation plans shall comply with the following standards:

(1) Resource Reclamation Plans shall comply with the provisions of Public Resource Code, § 2772 and § 2773 and State regulations contained in the California Code of Regulations, §§ 3500—
3505. Resource Reclamation Plans for proposed new mining operations, and any substantial amendments to previously approved Reclamation Plans, shall also comply with the requirements for reclamation performance standards contained in the California Code of Regulations, §§ 3700—3713.

(2) The City may impose additional performance standards as part of the review of individual projects, or through the formulation and adoption of citywide performance standards adopted by separate resolution.

(3) Reclamation activities shall be initiated at the earliest possible time on those portions of mined lands that will not be subject to further disturbance. Interim reclamation may also be required for mined lands that have been disturbed and that may be disturbed again in future operations. Reclamation may be conducted on an annual basis, in stages compatible with continuing operations, or upon completion of all excavation, removal, or fill, as may be approved by the City. Each phase of reclamation shall be specifically described in the Reclamation Plan and shall include (a) the beginning and expected ending dates for each phase; (b) all reclamation activities required; (c) criteria for measuring completion of specific reclamation activities; and (d) estimated costs for completion of each phase of reclamation.

DIVISION 4. - PERFORMANCE GUARANTEES

Sec. 30-358. - Statements of insurance and responsibility.

Before commencing any operation, the operator shall procure public liability insurance with coverages of sufficient amount and term so as to adequately compensate for loss due to either personal injury or to damage to property. Such required insurance shall cover all activities of the operator connected with the uses permitted, and shall be kept in full force and effect at all times during such operations.

The person submitting the Reclamation Plan shall also sign a statement accepting responsibility for reclaiming the mined lands in accordance with the Reclamation Plan. Said statement shall be kept on file by the Planning Division in the mining operation's permanent record. Upon sale or transfer of the operation, the new operator shall submit a signed statement of responsibility to the Planning Division for placement in the permanent record.

Sec. 30-359. - Financial assurances.

(1) To ensure that reclamation will proceed in accordance with the approved Resource Reclamation Plan, the City shall also require, as a condition of approval, security which will be released upon satisfactory performance. The applicant may pose security in the form of a surety bond, trust fund, irrevocable letter of credit from an accredited financial institution, or other method acceptable to the city and the State Mining and Geology Board as specified in state regulations, and which the City reasonably determines are adequate to perform reclamation in accordance with the surface mining operation's approved Resource Reclamation Plan. Financial assurances shall be made payable to the City of Fontana and the State Department of Conservation.

(2) Financial assurances will be required to ensure compliance with elements of the Resource Reclamation Plan, including but not limited to, revegetation and landscaping requirements, restoration of aquatic or wildlife habitat, restoration of water bodies and water quality, slope stability and erosion and drainage control, disposal of hazardous materials, and other measures, if necessary.

(3) Cost estimates for the financial assurance shall be submitted to the Planning Division for review and approval prior to the operator securing financial assurances. The Director of Community Development shall forward a copy of the cost estimates, together with any documentation received supporting the amount of the cost estimates, to the State Department of Conservation for review. If the State Department of Conservation does not comment within 45 days of receipt of these estimates, it shall be assumed that the cost estimates are adequate, unless the City has reason to determine that
additional costs may be incurred. The Director of Community Development shall have the discretion to approve the financial assurance if it meets the requirements of this article, SMARA, and State regulations.

(4) The amount of the financial assurance shall be based upon the estimated costs of reclamation for the years or phases stipulated in the approved Resource Reclamation Plan, including any maintenance of reclaimed areas as may be required, subject to adjustment for the actual amount required to reclaim lands disturbed by surface mining activities in the upcoming year. Cost estimates should be prepared by a California registered Professional Engineer and/or other similarly licensed and qualified professionals retained by operator and approved by the Director of Community Development. The estimated amount of the financial assurance shall be based on an analysis of physical activities necessary to implement the approved Resource Reclamation Plan, the unit costs for each of these activities, the number of units of each of these activities, and the actual administrative costs. Financial assurances to ensure compliance with revegetation, restoration of any water bodies, and any other applicable element of the approved Resource Reclamation Plan shall be based upon cost estimates that include but may not be limited to labor, equipment, materials, mobilization of equipment, administration, and reasonable profit by a commercial operator other than the permittee. A contingency factor of ten percent shall be added to the cost of financial assurances.

(5) In projecting the costs of financial assurances, it shall be assumed without prejudice or insinuation that the surface mining operation could be abandoned by the operator and, consequently, the City or State Department of Conservation may need to contract with a third party commercial company for reclamation of the site.

(6) The financial assurances shall remain in effect for the duration of the surface mining operation and any additional period until reclamation is completed (including any maintenance required).

(7) The amount of financial assurances required of a surface mining operation for any one year shall be adjusted annually to account for new lands disturbed by surface mining operations, inflation, and reclamation of lands accomplished in accordance with the approved Resource Reclamation Plan. The financial assurances shall include estimates to cover reclamation for existing conditions and anticipated activities during the upcoming year, excepting that the permittee may not claim credit for reclamation scheduled for completion during the coming year.

(8) Revisions to financial assurances shall be submitted by the operator to the Director of Community Development each year prior to the anniversary date for approval of the financial assurances. The financial assurance shall cover the cost of existing disturbance and anticipated activities for the next calendar year, including any required interim reclamation. If revisions to the financial assurances are not required, the operator shall explain, in writing, why revisions are not required.

Sec. 30-360. - Annual report requirements.

Surface mining operators shall forward an annual surface mining report to the State Department of Conservation and to the City of Fontana Planning Division on a date established by the State Department of Conservation, upon forms furnished by the State Mining and Geology Board. New mining operations shall file an initial surface mining report and any applicable filing fees with the State Department of Conservation within 30 days of permit approval, or before commencement of operations, whichever is sooner. Any applicable fees, together with a copy of the annual inspection report, shall be forwarded to the State Department of Conservation at the time of filing the annual surface mining report.

Sec. 30-361. - Inspections.

The Planning Division shall arrange for inspection of a surface mining operation within six months of receipt of the annual report required in Section 30-360, to determine whether the surface mining operation is in compliance with the approved Resource Extraction Permit approval and/or Resource Reclamation Plan, the approved financial assurances, and State regulations. In no event shall less than one inspection be conducted in any calendar year. Said inspections may be made by a state-registered geologist, state-registered civil engineer, state-licensed landscape architect, or state-registered forester, who is experienced in land reclamation and who has not been employed by the mining operation in any capacity.
during the previous 12 months, or other qualified specialists, as selected by the Director of Community Development. All inspections shall be conducted using a form approved and provided by the State Mining and Geology Board.

The Planning Division shall notify the State Department of Conservation within 30 days of completion of the inspection that said inspection has been conducted, and shall forward a copy of the said inspection notice and any supporting documentation to the mining operator. The operator shall be solely responsible for the reasonable cost of such inspection.

DIVISION 5. - ABANDONMENT

Sec. 30-362. - Notification.

Whenever a resource extraction operation is to be permanently abandoned, the operator shall notify the Director of Community Development in writing of his intention to abandon the operation at least 90 days prior to such abandonment.

Sec. 30-363. - Inspection.

The Director of Community Development shall inspect the site within 30 days of the notification of proposed abandonment and shall notify the operator of what protective devices, structures, or corrective measures are or may be necessary for the protection of the adjacent properties and the general public. The Director of Community Development shall also notify the property owner and the operator what assurance, if any, shall be required for the continued maintenance of protective devices, future correction of possible unsafe conditions as may occur, and reclamation of the site to a usable condition consistent with the reclamation plan. Such assurance may include a requirement for an offer of dedication of said lands where it is determined that such action is necessary to guarantee future use of the site.

Sec. 30-364. - Conformance with resource reclamation plan.

Upon the notification of abandonment, the Director of Community Development shall cause a survey to be conducted setting forth the cubic yards of material removed and requirements for conformance to the adopted Resource Reclamation Plan approved for the site pursuant to this article.

DIVISION 6. - SUSPENSION OR REVOCATION

Sec. 30-365. - Suspension or revocation.

Whenever a resource extraction operation is to be suspended voluntarily, the operator shall notify the Director of Community Development in writing of his intention to suspend operations at least 90 days prior to such voluntary suspension.

Sec. 30-366. - Interim management plans.

(1) Within 90 days of the voluntary suspension of a surface mining operation, the operator shall submit to the Planning Division a proposed Interim Management Plan (IMP). The proposed IMP shall fully comply with the requirements of SMARA, including but not limited to all site conditions, and shall provide measures the operator will implement to maintain the site in a stable condition, taking into consideration public health and safety. The proposed IMP shall be submitted on forms provided by the Planning Division, and shall be processed as an amendment to the Resource Reclamation Plan. IMPs shall not be considered a project for the purposes of environmental review.
(2) Financial assurances for suspended operations shall be maintained as though the operation were active.

(3) Upon receipt of a complete proposed IMP, the Planning Division shall forward the IMP to the State Department of Conservation for review. The IMP shall be submitted to the State Department of Conservation at least 30 days prior to approval by the Planning Commission.

(4) Within 60 days of receipt of the proposed IMP, or a longer period mutually agreed upon by the Director of Community Development and the operator, the Planning Commission shall review and approve or deny the IMP in accordance with this article. The operator shall have 30 days, or a longer period mutually agreed upon by the operator and the planning manager, to submit a revised IMP. The Planning Commission shall approve or deny the revised IMP within 60 days of receipt. If the Planning Commission denies the revised IMP, the operator may appeal that action to the City Council in accordance with Chapter 30, Article II, and Division 5 of the Fontana Municipal Code.

(5) The IMP may remain in effect for a period not to exceed five years, at which time the Planning Commission may renew the IMP for another period not to exceed five years, or require the surface mining operator to commence reclamation in accordance with its approved Reclamation Plan.

Sec. 30-367. - Revocations, violations and penalties.

If the Director of Community Development, based upon an annual inspection or otherwise confirmed by an inspection of the mining operation, determines that a surface mining operation is not in compliance with this article, the applicable Resource Extraction Permit approval, any required permit and/or the Resource Reclamation Plan, the City shall follow the procedures set forth in Public Resources Code § 2774.1 and § 2774.2 concerning violations and penalties. In addition, the following provisions of the City of Fontana Municipal Code for revocation and/or abandonment of permits shall be followed:

a. The Director of Community Development shall review any possible violation and make a recommendation to the Planning Commission. In addition to any other means of enforcing these regulations, the Planning Commission may suspend or revoke a resource extraction permit or any other entitlement to conduct mining operations granted pursuant to the City of Fontana Development Code when the Commission determines that a permittee is violating material terms of a resource extraction permit or that a reclamation plan is not being implemented.

b. Prior to any such suspension or revocation, the Director of Community Development shall specify the nature of the violation or the failure to implement a reclamation plan in writing and demand at least twice over a period not less than 30 days that the permittee correct the violation or failure. When adequate steps have not been taken to insure the immediate correction of the violation or failure to the satisfaction of the Planning Manager, the Director of Community Development shall request the Planning Commission set a hearing to consider whether the Resource Extraction Permit or other entitlement to mining operations should be suspended or revoked. The owner and operator of the site in question shall be given at least 15 days’ notice of any such hearing, except when life, safety, or health issues are in question.

c. Whenever the Planning Commission suspends or revokes a Resource Extraction Permit or other entitlement to conduct mining operation pursuant to this article, it shall do so by resolution, which resolution shall set forth the findings upon which the Commission bases its action.

d. A resolution of suspension shall also set forth any conditions which must be met to reinstate the Resource Extraction Permit or other entitlement to conduct mining operations. Prior to reinstatement of any suspended Resource Extraction Permit or other entitlement to conduct mining operations, the permittee shall submit a compliance plan to the Planning Commission for approval. The Planning Manager shall determine that mining operations and other uses are in accordance with an approved compliance plan prior to resumption of mining operations. Upon certification by the Director of Community Development that a permittee has corrected all violations and satisfied any conditions of reinstatement in accordance with an approved compliance plan, the Planning Commission shall reinstate a suspended resource extraction permit or other entitlement to conduct mining operations.
Sec. 30-368. - Appeals.

Any person aggrieved by an act or determination of the Planning Commission in the exercise of the authority granted herein, shall have the right to appeal to the City Council in accordance with Chapter 30, Article II, Division 5 of the Fontana Municipal Code. An appeal shall be filed on forms provided, within 15 calendar days after the rendition, in writing, of the appealed decision.

Sec. 30-369. - Mineral resource protection.

Mine development is encouraged in compatible areas before encroachment of conflicting uses. Mineral resource areas that have been classified by the State Department of Conservation's Division of Mines and Geology or designated by the State Mining and Geology Board, as well as existing surface mining operations that remain in compliance with the provisions of this chapter, shall be protected from intrusion by incompatible land uses that may impede or preclude mineral extraction or processing, to the extent possible for consistency with the City of Fontana General Plan.

In accordance with Public Resources Code § 2762, the City of Fontana General Plan and any of the City's associated resource maps shall be revised to reflect mineral information (classification and/or designation reports) within 12 months of receipt from the State Mining and Geology Board of such information. Land use decisions within the city will be guided by information provided on the location of identified mineral resources of regional significance. Conservation and potential development of identified mineral resource areas will be considered and encouraged. Recordation on property titles of the presence of important mineral resources within the identified mineral resource areas may be encouraged as a condition of approval of any development project in impacted areas. Prior to approving a use that would otherwise be incompatible with mineral resource protection; conditions of approval may be applied to encroaching development projects to minimize potential conflicts.

Sec. 30-370. - Severability.

In any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, it shall not affect the remaining portions of this chapter.

Secs. 30-371—30-382. - Reserved.

ARTICLE XIV. - TRANSPORTATION DEMAND MANAGEMENT AND TRIP REDUCTION REQUIREMENTS

Sec. 30-383. - Purpose.

The purpose of this section is to promote the use of alternative modes of transportation other than the use of single occupant vehicle, and peak hour travel, thereby reducing congestion, reducing air pollution and improving the quality of life.

Sec. 30-384. - Applicability.

This section shall apply to all incorporated portions of the City. Prior to issuance of a building permit for any new construction project requiring a design review for which a site plan is submitted on or after this article comes into effect, provisions shall be made for all applicable trip reduction requirements of this section to be implemented. The requirements shall not be applied to existing development except when new square footage is added which exceeds 25 percent of the original development.

Sec. 30-385. - Trip reduction measures.

The following trip reduction measures shall be implemented:
(1) Bicycle parking racks or secured bicycle lockers shall be provided for all nonresidential developments and multiple-family developments with ten or more units. Bicycle racks or lockers shall be provided at a rate of one bicycle parking space per 20 automobile parking spaces with a minimum of a two-bike rack.

(2) On-site pedestrian walkways and bicycle paths shall be provided between adjoining buildings and connecting each building in a development to public streets and sidewalks or transit stops, for all new nonresidential developments and multiple-family developments with ten or more units.

(3) Preferential parking spaces which are signed and striped for vanpools and carpools shall be provided at a minimum rate of ten percent of employee vehicle parking for all new nonresidential developments of 20,000 square feet or greater.

(4) A passenger loading area equivalent to a minimum of three parking spaces shall be provided in a location close to the main building entrance or employee entrance, designed not to interfere with vehicular circulation, for all new nonresidential developments of 50,000 square feet or greater.

(5) Parking spaces shall be designed with a minimum vertical clearance of seven feet two inches to accommodate vanpool vehicles.

(6) Locker, shower, and changing room facility(ies) accessible to both men and women shall be provided for employees bicycling or walking to work, for all new nonresidential developments which meeting the following thresholds.

<table>
<thead>
<tr>
<th>Use</th>
<th>Threshold</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office/commercial</td>
<td>125,000 square feet</td>
</tr>
<tr>
<td>Industrial/warehouse</td>
<td>250,000 square feet</td>
</tr>
<tr>
<td>Hotels/motels</td>
<td>250 rooms</td>
</tr>
</tbody>
</table>

(7) All new nonresidential developments with 20,000 square feet or greater shall provide an information area easily accessible to employees that offers information on available transportation alternatives, such as: metro link service schedules, transit route schedules and maps, rideshare matching services, available employees or customer incentives and air quality information.

(8) Transit facilities such as bus pullouts, bus pads and bus shelters shall be provided for new developments along existing or planned transit routes at approximately one-quarter mile apart, as determined in cooperation with local transit providers and City Traffic Engineering and transportation planning staff.

(9) A telecommuting center or contributions toward the development of such a center shall be required for all new residential developments of 200 or more units.

(10) On-site video conferencing facilities shall be provided for all office park developments with 1,000 or more employees or office building with a capacity of 500 or more employees.

(11) Sidewalks shall be provided for all new developments in accordance with the city’s circulation element of the general plan, subject to conditions of existing, adopted specific plans.

(12) Child care facilities shall be considered for inclusion as part of new nonresidential developments with 1,000 or more employees.
(13) All new projects which meet the San Bernardino County Congestion Management Program thresholds shall participate in the construction or payment of fees toward the construction of bicycle facilities required during the design review or project approval process.

Sec. 30-386. - Exception to trip reduction requirements.

The City Council, Planning Commission or Director of Community Development, as appropriate, may modify all or part of the trip reduction measures for new projects set forth above, if the following findings can be made:

(1) One or more of the measures are not applicable due to special circumstances, including, but not limited to, the location or configuration of the project, the implementation demand management strategies, or other specific factors which make infeasible implementation, or reduce the effectiveness, of the prescribed measure(s); and

(2) An alternative trip reduction and transportation demand management strategy will be implemented to reduce an equal amount of trips as would have occurred as a result of imposition of the prescribed measures. (Implementation of the alternative strategy shall be a condition of project approval.)