

RESOLUTION NO. PC 2025-\_\_\_

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA RECOMMENDING, PURSUANT TO THE CERTIFIED GENERAL PLAN ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE [SCH] NO. 2016021099) AND PUBLIC RESOURCES CODE SECTION 21083.3, THAT THE FONTANA CITY COUNCIL ADOPT AN ORDINANCE APPROVING AMENDMENTS TO MULTIPLE SECTIONS OF FONTANA MUNICIPAL CODE CHAPTER 30 - ZONING AND DEVELOPMENT CODE TO ESTABLISH AN ENTERTAINMENT CENTER OVERLAY DISTRICT WITH SPECIFIC LAND USES AND REQUIREMENTS AT KEY INTERSECTIONS (VALLEY BOULEVARD AND SIERRA AVENUE, FOOTHILL BOULEVARD AND SIERRA AVENUE, AND FOOTHILL BOULEVARD AND CHERRY AVENUE) INCLUDING LAND USES AND REQUIREMENTS IN THE FORM BASED CODE AND COMMERCIAL ZONING DISTRICTS FOR PARCELS THAT HAVE FRONTAGE ALONG FOOTHILL BOULEVARD BETWEEN IIEX STREET TO MAPLE AVENUE AND ALONG SIERRA AVENUE FROM I-10 TO RANDALL AVENUE TO: RESTRICT AUTO AND LIGHT INDUSTRIAL RELATED USES; ALLOW BY RIGHT CERTAIN ENTERTAINMENT, RECREATIONAL, AND RETAIL USES; AMEND ALCOHOL BEVERAGE SALES REGULATIONS FOR RESTAURANTS TO OBTAIN ON SITE ALCOHOL BEVERAGE SALES LICENSES WITHOUT DISCRETIONARY APPROVAL; CHANGE THE PERMITTING REQUIREMENTS FOR FARMERS MARKETS BY REPLACING THE EXISTING PERMIT TYPE WITH A TEMPORARY USE PERMIT; REVISE THE NONCONFORMING PROVISIONS; AND INCLUDE REQUIREMENTS FOR ROUTE 66 SIGNAGE ALONG FOOTHILL BOULEVARD

**WHEREAS**, pursuant to Government Code Section 37100, the legislative body of a city may pass ordinances not in conflict with the Constitution and laws of the State or the United States; and

**WHEREAS**, Government Code Sections 50022.1 to 50022.10 authorize a city to codify and recodify its ordinances; and

**WHEREAS**, through Municipal Code Amendment (“MCA”) No. 25-001, the City of Fontana (“City”) desires to restate without substantive revision, amend and recodify certain ordinances codified in the Fontana Municipal Code (“FMC”); and.

**WHEREAS**, the General Plan includes policies and action calling for numerous updates to the FMC; and

**WHEREAS**, in 2018, the City adopted the current General Plan, which includes goals and objectives aimed at creating development patterns that promote a high quality of life and revitalizing the Sierra Avenue corridor to create a vibrant center with entertainment, restaurant, arts, and culture; and

**WHEREAS**, in 2023, the City amended Chapter 30 of the FMC (“the Zoning and Development Code”) for the Downtown Core Project under the SB2 Grant to focus on entertainment and restaurant uses along Sierra Avenue between Foothill Avenue and Randall Avenue incorporating Stage Red, a pedestrian plaza and nighttime uses, which functions an existing planning area; and

**WHEREAS**, on July 25, 2023, the City Council of the City of Fontana (“City Council”) adopted Ordinance No. 1922, an urgency ordinance, in accordance with Government Code Section 65858, implementing a moratorium on the approval of any building permit, occupancy permit, conditional use permit, variance, subdivision map, design review, administrative site plan review or other land use entitlements, permits or regulatory license or permit required to comply with the provisions of the FMC or any specific plan for serviced based, non-entertainment use (“Moratorium”); was approved by the City Council for a 45-day temporary prohibition of permits/approval for any “service based, non-entertainment uses”; and

**WHEREAS**, on September 5, 2023, through Ordinance No. 1924, the City Council extended the Moratorium for an additional 10 months and 15-days; and

**WHEREAS**, on July 23, 2024, through Ordinance No. 1957, the City Council extended the Moratorium a final time for an additional one year for a second extension until July 23, 2025; and

**WHEREAS**, the City retained the services of Kosmont Companies to perform an economic marketing analysis of the Foothill Boulevard and Sierra Avenue corridors, the primary arterials connecting the City’s downtown area to surrounding communities and three major Interstate Highways; and

**WHEREAS**, on November 12, 2024, staff conducted a joint workshop with the City Council and the City of Fontana Planning Commission (“Planning Commission”) to inform the council, commission and public about a proposed entertainment center overlay and corridors; and

**WHEREAS**, at the joint workshop with the City Council and the Planning Commission, staff received direction to proceed with MCA No. 25-001 This included the creation of an overlay district, along with other changes in the Zoning and Development Code to create an entertainment center overlay district and other supporting uses and requirements along Foothill Boulevard and Sierra Avenue in alignment with the General Plan’s goal of creating regional hubs for dining, shopping and entertainment purposes to attract local and regional visitors to drive economic growth in Fontana; and

**WHEREAS**, Section 30-87 has been amended to add a subsection requiring an administrative site plan review for the installation of public art; and

**WHEREAS**, Section 30-256 is revised and renumbered to include requirements for farmers markets; and

**WHEREAS**, Section 30-353 is amended to revise the nonconforming section in the

Zoning and Development Code; and

**WHEREAS**, Section 30-357 is amended to revise the nonconforming section in the Form Based Code; and

**WHEREAS**, Section 30-359 is amended to restrict auto and light industrial uses; permit entertainment and recreational uses by right; change farmers market permits to temporary use permits; and grant restaurants on-site alcohol beverage sales licenses by right; and

**WHEREAS**, Section 30-360 (d) is repealed and the remaining subsections shall be renumbered; and

**WHEREAS**, the Use Tables in Section 30-489 are amended to restrict light industrial related uses and allow specific entertainment and recreational uses by right for parcels with frontage along Foothill Boulevard between Ilex Street to Maple Avenue; and

**WHEREAS**, Section 30-492 C, is revised to modify Table No. 30-492.C, adjusting the regulations for Alcohol Beverage Sales to allow on-site alcohol beverage sales licenses for restaurants by right on parcels with frontage along Foothill Boulevard between Ilex Street and Maple Avenue; and

**WHEREAS**, Sections 30-663.4 to 30-663.11 are introduced to establish an entertainment center overlay district at the intersections of Valley Boulevard and Sierra Avenue, Foothill Boulevard and Sierra Avenue, and Foothill Boulevard and Cherry Avenue, including land uses and requirements; and

**WHEREAS**, Section 30-727 (4) is revised to require Route 66 signage for new development projects; and

**WHEREAS**, On April 1, 2025 and April 15, 2025 after publication of the public hearing notice as required by law, the Planning Commission has conducted a public hearing, received testimony and information from any and all parties, concerning the adoption of MCA No. 25-001 to amend Chapter 30 (Zoning and Development Code) as specified in Exhibit "A" that is attached hereto and incorporated herein by this reference; and

**WHEREAS**, all of the notices required by statute or the Fontana City Code FMC have been given as required; and

**WHEREAS**, pursuant staff's review, the proposed amendments in the Ordinance are consistent with the Fontana General Plan and certified General Plan Environmental Impact Report (EIR) (State Clearinghouse No. 2016021099) and so qualifies for an exemption pursuant to the from California Environmental Quality Act (CEQA), specifically Public Resources Code 21083.3 and CEQA Guidelines Section 15183, as the proposed amendments in the Ordinance will have no new or more severe significant environmental effects "peculiar to" the Ordinance than discussed in the certified EIR and will have no significant off-site and cumulative impacts not discussed in that EIR as long as all applicable

mitigation measures in the certified EIR will be undertaken; and

**WHEREAS**, on April 1, 2025 and April 15, 2025, the Planning Commission carefully considered all information pertaining to the municipal code amendment, including the staff report, and all information, evidence, and testimony presented at its public hearings; and

**WHEREAS**, amendments are in conformity with appropriate land use practices and will establish appropriate development standards for the land use designations; and

**WHEREAS**, the amendments will be in conformity with appropriate land use practices and will establish appropriate development standards for the land use designations; and

**WHEREAS**, the amendments to the FMC that are attached hereto as Exhibit “A” and incorporated herein by this reference will not be detrimental to the public health, safety, and general welfare; and will not adversely affect the orderly development of property; and will better express the City’s policies; and will generally promote good land use planning and regulation; and

**WHEREAS**, all other legal prerequisites to the adoption of this Resolution have occurred.

**NOW, THEREFORE, the Planning Commission RESOLVES as follows:**

**Section 1. Recitals.** The above recital are true, correct and incorporated herein by reference.

**Section 2. CEQA.** The Planning Commission hereby recommends that the proposed amendments in the Ordinance are consistent with the Fontana General Plan and certified General Plan Environmental Impact Report (EIR) (State Clearinghouse No. 2016021099) and so qualifies for an exemption from CEQA, specifically Public Resources Code 21083.3 and CEQA Guidelines Section 15183, as the proposed amendments will have no new or more severe significant environmental effects “peculiar to” the Ordinance than discussed in the certified EIR and will have no significant off-site and cumulative impacts not discussed in that EIR as long as all applicable mitigation measures in the certified EIR will be undertaken.

**Section 3. Municipal Code Amendment.** The Planning Commission hereby makes the following finding for MCA No. 25-001 in accordance with Section 30-45(b) “Hearing Planning Commission” development code amendments of the Fontana Zoning and Development Code.

**Finding:** The proposal substantially promotes the goals of the City’s general plan.

**Finding of Fact:** The proposed Municipal Code Amendment will create an entertainment center overlay district along with other changes in Chapter 30 of the Zoning and Development Code that aligns with the General Plan goal of creating regional hubs for dining, shopping and entertainment purposes to attract

local and regional visitors that would drive economic growth in Fontana.

**Section 4. Recommendation of Approval:** Based on the foregoing, the Planning Commission hereby recommends that the City Council adopt an ordinance that includes a provision that exempts the requirements of this ordinance for existing entitlement applications that the City received prior to the effective date of the Ordinance and approve MCA No. 25-001 to amend Chapter 30 of the City Code as indicated in Exhibit “A” which is attached hereto and incorporated herein by reference.

The Planning Commission further recommends that the forthcoming ordinance adopting the amendments to the Zoning and Development Code, under MCA No. 25-001, not apply to development applications deemed complete by the City of Fontana Planning Department prior to the ordinance’s effective date. The Planning Commission also recommends that any such completed pre-adoption applications not conforming to these amendments after the ordinance’s effective date, once approved by the appropriate approving body, be granted legal non-conforming status, with all applications deemed complete on or after the ordinance’s adoption being subject to its provisions.

**Section 5. Resolution Regarding Custodian of Record.** The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at the Planning Department, 8353 Sierra Avenue, Fontana, CA 92335. This information is provided in compliance with Public Resource Code Section 21081.6.

**Section 6. Certification.** The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

**Section 7. Effective Date.** This Resolution shall become effective immediately upon its adoption.

**Section 8. Severability.** If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect any other provisions or applications of this Resolution that can be given effect without the invalid provision or application.

**PASSED, APPROVED AND ADOPTED**, by the Planning Commission of the City of Fontana, California, at a regular meeting held on this 15<sup>th</sup> day of April 2025.

**City of Fontana**

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Idilio Sanchez, Chairperson

**ATTEST:**

I, Joseph Armendarez, Secretary of the Planning Commission of the City of Fontana, California, do hereby certify that the foregoing resolution was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on the 15<sup>th</sup> day of April 2025, by the following vote, to-wit:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Joseph Armendarez, Secretary

**“EXHIBIT A”**  
**AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30**  
**(Additions shown in underline, deletions shown in strikeout):**

**Sec. 30-87. Projects subject to administrative site plan, minor.**

All applications for administrative site plan, minor 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 of parking lots less than 5,000 square feet, expansion, or significant reconstruction of parking lots.
- (2) Structural additions less than 1,000 square feet that meet all the requirements of the Municipal Code, including parking. All modifications shall be architecturally compatible with the existing building.
- (3) Accessory structures totaling less than 1,000 square feet (i.e. shade structures, trash enclosures, generators, and additional mechanical equipment). All structures must be screened from the public-right-of-way and adjacent properties. Accessory structures attached to the building shall match the existing building.
- (4) Façade changes to an existing and previously approved entitlement, with no major structural changes.
- (5) Solar carports at previously developed sites that comply with open parking standards.
- (6) One accessory structures less than 200 square feet that are not visible from the right-of-way, do not take up any required parking or landscaping, and do not require fire sprinklers, may be approved through the plan check process.
- (7) When permitted, the establishment and/or construction of an outdoor storage area not exceeding ten percent on the same site as, and in conjunction with, an existing business.
- (8) New installation and replacement of public art.

**Sec. 30-256. Types of temporary use applications and conditions.**

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 Planning~~. 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. Industrial designated parcels used for wholesale/retail are permitted up to a total of six such outdoor displays per parcel 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 Planning~~.

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- 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. Tent sale area shall be physically delineated between pedestrian access and vehicular access ways.
  - c. Tents, canopies, awnings, covers or other temporary covering devices may be approved by the Director of ~~Community Development~~ Planning 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/or Fire Marshal. 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 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~~ Planning.
    - A minimum of ten on-site parking spaces shall be provided with provisions for controlled ingress and egress to the satisfaction of the Director of ~~Community Development~~ Planning.
  - (4) Religious, patriotic, historic, or other 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~~ Planning.
  - (6) Circuses, carnivals, rodeos, pony riding, special event tents, or similar traveling amusement enterprises are 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 Division 12 of this article herein.
    - 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~~ Planning if no adverse impacts 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~~ Planning.



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- d. Restrooms shall be provided onsite.
  - e. Security personnel may be required. The Police Department shall determine the level and type of security required.
  - 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~~ Planning.
  - h. The applicant shall be required to submit plans for approval of tents and site plan by the Building Official and/or Fire Marshal 90 days prior to the special event being held. The tent must meet all Uniform Building Codes and applicable City codes.
  - i. Approval from the Police Department (PD) is required; moreover, finger printing through PD may be necessary.
- (7) 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~~ Planning 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 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~~ Planning may consider off-site model home sales offices subject to the granting of a minor use permit per Division 13 of this article herein. 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~~ Planning 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.

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3. 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.
  4. Temporary landscaping, including minimum 48-inch box trees, shall be provided within the on-street 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~~ Planning and City Engineer for security.
  - h. Use of signs shall require submission of a sign permit application for review and approval by the Director of ~~Community Development~~ Planning.
- (8) Trailer coaches or mobile homes on active construction sites for use as a construction office or temporary living quarters for security personnel. The following restrictions shall apply:
- a. The Director of ~~Community Development~~ Planning 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.
  - 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 all Building and Safety Division requirements.
- (10) Temporary storage containers for seasonal sales may be approved from October 31, until January 31 and not to exceed 90 days. Approval of a site plan exhibit shall be approved demonstrating adequate parking is provided.
- ~~(11) Other uses and activities that may be needed on a temporary basis or similar to subsections (1) through (10) above as deemed appropriate by the Director of Community Development.~~

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**(Additions shown in underline, deletions shown in ~~strikeout~~):**

- (11) *Farmers Market.* A farmers' market may be conducted on private property or in the public right-of-way when allowed in Table 30-359A, provided it carried on in accordance with the following limitations, and provided an approved temporary use permit is granted:
- a. The operation of the farmers market shall be conducted by a for-profit or nonprofit organization or by a local governmental agency.
  - b. 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 application and site plan.
  - c. A temporary use permit, 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.
  - d. 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.
  - e. At least 51 percent of the vendors displaying inventory of the products sold in each farmers market are selling fresh fruits and vegetables.
  - f. Fifteen percent or fewer vendors are non-food vendors (i.e. handmade crafts, art exhibits, informational booths, etc.)
  - g. All market signage shall be submitted and approved under the temporary use permit.
  - h. The organization governing or operating the farmers market shall provide access to adequate sanitary facilities, including restrooms and/or portable sinks and toilets.
  - i. Operation of the farmers market shall not obstruct the safe flow of vehicular or pedestrian traffic on or around the market site.
  - j. The sale of, or consumption of, alcohol beverages on the market site is prohibited.
  - k. The sale of second-hand merchandise is prohibited.
  - l. Portable shelters (e.g.: EZ Up Shelters) with an area no larger than ten feet by ten feet are allowed in designated market areas. Any shelter larger than ten feet by ten feet must be approved under the temporary use permit application.
  - m. Animals, other than law enforcement dogs and assistance animals for the disabled are not allowed on the market site.
  - n. A commercial cannabis business shall not be permitted pursuant to this section.
  - o. The Director of Planning 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.
- (12) Other uses and activities that may be needed on a temporary basis or similar to subsections (1) through (11) above as deemed appropriate by the Director of Planning.

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**Sec. 30-351. 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 the appropriate division of this article herein; 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 the appropriate division of this article herein.
- (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. This shall not include time periods required for repairs, remodels, or expansions permitted in this Section, Section 30-352 or Section 30-353 for a period not to exceed twenty-four months.
- (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

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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 here after 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. 30-353.** Special exemption to permit incremental improvements to nonconforming buildings, structures, and sites with administrative site plan approval.

- (a) Notwithstanding any other provisions of Division 10 of this article herein to the contrary, with an Administrative Site Plan application, the Director of Planning 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 buildings shall not exceed fifty percent and/or additions to industrial buildings or structures shall 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 Planning further finds that other improvements approved under this section require a reduction in the landscaping. Any allowed reduction

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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 Planning Department in a manner prescribed by the Director of Planning and shall pay any applicable fees.
- (c) Notwithstanding Division 10 of this article herein, the Director of Planning 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) The granting the exemption will not substantially expand or intensify the existing or anticipated use of the building(s) and/or the site of expansions to outdoor nonconforming operations does not include parcel mergers and site expansions, with the exception of display areas which may expanded by fifty percent within the existing 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;
  - (8) New and modified facades must be of high quality and be compatible with the architecture of the existing building and surrounding area;
  - (9) If a new loading and repair bay area associated with automobile related uses is constructed, the loading area or repair bay may not face the right-of-way, or, if this is infeasible, must be screened from the right-of-way with three and a half foot low walls and/or landscaping; and
  - (10) If a residential structure is being expanded, then additional residential units are not being constructed.

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- (d) ~~The Director of Planning is authorized to impose such~~ Reasonable conditions upon an exemption in order to protect the health, safety and welfare of the surrounding area.
- (e) Except as expressly set forth herein, the benefits of this section shall not abrogate, extend, expand or otherwise alter the provisions of this Division 22 and shall not eliminate or extend pre-existing legal nonconforming rights, or create them where they do not otherwise exist.
- (f) The benefits of this section shall apply only to complete applications, as provided for in subsection (b), which have been submitted to the Planning 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 30-85.

**Sec. 30-357. Nonconforming regulations.**

This section regulates nonconforming parcels, nonconforming structures, and nonconforming uses, including uses that are nonconforming as to required off-street parking. This section is intended to allow nonconforming lots, structures, uses, and off-street parking arrangements to continue to the extent consistent with the health, safety and public welfare purposes of the Form-Based Code districts, with the goal being to bring such nonconforming lots, structures, and uses into compliance with the overall vision.

(1) *Nonconforming buildings, outdoor operations or structures.*

- a. Buildings, outdoor operations or other structures that are nonconforming as to setback, height, or other Form-Based Code provisions may be repaired, replaced, or added to, only to the extent permitted by this section:
  - 1. Subdivision. Lots which are nonconforming as to width may be adjusted or subdivided provided the resulting re-configuration brings the nonconforming lot into, or closer to, conformity with the requirements of this plan.
  - 2. Additions. A legal-nonconforming building, outdoor operation area or other structure may be added to, provided that an addition of 50 percent or more of the existing floor area shall trigger compliance with all Form-Based Code district provisions for the portion of the building or structure comprising the addition.

The following requirement must be met:

- i. Parking space requirements for the use or equivalent use (as determined by the Director) must be met, inclusive of both the existing floor space area and addition areas.
- ii. The design and architecture of the structure must be high quality and utilize compatible architecture with that of the existing building and neighborhood.

iv. Expansions of outdoor nonconforming operations is not permitted including parcel mergers and site expansions, with the exception of display areas which may expanded.

v. New loading and repair bay areas must be screened from the right-of-way by facing away from the right-of-way or with low walls and/or landscaping.

3. Restoration of building or other structure. If a legal-nonconforming building or structure is damaged or partially destroyed (75 percent or less) by fire, flood, wind, earthquake, or other calamity or act of God, structural alterations, or other repairs for purposes of reconstruction may be carried out so long as they are repaired or replaced to no more than their original size (i.e., no additional floor area shall be added).

4. Other repair. Repair of legal-nonconforming buildings or other structures, other than structural alterations and other repairs required for restoration of damaged or partially destroyed buildings, may be carried out provided that:

i. No structural alterations may be carried out unless those structural alterations are determined by the Building Official to be required for protection of the public health or safety; and

ii. No like-for-like reconstruction of nonconforming buildings or other structure may be carried out unless such reconstruction is determined by the Building Official to be required for protection of the public health or safety.

*Is, and other additions or alterations.* Notwithstanding any provisions of the above-standards, in any instance where a person proposes to, or commences to, alter, or add to an existing nonconforming building or structure and nonconforming portions of the nonconforming building or structure are demolished in the course of such repairs, expansions, or additions, all nonconforming portions of the building or structure demolished shall be reconstructed in compliance with all requirements of the Form-code districts. This requirement shall apply regardless of whether such demolition is required by the Building Official to be necessary to comply with the applicable building code or required for the protection of the public health and safety.

*Forming uses.* A nonconforming use, including any uses incidental thereto, may not be continued, if ceased for a period longer than six months. This shall not include time periods for repairs, remodels, or expansions permitted in this Section, but may not exceed four months.

*Forming as to parking.* All uses that are nonconforming as to the off-street parking requirements of this plan shall comply with the following:

*Repair of buildings.* Where the off-street parking provided for a use does not meet the requirements of this plan, repair of any building on the site occupied by that use



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may be carried out, provided that, no structural alterations may be carried out unless the Building Official determines those structural alterations to be necessary for the protection of the public health and safety, all off-street parking requirements of this plan must be met by any and all uses occupying, or otherwise using, any buildings on the subject site.

- b. *Additions to building.* Where the off-street parking provided for a use does not meet the requirements of the Form-Based Code districts, additions to buildings on the site occupied by that use may be carried out only if all requirements of the Form-Based Code districts are met by any and all uses occupying, or otherwise using, any buildings on the subject site.
  - c. *Vacancy.* In addition to the above provisions regarding discontinuance of nonconforming uses and change of a nonconforming use to a conforming use, where any non-residential use does not meet the off-street parking requirements of this plan, and the building which the non-residential use occupied becomes and remains vacant for an uninterrupted period of six months, the building may not be reoccupied, nor may any new land use be initiated anywhere on the site, unless all requirements of the Form-Based Code districts are met, except for repairs, modifications and expansions that are allowed in this section,.
- (5) Abatement of nonconforming uses. Where no buildings are occupied or otherwise used, except for repairs, modifications and expansions that are allowed in this section, in connection with a nonconforming use, that use shall be terminated within six months from the date it became nonconforming, provided that for any use that becomes nonconforming as a result of a zone change, the specified two-year period of time for the termination of the nonconforming use shall be computed from the effect date of the zone change.

**Sec. 30-359. Uses permitted.**

This section of the Form-Based Code establishes the permitted land uses in each district and the corresponding permit requirements. A parcel or building subject to the Form-Based Code shall be occupied with only the land uses allowed by Table 30-300.A—Land Uses. Definitions of allowed land uses are provided in Section 30-632 List of definitions.

- (1) Section 30-405—Overall Form-Based Code district map illustrates the overall land use plan for the Form-Based Code areas.
- (2) If a land use is not defined in this section, the Director of ~~Community Development~~ Planning may determine that the use is not permitted, or determine the appropriate definition and determine the proposed use to be permitted provided the Director of ~~Community Development~~ Planning approves a Director's determination and makes the following findings in writing:
  - a. The land use will not impair the orderly implementation of the City of Fontana General Plan.
  - b. The land use is consistent with the purpose of the applicable zoning district.
  - c. The characteristics and activities associated with the proposed land use are similar to one or more of the listed land uses in Table 30-359.A—Land Uses and will not produce greater impacts than the land uses listed for the zoning district.

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- d. The land use will be compatible with the other land uses allowed in the zoning district.
- e. The land use is not listed as allowed in another zoning district.
- (3) 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~~ Planning.
- (4) A ~~"M"~~ indicates the use requires the granting of a minor use permit (MUP).
- (5) A "C" indicates the use requires the granting of a conditional use permit (CUP).
- (6) A "—" means the use is not permitted in that zoning district. Any use that is not listed is not permitted.
- (7) Uses marked with an asterisk "\*" indicate that the use is not permitted on the ground floor except on Sierra Avenue.
- (8) Uses marked with an S superscript "<sup>S</sup>" indicate that the use is subject to special use regulations in (reference specific use regulations) Section 30-360.
- (9) Uses marked with a DT superscript "<sup>DT</sup>" indicate that the requirement pertains to parcels within the downtown boundary.

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Table 30-359.A.—Land Uses

	Civic	Station Area	Downtown Gateway	Neighborhood	Multi-Family	Transitional	Sierra Gateway	Route 66 Gateway	Valley Gateway	Village
Administrative/Professional										
Architectural, design, and engineering services	P	P	P	—	—	P	P	P	P	P
Attorney/legal services	—	P	P	—	—	P	P	P	P	P
Banks/financial institutions, credit unions and remote ATMs (stand-alone facilities—without drive-thru)	—	P	P	—	—	P	P	P	P	P
Banks/financial institutions, credit unions and remote ATMs (with drive-thru)	—	—	M	—	—	M	P	P	P	P
Brokerage firms and financial institutions	—	P	P	—	—	P	P	P	P	M
Exhibit halls and galleries with 15% or less retail sales area	—	P	P	—	—	P	P	P	P	P
General administrative offices	—	P	P	—	—	P	P	P	P	P
Government offices	P	P	P	—	—	P	P	P	P	P
Insurance and accounting offices	—	P	P	—	—	P	P	P	P	P
Massage/acupressure as primary use	—	—	M	—	—	M <sup>DT</sup> C	C	C	C	M
Massage as ancillary use to primary permitted use—less than 40% of gross floor area of business	—	M	M	—	—	M	M	M	M	M
Real estate, escrow & property management offices	—	P	P	—	—	P	P	P	P	P

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	Civic	Station Area	Downtown Gateway	Neighborhood	Multi-Family	Transitional	Sierra Gateway	Route 66 Gateway	Valley Gateway	Village
Recording/film studios	—	M	M	—	—	M	M	M	M	P
Animal Services										
Feed, tackle supplies for large animals	—	—	—	—	—	—	—	—	—	—
Pet boarding and kennels	—	M	M	—	—	M	M	M	M	—
Pet grooming	—	P	P	—	—	P	P	P	P	P
Veterinarian clinic and hospitals (with incidental boarding)	—	—	—	—	—	—	P	P	P	P
Pet sales and supplies (without outdoor storage)	—	—	P	—	—	P	P	P	P	P
Alcohol Beverage Sales										
Alcohol sales for off-site consumption, with or without tasting room	M	M	M	—	—	M	C	C	C	M
On-site sales in connection w/restaurant/ <u>food hall</u> (Bona fide Public Eating Place as defined by the Department of Alcohol Beverage Control)	M	M	<del>M</del> <u>P</u>	—	—	M	<del>C</del> <u>P</u>	<del>C</del> <u>P</u>	<del>C</del> <u>P</u>	M
<u>On – site sales in connection w/restaurant/food hall</u> (Bona fide Public Eating Place as defined by the Department of Alcohol Beverage Control) <del>and café</del> with entertainment and/or dancing	—	M	M	—	—	—	<del>—</del> <u>M</u>	<del>—</del> <u>M</u>	<del>—</del> <u>M</u>	—
<u>On-site sales with entertainment and/or dancing</u>	<u>—</u>	<u>—</u>	<u>C</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>—</u>
Manufacturing, including winery or micro-brewery with tasting room and no restaurant	M	M	M	—	—	M	C	C	C	M

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	Civic	Station Area	Downtown Gateway	Neighborhood	Multi-Family	Transitional	Sierra Gateway	Route 66 Gateway	Valley Gateway	Village
Micro-breweries in connection with restaurant (Brew Pub) ( <u>Bona fide Public Eating Place as defined by the Department of Alcohol Beverage Control</u> )	M	M	M	—	—	M	C	C	C	M
Micro-breweries without tasting room	—	—	—	—	—	—	—	—	C	—
<b>Educational/Instructional/Day Care Uses</b>										
Adult day care	—	—	M	—	—	M	C	C	C	M
Children tutorial classes	—	—	M	—	—	M	M	M	M	M
Colleges—public and private	M	M	M	—	—	M	C	C	C	C
Schools—elementary, middle, secondary, high, private	M	M	M	M <sup>DT</sup> C	M <sup>DT</sup> C	M	C	C	C	C
Studio—Art, Dance, Martial Arts, Music (School) with greater than 1,500 sq. ft. GFA	P	M	<del>M</del> <u>P</u>	—	—	P	<del>M</del> <u>P</u>	<del>M</del> <u>P</u>	<del>M</del> <u>P</u>	M
Studio—Art, Dance, Martial Arts, Music (School)with less than 1,500 sq. ft. GFA	P	P	P	—	—	M	<del>M</del> <u>P</u>	<del>M</del> <u>P</u>	<del>M</del> <u>P</u>	M
Licensed nurseries, pre-schools and day care facilities for children	—	M	M	—	—	M	M	M	M	M
Adult vocational classes, trade schools, computer training	—	—	M	—	—	M <sup>DT</sup> C	M	C	C	C
Traffic and automobile driving schools	—	—	—	—	—	<u>—</u> <sup>DT</sup> C	C	C	C	C
<b>Food/Restaurants/Eating Establishments</b>										
Bakery—primarily retail sales	P	P	P	—	—	P	P	P	P	P

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	Civic	Station Area	Downtown Gateway	Neighborhood	Multi-Family	Transitional	Sierra Gateway	Route 66 Gateway	Valley Gateway	Village
Banquet Hall as ancillary use to primary permitted use	M	M	M	—	—	—	C	C	C	C
Catering services as primary use—may include on-site dining facilities	—	—	—	—	—	M <sup>DT</sup> P	P	P	P	—
Ice cream, juice, tea and candy shops	P	P	P	—	—	P	P	P	P	P
Restaurant/coffee shop with drive thru	—	—	—	—	—	—	M S	M	M	—
Restaurant/coffee shop/ <u>food hall</u> without drive thru facilities or alcohol sales	P	P	P	—	—	P	P	P	P	P
Outdoor dining in public right-of-way	p <sup>S</sup>	p <sup>S</sup>	p <sup>S</sup>	—	—	p <sup>S-DT</sup>	—	—	—	—
General Merchandise/Retail Trade										
Antiques retail sales (excludes pawn shop)	—	P	P	—	—	P	P	P	P	P
Consumer electronics, computer and phone equipment retail sales	—	P	P	—	—	P	P	P	P	P
Art gallery with retail sales (If retail sales area is less than 15%, see exhibit hall and gallery under Administrative/Professional)	—	P	P	—	—	P	P	P	P	P
Art supplies, framing	—	P	P	—	—	P	P	P	P	P
Beauty supplies	—	P	P	—	—	P	P	P	P	P
Books and magazines	—	P	P	—	—	P	P	P	P	P
Camera and photographic supplies	—	P	P	—	—	P	P	P	P	P
Clothing/shoe stores	—	P	P	—	—	P	P	P	P	P

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	Civic	Station Area	Downtown Gateway	Neighborhood	Multi-Family	Transitional	Sierra Gateway	Route 66 Gateway	Valley Gateway	Village
Cigar/cigarette/smoke shops/electronic cigarettes as a primary use	—	—	—	—	—	—	C	C	C	—
Consignment clothing sales	—	P	P	—	—	P	P	P	P	P
<del>Farmer's Market</del>	<del>M<sup>S</sup></del>	<del>M<sup>S</sup></del>	<del>M<sup>S</sup></del>	—	—	—	—	—	—	—
Convenience stores	—	—	—	—	—	—	P	P	P	P
Floor covering (carpet, tile, and similar)	—	—	—	—	—	—	P	P	P	—
Florists	—	P	P	—	—	P	P	P	P	P
Food/drug store (less than 5,000 square feet GFA)	—	P	P	—	—	P	P	P	P	P
Food/drug store (greater than 5,000 square feet GFA)	—	—	—	—	—	—	M	M	M	—
Fabric stores (less than 5,000 square feet GFA)	—	P	P	—	—	P	P	P	P	P
Firearms, ammunition, related products, assembly—retail sales	—	—	C	—	—	—	—	—	—	—
Furniture, office and home furnishings	—	—	P	—	—	P	P	P	P	P
Garden supply with outdoor display of plants	—	—	—	—	—	P	P	—	—	—
General merchandise, specialty, gift, craft items, candles, house wares, and variety (non-discount) stores	—	P	P	—	—	P	P	P	P	P
Hardware/home improvement stores	—	P	P	—	—	P	P	P	P	P
Health, herbal, botanical stores	—	P	P	—	—	P	P	P	P	P
Hobby, toy and game	—	—	P	—	—	P	P	P	P	P
Hookah lounge/smoking room	—	—	—	—	—	C	C	C	C	C

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	Civic	Station Area	Downtown Gateway	Neighborhood	Multi-Family	Transitional	Sierra Gateway	Route 66 Gateway	Valley Gateway	Village
Indoor swap meets/concession malls	—	—	—	—	—	—	—	—	—	—
Interior decorating, linen, and bath stores	—	P	P	—	—	P	P	P	P	P
Jewelry sales and repair (excludes pawn shop)	—	P	P	—	—	P	P	P	P	P
Leather goods and equipment	—	P	P	—	—	P	P	P	P	P
Musical instruments	—	P	P	—	—	P	P	P	P	P
Office supplies/stationery/cards	—	P	P	—	—	P	P	P	P	P
Pharmacies (without drive-thru)	—	P	P	—	—	P	P	P	P	P
Pharmacies (with drive-thru)	—	—	—	—	—	—	P	P	P	—
Sporting goods and equipment (no gun sales)	—	P	P	—	—	P	P	P	P	P
Thrift stores/second-hand store	—	—	—	—	—	—	M	M	M	—
Lodging Places										
Bed and Breakfast	—	—	—	M <sup>S</sup>	—	M <sup>S-DT</sup> —	—	—	—	—
Hotels and motels	M	M	M	—	—	M	M	M	M	—
Medical/Health Services										
Acute care (urgent care)	—	—	<del>M</del> <u>—</u>	—	—	—	<del>P</del> <u>—</u>	<del>P</del> <u>—</u>	<del>C</del> <u>—</u>	C
Ambulance services	—	—	—	—	—	—	—	—	—	—
Hospitals	—	—	—	—	—	—	—	—	—	—
Medical/dental/counseling/psychology/hearing aids/acupuncture/homeopathy/physical therapy/sports therapy	—	P	P	—	—	P	P	P	P	P



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	Civic	Station Area	Downtown Gateway	Neighborhood	Multi-Family	Transitional	Sierra Gateway	Route 66 Gateway	Valley Gateway	Village
Optometry sales	—	P	P	—	—	P	P	P	P	P
Motor Vehicle Services										
Auto body and painting (primary use)	—	—	—	—	—	—	—	—	—	—
Auto broker offices ( <u>without required on-site storage of vehicles</u> )	—	—	—	—	—	—	P	P	P	
Auto broker offices ( <u>with required on-site storage of vehicles</u> )	—	—	—	—	—	—	<del>P</del> —	P	<del>P</del> —	—
Auto car washes	—	—	—	—	—	—	<del>M</del> —	M	<del>M</del> —	—
Auto and motorcycle sales—new and used	—	—	—	—	—	—	<del>M<sup>S</sup></del> —	M <sup>S</sup>	<del>M<sup>S</sup></del> —	—
Auto rental agencies with parking for vehicle rentals	—	—	—	—	—	—	<del>M</del> —	M	<del>M</del> —	—
Auto/motorcycle repair—general, including quick lube, smog check, transmission service	—	—	—	—	—	—	<del>C<sup>S</sup></del> —	C <sup>S</sup>	<del>C<sup>S</sup></del> —	—
Auto upholstery	—	—	—	—	—	—	—	—	—	—
Auto car alarm and stereo installation (within an enclosed building only)	—	—	—	—	—	—	<del>C</del> —	C	<del>C</del> —	—
Commercial parking facilities and garages	P	P	P	—	—	<del>P<sup>DT</sup></del> —	—	—	—	—
Gas/service station	—	—	—	—	—	—	<del>C</del> —	C	<del>C</del> —	—
Gas station with mini mart, car wash and/or restaurant	—	—	—	—	—	—	<del>C</del> —	C	<del>C</del> —	—
Truck, trailer and equipment rentals	—	—	—	—	—	—	—	—	—	—
Personal Services										

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	Civic	Station Area	Downtown Gateway	Neighborhood	Multi-Family	Transitional	Sierra Gateway	Route 66 Gateway	Valley Gateway	Village
Barber, hair/nail/skincare/tanning salon and day spa	—	P	P	—	—	P	P	P	P	P
Body art (tattooing, body piercing, and/or permanent cosmetics)	—	—	P	—	—	P	P	P	P	P
Check cashing/deferred deposit or payday advance uses with or without ancillary services	—	—	—	—	—	—	—	—	—	—
Cemeteries, crematory, mortuary and mausoleums	—	—	—	—	—	—	—	—	—	—
Dry cleaners/laundry—non-commercial	—	—	P	—	—	P	P	P	P	P
Fortunetelling	—	P	P	—	—	—	P	—	P	—
Funeral parlors	—	—	—	—	—	—	—	—	—	—
Locksmith/key shops	—	P	P	—	—	P	P	P	P	—
Pawnshops/cash for gold and diamonds (as primary use)	—	—	—	—	—	—	—	—	—	—
Photocopying and photo developing (retail)	—	P	P	—	—	P	P	P	P	P
Photography studios	—	P	P	—	—	P	P	P	P	P
Postal services/mail box rentals	—	—	P	—	—	P	P	P	P	P
Shoe repair	—	P	P	—	—	P	P	P	P	P
Tailor and alterations	—	P	P	—	—	P	P	P	P	P
Public Facilities/Utilities										
Public park	P	P	P	P	P	P	P	P	P	P
Public maintenance yard and other non-office uses	P	M	M	—	—	M	M	M	M	M

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	Civic	Station Area	Downtown Gateway	Neighborhood	Multi-Family	Transitional	Sierra Gateway	Route 66 Gateway	Valley Gateway	Village
Public utility structures	M	M	M	M	M	M	M	M	M	M
Recreation/ Entertainment										
<del>Cyber</del> eCafé ( <u>Cyber, animal, gaming</u> )	—	—	<del>—</del> <u>P</u>	—	—	—	<del>—</del> <u>P</u>	<del>—</del> <u>P</u>	<del>—</del> <u>P</u>	—
Billiards and pool halls	—	—	<del>—</del> <u>C</u>	—	—	—	<del>—</del> <u>C</u>	<del>—</del> <u>C</u>	<del>—</del> <u>C</u>	—
Escape rooms	P	P	P	—	—	P	P	P	P	P
Game and video arcades	—	M	<del>M</del> <u>P</u>	—	—	M <sup>DT</sup> C	<del>C</del> <u>P</u>	<del>C</del> <u>P</u>	<del>C</del> <u>P</u>	M
Golf course and driving ranges	—	—	<del>—</del> <u>P</u>	—	—	—	<del>—</del> <u>P</u>	<del>C</del> <u>P</u>	<del>C</del> <u>P</u>	—
Health and fitness clubs	P	M	<del>M</del> <u>P</u>	—	—	M	<del>M</del> <u>P</u>	<del>M</del> <u>P</u>	<del>M</del> <u>P</u>	M
Indoor—amusement/recreation/sports fields and courts/skating/batting cages/roller hockey facilities (not within a public park)	—	M	<del>M</del> <u>P</u>	—	—	M	<del>C</del> <u>P</u>	<del>C</del> <u>P</u>	<del>C</del> <u>P</u>	M
Nightclub	<u>—</u>	<u>—</u>	<u>C</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>—</u>
Outdoor amusement/recreation/sports fields and courts/skating/batting cages/roller hockey facilities (not within a public park)	—	M	<del>M</del> <u>P</u>	—	—	M	<del>M</del> <u>P</u>	<del>M</del> <u>P</u>	<del>M</del> <u>P</u>	M
Public assembly/auditoriums/meeting halls/religious facilities	M <sup>S</sup>	M <sup>S</sup>	M <sup>S</sup>	C <sup>S</sup>	C <sup>S</sup>	M <sup>S-DT</sup> C <sup>S</sup>	C <sup>S</sup>	C <sup>S</sup>	C <sup>S</sup>	M <sup>S</sup>
Theatres (live stage and movie) and concert halls	M	M	<del>M</del> <u>P</u>	—	—	M <sup>DT</sup> C	<del>C</del> <u>P</u>	<del>C</del> <u>P</u>	<del>C</del> <u>P</u>	M
Repair Services										
Antique restoration	—	—	—	—	—	—	<del>M</del> <u>—</u>	<del>M</del> <u>—</u>	<del>M</del> <u>—</u>	—

**“EXHIBIT A”**  
**AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30**  
**(Additions shown in underline, deletions shown in ~~strikeout~~):**

	Civic	Station Area	Downtown Gateway	Neighborhood	Multi-Family	Transitional	Sierra Gateway	Route 66 Gateway	Valley Gateway	Village
Equipment and appliance repair	—	—	—	—	—	—	<del>M</del> —	<del>M</del> —	<del>M</del> —	—
Furniture refinishing	—	—	—	—	—	—	<del>M</del> —	<del>M</del> —	<del>M</del> —	—
Furniture upholstery	—	—	—	—	—	—	<del>M</del> —	<del>M</del> —	<del>M</del> —	—
Residential Uses										
Accessory structures	P	P	P	P	P	P	P	P	P	P
Assisted living facilities	—	M	M	C	C	C M <sup>DT</sup>	C	C	C	C
Accessory dwelling units	P	P	P	P	P	P	P	P	P	P
Junior accessory dwelling units	—	—	—	P	—	P	—	—	—	P
Parolee home	—	—	—	—	—	—	—	—	—	—
Residential care facility (6 or fewer persons)	—	P	P	P	P	P	P	P	P	P
Residential care facility (7 or more persons)	—	M	M	M	M	M	M	M	M	M
Multiple-family development	—	P	P	—	P	P	P	P	P	P
Residential within mixed-use development having a commercial component (may include senior, affordable, market rate, etc.)	—	P	P	—	—	P	P	P	P	P
Senior housing	—	M	M	M	M	M	M	M	M	M
Live/work (as a part of a mixed-use development or stand-alone)	—	M <sup>S</sup>	M <sup>S</sup>	—	—	M <sup>S</sup>	M <sup>S</sup>	M <sup>S</sup>	M <sup>S</sup>	—
Detached, single-family dwellings	—	—	—	P	—	P	—	—	—	P
Student housing/dormitory/group quarters	—	M	M	—	M <sup>DT</sup> C	M <sup>DT</sup> C	C	C	C	—

**“EXHIBIT A”**  
**AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30**  
**(Additions shown in underline, deletions shown in ~~strikeout~~):**

	Civic	Station Area	Downtown Gateway	Neighborhood	Multi-Family	Transitional	Sierra Gateway	Route 66 Gateway	Valley Gateway	Village
Small family childcare (1 to 6 children)	—	P	P	P	P	P	P	P	P	P
Large family childcare (7 to 14 children)	—	—	—	M	M	—	—	—	—	M
Service/Non-Profit Organizations										
Civic buildings/uses	P	P	P	P	P	P	P	P	P	P
Offices for philanthropic, charitable, civic and service organizations	—	P	P	—	—	P	P	P	P	P
Temporary political campaign offices and headquarters	P	P	P	—	—	P	P	P	P	P
Miscellaneous										
Industrial uses	—	—	—	—	—	—	—	—	—	—
Adult-oriented uses	—	—	—	—	—	—	—	—	—	—
P=Permitted; M=Minor Use Permit; C=Conditional Use Permit; "—"=Not Permitted; "*"="Not permitted on the ground floor, except on Sierra Avenue; "S"=Special use regulations; "DT"=Pertaining to parcels within the Downtown boundary										

**Table 30-359.B.—Land Uses**

	Civic Core	Sierra Core	Gateway Core	Mixed-Use Core	Multi-Family Core	Neighborhood Core
Administrative/Professional						
Architectural, design, and engineering services	P	P	P	P	—	—
Attorney/legal services	P	P	P	P	—	—
Banks/financial institutions, credit unions and remote ATMs (stand-alone facilities—without drive-thru)	P	P	P	P	—	—
Banks/financial institutions, credit unions and remote ATMs (with drive-thru)	—	—	M	M	—	—

**“EXHIBIT A”**  
**AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30**  
**(Additions shown in underline, deletions shown in strikeout):**

	<b>Civic Core</b>	<b>Sierra Core</b>	<b>Gateway Core</b>	<b>Mixed-Use Core</b>	<b>Multi-Family Core</b>	<b>Neighborhood Core</b>
Brokerage firms and financial institutions	P	P	P	P	—	—
Exhibit halls and galleries with 15% or less retail sales area	P	P	P	P	—	—
General administrative offices	P	P	P	P	—	—
Government offices	P	P	P	P	—	—
Insurance and accounting offices	P	P	P	P	—	—
Massage/acupressure as primary use	—	—	—	C	—	—
Massage as ancillary use to primary permitted use—less than 40% of gross floor area of business	M	M	M	M	—	—
Real estate, escrow & property management offices	P	P	P	P	—	—
Recording/film studios	M	M	M	M	—	—
<b>Animal Services</b>						
Feed, tackle supplies for large animals	—	—	—	—	—	—
Pet boarding and kennels	—	—	—	C	—	—
Pet grooming	—	—	—	P	—	—
Veterinarian clinic and hospitals (with incidental boarding)	—	—	—	C	—	—
Pet sales and supplies (without outdoor storage)	—	—	P	P	—	—
<b>Alcohol Beverage Sales</b>						
Alcohol sales exclusively for off-site consumption	—	—	M	M	—	—
Bar, Lounge, or Nightclub (with or without live entertainment)	—	M	M	M	—	—
On-site sales in connection w/restaurant ( <u>Bona fide Public Eating Place as defined by the Department of Alcohol Beverage Control</u> )(	M	M	M	M	—	—
Restaurant ( <u>Bona fide Public Eating Place as defined by the Department of Alcohol Beverage Control</u> ) and café with entertainment and/or dancing	M	M	M	—	—	—

**“EXHIBIT A”**  
**AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30**  
**(Additions shown in underline, deletions shown in ~~strikeout~~):**

	Civic Core	Sierra Core	Gateway Core	Mixed-Use Core	Multi-Family Core	Neighborhood Core
Manufacturing, including winery or micro-brewery with tasting room and no restaurant	M	M	M	M	—	—
Micro-breweries in connection with restaurant (Brew Pub)	M	M	M	M	—	—
Micro-breweries without tasting room	—	—	—	—	—	—
<b>Educational/Instructional/Day Care Uses</b>						
Adult day care	—	—	—	M	—	—
Children tutorial classes	—	—	—	M	—	—
Colleges—public and private	M	—	M	M	—	—
Schools—elementary, middle, secondary, high, private	—	—	—	M	M	M
Studio—Art, Dance, Martial Arts, Music (School) with greater than 1,500 sq. ft. GFA	—	—	P	P	—	—
Studio—Art, Dance, Martial Arts, Music (School) with less than 1,500 sq. ft. GFA	—	—	P	M	—	—
Licensed nurseries, pre-schools and day care facilities for children	—	—	—	M	—	—
Adult vocational classes, trade schools, computer training	M	—	M	M	—	—
Traffic and automobile driving schools	—	—	—	—	—	—
<b>Food/Restaurants/Eating Establishments</b>						
Bakery—primarily retail sales	P	P	P	P	—	—
Banquet Hall as ancillary use to primary permitted use	M	—	M	—	—	—
Catering services as primary use—may include on-site dining facilities	M	M	M	M	—	—
Ice cream, juice, tea and candy shops	P	P	P	P	—	—
Restaurant/coffee shop with drive thru	—	—	—	—	—	—
Restaurant/coffee shop without drive thru facilities or alcohol sales	P	P	P	P	—	—
Outdoor dining in public right-of-way	p <sup>S</sup>	p <sup>S</sup>	p <sup>S</sup>	p <sup>S</sup>	—	—
<b>General Merchandise/Retail Trade</b>						
Antiques retail sales (excludes pawn shop)	M	M	M	M	—	—

**“EXHIBIT A”**  
**AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30**  
**(Additions shown in underline, deletions shown in ~~strikeout~~):**

	<b>Civic Core</b>	<b>Sierra Core</b>	<b>Gateway Core</b>	<b>Mixed-Use Core</b>	<b>Multi-Family Core</b>	<b>Neighborhood Core</b>
Consumer electronics, computer and phone equipment retail sales	P	P	P	P	—	—
Art gallery with retail sales (If retail sales area is less than 15%, see exhibit hall and gallery under Administrative/Professional)	P	P	P	P	—	—
Art supplies, framing	P	P	P	P	—	—
Beauty supplies	P	P	P	P	—	—
Books and magazines	P	P	P	P	—	—
Camera and photographic supplies	P	P	P	P	—	—
Clothing/shoe stores	P	P	P	P	—	—
Cigarette/smoke shops/electronic cigarettes as a primary use	—	—	—	—	—	—
Cigar sales only	P	P	P	P	—	—
Cigar lounge/hookah lounge/smoking room	C	C	C	C	—	—
Consignment clothing sales	C	C	C	C	—	—
<del>Farmer's Market</del>	<del>M<sup>s</sup></del>	<del>M<sup>s</sup></del>	<del>M<sup>s</sup></del>	—	—	—
Convenience stores	—	—	C	C	—	—
Floor covering (carpet, tile, and similar)	—	—	P	P	—	—
Florists	P	P	P	P	—	—
Food/drug store	—	—	P	P	—	—
Fabric stores	—	—	P	P	—	—
Firearms, ammunition, related products, assembly—retail sales	—	—	—	—	—	—
Furniture, office and home furnishings	—	—	P	P	—	—
Garden supply with outdoor display of plants	—	—	P	P	—	—
General merchandise, specialty, gift, craft items, candles, house wares, and variety (non-discount) stores	P	P	P	P	—	—
Hardware/home improvement stores	—	—	P	P	—	—
Health, herbal, botanical stores	P	P	P	P	—	—
Hobby, toy and game	P	P	P	P	—	—
Indoor swap meets/concession malls	—	—	—	—	—	—
Interior decorating, linen, and bath stores	—	—	P	P	—	—
Jewelry sales and repair (excludes pawn shop)	P	P	P	P	—	—



**“EXHIBIT A”**  
**AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30**  
**(Additions shown in underline, deletions shown in ~~strikeout~~):**

	<b>Civic Core</b>	<b>Sierra Core</b>	<b>Gateway Core</b>	<b>Mixed-Use Core</b>	<b>Multi-Family Core</b>	<b>Neighborhood Core</b>
Leather goods and equipment	P	P	P	P	—	—
Musical instruments	P	P	P	P	—	—
Office supplies/stationery/cards	P	P	P	P	—	—
Sporting goods and equipment (no gun sales)	M	M	M	M	—	—
Thrift stores/second-hand store	—	—	—	P	—	—
<b>Lodging Places</b>						
Bed and Breakfast	M	M	M	M <sup>S</sup>	—	M <sup>S</sup>
Hotels	M	M	M	M	—	—
Motels	—	—	—	—	—	—
<b>Medical/Health Services</b>						
Acute care/walk-in medical services (urgent care)	—	—	—	P	—	—
Ambulance services	—	—	—	—	—	—
Hospitals	—	—	—	—	—	—
Medical/dental/counseling/psychology/hearing aids/acupuncture/homeopathy/physical therapy/sports therapy	M	—	M	P	—	—
Optometry sales	P	P	P	P	—	—
<b>Motor Vehicle Services</b>						
Auto body and painting (primary use)	—	—	—	—	—	—
Auto broker offices	—	—	—	—	—	—
Auto car washes	—	—	—	—	—	—
Auto and motorcycle sales—new and used	—	—	—	—	—	—
Auto rental agencies with parking for vehicle rentals	—	—	—	—	—	—
Auto/motorcycle repair—general, including quick lube, smog check, transmission service	—	—	—	—	—	—
Auto upholstery	—	—	—	—	—	—
Auto car alarm and stereo installation (within an enclosed building only)	—	—	—	—	—	—
Commercial parking facilities and garages	P	P	P	P	—	—
Gas/service station	—	—	C	C	—	—
Gas station with mini mart, car wash and/or restaurant	—	—	C	C	—	—

**“EXHIBIT A”**  
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	Civic Core	Sierra Core	Gateway Core	Mixed-Use Core	Multi-Family Core	Neighborhood Core
Truck, trailer and equipment rentals	—	—	—	—	—	—
<b>Personal Services</b>						
Barber, hair/nail/skincare/tanning salon and day spa	M	M	M	P	—	—
Body art (tattooing, body piercing, and/or permanent cosmetics)	C	C	C	P	—	—
Check cashing/deferred deposit or payday advance uses with or without ancillary services	—	—	—	—	—	—
Cemeteries, crematory, mortuary and mausoleums	—	—	—	—	—	—
Dry cleaners/laundry—non-commercial	—	—	—	P	—	—
Fortunetelling	—	—	—	M	—	—
Funeral parlors	—	—	—	—	—	—
Locksmith/key shops	—	—	—	P	—	—
Pawnshops/cash for gold and diamonds (as primary use)	—	—	—	—	—	—
Photography studios	—	—	—	P	—	—
Postal services/mail box rentals	—	—	—	P	—	—
Shoe repair	—	—	—	P	—	—
Tailor and alterations	—	—	—	P	—	—
<b>Public Facilities/Utilities</b>						
Public park	P	P	P	P	P	P
Public maintenance yard and other non-office uses	P	—	M	M	—	—
Public utility structures	M	M	M	M	M	M
<b>Recreation/Entertainment</b>						
Billiards and pool halls	M	M	M	—	—	—
Escape rooms	P	P	P	P	—	—
Game and video arcades	M	M	M	M	—	—
Golf course and driving ranges	—	—	—	—	—	—
Health and fitness clubs	—	—	M	M	—	—
Indoor—amusement/recreation/sports fields and courts/skating/batting cages/roller hockey facilities (not within a public park)	M	M	M	M	—	—

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	Civic Core	Sierra Core	Gateway Core	Mixed-Use Core	Multi-Family Core	Neighborhood Core
Outdoor amusement/recreation/sports fields and courts/skating/batting cages/roller hockey facilities (not within a public park)	—	—	M	M	—	—
Public assembly/auditoriums/meeting halls/religious facilities	C <sup>S</sup>	C <sup>S</sup>	M <sup>S</sup>	M <sup>S</sup>	C <sup>S</sup>	C <sup>S</sup>
Theatres (live stage and movie) and concert halls	M	M	M	M	—	—
<b>Repair Services</b>						
Antique restoration	—	—	—	—	—	—
Equipment and appliance repair	—	—	—	—	—	—
Furniture refinishing	—	—	—	—	—	—
Furniture upholstery	—	—	—	—	—	—
<b>Residential Uses</b>						
Accessory structures	P	P	P	P	P	P
Assisted living facilities	—	—	M	M	C	C
Parolee home	—	—	—	—	—	—
Residential care facility (6 or fewer persons)	—	—	—	—	—	—
Residential care facility (7 or more persons)	—	—	—	—	—	P
Multiple-family development	—	—	—	—	P	P <sup>S</sup>
Residential within mixed-use development having a commercial component (may include senior, affordable, market rate, etc.)	P	P	P	P	—	—
Senior housing	M	M	M	M	M	M
Live/work as a part of a mixed-use development or stand-alone)	P <sup>S</sup>	P <sup>S</sup>	P <sup>S</sup>	P <sup>S</sup>	—	—
Detached, single-family dwellings	—	—	—	P	—	P
Student housing/dormitory/group quarters	—	—	M	M	M	—
Small family childcare (1 to 6 children)	—	—	P	P	P	P
Large family childcare (7 to 14 children")	—	—	—	—	M	P
<b>Service/Non-Profit Organizations</b>						
Civic buildings/uses	P	P	P	P	P	P
Offices for philanthropic, charitable, civic and service organizations	P	P	P	P	—	—

**“EXHIBIT A”**  
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	Civic Core	Sierra Core	Gateway Core	Mixed-Use Core	Multi-Family Core	Neighborhood Core
Temporary political campaign offices and headquarters	P	P	P	P	—	—
Miscellaneous						
Industrial uses	—	—	—	—	—	—
Adult-oriented uses	—	—	—	—	—	—
P=Permitted; M = Minor Use Permit; C=Conditional Use Permit; "—"=Not Permitted; "S"=Special use regulations						

**“EXHIBIT A”**  
**AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30**  
**(Additions shown in underline, deletions shown in strikeout):**

**Sec. 30-360. Special use regulations.**

(a) *Bed and breakfast.*

- (1) *Operator.* Bed and breakfast inns shall be operated by the property owner/manager living on the site.
- (2) *Number of rooms.* Bed and breakfast inns shall be limited to a maximum of six guest rooms for lodging, plus accommodations for the property manager/owner.
- (3) *Food service.* Food may only be served to registered overnight guests. Guest room cooking facilities are prohibited.
- (4) *Rental period.* Guest rooms shall not be rented for a period of less than 18 hours nor for a period not to exceed 72 hours.

(b) *Live/work.*

- (1) The commercial component of live/work units are intended for use by the following occupations:

Accountants

Architects

Artists and artisans

Attorneys

Computer software professionals

Consultants

Engineers

Fashion, graphic, interior designers

Hair stylists

Home-based office workers

Insurance and real estate agents

One-on-one instructors photographers

The Director of ~~Community Development~~ Planning may authorize other similar uses/occupations.

- (2) A live/work unit shall not be established or used in conjunction with any of the following activities:

- a. Adult-oriented business, head shops, massage, or similar uses
- b. Entertainment, drinking, and public eating establishments
- c. Veterinary services, including grooming and boarding, and the breeding or care of animals for hire or for sale
- d. Businesses that involves the use of prescription drugs or recreational drugs
- e. Trade or private schools (this excludes private instruction of up to two students at any one time, such as music lessons and tutoring)
- f. Vehicle maintenance or repair (e.g. body or mechanical work, including boats and recreational vehicles), vehicle detailing and painting, upholstery, etc.)
- g. Storage of flammable liquids or hazardous material beyond that normally associated with a residential use
- h. Welding, machining, or any open flame work

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- i. Any other activity or use, as determined by the Director of ~~Community Development~~ Planning to not be compatible with residential activities and/or to have the possibility of affecting the health or safety of live/work unit residents, because of the potential for the use to create dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or would be hazardous because of materials, processes, products, or wastes.
- (3) Occupancy requirement. The residential space within a live/work unit shall be occupied by at least one individual employee in the business conducted within the live/work unit. No portion of the unit shall be sold or rented separately.
- (4) Design standards:
  - a. Residential areas are permitted above the commercial component, to the side or behind the business component, provided that there is internal access between the residential and commercial space.
  - b. The commercial component shall be restricted to the unit and shall not be conducted in the open space, garage, or any accessory structure.
  - c. Floor area requirements. The floor area of the work space shall be between 25 and 50 percent of the total floor area. All floor area other than that reserved for living space shall be reserved and regularly used for working space.
  - d. Separation and access. Each live/work unit shall be separated from other live/work units or other uses in the structure. Access to each live/work unit shall be provided from a public street, or common access areas, corridors, or halls. The access to each unit shall be clearly separate from other live/work units or other uses within the structure.
  - e. Parking. Each live/work unit shall be provided with at least two off-street parking spaces. For areas outside of the downtown area plan, at least one of the two off-street parking spaces shall be accessible to the public. The Director of ~~Community Development~~ Planning may modify this requirement for the use of existing structures with limited parking.
- (5) Operating requirements:
  - a. *Sale or rental of portions of unit.* No portion of a live/work unit may be separately rented or sold as a commercial or industrial space for any person not living in the premises or as a residential space for any person not working in the same unit.
  - b. *On-premises sales.* On-premises sales of goods is limited to those produced within the live/work unit; provided, the retail sales activity shall be incidental to the primary production work within the unit. These provisions shall allow occasional open studio programs and gallery shows.
  - c. *Nonresident employees.* Up to one person who does not reside in the live/work unit may work in the unit at any time.
  - d. *Client and customer visits.* Client and customer visits to live/work units are allowed.
- (6) Changes in use. After approval and construction, a live/work unit shall not be converted to either entirely residential use or entirely business use unless authorized through a separate minor use permit.
- (c) *Outdoor dining in the public right-of-way.* The purpose of the regulations and standards in this section are to allow increased business and pedestrian traffic, encourage appropriate outdoor dining opportunities within public rights-of-way and to ensure that the space used for outdoor dining within the public right-of-way will service a public purpose. This section does not apply to outdoor dining on private property.
  - (1) Location permitted. Outdoor dining areas within the public right-of-way are permitted on all commercially utilized properties, provided all development standards are met.
  - (2) Permits required. It shall be unlawful for any business to use the public sidewalk and/or public right-of-way for outdoor dining without first obtaining a valid minor use permit and encroachment permit.

**“EXHIBIT A”**  
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**(Additions shown in underline, deletions shown in ~~strikeout~~):**

- (3) Establishment of an outdoor dining area shall require site plan review and permit issuance. Any person or business wishing to operate an outdoor dining area shall apply for a permit by submitting the following to the City:
- a. The site plan for the proposed outdoor dining area shall include the following:
    - 1. Chairs, tables, umbrellas, planters, signs and any other fixtures and furnishings to be included in the outdoor dining operation.
    - 2. The applicant's primary eating establishment or food court and the proposed circulation to and from the outdoor dining area, as well as pedestrian circulation at the perimeter of the outdoor dining area.
    - 3. The public sidewalk or public right-of-way to be occupied with dimensions of the entire sidewalk or right-of-way and the clearance proposed for pedestrian access.
    - 4. Names of and main entrances to the businesses immediately adjacent to the applicant's eating establishment.
  - b. Specifications and photographs of all proposed chairs, tables, umbrellas, signs, railings, railing connections to the public sidewalk or right-of-way and the adjacent building, or other furnishing.
- (4) Design standards for outdoor dining area:
- a. The outdoor dining area shall be designed to facilitate sit-down dining activity through the utilization of chairs and tables. It shall also be compact and shall be clearly delineated to promote a visual relationship between the dining area and the surrounding pedestrian areas.
  - b. Outdoor dining is permitted only where the sidewalk is wide enough to adequately accommodate both the usually pedestrian traffic in the area and the operation of the proposed activity. A clear, continuous pedestrian path not less than four feet in width shall be required for unimpeded pedestrian circulation outside of the outdoor dining area. The minimum width of said pedestrian path may be increased by the City Engineer in areas requiring public utility access. Pedestrian path means a continuous, obstruction-free sidewalk area between the outside boundary of the dining area and any obstruction including, but not limited to, parking meters, street trees, landscaping, streetlights, bus benches, public art, and curb lines.
  - c. No outdoor dining area shall be located to block access either to or from a building. A minimum unobstructed clearance which extends two feet to either side of both door jambs shall be maintained.
  - d. Where an outdoor dining area is located on a corner, the outdoor dining area shall not be permitted within three feet of the corner of the building, along both frontages. Where an outdoor dining area is located adjacent to a driveway or an alley, the outdoor dining area shall not be permitted within five feet of the driveway or alley. These requirements may be modified at the discretion of the City Engineer or Director of ~~Community Development Planning~~ in locations where the sidewalk adjacent to the proposed outdoor dining area is wider than usual, where the perimeter of the building has an unusual configuration, or where public safety is at risk.
  - e. The floor of the outdoor dining area shall be at the same level as the sidewalk, and no alterations to the sidewalk or coverings on the sidewalk shall be permitted, unless expressly approved by the City Engineer.
  - f. The permittee shall not expand its outdoor dining area onto the sidewalk frontage of an adjacent business.
  - g. An outdoor dining area may be located directly adjacent to another outdoor dining area. No separation between outdoor dining areas shall apply.
  - h. In no case shall an outdoor dining area be located directly to parking, unless separated by a landscape barrier at least four feet deep and three feet high.

**“EXHIBIT A”**  
**AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30**  
**(Additions shown in underline, deletions shown in ~~strikeout~~):**

- i. The design and appearance of all proposed improvements or furniture, including, but not limited to, tables, chairs, benches, umbrellas, and planters, to be placed in the sidewalk dining area shall present a coordinated and concerted theme and shall be compatible with the appearance and design of the principal building.
  - j. A perimeter barrier shall be provided for the outdoor dining area. However, no barrier shall be required if the applicant proposes to limit the outdoor dining area to one row of tables and chairs abutting the wall of the establishment and if no alcohol will be served outside.
  - k. All barriers shall complement the building façade as well as any street furniture and shall be between 24 inches and 36 inches in height.
  - l. Barriers shall be removable. Barriers need not be removed each evening or night, but shall be capable of being removed, if needed, using recessed sleeves and posts, or by wheels that can be locked into place.
  - m. Barriers shall be able to withstand inclement weather and 100 pounds of horizontal force at the top of the barriers when in their fixed positions.
  - n. Objects placed on the sidewalk shall not interfere with or obstruct line-of-sight and shall maintain a clear sight triangle.
  - o. Any umbrellas, heater, or similar feature used in an outdoor dining area shall be safely secured. All heaters shall be in compliance with applicable fire code.
  - p. Outdoor lighting fixtures shall complement the style of the site. Lighting fixtures shall not create glare to pedestrians on the adjacent right-of-way and shall illuminate only the outdoor dining area. Outdoor lighting may be installed on the façade of the building or in the dining area in front of the façade.
  - q. Signage advertising alcohol products on umbrellas shall be prohibited.
- (5) Parking. Space used for outdoor dining in the public right-of-way shall not be added to the gross square footage of the food service establishment when calculating parking requirements.
- (6) Standards of operation:
- a. The management of the eating establishment shall be responsible for operating the outdoor dining area and shall not delegate or assign the responsibility.
  - b. Hours of operation for the outdoor dining areas are to coincide with those of the associated indoor restaurant. When the establishment ceases serving food for the day, further seating in the outdoor dining area shall be prohibited and the outdoor dining area shall close when the patrons already seated in it leave.
  - c. The operator shall not permit the following outside of the building: food preparation, utensils, glasses, napkins, and condiments on unoccupied tables, bus service stations, or trash and garbage storage. All exterior surfaces within the outdoor dining area shall be easily cleaned and shall be kept clean at all times by the permittee.
  - d. The permittee shall maintain the outdoor dining area and the adjoining street, curb, gutter, and sidewalk in a neat, clean, and orderly condition at all times. This shall include all tables, chairs, benches, displays, or other appurtenances placed in the public right-of-way. Provisions shall be made for trash receptacles to service the sidewalk dining area. The operator shall remove the debris to a closed receptacle. No debris shall be swept, washed, or blown into the sidewalk, gutter or street.
  - e. Awnings and umbrellas shall be kept clean and in good condition at all times. Umbrellas shall not advertise alcohol products.
  - f. Musical instruments or sound reproduction systems are permitted in outdoor dining areas but shall be maintained at sufficiently low volumes so as not to adversely affect the neighboring businesses, residents, or users of the public right-of-way beyond the outdoor dining area, or in violation of the City of Fontana Noise Ordinance.
  - g. Fixtures and equipment approved by the City pursuant to an outdoor dining area permit may remain in and on the sidewalk during such time that an outdoor dining permit is in effect.



**“EXHIBIT A”**  
**AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30**  
**(Additions shown in underline, deletions shown in ~~strikeout~~):**

- h. Upon revocation or termination of an outdoor dining permit, all fixtures and equipment shall immediately be removed from the sidewalk, and the sidewalk returned to its original condition.
  - i. No bar serving alcohol shall be allowed in the outside dining area.
- (7) Special closures. The City of Fontana shall have the right and power, acting through the City Manager or his/her designee, to prohibit the operation of an outdoor dining area at any time because of anticipated or actual problems or conflicts in the use of the sidewalk or right-of-way area. Such problems or conflicts may arise from, but are not limited, festivals, parades, marches and similar events, repairs and widening of the streets or sidewalks, or emergencies occurring in the area. To the extent possible, the permittee shall be given prior notice of any time period during which the operation of the outdoor dining area or the outdoor dining area shall be prohibited by the City.
- ~~(d) *Farmers Market.* A farmers’ market may be conducted on private property or in the public right of way, provided it carried on in accordance with the following limitations, 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 application and site plan.~~
  - ~~(3) A minor use permit, 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 minor use 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, alcohol 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 ten feet by ten feet are allowed in designated market areas. Any shelter larger than ten feet by ten feet must be approved under the minor use permit application.~~
  - ~~(13) Animals, other than law enforcement dogs and assistance animals for the disabled are not allowed on the market site.~~
  - ~~(14) A commercial cannabis business 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.~~

**“EXHIBIT A”**  
**AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30**  
**(Additions shown in underline, deletions shown in ~~strikeout~~):**

(ed) *Public assembly/auditoriums/meeting halls/religious facilities.*

- (1) When this use is proposed within an existing developed property such as a retail shopping center and the parking standards cannot be met, a parking impact study shall be performed. It shall include the following information:
  - a. Existing and proposed site plan
  - b. Transit, cycling and walking environment
  - c. Current parking inventory
  - d. Current land uses
  - e. Existing traffic conditions
  - f. Description of proposed land use including square footage
  - g. Calculation of required parking for proposed project based on current standards
  - h. Document availability of on street and shared parking opportunities
  - i. Calculation of peak parking demand based on proposed project land use
  - j. Document recommended parking to be provided (based on analysis with and without shared parking and other demand reduction factors)
  - k. Provide maps to summarize and illustrate
- (2) The completed parking impact study shall be submitted to the planning division for review. City staff will assess the study recommendations based on a standard alternative compliance application review process. This process includes the following criteria:
  - a. Review criteria. To approve an exception to the standard, the Director of ~~Community Development~~ Planning must first find that the proposed project accomplishes the general purposes of the applicable section(s) of the land use code. In reviewing the request for an exception to the standard parking ratio and in order to determine whether such request is consistent with the purposes of this subsection, as required above, the decision maker shall consider the following:
    1. The anticipated number of employees or residents occupying the building
    2. The number and frequency of expected customers or clients
    3. The availability of nearby on-street parking (if any)
    4. The availability of shared parking with abutting, adjacent or surrounding land uses (if any)
    5. The provision of purchased or leased parking spaces in a municipal or private parking lot meeting the requirements of the city
    6. Travel demand management programs (if any)
    7. Any other factors that may be unique to the applicant's development request.
- (3) The Director of ~~Community Development~~ Planning shall not approve an exception to the parking standard unless it:
  - a. Does not detract from continuity, connectivity and convenient proximity for pedestrians between or among existing or future uses in the vicinity
  - b. Minimizes the visual and aesthetic impact along the public street of the proposed increased parking by placing parking lots to the rear or along the side of buildings, to the maximum extent feasible
  - c. Minimizes the visual and aesthetic impact of such additional parking on the surrounding neighborhood
  - d. Creates no physical impact on any facilities serving alternative modes of transportation
  - e. Creates no detrimental impact on natural areas or features
  - f. Maintains handicap parking ratios in compliance with current ADA requirements

~~(fe)~~ *Vehicle sales and service.*

**"EXHIBIT A"**  
**AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30**  
**(Additions shown in underline, deletions shown in strikeout):**

- (1) *Outdoor display.* No vehicles shall be displayed with their hoods open, except in the display building, which shall be an enclosed structure. Balloons, spinners, pennants, banners, and other wind-blown devices are prohibited.
  - (2) *Orientation and screening, service bays.* Service bay doors shall be located perpendicular to the street fronting the site and shall be screened from all other streets and adjacent residential development.
  - (3) *Outdoor intercoms.* Outdoor amplification of sound shall not be audible beyond the property lines.
  - (4) *Orientation, main building.* The structure shall be street-oriented, with pedestrian entrances from the street.
- (gf) *Schools.*
- (1) Drop off/pick up area. The project shall include designated area(s) for drop off and pick up of students to prevent off site cueing and traffic congestion.
  - (2) A proposed school shall not operate in a commercial complex.
- (hg) *Restaurant/coffee shop with drive thru.*
- (1) The maximum front building setback of ten feet shall not apply when a drive-thru lane is placed adjacent to a street. The maximum ten-foot setback shall apply to the drive-thru lane instead of the building.
  - (2) All buildings that include a drive-thru use shall be required to provide an outdoor patio area with permanent shade, tables and seating. The minimum size of the patio area shall be 20 percent of the total building square footage.

(Ord. No. 1828, § 8(Exh. A), 5-12-20; Ord. No. 1846, § 2, 11-10-20; Ord. No. 1865, § 8(Att. 2), 3-23-21; Ord. No. 1899, § 6, 7-26-22)

**Sec. 30-489. Uses permitted.**

- (a) *Uses by zoning district.* Table No. 30-489, 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, administrative site plan review by the Director of ~~Community Development~~ Planning, or regulatory permit issued by the City, an "M" indicates the use requires the granting of a minor use permit approved by the Director of ~~Community Development~~ Planning, a "C" indicates the use requires the granting of a conditional use permit approved by the Planning Commission, 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 Chapter 33, Section 30-491 and Chapter 15 of the Municipal Code. Conditional uses are subject to the provisions in Section 30-492.
- (c) Uses marked with a superscript \*\* indicate that the requirement pertains to parcels with frontage along Foothill Boulevard between Ilex Street to Maple Avenue

**“EXHIBIT A”**  
**AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30**  
**(Additions shown in underline, deletions shown in strikeout):**

<b>Table No. 30-489 Allowed Uses within Commercial Zoning Districts</b>			
<b>Use</b>	<b>C-1</b>	<b>C-2</b>	<b>RMU</b>
<b>Retail Sales</b>			
Adult Businesses	P*	P*	—
Antique Shop	P	P	P
Automobile Sales Agency with or without Incidental Repair and Sales Display Area	—	C	C
Automobile Supply Store (no machine shop)	P	P	P
Bakery Goods Store	P	P	P
Bar, Cocktail Lounge	C	C	C
Bicycle Shop	P	P	P
Boat Sales with Incidental Repair and Sales Display Area	—	C	C
Book Store	P	P	P
Building Materials, Retail Sale of (if contained within a completely enclosed building)	—	P	P
Building Materials with Outdoor Storage	—	<u>—**/P*</u>	P*
Blueprinting Establishment	—	P	P
Cannabis Retailer, Storefront (with City Permit)	P*	P*	—
Caterer	P	P	P
Clothing Store	P	P	P
Computer Store	P	P	P
Convenience Store	P	P	P
<del>Cyber</del> Cafes ( <u>Cyber, Animal, Gaming</u> )	<u>P**/C</u>	<u>P**/C</u>	C
Department Store	—	P	P
Discount Store	P	P	P
Drugstore	P	P	P
Electrical Supply Store	P	P	P
Feed Store	C	M	—
Florist Shop	P	P	P
Furniture Store	P	P	P

**“EXHIBIT A”**  
**AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30**  
**(Additions shown in underline, deletions shown in strikeout):**

Garden Furniture and Supplies Store	P*	P*	P*
Glass or Mirror Store	P	P	P
Grocery, Fruit, Vegetable, Meat, Fish, Poultry, or Delicatessen Store,	P	P	C
Hardware Store	P*	P*	P*
Hobby Supplies Store	P	P	P
Home Furnishing Store	P	P	P
Household Appliance Store	P	P	P
Ice Cream Store	P	P	P
Ice Storage Locker (if not more than five-ton capacity)	P	P	P
Interior Decorating Shop	P	P	P
Jewelry and Coin Store	P	P	P
Liquor Store	C	C	C
Micro-Brewery	—	C	C
Newsstand	P	P	P
Novelties Store	P	P	P
Nursery, Plant (includes statuary sales)	P*	P*	P*
Paint and Wallpaper Shop	P	P	P
Pawn Shop	—	C	C
Pet Boarding	—	M	—
Pet Shop	P	P	P
Plumbing Supply Store	—	P	P
Radio, Television, and Small Electrical Appliance Shop (including repair when incidental to retail sales)	P	P	P
Restaurant, Café, Excluding Those Having Dancing and/or Floorshows. Alcohol Beverages are not Permitted.	P*	P*	P*
Restaurant and Café with Entertainment and/or Dancing. Alcohol Beverages Permitted. <u>(See Section 30-492 For Alcohol Beverage Sales)</u>	C*	C*	C*
Restaurant, Café, Without Entertainment and/or Dancing. Alcohol Beverages Permitted. (See Section 30-492 For Alcohol Beverage Sales)	€	€	€
Restaurant, Drive-Thru and Take Out	P*	P*	P*
Secondhand Store	—	P	P
Shoe Store	P	P	P

**“EXHIBIT A”**  
**AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30**  
**(Additions shown in underline, deletions shown in ~~strikeout~~):**

Smoke/Tobacco Shop and Vape Shop	C	C	C
Sporting Goods Store	P	P	P
Swap Meet (Indoor/outdoor)	—	—	—
Tattoo Establishments	P*	P*	P*
Trailer and Mobile Home Sales and Rental	—	P*	C
Truck and Trailer Sales (Valley Boulevard only)	—	C	—
Wholesale Auto Sales (requires one stall)	C	C	—
Warehousing Sales, Retail	C	P*	P*
Warehousing Sales, Wholesale	—	C	P*
<b>Business and Professional Offices</b>			
Administrative and Professional Offices Involving no Retail Trade	P	P	P
Art Gallery	P	P	P
Financial Institution	P	P	P
Clinic, Medical or Dental, Acupuncture ( <u>Not Acute and Urgent Care</u> )	P	P	P
Convention Centers	—	—	P
Government Offices	P	P	P
Medical Laboratory	—	P	P
Optician	P	P	P
Pharmacy	P	P	P
Radio/Television Studio (with transmitter)	—	C	C
Studio (without transmitter)	P	P	P
Studios for Professional Work or Teaching of Any Form Of Fine Art	P	P	P
<b>Service Establishments</b>			
Ambulance Service	P	P	P
Animal Hospital	M	P	C
Animal Hospital (w/ Boarding)	—	M	—
Assembly/Meeting Hall For, Private Clubs, Religious Services, or Similar Uses	C	C	C
Automobile Fueling Station	C	C	C
Automobile and Truck Rental, Two-Ton, Single Unit Maximum	—	C	C
Automobile/Vehicle Body and Fender Repair Shop	—	C	C

**“EXHIBIT A”**  
**AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30**  
**(Additions shown in underline, deletions shown in ~~strikeout~~):**

Automobile/Vehicle Repair	C	C	C
Automotive Custom Repair (includes lowering and lifting)	C	C	C
Automotive Stereo, Alarm and Upholstery Installation	C	M	M
Automobile Wash	—	M	M
Barber Shop or Beauty Parlor	P	P	P
Chemical substance abuse facility	C	C	C
Cleaners	P*	P*	P*
Clothing and Costume Rental Establishment	P	P	P
Community Care Facility	C	C	C
Community Center	C	C	C
Construction Trailer (Temporary Use Permit)	P*	P*	P*
Convalescent Hospital	M	M	C
Copying, Packing and Mailing Services	P	P	P
Day Care—Commercial	M	M	M
Day Care—Commercial (24-hour)	—	C	C
Depot—Bus	—	P*	P*
Depot—Railway, Park-and-Ride	—	P	P
Dressmaker or Millinery Shop	P	P	P
Equipment Rental	<del>—</del> */—	<del>—</del> */P*	P*
Fortune-Telling	P	P	P
Hospitals, <u>Acute, and Urgent Care</u>	<del>—</del> */—	<del>—</del> */M	M
Hotels	—	C	C
Laundromat, Self Service	P	P	P
Locksmith	P	P	P
Machine Shop	<del>—</del> */—	<del>—</del> */C	C
Masseur or Masseuse, Day Spa, Acupressure	—	C	C
Self-Storage Facility	—	C	C
Mortuaries	—	C	C
Library	P	P	P

**“EXHIBIT A”**  
**AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30**  
**(Additions shown in underline, deletions shown in strikeout):**

Museums	P	P	P
Motel	—	C	C
Music and Vocal Instruction	P	P	P
Nursing Home	M	M	C
Parks	P	P	P
Photographer	P	P	P
Pick-Up Truck Rated Over One Ton (carrying weight), Commercial Truck or Van, or Trailer Rental	—	C	C
Picture Framing Store	P	P	P
Post office	M	M	M
Printer, Blueprint Shop	—	P	P
Private Schools	C	C	C
Public Utility Structures and Facilities	M	M	M
Publishing Establishments	—	P	P
Repair Shop for Household Appliances	<u>—</u> **/P	<u>—</u> **/P	P
Schools Such as Business Colleges, Music Conservatories, Dancing Schools, and Other Schools That Offer Training In Non-Industrial Professions	P	P	P
Stenographic Services	P	P	P
Swimming Pool, Commercial	P	P	P
Sign Shop in Enclosed Structure	—	P	P
Tailor	P	P	P
Telephone Answering Service or Exchange	P	P	P
Ticket Agency, Travel Bureau	P	P	P
Tire Shop	—	C	C
Truck Repair Service	—	—	—
Truck Storage Yard	—	—	—
Upholstery Shop	<u>—</u> **/—	<u>—</u> **/P	P
Wedding Chapel	P	P	P
<b>Amusement Establishments</b>			



**“EXHIBIT A”**  
**AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30**  
**(Additions shown in underline, deletions shown in strikeout):**

Amusement Enterprise for Children Including Pony Rides (No Stables), Merry-Go-Round, and The Like When Incidental To A Permitted Use	P	P	P
Amusement Park	<u>P**</u> /—	<u>P**</u> /C	C
Arcades—Pinball, Video, and the Like	<u>P**</u> /—	<u>P**</u> /C	C
Archery Range	<u>P**</u> /—	<u>P**</u> /C	C
Baseball; Batting Range	<u>P**</u> /—	<u>P**</u> /C	C
Bowling Alley	<u>P**</u> /C	<u>P**</u> /C	C
Boxing Arena	<u>P**</u> /—	<u>P**</u> /C	C
<u>Banquet hall</u>	<u>C**</u> /—	C	C
Golf, Driving Range, Miniature, Pitch and Putt	<u>P**</u> /—	<u>P**</u> /C	C
Gymnasiums, Health Spas, or Physical Culture Establishments Under 4,000 Square Feet in Floor Area	P	P	P
Gymnasiums, Health Spas, or Physical Culture Establishments Over 4,000 Square Feet in Floor Area	<u>P**</u> /C	<u>P**</u> /C	C
Nightclub	<u>C**</u> /—	C	C
Pool Hall, Billiard Center	C	C	C
Skating Rink, Roller or Ice	<u>P**</u> /C	<u>P**</u> /C	C
Smoking Lounge, Hookah Lounge, Vapor Lounge, E-Lounge (allowed only as a secondary use to a full-service restaurant)	C	C	C
Theater, Indoor	<u>P**</u> /C	<u>P**</u> /C	C
Indoor Playground/Recreation	P	P	P
Residential Uses			
Senior Housing	M	M	M
Multiple-Family Dwellings with an Area Plan			C
<b>Other Uses</b>			
Animal Kennel	—	C	C
Animals, Small—Keeping and Raising	P*	P*	P*
Antenna, Transmitting	C	C	C
Cemetery and Related Uses	—	M	C
Construction Trailer	P*	P*	P*
Home Occupation	P*	P*	P*

**“EXHIBIT A”**  
**AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30**  
**(Additions shown in underline, deletions shown in ~~strikeout~~):**

Homeless Shelters	—	—	—
Emergency Shelter Subject to the activation of an Emergency Operation Center	P	P	P
Metal Storage Containers (temporary storage only with a temporary use permit)	P*	P*	P*
Museum and Art Galleries	<u>P**</u> /—	<u>P**</u> /M	M
Parking Lots (not related to use on same property)	—	P	P
Parking Structures	—	P	P
Research and Development	—	P	P

**Sec. 30-492. – Conditional use permit and minor use permit regulations.**

All uses marked with a "C" or "M" in Table No. 30-459, must comply with the conditional use permit or minor use permits procedural requirements outlined in Article II, Divisions 12 and 13 of this chapter. In addition, certain conditional uses must comply with the specific development and operational standards outlined below.

\*\*\*

- (7) *Alcohol beverage sales.* Any use that engages in on-site or off-site retail sales of alcohol beverages and that is required to operate under a State Alcohol 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:

<b>Table No. 30-492.C</b> <b>Alcohol Beverage Sales</b>	
An application for a new ABC license	€
<u>Sit down restaurant (Bona fide Public Eating Place as Defined by the Department of Alcohol Beverage Control) for properties with frontage along Foothill Boulevard between Ilex Street to Maple Avenue</u>	<u>P</u>
<u>All other areas</u>	<u>C</u>
Any change in the type of existing ABC license with existing CUP	€
<u>Sit down restaurant (Bona fide Public Eating Place as Defined by the Department of Alcohol Beverage Control) for properties with frontage along Foothill Boulevard between Ilex Street to Maple Avenue</u>	<u>P</u>
<u>All other areas</u>	<u>C</u>
Any increase of floor area in an ABC licensed establishment	C
<u>Sit down restaurant (Bona fide Public Eating Place as Defined by the Department of Alcohol Beverage Control) for properties with frontage along Foothill Boulevard between Ilex Street to</u>	<u>P</u>

**“EXHIBIT A”**  
**AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30**  
**(Additions shown in underline, deletions shown in strikeout):**

<u>Maple Avenue</u>	
<u>All other areas</u>	<u>C</u>
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	C
A request to establish live entertainment or dancing in an ABC licensed establishment	C
Any ABC licensed establishment not previously possessing a conditional use permit when there is an ownership change	C

a. Location requirements.

1. In judging requests for alcohol 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.
2. 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.
3. 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.
4. 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.
5. 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.
  - i. All doors to the building shall remain closed except to allow for the entrance and exit of patrons and employees.
  - ii. 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.

b. Alcohol product sales requirements.

1. The licensee shall not sell single bottles of wine in less than 750 ml. containers. Specialty or dessert wines which are only packaged in 375 milliliter bottles shall be permitted.
2. No distilled spirits shall be sold in bottles or containers smaller than 375 ml.
3. The sale of beer or malt beverages in single size containers of 40 ounces or less is prohibited.
4. The licensed premise shall not sell individual units of beer or wine from the manufacturer's multi-unit packages (three-packs, four-packs, six-packs, etc.).

c. In the event the Director of ~~Community Development~~ Planning 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

**“EXHIBIT A”**  
**AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30**  
**(Additions shown in underline, deletions shown in strikeout):**

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.

\*\*\* The remaining portions of Section 30-492 shall remain unchanged

**ARTICLE IX. OVERLAY DISTRICTS**

\*\*\*

**DIVISION 11. ENTERTAINMENT CENTER OVERLAY DISTRICT**

**Sec. 30-663.4. Applicability.**

The Entertainment Center Overlay District shall apply to all properties within the boundaries as depicted in the maps under Section 30-663.6 of this Division. The regulations established in this overlay district amend certain provisions of this Zoning and Development Code, as expressly set forth within this Division. Compliance with the Zoning and Development Code and the West End Specific Plan is required. Where inconsistencies arise between the Zoning and Development Code and the West End Specific Plan, the regulations of this overlay district and the West End Specific Plan shall govern.

**Sec. 30-663.5. Purpose and intent.**

- (a) The Entertainment Center Overlay District is intended to create entertainment destinations that attracts both residents and tourists, thereby enchanting the City’s economic vitality and cultural appeal. Targeting these Planning areas for commercial/entertainment development along with public art generates visits, foot traffic, economic activity and contribute to placemaking.
- (b) The standards and requirements are intended to provide direction to developers within the overlay district to encourage themed entertainment areas to create a sense of place where patrons visit and gather. The requirement of this overlay establishes uses that are conducive to commercial/entertainment along with City of Fontana/Route 66 branding while maintaining flexibility for individual expression and imaginative design solutions.

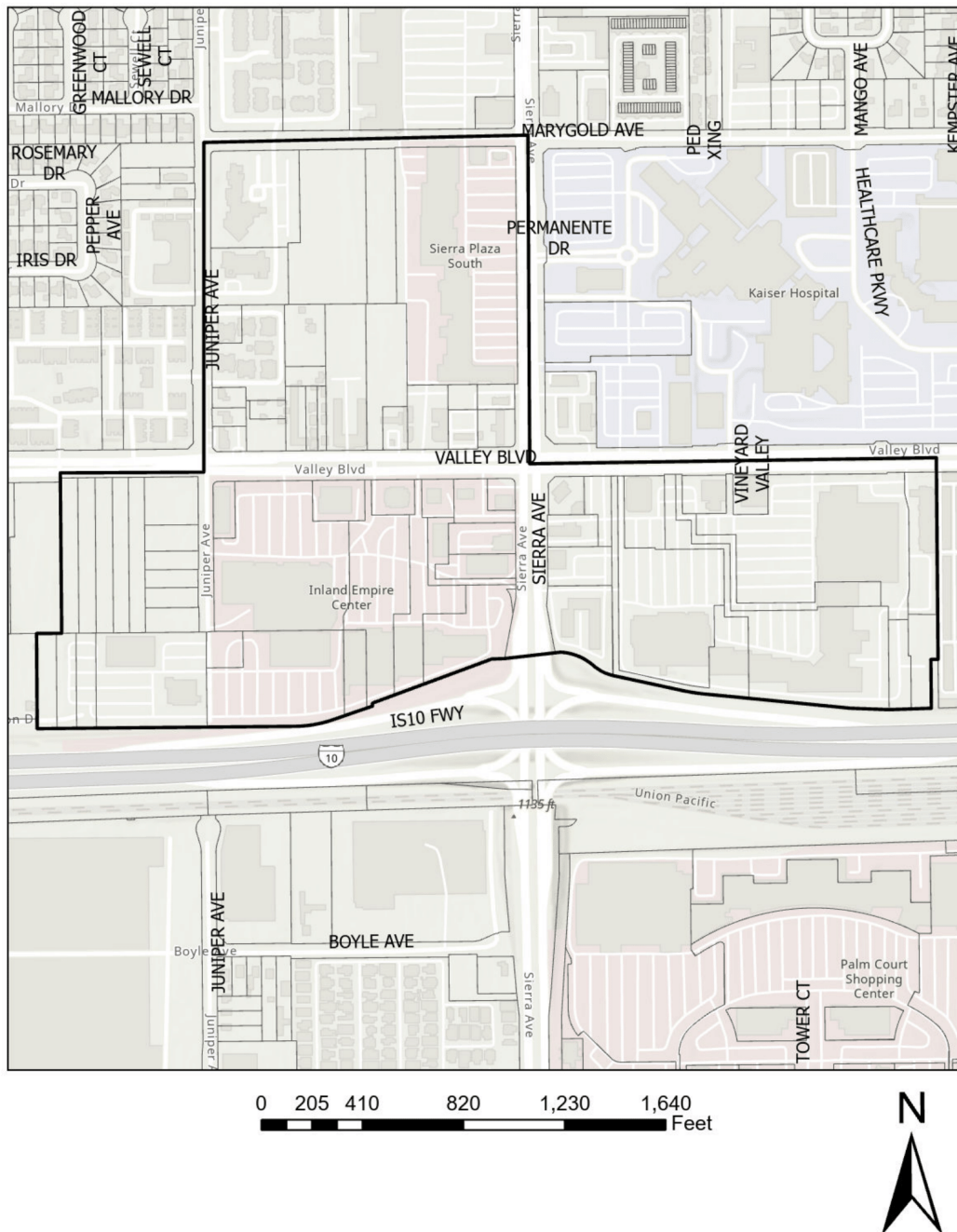
**Sec. 30-663.6 Entertainment center overlay district boundary.**

The maps entitled Planning Areas 1-3 is adopted as a part of this overlay district (Figures 1-3) and defines the boundaries of the three (3) planning areas.

**“EXHIBIT A”**  
**AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30**  
**(Additions shown in underline, deletions shown in strikeout):**

**Figure 1:**

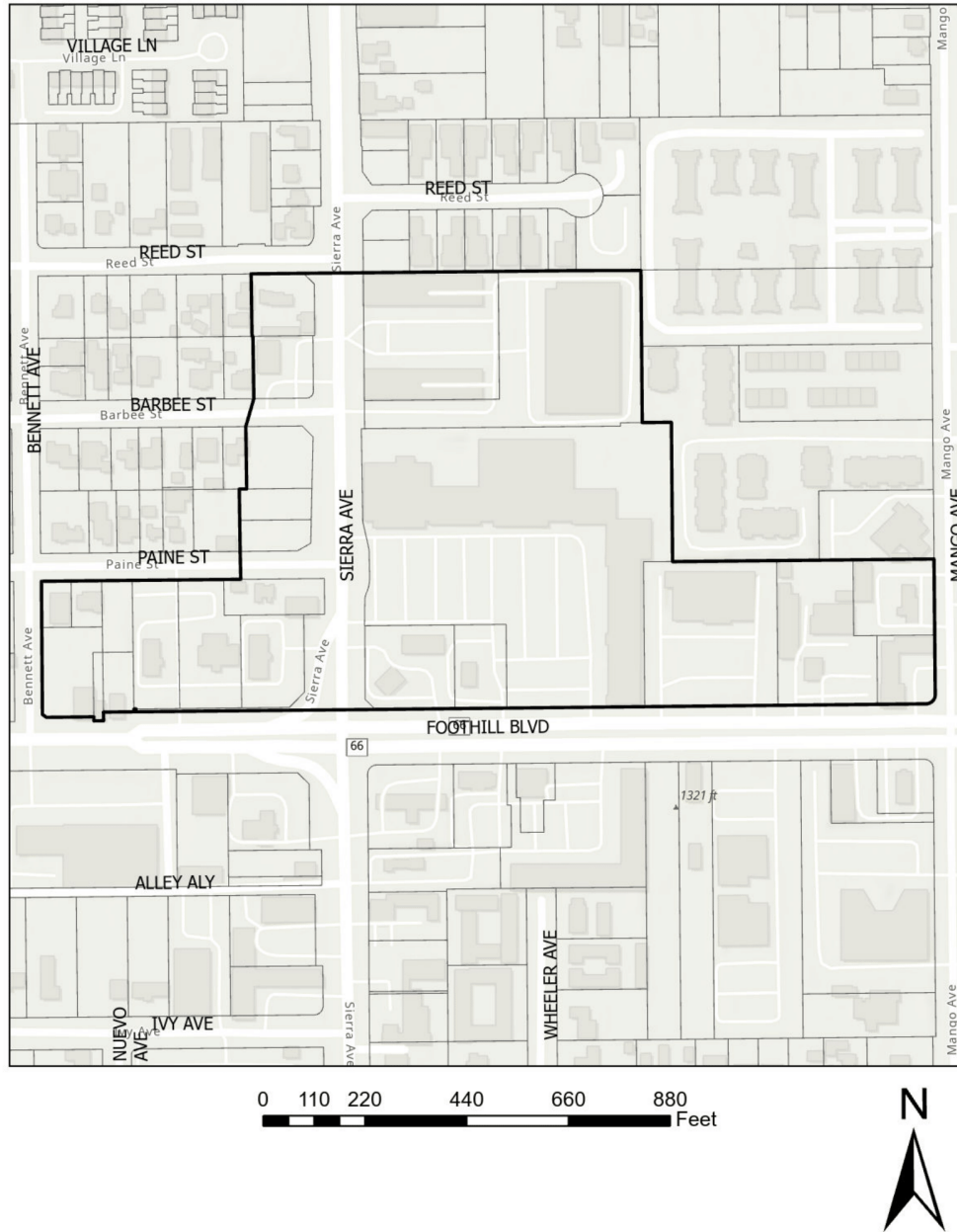
**Planning Area 1**  
**Valley Blvd & Sierra Ave**



**“EXHIBIT A”**  
**AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30**  
**(Additions shown in underline, deletions shown in strikeout):**

**Figure 2:**

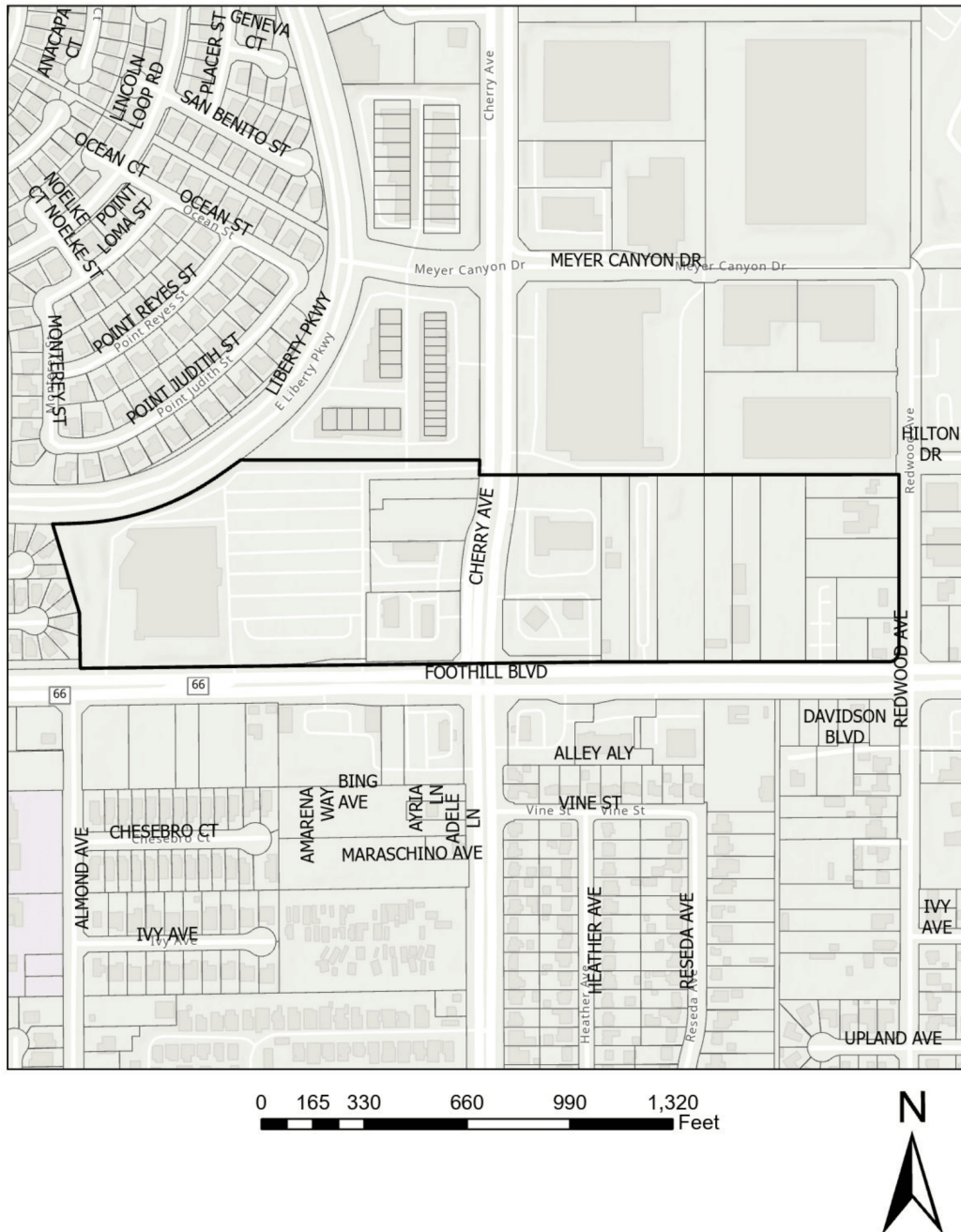
**Planning Area 2**  
**Foothill Blvd & Sierra Ave**



**“EXHIBIT A”**  
**AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30**  
**(Additions shown in underline, deletions shown in strikeout):**

**Figure 3:**

**Planning Area 3**  
**Foothill Blvd & Cherry Ave**





**"EXHIBIT A"**  
**AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30**  
**(Additions shown in underline, deletions shown in strikeout):**

**Sec. 30-663.7. Permitted uses.**

- (1) Uses marked with an asterisk "\*" indicate that the use is not permitted on the ground floor for building(s) that are developed with two or more floors.
- (2) Planning Area 1 Valley Boulevard and Sierra Avenue Areas.
  - a. Principal Permitted uses.
    1. Administrative & Professional Offices\*
    2. Alcohol Beverage Sales
      - a. On-Site Sales (with sit down restaurant - Bona fide Public Eating Place)
    3. Antiques Retail Sales (excludes pawn shop and subleases)
    4. Art Gallery
    5. Bakery (with primary retail sales)
    6. Cannabis (See Chapter 33)
    7. Cigar Sales Only (excludes Smoke Shops)
    8. Florist
    9. Food Hall/Food Court
    10. Hotels
    11. Jewelry Sales and Repair (excludes Pawn Shops)
    12. Medical Services:
      - a. Acupuncture\*
      - b. Counseling or Psychology\*
      - c. Dermatology\*
      - d. Hearing Aids\*
      - e. Homeopathy\*
      - f. Medical/ or Dental\* (Excludes Acute Care, Surgery Centers, Urgent Care, and Hospitals)
      - g. Optometry Sales\*
      - h. Physical Therapy\*
      - i. Sports Therapy\*
    13. Multi-Family/Mixed Use Development\* (Only allowed if permitted by underlying zone)
    14. Museums and Galleries
    15. Personal Services:
      - a. Barber or Hair Salon\*
      - b. Body Art (tattooing, body piercing, and/or permanent cosmetics)\*



**“EXHIBIT A”**

**AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30  
(Additions shown in underline, deletions shown in strikeout):**

- c. Day Spa
  - d. Med Spa\*
  - e. Nail Salon\*
  - f. Skin Care\*
16. Pet Sales and Supplies (without Outdoor Storage)
17. Recreation and Entertainment
- a. Batting Cages
  - b. Bowling
  - c. Billiards and Pool Halls
  - d. Commercial Recreation (i.e. Tennis, Go-Kart, Miniature Golf)
  - e. Escape Rooms
  - f. Game Rooms and Amusement Arcades
  - g. Health and Fitness Clubs
  - h. Hobby Supply Stores
  - i. Roller Hockey Facilities
  - j. Skating
18. Restaurant without Drive Thru Facilities (including Cafes, Ice Cream Shop, Confectionary/Dessert Shop, and Similar)
19. Retail Sales/General Merchandise
20. Sporting Goods and Equipment (excludes Gun Sales)
21. Studio:
- a. Art
  - b. Cooking Classes
  - c. Dance Classes
  - d. Martial Arts
  - e. Music School
  - f. Recording/Film\*
  - g. Pilates, Yoga, Barre
22. Theatres (Live Stage and Movie) and Concert Halls
23. Other similar uses which the Director of Planning finds compatible with the permitted uses described herein, consistent with the purpose and intent of the planning area and not a of a type to affect adversely the use of adjoining properties. Application for determination of similar uses shall be submitted to the Planning Department for review and consideration.

**“EXHIBIT A”**  
**AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30**  
**(Additions shown in underline, deletions shown in strikeout):**

b. Minor Use Permit uses.

1. Alcohol Beverage Sales
  - a. On-Site Sales: Bar, Lounge, or Nightclub (with or without Entertainment)
  - b. Off-Site Sales (no Tasting Room) No Convenience Store
  - c. On or Off-Site Sales (with Tasting Room) No Convenience Store
  - d. Micro-Brewery with tasting room
  - e. Micro-Winery with tasting room
  - f. Micro-Distillery (Spirits) with tasting room
2. Café (Cyber, Animal, Gaming)

c. Conditionally Permitted uses.

1. Cigar Lounge/Hookah Lounge/Smoking Room
2. Massage/Acupressure\*
3. Nightclub
4. Public Assembly/Auditoriums/Meeting Halls/Religious facilities

(3) Planning area 2— Foothill Boulevard and Sierra Avenue

a. Principal Permitted uses.

1. Administrative & Professional Offices
2. Alcohol Beverage Sales
  - a. On-Site Sales (with sit down restaurant - Bona fide Public Eating Place)
3. Antiques Retail Sales (excludes Pawn Shop and subleases)
4. Art Gallery
5. Bakery (with primary retail sales)
6. Cannabis (See Chapter 33)
7. Cigar Sales only (excludes Smoke Shops)
8. Florist
9. Food Halls/Food Court
10. Hotels
11. Jewelry Sales and Repair (excludes Pawn Shops)
12. Medical Services:
  - a. Acupuncture

**“EXHIBIT A”**

**AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30**

**(Additions shown in underline, deletions shown in strikeout):**

- b. Counseling or Psychology
- c. Dermatology
- d. Hearing Aids
- e. Homeopathy
- f. Medical/ or Dental (Excludes Acute Care, Surgery Centers, Urgent Care, and Hospitals)
- g. Optometry Sales
- h. Physical Therapy
- i. Sports Therapy
- 13. Multi-Family/Mixed Use Development\* (Only allowed if permitted by underlying zone)
- 14. Museums and Galleries
- 15. Personal Services:
  - a. Barber or Hair Salon
  - b. Body Art (tattooing, body piercing, and/or permanent cosmetics)\*
  - c. Day Spa
  - d. Med Spa
  - e. Nail Salon
  - f. Skin Care
- 16. Pet Sales and Supplies (without outdoor storage)
- 17. Recreation and Entertainment
  - a. Batting Cage
  - b. Bowling
  - c. Billiards and Pool Halls
  - d. Commercial Recreation (i.e. Tennis, Go-Kart, Miniature Golf)
  - e. Escape Rooms
  - f. Game Rooms and Amusement Arcades
  - g. Health and Fitness Clubs
  - h. Hobby Supply Stores
  - i. Roller Hockey Facilities
  - j. Skating
- 18. Restaurant without Drive Thru Facilities (including Cafes, Ice Cream Shop, Confectionary/Dessert Shop, and similar)
- 19. Retail Sales/General Merchandise

**“EXHIBIT A”**  
**AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30**  
**(Additions shown in underline, deletions shown in strikeout):**

20. Sporting Goods and Equipment (excludes Gun Sales)

21. Studio:

- a. Art
- b. Cooking Classes
- c. Dance Classes
- d. Martial Arts
- e. Music School
- f. Recording/Film
- g. Pilates, Yoga, Barre

22. Theatres (Live Stage and Movie) and Concert Halls

23. Other similar uses which the Director of Planning finds compatible with the permitted uses described herein, consistent with the purpose and intent of the planning area and not a of a type to affect adversely the use of adjoining properties. Application for determination of similar uses shall be submitted to the Planning Department for review and consideration.

b. Minor Use Permit uses.

1. Alcohol Beverage Sales

- a. On – Site Sales: Bar, Lounge, or Nightclub (with or without Entertainment)
- b. Off-Site Sales (no Tasting Room) No Convenience Store
- c. On or Off-Site Sales (with Tasting Room) No Convenience Store
- d. Micro-Brewery with tasting room
- e. Micro-Winery with tasting room
- f. Micro-Distillery (Spirits) with tasting room

2. Café (Cyber, Animal, Gaming)

c. Conditionally Permitted uses.

- 1. Cigar Lounge/Hookah Lounge/Smoking Room
- 2. Massage/Acupressure
- 3. Nightclub
- 4. Public Assembly/Auditoriums/Meeting Halls/Religious Facilities

(4) Planning area 3 — Foothill Boulevard and Cherry Avenue

a. Principal Permitted uses.

- 1. Administrative & Professional Offices
- 2. Alcohol Beverage Sales

**“EXHIBIT A”**  
**AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30**  
**(Additions shown in underline, deletions shown in strikeout):**

- a. On-Site Sales (with sit down restaurant - Bona fide Public Eating Place)
- 3. Antiques Retail Sales (excludes Pawn Shop and subleases)
- 4. Art Gallery
- 5. Bakery (with primary retail sales)
- 6. Cannabis (See Chapter 33)
- 7. Cigar Sales Only (excludes smoke shops)
- 8. Florist
- 9. Food Hall/Food Court
- 10. Hotels
- 11. Jewelry Sales and Repair (excludes Pawn Shops)
- 12. Medical Services:
  - a. Acupuncture
  - b. Counseling or Psychology
  - c. Dermatology
  - d. Hearing Aids
  - e. Homeopathy
  - f. Medical/ or Dental (Excludes Acute Care, Surgery Centers, Urgent Care, and Hospitals)
  - g. Optometry Sales
  - h. Physical Therapy
  - i. Sports Therapy
- 13. Multi-Family /Mixed Use Development \* (Only permitted if allowed by underlying zone)
- 14. Museums and Galleries
- 15. Personal Services:
  - a. Barber or Hair Salon
  - b. Body Art (tattooing, body piercing, and/or permanent cosmetics)
  - c. Med Spa
  - d. Nail Salon
  - e. Skin care
  - f. Day Spa
- 16. Pet Sales and Supplies (without Outdoor Storage)
- 17. Recreation and entertainment

**“EXHIBIT A”**

**AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30  
(Additions shown in underline, deletions shown in ~~strikeout~~):**

- a. Bowling
  - b. Batting Cages
  - c. Billiards and Pool Halls
  - d. Commercial Recreation (i.e. Tennis, Go-Kart, Miniature Golf)
  - e. Escape Rooms
  - f. Game Rooms and Amusement Arcades
  - g. Health and Fitness Clubs
  - h. Hobby Supply Stores
  - i. Other Indoor or Outdoor Amusement (i.e., Go-Kart, Miniature Golf)
  - j. Roller Hockey Facilities
  - k. Skating
  - 18. Restaurant without Drive Thru Facilities (including Cafes, Ice Cream Shop, Confectionary/Dessert shop, and similar)
  - 19. Retail Sales/General Merchandise
  - 20. Sporting Goods and Equipment (excludes Gun Sales)
  - 21. Studio
    - a. Art
    - b. Cooking Classes
    - c. Dance Classes
    - d. Martial Arts
    - e. Music School
    - f. Recording/Film
    - g. Pilates, Yoga, Barre
  - 22. Theatres (Live Stage and Movie) and Concert Halls
  - 23. Other similar uses which the Director of Planning finds compatible with the permitted uses described herein, consistent with the purpose and intent of the planning area and not a of a type to affect adversely the use of adjoining properties. Application for determination of similar uses shall be submitted to the Planning Department for review and consideration.
- b. Minor Use Permit uses.
- 1. Alcohol Beverage Sales
    - a. On – Site Sales: Bar, Lounge, or Nightclub (with or without Entertainment)
    - b. Off-Site Sales (no Tasting Room) No Convenience Store
    - c. On or Off-Site Sales (with Tasting Room) No Convenience Store

**“EXHIBIT A”**  
**AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30**  
**(Additions shown in underline, deletions shown in strikeout):**

- d. Micro-Brewery with tasting room
- e. Micro-Winery with tasting room
- f. Micro-Distillery (Spirits) with tasting room
- 2. Café (Cyber, Animal, Gaming)
- c. Conditionally Permitted uses.
  - 1. Cigar Lounge/Hookah Lounge/Smoking Room
  - 2. Restaurant Drive-Thru Food Establishment
  - 3. Massage/Acupressure
  - 4. Nightclub
  - 5. Public Assembly/Auditoriums/Meeting Halls/Religious Facilities

**Sec 30-663.8. Public Art Purpose and intent.**

- (1) Purpose and intent. Public art are key factors and an important aspect of creating and contributing to a sense of place and themed areas. The purposed and intent of public art is:
  - a. To promote an identity/sense of place for each planning area in the Entertainment Center Overlay District;
  - b. To preserve and enhance the appearance of Fontana a place to live and recreate and as an attraction to visitors who come to visit, shop, eat, or recreate; and
  - c. To set forth a coordinated theme for the overlay districts by requiring an Administrative Site Plan review.

**Sec. 30-663.9. Public Art.**

- (1) Public Art Definition. Artwork intended for public display and accessible to the general public prepared by an Artist. Decorative or functional elements which are designed by the building architect as opposed to an artist are not considered art. Artwork includes but is not limited to a painting, mural, inscription, stained glass, fiber work, statue, relief or sculpture, monument, fountain, arch, or other structures intended for ornament or commemoration. Also included in this definition is any installation that is technological in nature or includes carvings, murals, mosaics, mobiles, photographs, drawings, collages, prints, crafts, both decorative and can include clay, fiber, wood, metal, glass plastics, and other materials. Works of art shall be permanent.
- (2) Applicability: All development projects located within Entertainment Center Overlay District that is subject to a Design Review is required to provide Public Art or pay a public art fee.
- (3) Application Submittal Requirements. An Administrative Site Plan, Minor application is required for the installation of public art. The Administrative Site Plan, Minor application for the public art shall be submitted in conjunction with the Planning Entitlements to develop the site and completion of the

**“EXHIBIT A”**  
**AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30**  
**(Additions shown in underline, deletions shown in strikeout):**

public art shall be completed prior to Certificate of Occupancy. As a part of the applications the following items shall be submitted:

- a. Landscape and/or site plans indicating the location and orientation of the on-site artwork that integrates the artwork into the overall project design;
- b. A sample, model, photograph or drawings of the proposed on-site artwork;
- c. Material samples and finishes if appropriate;
- d. The artist's resume and portfolio of past work, which demonstrates competency with the materials and forms proposed for the on-site artwork proposal;
- e. A written statement by the artist describing the on-site artwork, as well as a discussion of the manner in which the proposed on-site artwork meets the findings established by 30-663.9(6);
- f. A maintenance plan for the maintenance of the on-site artwork; and
- g. Any such additional information or material as may be required by the Planning Director.

**(4) Requirements for Public Art:**

- a. Planning Area 1 — Valley Boulevard and Sierra Avenue Areas. Artwork in Planning Area 1 is required to contribute to Fontana historical agricultural or steel mill (Henry J. Kaiser's) themes.
- b. Planning area 2 — Foothill Boulevard and Sierra Avenue and Planning area 3 — Foothill Boulevard and Cherry Avenue. Artwork in Planning areas 2 and 3 shall incorporate a Route 66 theme.
- c. Public art can incorporate elements that also serve a specific function (such as fencing, railing, lighting, or gates) but in order to be considered public art, they must be designed by a professional visual artist and custom fabricated for the site and visible from public views.
- d. Materials, structural and surface components that are inherently resistant to theft, vandalism, weathering, and excessive maintenance or repair costs shall be utilized.
- e. Location: Public art must be located in areas clearly visible from the public street or sidewalk, in publicly accessible outdoor areas, or public accessible lobby areas.

**(5) Disqualifying characteristics for Public Art:**

- a. Directional elements such as super graphics or signage are not allowed except where these elements are: integral parts of the original artwork, executed by the artist in unique or limited editions, contribute to a Route 66/Fontana theme as required in the Planning areas as required in Section 30-663.10 (3)a and b.



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**AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30**  
**(Additions shown in underline, deletions shown in strikeout):**

- b. Artwork that incorporates the tenant/business logos, branding, images, text or other elements that relate directly to a specific business’s or organization’s branding or marketing themes is not permitted.
- c. Art objects which are mass-produced and of standard design such as playground equipment, trellises, or fountain pieces are not permitted.
- d. Decorative or functional elements which are designed by the building architect as opposed to an artist are not permitted.
- e. Landscape design except where it is designed by an artist and is integral part of the artwork are not permitted.
- f. Temporary art exhibitions are not permitted.

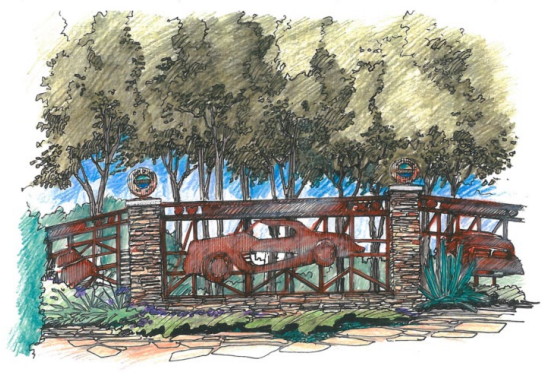
(6) Findings of Approval for Administrative Site Plan, Minor:

- a. The artist has demonstrated qualifications to complete the proposed on-site artwork with the highest professional standards.
- b. The artwork contributes to the themes and meetings the requirements of Sec. 30-663.9(4).
- c. There is sufficient public visibility and accessibility to the on-site artwork, and the proposed on-site artwork is compatible with and harmonious with the development project and surrounding environment.
- d. The proposed on-site artwork is durable and cost effective to maintain using ordinary methods of maintenance.
- e. The budget for the proposed on-site artwork and any in-lieu fees proposed by the applicant is equivalent to or exceeds the required program allocation.

(7) All property owners are responsible for maintaining the artwork in clean, undamaged condition for the lifetime of the artwork.

(8) Public art example:

a. **Figure 1:**



**“EXHIBIT A”**  
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**(Additions shown in underline, deletions shown in strikeout):**

**Sec. 30-727. Design principles.**

The following sign design principles shall be used as criteria for review and approval of design review sign applications by the responsible reviewing body:

- (1) *Architectural compatibility.* A sign (including its supporting structures, if any) shall be designed as an integral design element of a building's architecture and shall be architecturally compatible, including in terms of color and scale, with any building to which the sign is to be attached and with surrounding structures. Where more than one sign is provided, all signs shall be complementary to each other.
- (2) *Character context.* A sign shall be sensitive in context to nearby uses in terms of height, sign type, quality, and type of illumination, as well as other factors that may be defined by the Director of ~~Community Development Planning~~.
- (3) *Downtown character.* Where a sign is located within the boundaries of downtown, new signs shall contribute to an integrated appearance of the district. Character-defining treatments shall include:
  - a. Use of pedestrian-oriented projecting and suspended signs.
  - b. Use of floor inlay signs or graphic projection signs, which are allowed only in downtown.
  - c. Use of sign colors and materials that are coordinated with building architecture.
- (4) *Route 66 character.* ~~Where a sign is located on historic Route 66 (properties with frontage on Foothill Boulevard), new signs are encouraged to contribute to an integrated appearance of the district. Character-defining treatments shall include:~~ As part of the Design Review or Administrative Site Plan entitlement for development of properties located on the historic Route 66 (Foothill Boulevard), Route 66 themed signage shall be incorporated for one sign per property in the following locations:
  - Southeast Corner of Ilex Street and Foothill Boulevard
  - Properties at the intersection of Cherry Avenue and Foothill Boulevard
  - Properties north of the intersection of Beech Avenue and Foothill Boulevard
  - Properties at the intersection of Citrus Avenue and Foothill Boulevard
  - Properties at the intersection of Sierra Avenue and Foothill Boulevard
  - Properties at the intersection of Alder Avenue and Foothill Boulevard
  - Properties at the intersection of Maple Avenue and Foothill Boulevard

Character-defining treatments shall include:

- a. Sign design that is consistent with and reminiscent of historic Route 66 signage.
- b. Use of approved Route 66 logo on signs of at least 24 inches in height.
- c. Use of sign colors and materials that are coordinated with building architecture.
- d. Character-defining treatments can include Route 66 theme signage exceeding the maximum sign area, including height, with Planning Commission approval.

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**(Additions shown in underline, deletions shown in strikeout):**



- (5) *Legibility.* Signs shall be designed to provide clear, legible information that indicates the proposed sign's purpose. The size and proportion of the elements of the sign's message—including logos, letters, icons and other graphic images—shall be selected based on the average distance and average travel speed of the viewer. Sign messages oriented toward pedestrians shall be smaller than those oriented toward motor vehicle drivers.
- (6) *Readability.* A sign message shall be easily recognized and designed in a clear, unambiguous, and concise manner so that a viewer can understand or make sense of what appears on the sign. Colors chosen for the sign text and/or graphics shall have sufficient contrast with the sign background to be easily read during both day and night.
- (7) *Visibility.* A sign shall be readily distinguishable from its surroundings so a viewer can easily see the information it communicates.
- (8) *Graphic interest.* Sign colors and materials shall be selected to contribute to legibility and design integrity.