

Article 32: GENERAL DEVELOPMENT REQUIREMENTS AND EXCEPTIONS

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Sec. 9-1.3200: Purpose and Intent

In addition to the objectives prescribed in Sec. 9-1.0105 of Article 1 of this chapter, general development requirements are established for the following purposes:

- A. To ensure that all interested persons have access to all development requirements of the City;
- B. To provide clear and concise development requirements to all residents, applicants and interested parties;
- C. To maximize interdepartmental cooperation among all City departments which have established regulations and criteria regulating development in the community.

Sec. 9-1.3205: Engineering Requirements

Individual development projects should be confirmed with the requirements on file with the City of Ontario Engineering Department.

Sec. 9-1.3210: Fire Safety Requirements

Individual development projects should be confirmed with the requirements on file with the City of Ontario Fire Safety Control Division.

Sec. 9-1.3215:

Site security

The following general requirements apply, based on Title 4, Chapter 11, of the Ontario Municipal Code (Building Security Ordinance). Specific site security requirements for individual development projects are subject to the Building Security Ordinance and should be confirmed with the City of Ontario Police Department.

- A. Non-interchangeable keys must be provided between units in the same developments;
- B. Sliding glass door and window placement requirements include provision of secondary locking devices, placement criteria for louvered windows, and non-removable hinge pins for outward swinging door;
- C. Garage door requirements include specific locking requirements;
- D. Exterior residential, commercial and industrial swinging door provisions (including doors leading from the garage area into a living area), minimum door widths, locking and glazing requirements, use of panic hardware, door viewers, type and installation of door jambs are required;
- E. Placement of street address numerals are required per Article 31;
- F. Placement of illuminated unit directories for multiple family dwelling complexes;
- G. Installation of roof top numbers are required on all multiple family dwelling complexes and commercial and industrial projects;
- H. Specific lighting plans must be prepared for new residential, commercial and industrial developments, to include:
 - 1. Automatic lighting systems for exterior common areas within multi-family, duplex and condominium complexes with a minimum maintained 0.5 foot-candle power, one (1) foot-candle power for parking areas, 0.7 foot-candle power for pedestrian walkways;
 - 2. Specific lighting details including luminaire throw patterns and light fixtures to be used.
- I. Standards for residential fencing, including locking detail and type of security shrubbery to be used;
- J. Security for all roof openings and elevators;
- K. Provisions for helicopter landing pads;
- L. Hotel and motel building provisions;
- M. Security provisions for construction sites;
- N. Provisions for security alarm systems.

Sec. 9-1.3225:

Landscape Design

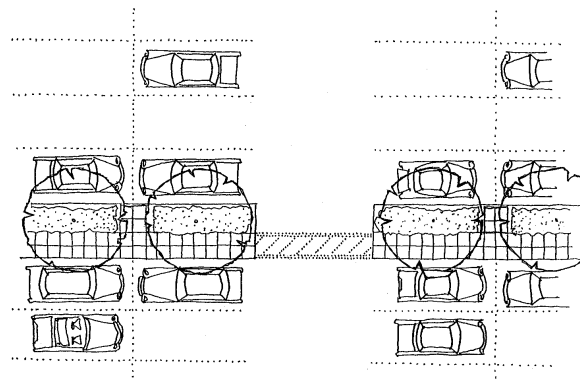
Landscaping is an important part of the aesthetic quality of Ontario, and is important to create a sense of the City as a pleasant and safe place to live and work. These Design Guidelines pursue high quality landscaping associated with different land uses characteristic of the community. The intent is to enhance the street environment for motorists as well as to contribute to convenient pedestrian connections throughout the City.

DESIGN PRINCIPLES

A. DESIGN ACCENTING. *The image of any land use is enhanced when landscaping is used to highlight key aspects of the site plans and design as well as to create a unique place identity.*

Use landscaping to highlight the key features of each development.

Landscaping should be used to direct the visitor's attention to key aspects of the site and design of the project, such as entrances, signs, and amenities. Highlighting can be accomplished by varying the density of landscape material, use of color, layering, vertical/horizontal contrasts and varying the texture of planting. Individual building projects can be enhanced through larger and more intensely developed features.



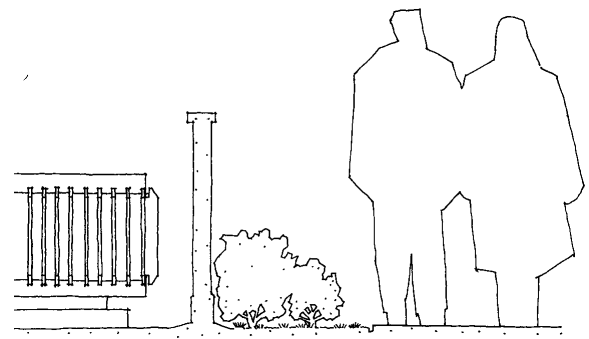
Use landscaping to reduce the massing of buildings and create interest by eliminating large blank walls.

Landscaping should be used to reduce the massing, or bulk, of buildings, particularly large industrial and warehouse/distribution buildings. Reductions in massing can be accomplished by using landscape treatments to provide vertical/horizontal contrast and to add visual interest. Major buildings should have foundation plantings adjacent to builds (such as hedgerows of shrub masses) to break the horizontal ground plane from the vertical plane of the building.

Use landscaping to soften the effect of paved areas. landscaping should be provided in all parking areas to reduce the visual impact of parking areas and reduce associated heat build-up. Parking lot landscaping should be integrated with, and an extension of, other on-site landscape features.

General landscape guidelines are:

- No landscaped area is to have a dimension of less than five (5) feet clear in width;
- Vine pockets would be a rare exception, with an 18-inch minimum dimension;
- All landscaping areas are to be bounded by curbing, constructed of masonry or concrete;
- No landscape area is to be at grade with on-site paving;
- Not more than fifty (50) percent of a given landscape area is to be turf.
- All parkway areas not devoted to sidewalk shall be landscaped and permanently maintained;
- All trees are to be located a minimum of twenty-five (25) feet from the beginning of curb returns at street intersections; ten (10) feet from light standards and power poles; ten (10) feet from fire hydrants; five (5) feet from sidewalks, driveways and buildings and ten (10) feet from water and sewer lines.



B. Trees. A mix of tree sizes shall be provided as follows:

| Minimum Tree Size Mix | |
|---------------------------------------|-----------------------|
| Minimum Percent Mix of Required Trees | Size |
| 5% | 48-inch box or larger |
| 10% | 36-inch box |
| 25% | 24-inch box |
| 55% | 15-gallon |

A mix of tree species shall be provided as follows:

| Minimum Tree Species Mix | |
|--------------------------|---|
| Number of Required Trees | Minimum Number of Tree Species Required |
| 20 or Fewer | 2 |
| 21 to 30 | 3 |
| 31 to 40 | 4 |
| More than 40 | 5 |

All trees planted in a new development shall conform to the following minimum measurements:

| Minimum Tree Size Specifications | | | |
|----------------------------------|---------------|-------------|-----------|
| Size | Trunk Caliper | Height | Spread |
| 48-inch box | 3.25-inches | 16 to 18 FT | 8 to 9 FT |
| 36-inch box | 2.75-inches | 12 to 14 FT | 6 to 7 FT |
| 24-inch box | 1.75-inches | 9 to 10 FT | 4 to 5 FT |
| 15-gallon | 0.75-inch | 7 to 8 FT | 2 to 3 FT |

- C. SCREENING.** *The image of a development is enhanced when mechanical equipment, trash collection areas and outside storage areas are screened from public view.*

Landscaping should be used in conjunction with other methods to help screen mechanical equipment, loading docks, trash enclosures from view.

Landscaping is to be provided in association with all walls or fences used to screen storage areas, mechanical equipment, or trash enclosures. Landscaping should cover a minimum of sixty (60) percent of the surface area of the walls or fences used for screening.

Landscaping should be used to help screen views of non-residential uses from residential areas.

Landscaping in conjunction with walls or fences should be used to create a buffer, as appropriate to the nature of the adjacent use.

- D. ON-SITE CIRCULATION.** *Safety and ease of use are enhanced when circulation patterns are clear.*

Landscaping should help direct on-site vehicular and pedestrian circulation by providing clear direction in terms of travel patterns.

This can be accomplished by providing landscaping which highlights site entrances and pedestrian pathways.

Landscaping should be designed so as to facilitate pedestrian circulation and access to buildings.

Landscaping should be designed to buffer pedestrian from vehicular traffic as well as demarcating and highlighting walkways.

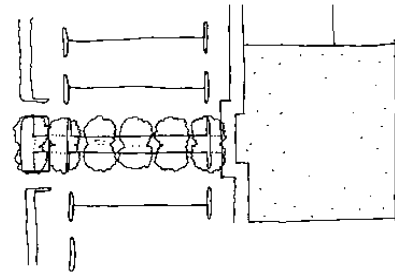
Landscaping should be designed to further pedestrian safety.

Where provided, walkways should be at least four (4) feet in width and separated from parking lots, loading areas and buildings (except for entries) with a landscape buffer. Trees should ideally be planted along walkways to create shade and comfortable environments.

E. PARKING LOTS. *Large paved areas detract from the image of the City and make an environment unattractive for visitors and site users, particularly during hot summer months.*

Parking lots are to be landscaped with shade trees to provide visitors with relief from summer heat and provide a visually pleasing area adjacent to buildings.

To the degree possible, canopy shade trees should be used to provide shade, while maintaining adequate lighting for safety purposes. Trees should be provided at a rate of one (1) tree per ten (10) stalls, except in the OS Open Space District, where the rate is one (1) tree per five (5) stalls. Fifty (50) percent of the trees are to be shade canopy trees.



All parking areas visible from public streets or adjacent parcels shall be screened with landscaped material.

Appropriate landscaping includes minimum three (3) foot tall hedgerows located to allow for a two (2) foot vehicle overhang unless wheel stops are provided. A minimum five (5) foot landscaped planter should be placed around the perimeter of a parking lot, with a minimum of one (1) tree planted for each thirty (30) linear feet of perimeter edge.

Landscaping is to be distributed throughout parking lots.

A minimum of seven (7) percent of the total area of the parking lot is to be landscaped, excluding perimeter landscaping. Minimum widths of planters are five (5) feet with a minimum area requirement of twenty (20) square feet per planter area.

Planter islands for a single row of parking spaces shall be landscaped with at least one tree and vegetative groundcover or turf. Planter islands for a double row of parking spaces shall contain not less than 2-trees and vegetative groundcover or turf.

Landscaped areas shall be delineated with a concrete curb, minimum 6-inches high by 6-inches wide; except where a landscape area is parallel and adjacent to a parking stall, the curb shall be a minimum 6-inches high by 12-inches wide, to provide an area for persons to step when entering or exiting a motor vehicle.

F. PERIMETERS. *Landscaping can help to express land uses and provide a buffer between competing uses.*

Where parking lots occur along streets, a pleasant buffer element should be constructed.

A ten (10) foot wide minimum landscaped buffer consisting of a thirty-six (36) inch high hedge-like material should be provided to screen views of parked cars from the street. To shade pedestrians and create an attractive streetscape, trees should be planted within this landscaped buffer. Landscaping may be combined with low walls or earthen berms to mitigate the visual effects of parking lots and loading areas. Earth berms should not exceed a 3:1 slope and be rounded and densely landscaped to have a natural appearance.

Landscaping should be used to provide buffer between differing land uses.

This buffer should consist of a mix of vegetation types to provide a visual screen between the two uses. Landscaping can also be used to "soften" the appearance of masonry walls used as land use buffers.

Landscaping between the street and parking lots may be combined with low walls, earth berms, or lowering the elevation of the parking lot to mitigate its visual impact. Earth berms should not exceed a 3:1 slope and be rounded and landscaped to have a natural appearance.

- G. WATER USE.** *Water conservation is an important goal in the region. Landscaping should be designed in a way that is consistent with this goal.*

All landscape and irrigation designs are to incorporate drought tolerant plant materials and water efficient irrigation systems.

Landscaping is to be consistent with the Water Efficient Landscape Ordinance. Designs are to include plants that are horticulturally appropriate, but which require minimal water. Plantings should be accomplished in a way that enables efficient irrigation systems to be designed. This will include grouping of plants with similar water needs.

- H. ENERGY EFFICIENCY.** *Landscaping design can reinforce and complement energy efficient design efforts.*

Landscaping should be used to help reduce energy needs of buildings and solar heat gain of parking lots.

- I. FIRE SAFETY LANDSCAPING.** *Landscaping, when properly designed, can help retard the spread of fire.*

Vegetation should not be located in a way that promotes the spread of fire.

There should be no direct contact between trees and roofs of buildings, nor should vegetation act as a ladder to transmit fire. Trees and other landscaping should not be located so as to provide a fire bridge between buildings.

In fire hazard areas, fire retardant plantings should be placed to help retard the spread of fire.

**Sec. 9-1.3230:
Public Art**

The following requirements govern public art in the community:

- A.** The purposes of a public art program include:

1. To assist in celebrating Ontario's rich and diverse history through works of art;
2. To beautify major commercial, industrial and civic buildings;
3. To assist in providing community focal points, gathering places and areas of civic involvement.

- B.** The following works of art are permitted to satisfy the requirements of this Section:

1. Sculpture, including in the round, base relief, mobiles, fountains, kinetic, electronics or other, using one or a combination of materials;
2. Painting, including permanently affixed works of art, such as murals;
3. Graphic arts, including printmaking, drawing, calligraphy, but only when on a large, public scale;
4. Mosaics, when on a large, public scale;

5. Crafts, including fiber and textiles, wood, metal, plastics and other materials;
 6. Mixed media, including any combination of forms or media including collage;
 7. Any other work of art as determined by the Development Director to satisfy the requirements of this Section.
- C. The following do not satisfy the requirements of this Section:
1. Reproductions by mechanical or other means of original works of art;
 2. Directional and other functional elements, such as "supergraphics," signing, and color coding, except where such elements are integral parts of original, signed art works;
 3. Art objects that are mass produced from a standard design, including playground equipment, fountains, flags, banners, except where such elements constitute a small part of an original art work;
 4. Landscaping and gardening, except where these elements are designed by the artist and are an original part of a signed artwork.
 5. The City Council may adopt by Resolution specific procedures for approving specific works of public art, establishing a public art budget for public and private development projects, determining criteria for selection of public art and establishing a maintenance program for such art works.

Sec. 9-1.3235:

Consistency with General Plan

No land use shall be permitted which is not consistent with the objectives, polices, general land uses and programs specified in the General Plan. A land use is consistent with the General Plan if, considering all of its aspects, it is found to further the objectives and polices of the General Plan. Appeals from consistency determinations shall be as provided in Article 5.

Sec. 9-1.3240:

Conformity with District Regulations

No site or structure shall be used for any purpose or in any manner other than in conformity with the regulations for the zoning district in which the site or structure is located.

No structure is to be erected and no existing structure is to be moved, altered, or enlarged, except in conformity with the regulations for the district in which the structure or use is located.

No required yard or open space area related to any structure or use shall be used, encroached upon, or reduced in any manner, except in conformity with the regulations for the district in which the yard or open space is located.

No site under one ownership at the time of the adoption of this ordinance or at any time thereafter shall be reduced in area to less than the minimum area prescribed for the district in which the site is located, unless a site area variance is granted in accordance with Article 10. Any lot which is shown on a recorded map prior to November 5, 1947, and which had a legal area, width, and frontage at the time the subdivision map was recorded or the lot was legally created, may be used for a permitted use or a conditional use and shall be subject to all other regulations for the district in which the site is located.

Sec. 9-1.3245:

Mixed Use Requirements

For the purposes of this section, a mixed use is the development of a tract of land, building, or structure with a variety of complementary uses, such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment, in a compact urban form, and as further defined in the Article 2.

The following requirements apply to mixed uses:

- A. Establishments or developments containing mixed uses are to be subject to zoning district regulations, site development standards, off-street parking and loading requirements, and all other regulations applicable to any of the specific uses involved unless modified through the issuance of a Conditional Use Permit;
- B. When any of the uses which are proposed to be contained in a mixed use establishment or development is subject to the issuance of a conditional use permit, the entire establishment or development shall also be subject to the issuance of a Conditional Use Permit;
- C. Mixed uses shall not be permitted in any building unless it has been adequately designed or altered to accommodate each of the uses;
- D. Development Plan Review is required in accordance with the provisions of Article 8.

Sec. 9-1.3250:

Yards

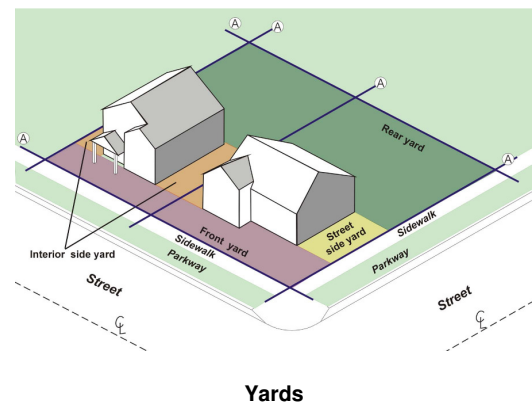
No yard provided for any structure or use in compliance with the requirements of the Development Code shall be deemed to provide a yard for any other use or structure, and no yard on one site shall be deemed to provide a yard on another site.

Sec. 9-1.3255:

Measurement and locations of required yards

Required yards shall be measured parallel with the front, side or rear property line, as appropriate, in a line perpendicular to the nearest point of a structure on the site; provided, however, where a future right-of-way of a street, highway, freeway or railroad has been established, required yards shall be measured from the established right-of-way line.

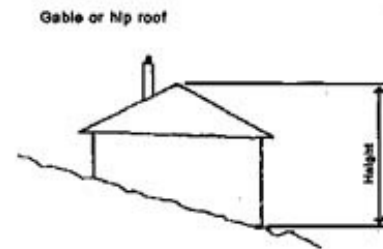
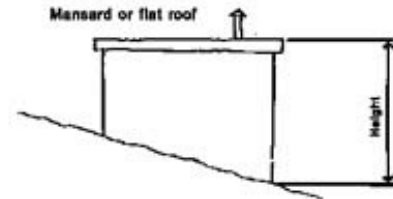
Where a site abuts on a street having only a portion of its required width dedicated or a reserved for street purposes, the required yard shall be measured from the line establishing the additional width required for street purposes abutting the line.



On a site which is so irregularly shaped that the locations of the required front, side, and rear yards, as defined by Article 2, cannot clearly be identified, the locations and the manner of measurements shall be prescribed by the Zoning Administrator.

**Sec. 9-1.3265:
Measurement of height**

The height of structures shall be measured vertically from a line representing a horizontal plane drawn through either the base of the structure at the lowest elevation of the existing grade prior to development or finished grade of the structure, whichever is lower, to a line representing a horizontal plane drawn through the highest point of the roof or through the coping of a flat roof, the deck line of a mansard roof or the highest ridge of a sloping roof.



**Sec. 9-1.3270:
Exceptions to height requirements**

Towers, spires, cupolas, chimneys, elevator penthouses, water tanks, flagpoles, monuments, radio, television, and citizen band aerials and antennas, transmission towers, fire towers, and similar structures, and necessary mechanical appurtenances covering up to ten (10) percent of the area covered by a structure may be erected to a height up to twenty-five (25) percent above the prescribed height limit, or no more than twenty (20) feet above the height limit, whichever is lower; provided, however, such height limitations shall not apply to public utility distribution and transmission lines. Height regulations for Amateur (HAM) radio antennas, Satellite dishes and Wireless Communication Facilities shall be in accord with Section 9-1.3289.

Where any height limit prescribed in this chapter permits a height greater than prescribed in the Ontario International Airport Height Map provisions for the same location, the Airport Height Map requirements shall prevail.

**Sec. 9-1.3275:
Detached Accessory Buildings**

The following provisions govern detached accessory buildings:

- A. On a reversed corner lot, a detached accessory building shall not project beyond the required front yard setback on the key lot to the rear or be located within five (5) feet of the side property line of the key lot;
- B. In any district, detached accessory buildings containing living quarters, guest accommodations, or a recreation room shall not be located in any required yard; provided however, when the building is added to an existing structure, only the portion of the structure containing the living quarters, guest accommodations or recreation room shall be subject to the provisions of this section.

**Sec. 9-1.3280:
Street naming and street address numbering**

All street naming and numbering shall conform to the following:

- A. Except for subregional thoroughfares such as Holt Boulevard and Mission Boulevard, the designation for a street shall be determined by its direction and design as follows:

1. Each north/south through street shall be designated as "avenue";
2. Each east/west through street shall be designated as "street";
3. Each through street which changes direction shall be designated as a "road", "way", "drive", "lane" or "trail";
4. Each cul-de-sac in which the centerline points north or south at the termination of the cul-de-sac shall be designated as "place";
5. Each cul-de-sac in which the centerline points east or west at the termination of the cul-de-sac shall be designated "court";
6. Each circle shall be designated as "circle";
7. Each loop shall be designated as "loop";
8. Each alley shall be designated as "alley".

B. Naming of Alleys. Alleys in the City of Ontario may only be named if the following criteria can be met.

1. The alley must lead to a property that is a landlocked parcel with frontage only onto the alley (no street frontage).
2. The structure(s) on the property must be a designated Local Historic Landmark
3. The naming shall not affect any other landlocked parcel.

C. The names of new streets are encouraged to be based on the following, subject to the approval of the Planning Department:

1. Presidents of the United States;
2. States of the United States;
3. Cities of the United States;
4. California counties;
5. Names of famous local, state, and national personalities who are deceased;
6. Names of culturally significant historic places and events;
7. Famous fictitious names;
8. Names of astrological constellations;
9. Colleges;
10. Colors;
11. Precious metals;

12. Rocks;
 13. Trees, shrubs and flowers;
 14. Fruits and nuts;
 15. Armstrong registered roses;
 16. Others, as approved by the City Planner.
- D. Street address numbers for dwelling units, places of businesses, and public buildings on all public and private streets shall be assigned by the Building Department based on the following system:
1. Euclid Avenue is hereby designated as the north/south axis and Holt Boulevard is hereby designated as the east/west axis. All streets, roads, ways, drives, courts, lanes and trails generally north-south shall be numbered from Holt Boulevard consecutively to the City limits. All streets, roads, ways, drives, courts, lanes and trails running generally east-west shall be numbered from Euclid Avenue consecutively to corporate limits;
 2. All street address numbers north of Holt Boulevard shall have the suffix "north" and all street addresses south of Holt Boulevard shall have the suffix "south." All street address numbers east of Euclid Avenue shall have the suffix "east" and all street address numbers west of Euclid Avenue shall have the suffix "west."
 3. The numbering system shall begin with No. 100 from each axis point. Wherever possible, one hundred (100) numbers shall be allowed to each block so that the number of each consecutive block shall commence with consecutive hundreds. Each block shall be at the next street intersection or at six hundred and sixty (660) foot intervals, where no street intersection exists. In any case, one whole number shall be assigned for each twenty (20) feet of street frontage;
 4. While facing north from Holt Boulevard, odd numbers shall be assigned to the west (or left) side of the street on all north/south streets, and even numbers to the east (or right) side of the street. While facing south from Holt Boulevard, odd numbers shall be assigned to the east (or left) side of the street on all north/south streets and even numbers to the west (or right) side;
 5. While facing east from Euclid Avenue, odd numbers shall be assigned to the north (or left) side of the street on all east/west streets, and even numbers to the south (or right) side of the street. While facing west from Euclid Avenue, odd numbers shall be assigned to the south (or left) side of the street on all east/west streets, and even numbers to the north (or right) side;
 6. Any new street having the design of a circle or loop shall bear one given name along its entire length and have a numbering system as follows:
 - a. Where the entrance to the circle or loop is from an adjacent east/west street, the numbering shall conform to that use on the north/south streets;
 - b. Where the entrance to the circle or loop is from an adjacent north/south street, the numbering shall conform to that use on the north/south streets.
- E. The owner or occupant or person in charge of any house or building to which a number has been assigned shall be responsible for posting designated street address numbers subject to the following specifications:

1. Principal buildings shall display the number on the side where the front entrance is located. Where a principal building is occupied by more than one business or family dwelling unit, each separate tenant or dwelling unit front entrance shall display the assigned number. Commercial and industrial buildings shall, in addition, display the assigned numbers on rear and side entrances facing a public alley or access drive.

If there is more than one building on a lot or development site, each building shall be assigned a number in a manner determined by the Building Department. Commercial and industrial buildings shall display a directory at the main entrance to the site;

2. Street address numbers shall be posted as to be conspicuously visible from the street or road fronting the property. The actual location and size of the numbers shall be approved by the Building Official, subject to the following guidelines:
 - a. Each individual digit stroke shall be a minimum of inch (1) inch wide;
 - b. Numbers shall be a minimum of four (4) inches high for up to fifty (50) feet of distance from the street curb, eight (8) inches for a distance of between fifty to one hundred (50-100) feet from the street curb, and twelve (12) inches for a distance of over one hundred (100) feet from the street curb;
 - c. When numbers on a building would not be visible from the street due to setback distance or would otherwise be obstructed, the numbers may be posted on a freestanding structure a maximum of forty-two (42) inches high, four (4) feet square in size;
3. Numbers and the background to which they are attached shall be of contrasting colors or shades, and shall be of reflective material for nighttime visibility. Samples of the materials shall be submitted to and approved by the Building Official .

F. No building permit shall be issued for any principal building until the owner or owner's agent has obtained the official street address number of the premises from the Building Department. Final approval for a certificate of occupancy of any principal building erected, repaired or expanded shall be withheld until permanent and proper numbers have been displayed in accordance with this section.

G. Street addresses and suite/unit numbers or letters on rooftops shall be as follows:

1. Street address numbers shall be displayed on roof tops of all multiple unit residential, commercial and industrial buildings. The numbers shall face the street frontage corresponding to the address. The size of the numbers shall be three (3) feet long and one (1) foot wide and shall be painted in reflective white paint on a flat black painted background;
2. Any other buildings may display secondary street address numbers on roof tops in coordination with the Police Department and subject to the following standards:
 - a. Minimum number length shall be three (3) feet and minimum width shall be five (5) inches;
 - b. Numbers shall not be visible from the street.

Sec. 9-1.3285:

Adult businesses prohibited in certain districts

Notwithstanding any other provision of the Development Code, adult businesses shall be prohibited in all zoning districts, except the M3 (General Industrial) District.

Sec. 9-1.3286:

Swimming pools, hot tubs and spas

Swimming pools, hot tubs and spas shall conform to the following provisions. Additional requirements governing swimming pools, hot tubs and spas are found in applicable provisions of the Uniform Building Code.

- A. A fence or wall at least 5 feet in height, as measured from outside the pool area, shall be provided completely around the pool or spa and shall be designed to prevent unauthorized access. If wrought iron material is used, openings are to be no greater than 4 inches in width;
- B. All gates or doors within the fence or wall shall be kept securely closed at all times when not in use. The gate or door is to be equipped with a self-closing and self-latching device, which enables the gate or door to be securely closed.
- C. A clear path a minimum of 3 feet wide must be provided around the entire pool to permit emergency access. For properties containing 2 or fewer units, a clear path shall be provided around 50 percent or more of the pool perimeter;
- D. Pools or spas may not be constructed in front or street side corner setback areas and must maintain a minimum setback of 5 feet from any side or rear property line.

Sec. 9-1.3287:

Relocated buildings

A permit to relocate an existing building from one lot to another shall be approved by the City Planner. Development plan approval pursuant to Article 8 is also required prior to issuance of a building permit to relocate any building.

Sec. 9-1.3288:

Refuse and recycling storage areas

Except as exempted by the City Planner, a refuse storage area shall be screened on all sides by a six foot solid masonry wall, or located within a building, shall be provided prior to occupancy for all multi-family (three units or greater), commercial and industrial uses. Precise locations, dimensions, and general design parameters shall be in accord with standard City specification. The City Planner may waive screening requirements for refuse storage areas when said area is not visible from a public street or from any R district. Solid waste refuse areas shall contain sufficient room for storage of materials to be recycled.

Sec. 9-1.3289:

Antennas and Wireless Telecommunications Facilities

Wireless Communications Facilities as defined by Section 9-1.0200 are permitted subject to the following and as noted in Table 32-3 contained herein:

- A. **Review of Wireless Communications Facilities:** All applications for Wireless Communication Facilities are subject to a three tier review process as provided in this section. The Planning Director shall have the discretion to determine the design and level of review requirements for projects proposed in specific plan areas based on the similarity of the specific plan land use designation to the citywide zoning districts.

1. Tier 1: Building Department Plan Check Review

Applications for Wireless Communications Facilities that propose an integrated building/structure design or a roof mounted design that is less than 10 feet in height, is architecturally screened from view and is located in an Industrial or Commercial zone, regardless of proximity to Residential zone, shall be reviewed through the Building Department plan check process.

2. Tier 2: Development Advisory Board (DAB) Review

Wireless Communication Facilities that meet all the following criteria shall require review and approval solely by the DAB:

- a. Facility is located in an industrial or commercial zone; and
- b. Facility is more than 500 feet from a residential zone; and
- c. Facility meets all development standards of this section and of the applicable zone; and
- d. Antennas are of a stealth design so as not to be recognized as antennas; and
- e. Support equipment is located within a completely enclosed structure or otherwise screened from view.

or

- f. The facility is co-located on an existing site in an industrial or commercial zone and the facility meets all current development standards of this section and of the applicable zone.

Facilities that do not meet these criteria require a Conditional Use Permit and approval by both the DAB and the Planning Commission at a noticed public hearing.

3. Tier 3: Planning Commission Review

Planning Commission shall review Conditional Use Permits (CUP) for projects that do not meet the criteria for approval solely by the DAB as stated in paragraph 1 above. Planning Commission review shall take place following review and approval by the DAB. The following are also subject to a CUP:

- a. All non-stealth freestanding antennas.
- b. All telecommunication facilities proposed in the AG - Agricultural Overlay District, except for facilities that meet Tier 1 criteria.
- c. Facilities that create more than a minimal visual impact on surroundings as determined by the Planning Director. In determining whether more than a minimal impact exists, the following factors shall be considered: location of facility, size of facility, view of facility from adjoining parcels and public streets; and the contrast between the facility and other external structural equipment. The applicant may be required to perform "flag" tests replicating the height of a proposed facility, if deemed necessary, to adequately assess potential visual impacts.
- d. Facilities located within the line of sight of any scenic corridor.
- e. A request for an increase in height up to the maximum height permitted in the C3 and C4 zoning districts may be considered by the Planning Commission when the strict application of the maximum height provisions for telecommunication facilities as noted in Table 32-3, would result in a service provider not being able to provide adequate coverage to a service area due to practical difficulties beyond the control of the carrier. The carrier shall clearly demonstrate the nature of the problem, and

that no other feasible alternative is available to provide adequate coverage. Any request for an increase in height beyond the maximum height permitted for all buildings in any zone shall require a variance, subject to the applicable findings contained herein.

B. Submittal Requirements: In addition to the submittal requirements outlined in the Development/Site Plan and CUP applications, all applications for Wireless Communication Facilities must also contain the following additional information:

1. All individuals, companies and service providers of Wireless Communications Services (hereinafter referred to as Carriers) doing business within the City shall submit a master plan of all existing facility sites and provide all non-proprietary information related to the capacity and coverage area for each site. Facility location maps from each Carrier shall be kept on file for reference as an aid in co-locating facilities;
2. All applicants shall investigate the feasibility of co-locating on an existing facility.
 - a. Carriers shall cooperate with other service providers to facilitate co-location of multiple Carriers on a single facility. If co-location on an existing facility is not possible, in the case of a particular proposal, the applicant shall submit such evidence at the time of application.
 - b. The applicant shall also submit a copy of appropriate portions of the tentative lease agreement, or an affidavit signed by the Carrier representative and the property owner, as evidence that no exclusive agreements have been made to prevent future Carriers from locating on the same facility.
 - c. Based on the specific characteristics of the applicable structure and/or facility, the applicant shall submit a design plan that does not preclude potential additional users.
3. The applicant shall submit information indicating the proposed facility's type (i.e. cellular, PCS, paging, etc.), broadcast frequency, height above ground level, capacity and coverage area;
4. The applicant shall supply verification of the proposed facility's compliance with the American National Standards Institute (ANSI) and Institute of Electrical and Electronics Engineers (IEEE) standards by providing a copy of its FCC License Agreement;
5. The applicant shall supply verification of the proposed facility's compliance with all FAA requirements (i.e. location, height, power, frequencies, etc.). The FAA determination must be submitted prior to DAB/Planning Commission review or issuance of building permit.
6. The City may, at the discretion of the Planning Department, contract with an independent radio frequency engineering consultant or other qualified professional with knowledge and expertise regarding wireless communication systems to verify applicant's technical assertions. Such verification may include, but is not limited to, issues related to transmission coverage requirements, required height of facilities, technical limitations related to co-locating facilities, evaluation of new technologies that are available, and the potential for interference with other facilities such as public safety radio communications systems. All costs associated with verification shall be borne by the applicant.

C. Performance standard for Wireless Communications Facilities: No existing or future Wireless Communications Facility shall interfere with any public safety radio communications system including, but not limited to, the 800 MHz radio system operated by the West End Communication Authority (W.E.C.A.) which provides public safety communications during emergencies and natural disasters. Wireless Communications Facilities, as referred to herein, include, but are not limited to, facilities as defined in the City of Ontario Development Code and any other satellite dish, microwave dish, antenna, cellular phone facility and similar wireless communication structures (collectively referred to as "Facilities").

The Facilities' operator and/or property owner is responsible for compliance with these performance standards. If any such Facilities are found to interfere with a public safety radio communications system, or any system facilitating the transmission or relay of voice or data information for public safety, the Facilities operator and/or property owner shall immediately cease operation of the radio channel(s) causing such system interference. Operation of the Facilities shall only be allowed to resume upon removal or other resolution of the interference to the satisfaction of the City of Ontario. Any variance request by the facility operator and/or property owner to resolve the interference conflict shall only be considered by the City after the facility operator and/or property owner has sufficiently demonstrated that all feasible methods of eliminating the conflict have been considered. Pursuant to Government Code Section 38771, a violation of these performance standards constitutes a public nuisance per se.

D. Temporary Use Permit: If the City determines that testing for interference with the City's Public Safety Channels is warranted, due to the operating band of the Carrier, a Temporary Use Permit (TUP) application and any applicable fees shall be submitted. In addition, the following conditions shall apply:

1. Engineered plans and drawings to erect the temporary test only facility are to be submitted to the Building and Planning Departments for review. All applicable building permits will be required.
2. The Police Department shall be notified at least one week in advance of the commencement of operation of the temporary test only facility in order to schedule testing. The purpose of the testing is to evaluate compatibility with the City's public safety radio frequencies. In the event a conflict exists the facility shall immediately suspend operations until modifications are made to resolve the conflict.
3. The temporary test only facility shall be subject to Ordinance No. 2715.
4. The temporary test only facility shall remain in place for up to one (1) month from installation for testing purposes. If additional time is needed to resolve any conflicts the applicant may apply for a time extension of up to two (2) additional months. Should the temporary facility need multiple tests or consideration by the Planning Commission for an increase in height, then the applicant may apply for an additional time extension of up to six (6) months for a total time period not to exceed nine (9) months. Time extension requests shall be reviewed by the Planning Director and shall include sufficient information as to explain the need for the extension. The temporary facility shall be removed within one week of conclusion of testing.
5. An agreement with the City and the posting of a \$10,000 bond shall be required for any temporary test only facility. The agreement shall state the applicant's concurrence with the temporary nature of the permit and the acceptance of the conditions of approval. The bond shall secure the applicant's obligations to immediately remove a facility in the event that testing of the facility with the City of Ontario's public safety frequencies is inconclusive to support approval of the facility.
6. The approval of a temporary test only facility is not to be construed as support from the Planning and/or Police Department for the permanent facility and shall not be construed as an approval for any other purpose under the review process set forth in this section.
7. A meeting with W.E.C.A., Police, Planning, and Carrier representatives shall be held for the purpose of exploring options for any frequency interference problems and determining the optimal course of action.
8. In addition, for any temporary test only facility to be located within 500 feet of a residential zone, the Carrier shall be required to notify property owners and residents of the proposal in writing and by posting the property at least ten (10) days prior to approval of the TUP. Any property owner or resident objections shall be addressed by the Planning Director.

E. Location Guidelines: All applications for Wireless Communications Facilities are subject to the following location guidelines:

1. The preferred order of location of Wireless Communications Facilities is as follows: 1. Industrial zones, and then 2. Commercial zones. If proposed within an SP zone, the preferred land use designation order of placement is 1. Industrial zones, 2. Business parks, and then 3. Commercial zones;
2. Wireless Communications Facilities can be located within a residential zone, subject to approval of a CUP by the Planning Commission at a noticed public hearing, provided the property is developed with a non-residential use (i.e. church, school, park, fire station, etc.) or is a building/structure or roof mounted type on a multi family structure (more than three units in a single building). Consideration of aesthetics and potential impacts on any adjacent residential property will be evaluated. The location of a Wireless Communication Facility in a residential zone will be conditioned on the utilization of a stealth design and/or having a building/structure or roof mounted design.
3. Wireless communication facilities may be located in close proximity to each other provided they utilize a stealth design, meet the height requirements of this section and are compatible with surrounding development as required by this section. A proposed monopole that has a non-stealth design shall be located a minimum of 1,000 feet from any other non-stealth monopole.

F. Development and Design Guidelines and Standards: It is the aim of the City of Ontario that Wireless Communications Facilities be developed in harmony with the surrounding environment so as to be as unobtrusive as possible. This is especially true when located in visually prominent locations (i.e. along major thoroughfares, at entry points into the City, near high activity areas, etc.). All applications for Wireless Communication Facilities shall be submitted to the Planning Department and shall contain the information required by this section. The applicant shall submit plans that will be reviewed for all applicable zoning codes and standards. The following are intended to provide high quality guidelines to ensure compatibility with the community for the design of Wireless Communication Facilities:

1. Wireless Communications Facilities should:
 - a. be co-located with another facility, where possible;
 - b. be of a stealth design, or be building/structure or roof mounted as an integral architectural element on an existing structure; and
 - c. utilize state-of-the-art wireless technology.
2. Wireless Communication Facilities shall meet all applicable zoning and setback regulations of the underlying zone;
3. A proposed wireless facility shall not create any non-conforming conditions on the site such as a reduction in parking, landscaping, loading zones or other applicable development standards;
4. Wireless Communication Facilities shall be installed and maintained in compliance with the requirements of the Uniform Building Code, Uniform Electrical Code, Noise Standards and other applicable codes;
5. All Wireless Communications Facilities including landscaping and surface areas shall be continuously maintained free of weeds, debris, litter and temporary signage. All graffiti shall be removed from the premises within 48 hours of discovery;
6. All proposed non-stealth facilities shall be designed to accommodate co-location of two or more service providers. To the extent possible stealth facilities shall be designed to accommodate co-location as well;

7. Facilities shall be located where existing vegetation, structures, and/or topography provide the greatest amount of screening. Where insufficient screening exists, additional screening shall be provided by installation of dense landscaping, installation of enhanced architectural treatments or relocation of the facility so that the massing of existing buildings or vegetation will provide adequate screening. Support structures shall be constructed of galvanized steel, painted an unobtrusive color to neutralize and blend with surroundings or be of a stealth design;
8. The height of the support structures shall be the minimum necessary to provide adequate coverage. However, an antenna or its support structure shall not exceed the height standard for Wireless Communications Facilities as outlined in Table 32-3, except as herein provided for in Section 9-1.3289 (A)(3)(e). The height of stealth design "tree" monopoles shall be measured to the top of the antenna arrays with the branches/fronds extending above as necessary to create a natural appearance;
9. Safety lighting or colors, if prescribed by the City or other approving agency (i.e. FAA), may be required for support structures;
10. All accessory equipment associated with the Wireless Communication Facility shall be screened from public view by a decorative fence, wall, landscaping, berming or a combination thereof, or shall be located within a building, enclosure or underground vault, which is designed, colored and textured to match adjacent architecture or blend in with surrounding development;
11. All utilities associated with wireless communication facilities shall be underground;
12. Design of stealth wireless facilities shall be compatible with the surrounding neighborhood. Stealth designs include building mounted designs and freestanding designs. Examples of building mounted designs include: architecturally screened roof mounted facilities, facilities attached to a building/structure, bell tower, clock tower, or steeple, installation behind false windows or other types of architectural features that are designed to camouflage the facility and are integrated into the building design. Stealth designs of freestanding facilities include facilities that are camouflaged as freestanding signage, flagpoles, light poles or "tree" monopoles (such as monopalms and monopinies) which are blended with groupings of real trees. The use of "monopalms" should not be the default design if no other live palms are in the immediate surroundings. Wireless Communications Facilities may be designed as or within a piece of public art or a historical monument for public benefit;
13. A temporary monopole, if associated with an approved Wireless Communications Facility application, may be permitted, if justified to the satisfaction of the Planning Director, for a period of up to three (3) months, provided that screening is installed to limit public views of the monopole and related facilities. The applicant may apply for a time extension for the temporary facilities of up to three (3) months, for a total time period not to exceed six (6) months;
14. Whip and microwave dish antennas are permitted only if integrated into the design of a structure and/or are fully screened from public view;
15. Chain link fencing is not permitted for containment of Wireless Communications Facilities, unless such fencing is located in the rear portion of property, not visible from a public right of way, and is installed with tennis screen material on all facades of the fence;
16. Lattice towers shall not be permitted within City boundaries;
17. Planning Department approval must be received prior to any modifications or additions to any existing approved Wireless Communications Facility;

- 18. The Planning Commission may condition approvals of the Wireless Communications Facilities on a five (5) year term or other review process;
- 19. A facility's operator and/or property owner is responsible for maintaining the facility in an appropriate manner consistent with the original approval. Prior to building permit issuance, an agreement between the facility's operator and the City of Ontario shall be required which states that should the facility's use be replaced or discontinued for a period of six months, all approvals from the City shall lapse and the facility's operator shall remove the discontinued facility and return the site to its original condition within 30 days, wear and tear and loss by casualty beyond a carrier's reasonable control excepted.
- 20. The Planning Department will make periodic inspections of operational telecommunication sites. If it is determined that a site is not in compliance with the conditions of approval it may be referred to the Zoning Administrator to enforce the conditions and/or revise or add conditions as deemed appropriate

The standards listed in Table 32-2 apply to satellite dishes, antennas, cellular and similar wireless communication facilities. Height and application review standards are shown in Table 32-3.

Table 32-2: Requirements for Amateur Radio, Satellite Dishes and Wireless Communication Facilities

| Facility Type/ Requirement | Amateur (ham) Radio | Satellite/Earth Station | Wireless Communication Facilities |
|-------------------------------|--|---|--|
| District allowed | All districts | All districts | All districts, See Table 32-3 for design and height standards in each district |
| Approvals | Administrative (staff) review | Administrative (staff) review | See Table 32-3 |
| Max. Height | 10' above max. height allowed in district | 10' if ground mounted; 10' above height of roof, if roof mounted | See Table 32-3 |
| Placement/setbacks | Not permitted in front yard, street side yard of corner lot, or rear yard of through lot. Minimum 5' from interior property line | Preferred in rear or interior side yards. May be roof mounted upon submittal of proof that ground placement unreasonably interferes with reception. Min. 5' from any side property line | Not permitted in front yard or street side yard of corner lot. Non-stealth monopole must be at least 1,000 feet from any other non-stealth monopole. |
| Screening | None required | Ground mounted units must be screened with fence or solid landscaping. Roof mounted units must be architecturally screened. | To be determined by Staff in accordance with Sec.9-1.3289 (f) Development and Design Guidelines |
| Other requirements | Use of highly reflective material prohibited | All cables and wires to be underground Use of highly reflective material prohibited | -All cables and wires underground; -Highly reflective material prohibited; -City may require co-location of multiple Carriers on same pole or facility |

Table 32-3: Wireless Communications Facility Standards

| Maximum Height Allowed | RESIDENTIAL | | | | COMMERCIAL | | | | INDUSTRIAL | | |
|---|-------------|------|-----|-----|------------|-----|-----|-----|------------|-----|-----|
| | R1 | R1.5 | R2 | R3 | C1 | C2 | C3 | C4 | M1 | M2 | M3 |
| Structure | | | | | | | | | | | |
| Height Allowed | 35 | 35 | 35 | 35 | 35 | 75 | 55 | 55 | 55 | 35 | 55 |
| Antenna | | | | | | | | | | | |
| Freestanding | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 55 | 50 | 70 |
| Co-located | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 65 | 60 | 80 |
| Roof / Building Mounted ⁽¹⁾⁽⁴⁾ | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |

| Application Reviewed By | RESIDENTIAL ⁽²⁾ | | | | COMMERCIAL | | | | INDUSTRIAL | | |
|-------------------------|----------------------------|------|----|----|------------|----|----|----|------------|----|----|
| | R1 | R1.5 | R2 | R3 | C1 | C2 | C3 | C4 | M1 | M2 | M3 |

| | | | | | | | | | | | |
|--|------------|--|--|--|--------------------|--|--|--|--------------------|--|--|
| Freestanding | | | | | | | | | | | |
| Stealth | PC | | | | DAB ⁽³⁾ | | | | DAB ⁽³⁾ | | |
| Non-stealth | Prohibited | | | | Prohibited | | | | PC | | |
| Roof / Building Mounted⁽⁴⁾ | | | | | | | | | | | |
| Stealth | PC | | | | Staff | | | | Staff | | |
| Non-stealth | Prohibited | | | | Prohibited | | | | PC | | |

PC – Planning Commission DAB – Development Advisory Board Staff – Building Plan Check Process

NOTES:

1. Height Allowed is height of building plus 10 feet
2. Facilities in residential zones allowed only on property developed with non-residential use (i.e. church, school, park, fire station, etc.) or on existing structures such as streetlights
3. Planning Commission review required for any site within 500 feet of a residential zone
4. Includes non-building existing structures such as utility poles, light pole standards, flag poles, and freestanding signage

ZONES NOTE:

A Conditional Use Permit is required for telecommunication facilities located in the AG – Agricultural Overlay District, except facilities which meet the criteria for Tier I review as provided in this section. Planning Director shall determine the design and level of review requirements for projects proposed in specific plan areas (see Sec. 9-1.3289(A)). Projects proposed in the OS zoning district shall be subject to the height and design standards of the C3 zoning district. Further, if a project site proposed in the OS zoning district has a recreational use then a community meeting shall be held if it proposes a freestanding pole within 500 feet of a residential zoning district.

**Sec. 9-1.3290:
Vision Clearance**

Within a triangular area formed by the street property lines and a line connecting the points twenty-five (25) feet from the point of intersection of curb lines extended, no fence, wall, hedge or other obstruction, except the natural grade of the site, shall exceed a height of thirty-six (36) inches above established grade. Trees located within this area shall have branches and limbs pruned to a minimum clearance of eight (8) feet above the established grade.

