ORDINANCE NO. 2961

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA13-001, A DEVELOPMENT CODE AMENDMENT REVISING TITLE 9 (DEVELOPMENT CODE), CHAPTER 1 (ZONING AND LAND USE REQUIREMENTS), OF THE ONTARIO MUNICIPAL CODE, INCLUDING PART 3 (ZONING DISTRICTS AND LAND USE), ARTICLE 13 (LAND USE AND SPECIAL REQUIREMENTS), AND PART 4 (BASE DISTRICT REGULATIONS), ARTICLE 14 (RESIDENTIAL DISTRICTS), ADDING THE HDR-45 (HIGH DENSITY RESIDENTIAL—25.1 TO 45.0 DU/ACRE) ZONING DISTRICT, AND RELATED LAND USE AND DEVELOPMENT STANDARDS, AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, the City of Ontario ("Applicant") has initiated an amendment to Title 9 of the Ontario Municipal Code ("Development Code"), File No. PDCA13-001, as described in the title of this Ordinance (hereinafter referred to as "Project"); and

WHEREAS, an amendment is proposed to the provisions of Development Code Chapter 1 (Zoning and Land Use Requirements), Part 3 (Zoning Districts and Land Use), Article 13 (Land Use and Special Requirements), which regulates the establishment of land uses, activities and facilities within each zoning district of the City, and prescribes special requirements for certain land uses, activities and facilities within the City; and

WHEREAS, an amendment is proposed to the provisions of Development Code Chapter 1 (Zoning and Land Use Requirements), Part 4 (Base District Regulations), Article 14 (Residential Districts), which regulates the development of properties within the residential zoning districts of the City; and

WHEREAS, in January 2010, the City Council adopted an update to the City's General Plan and Preferred Land Use Plan (File No. PGPA06-001), which requires the completion of numerous significant and comprehensive changes to the City's Development Code and Official Zoning Map, and over the past three years, staff has worked toward completing the necessary zoning and Development Code revisions; and

WHEREAS, the first phase of Development Code revisions is reflected in proposed changes to Chapter 1 (Zoning and Land Use Requirements), Part 3 (Zoning Districts and Land Use), Article 13 (Land Use and Special Requirements), and Part 4 (Base District Regulations), Article 14 (Residential Districts), which includes:

 The establishment of the HDR-45 zoning district, a high density residential zoning district allowing for the development of multiple-family dwellings at a density of 25.1 to 45.0 dwellings per acre, consistent with the High Density Residential land use designation established by the Policy Plan component of The Ontario Plan;

- The addition of the HDR-45 zoning district to Table 13-1 (Permitted, Conditional, and Ancillary Land Uses—All Zoning Districts) of the Development Code, which establishes the land uses allowed within the proposed zoning district. The land uses proposed within the HDR-45 zoning district mirror those land uses allowed within R3 zoning district; and
- The addition of development standards and guidelines for the HDR-45 zoning district, which serve to further the City's desired level of high quality residential development.

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA"); and

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with The Ontario Plan (File No. PGPA06-001), an update of the City of Ontario General Plan and Preferred Land Use Plan, for which an Environmental Impact Report (SCH No. 2008101140) was adopted by the City Council on January 27, 2010; and

WHEREAS, on February 26, 2013, the Planning Commission of the City of Ontario conducted a duly noticed public hearing and issued Resolution No. PC13-015, recommending the City Council approve the proposed Development Code Amendment.

WHEREAS, on April 2, 2013, the City Council of the City of Ontario conducted a public hearing to consider the proposed Development Code Amendment, and concluded said hearing on that date; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred.

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND ORDAINED by the City Council of the City of Ontario, as follows:

<u>SECTION 1</u>. As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the administrative record for the Project. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the City Council, the City Council finds as follows:

- (a) The environmental impacts of this project were previously reviewed in conjunction with The Ontario Plan (File No. PGPA06-001), an update of the City of Ontario General Plan and Preferred Land Use Plan, for which an Environmental Impact Report (SCH No. 2008101140) was adopted by the City Council on January 27, 2010;
 - (b) This Project introduces no new significant environmental impacts; and
 - (c) The determination reflects the independent judgment of the City Council.

- SECTION 2. Based upon the substantial evidence presented to the City Council during the above-referenced hearing and upon the specific findings set forth in Section 1 above, the City Council hereby concludes as follows:
- (a) The proposed Development Code Amendment is consistent with the goals and policies of the Policy Plan component of The Ontario Plan;
- (b) The proposed Development Code Amendment is reasonable and beneficial, and in the interest of good zoning practice; and
- (c) The proposed development code amendment will not have a significant adverse impact on the environment.
- <u>SECTION 3</u>. Amend Table 13-1 (Permitted, Conditional, and Ancillary Land Uses—All Zoning Districts) of Chapter 1 (Zoning and Land Use Requirements) of the Development Code, adding the "HDR-45" column to the "Residential Districts" grouping of "Zoning Districts," and matching the R3 zoning district as to the allowed and prohibited land uses within the HDR-45 zone.
- <u>SECTION 4</u>. Amend Article 14 (Residential Districts) of Chapter 1 (Zoning and Land Use Requirements) of the Development Code, adding Paragraph 9-1.1400.B.7 to read as follows:

"The HDR-45 zoning district is intended to accommodate high-density multiple-family developments in an urban environment, generally located within 1/2-mile of a transit corridor or station, at a density range of 25.1 to 45.0 dwelling units per acre. The HDR-45 zoning district is consistent with and implements the High Density Residential land use designation of the Policy Plan component of The Ontario Plan."

<u>SECTION 5</u>. Amend Table 14-2 (Multiple-Family Residential Development Standards) of Chapter 1 (Zoning and Land Use Requirements) of the Development Code, adding the "HDR-45" column to the "Zoning Districts" grouping, and adding the following development standards:

Requirement	HDR-45	Notes
Site Requirements		
A. Maximum Lot Coverage	100%	
B. Minimum Lot Size (in SF)	20,000	Note 1
C. Maximum Density (in dwelling units per acre)		
1. Base Density	N/A	
2. Maximum Density	45	
D. Minimum Lot Dimensions (in FT)		
1. Lot Width		
a. Interior Lots	100	Note 1

Requirement	HDR-45	Notes
b. Corner Lots	100	Note 1
c. Cul-De-Sac Lots		
i. Measured Along Front Property Line	40	Note 1
ii. Measured at Front Building Setback	40	Note 1
2. Lot Depth	200	Note 1
E. Minimum Access Drive, Access Aisle, and Parking Space Setbacks (in FT)		
Access Drive, Access Aisle or Parking Space to Front Property Line	10	
2. Access Drive, Access Aisle or Parking Space to Street Side Property Line		
a. Arterial Streets	20	
b. Other Streets	10	
3. Access Drive, Access Aisle or Parking Space to Interior Side Property Line	5	
4. Access Drive, Access Aisle or Parking Space to Rear Property Line	5	
F. Off-Street Parking and Circulation	Off-street parking facilities shall be provided pursuant to Article 30 (Off-Street Parking and Loading Requirements) of this Chapter.	
G. Landscaping	Landscaping shall be provided pursuant to Section 9-1.3205 (Landscape Design Guidelines) and Section 9-1.3040 (Landscaping of Parking Facilities) of this Chapter.	

Building Requirements

A. Front Yard Setback	
1. From Public Streets (measured from property line)	5
2. From Private Streets (measured from back of sidewalk)	15
B. Street Side Setback (in FT)	
Arterial Streets (measured from street property line)	5
2. Other Public Street (measured from street property line)	5
3. Private Streets (measured from back of sidewalk)	15
C. Interior Side Yard Setback (in FT)	
1. First Floor	10
2. Second or More Floors	10
3. Adjacent to R1 Zone	10
D. Rear Yard Setback (in FT)	10

Requirement	HDR-45	Notes
1		
E. Building to Parking Space Setback (in FT)		
1. From Living Area and Other Habitable Space	3	
2. From Garage and Other Nonhabitable Space	3	
F. Building to Access Drive Setback (in FT)		
1. From Living Area and Other Habitable Space	3	
2. From Garage and Other Nonhabitable Space	3	
G. Building to Access Aisle Setback (in FT)		
1. From Living Area and Other Habitable Space	3	
2. From Garage and Other Nonhabitable Space	3	
H. Freeway Setback (in FT)	20	mwates ver
I. Maximum Structure Height (in FT)	75	
J. Maximum Building Separations (in FT)		
1. Habitable Structures		. 07/8/2-04/8-04/11
a. Front to Front	30	
b . Front to Back	30	
c. Other	Front to Side: 25; Side to Side: 10; and Rear to Rear: 20	
2. Nonhabitable Structures	10	
K. Open Space	Open space shall be provided pursuant to Section 9-1.1425 (Open Space Requirements)	
L. Minimum Setback From Major Pipelines (habitable structures only) (in FT)	50	
M. Maximum No. of Units Per Building	N/A	

Notes:

- 1. Reductions in the minimum lot size and dimensions may be permitted in conjunction with a "planned residential development" designed pursuant to Section 9-1.1430 (Planned Residential Development) of this Chapter.
- 2. Residential projects in the R1.5. R2 and R3 zones, which exceed the base density, must comply with the "bonus requirements" contained in Section 9-1.1420 (Residential Densities) of this Chapter.
- 3. The minimum side yard setback for legally established lots with a width less than 50 FT, shall be 10 percent of the lot width or 3 FT, whichever is greater.
- 4. Within the R1.5 and R2 zoning districts, no dwelling unit shall occupy space above another dwelling unit.

<u>SECTION 6</u>. Amend Table 14-3 (Open Space Requirements for Multiple-Family Developments) of Chapter 1 (Zoning and Land Use Requirements) of the Development Code, adding the "HDR-45" column to the "Zoning Districts" grouping, and adding the following open space requirements:

Open Space Type	HDR-45	
Private Open Space (in SF)	60	
Common Open Space (in SF)	250	

<u>SECTION 7</u>. Amend Article 14 (Residential Districts) of Chapter 1 (Zoning and Land Use Requirements) of the Development Code, adding Paragraph 9-1.1425.B.3 to read as follows:

"Within the HDR-45 zoning district, the ratio of private open space area to common open space area established by the Table14-3 (Open Space Requirements for Multiple-Family Developments) may be adjusted, based upon the housing market (occupants) the proposed development is intended to serve and subject to approval by the Approving Authority for the project. At a minimum, however, a total of 310 SF of open space (private plus common) shall be provided for each dwelling unit."

<u>SECTION 8</u>. Based upon the findings and conclusions set forth in Sections 1 through 4, above, the City Council hereby approves File No. PDCA13-001, amending Chapter 1, Articles 13 and 14 of the City of Ontario Development Code.

<u>SECTION 9</u>. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is for any reason held to be invalid, unconstitutional or otherwise struck-down by a court of competent jobs, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more portions of this ordinance might be declared invalid.

<u>SECTION 10</u>. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 E. B Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 11. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this 16th day of April, 2013.

PAUL'S. LEON, MAYØR

ATTEST:

FOR MARY E. WHRTES, MMC, CITY CLERK

APPROVED AS TO FORM:

JOHN E. BROWN, CITY ATTORNEY

RICHARD T. ELGER

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 2961 was duly introduced at a regular meeting of the City Council of the City of Ontario held April 2, 2013 and adopted at the regular meeting held April 16, 2013 by the following roll call vote, to wit:

AYES:

MAYOR/COUNCIL MEMBERS:

LEON, BOWMAN,

WAPNER,

DORST-PORADA AND AVILA

NOES:

COUNCIL MEMBERS:

NONE

ABSENT:

COUNCIL MEMBERS:

NONE

FOR MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 2961 duly passed and adopted by the Ontario City Council at their regular meeting held April 16, 2013 and that Summaries of the Ordinance were published on April 9, 2013 and April 23, 2013, in the Inland Valley Daily Bulletin newspaper.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)