

ORDINANCE NO. 1989

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA, AMENDING MULTIPLE SECTIONS OF THE FONTANA MUNICIPAL CODE, INCLUDING AMENDMENTS TO SEC. 30-12 PERTAINING TO THE DEFINITION OF ACCESSORY USE, PRINCIPAL/PRIMARY USE, VEHICLE AND TRUCK STORAGE AND VEHICLE AND TRUCK PARKING; SEC. 30-21 PERTAINING TO THE EXPIRATION OF ENTITLEMENT APPLICATIONS; SEC. 30-360 PERTAINING TO OUTDOOR DINING IN THE PUBLIC RIGHT-OF-WAY IN THE DOWNTOWN CORE; SEC. 30-371.2 PERTAINING TO PARKING REQUIREMENTS FOR RETAIL, ENTERTAINMENT AND RESTAURANT USES IN THE DOWNTOWN CORE; AND SEC. 30-390 TO CORRECT SECTION REFERENCES, PURSUANT TO A CATEGORICAL EXEMPTION IN ACCORDANCE WITH CEQA GUIDELINES SECTIONS 15060(C), 15061(B)(3), AND SECTION 15378, AND DIRECTING STAFF TO FILE A NOTICE OF EXEMPTION.

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. 26-0002, 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 City of Fontana General Plan (“General Plan”) includes policies and actions calling for numerous updates to the FMC; and

WHEREAS, Section 30-12. – List of definitions. is amended to modify the definition of primary/principal land use and accessory land use and to add definitions for vehicle and truck storage and vehicle and truck parking; and

WHEREAS, Section 30-21. – Expiration of application. is amended to correct a reference to the Planning Department and Director of Planning and remove the statement that inactivity is required to withdraw entitlement applications that have not been deemed complete within 180 days of submittal; and

WHEREAS, Section 30-360. – Special use regulations. is amended to modify the standards and permit requirements for outdoor dining in the downtown core; and

WHEREAS, Section 30-371.2. Sierra core. is amended to eliminate the parking requirement for retail, entertainment and restaurant uses in the downtown core located within 400 feet of a City-owned parking lot or structure; and

WHEREAS, Section 30-390. Off-street parking and loading standards. is amended correct a section reference; and

WHEREAS, the amendments in MCA No. 26-0002 are consistent and compatible with the General Plan and are in line with goals, policies and objectives of the City, the Housing Element policies and the Zoning and Development Code; and

WHEREAS, the amendments in MCA No. 26-0002 are in conformity with appropriate land use practices and will establish appropriate development standards for the land use designations; and

WHEREAS, the amendments in MCA No. 26-0002 attached hereto as Exhibit “A” and incorporated herein by reference, will not be detrimental to the public health, safety and general welfare, nor will it adversely affect the orderly development of property; and

WHEREAS, on April 21, 2026, the Fontana Planning Commission (“Planning Commission”) held a public meeting on MCA No. 26-0002 where it received evidence and public testimony on the Code amendments and recommended that the Fontana City Council (“City Council”) determine that the amendments are exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15060(c), 15378, and 15061(B)(3) (the common-sense exemption), and Sections No. 3.01, 3.22, and 10.59 of the 2019 Local Guidelines for Implementing CEQA. in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and

WHEREAS, the Planning Commission carefully considered all information pertaining to the municipal code amendments, including the staff report, and all the information, evidence, and testimony presented at its public hearing on April 21, 2026; and

WHEREAS, on May 26, 2026, the City Council held a public hearing on MCA No. 26-0002 where City Council received evidence and public testimony pertaining to the Zoning and Development Code amendments and documentation from the Planning Commission’s public hearing on April 21, 2026; and

WHEREAS, the City Council carefully considered all information pertaining to MCA No. 26-0002 that was presented at its public hearing on May 26, 2026; and

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

THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA DOES ORDAIN AS FOLLOWS:

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

Section 2. CEQA. The City Council hereby determines that the code amendments are exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15060(c), 15378, and 15061(B)(3) (the common-sense exemption) and Sections 3.01, 3.22, and 10.59 of the 2019 Local Guidelines for Implementing CEQA. Staff is directed to file a Notice of Determination pursuant to the foregoing.

Section 3. Municipal Code Amendment Findings. The City Council hereby makes the following finding for MCA No. 26-0002 in accordance with Section 30-40 "Purpose" of the Fontana Zoning and Development Code:

Finding: **A Zoning and Development Code may be amended by changing the development standards (text) or zoning designation map boundaries of any zone whenever such an amendment is deemed necessary to protect or promote the public's health, safety or general welfare or when modification is viewed as appropriate in the context of generally accepted planning principles, surrounding land uses, and the General Plan.**

Finding of Fact: The proposed Municipal Code Amendments will clarify and streamline the City's development requirements and processes while facilitating housing, commercial development and supporting the business community. As such, they promote the General Plan goals of adequate housing to meet the needs of all residents in Fontana and promoting a diversified economy.

Section 4. Development Code Amendment Approval. Based on the foregoing, the City Council hereby approves the amendments as set forth in MCA No. 26-0002, which is attached hereto as Exhibit "A" and incorporated herein by reference as fully set forth herein.

The City Council further stipulates that the ordinance adopting the amendments to the Zoning and Development Code, under MCA No. 26-0002, does not apply to development applications deemed complete by the City of Fontana Planning Department prior to the ordinance's effective date. The City Council also stipulates 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. Effective Date/Publication. This Ordinance shall take effect thirty (30) days after the date of the adoption and prior to the expiration of fifteen (15) days from the passage thereof, shall be published by the City Clerk at least once in the Fontana Herald News, a local newspaper of the general circulation, published and circulated in the City of Fontana, and henceforth and thereafter the same shall be in full force and effect.

Section 6. Custodian of Records. The documents and materials that constitute the record of proceedings on which this Ordinance is based are located at the City Clerk's office located at 16860 Valencia Avenue, Fontana, CA 92335. The custodian or records is the City Clerk.

Section 7. Certification. The City Clerk of the City Council shall certify the adoption of this Ordinance.

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

APPROVED AND ADOPTED this 9th day of June 2026.

READ AND APPROVED AS TO LEGAL FORM:

City Attorney

I, Germaine Key, City Clerk of the City of Fontana, and Ex-Officio Clerk of the City Council, do hereby certify that the foregoing Ordinance is the actual Ordinance adopted by the City Council and was introduced at a regular meeting on the 26th day of May 2026, and was finally passed and adopted not less than five days thereafter on the 9th day of June 2026, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

City Clerk of the City of Fontana

Mayor of the City of Fontana

Ordinance No. 1989

ATTEST:

City Clerk

“EXHIBIT A”

AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30

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

Article I. – GENERAL PROVISIONS AND DEFINITIONS

Sec. 30-12. – List of definitions.

Accessory dwelling unit means a residential dwelling unit that provides independent living facilities: including permanent provisions for living, sleeping, eating, cooking, and sanitation, for one or more persons.

- (1) An accessory dwelling unit may be located within a legally established primary dwelling or legally established accessory structure. The existing space of a legally established primary dwelling means the space within the building envelope of the dwelling, which includes basements, attics, and garages, accessory structures.
- (2) An accessory dwelling unit could also include an efficiency unit, as defined in California Health and Safety Code § 17958.1, and a manufactured home, as defined in California Health and Safety Code § 18007.

Accessory use means a use of land, building, or portion thereof which is subordinate to the principal use of the land or building and located on the same lot with such principal use. Accessory uses occupy a maximum of 35% of the overall floor area or site area (for outdoor land uses), whichever is less.

Acreage, gross means all land within a defined area, including private ownerships and future public rights-of-way, easements, etc.

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

Primary/principal use means a use which acts as the main function of a site as it relates to intensity, square footage, activity and/or traffic generation. Primary/principal uses occupy a minimum of 65% of the overall floor area or site area (for outdoor land uses).

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

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

Parking, vehicle and truck means leaving a vehicle temporarily at/on an off-street facility designed and designated primarily for the parking of empty commercial vehicles, trailers, trucks and buses. Vehicle and truck parking does not include leaving vehicle overnight.

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

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Statuary, retail sales. See "nursery."

Storage, vehicle and truck means leaving a vehicle at/on an off-street facility designed and designated primarily for leaving vehicles overnight.

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

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Remainder of section to remain unchanged

Sec. 30-21. - Expiration of application.

If the applicant does not provide the information and materials necessary for a pending application to be deemed complete within 180 days after written notification of incompleteness ~~and there has been no activity on the project~~, the application shall expire and be deemed withdrawn. The Director of ~~Community Development Planning~~ Planning Division Department may grant one 180-day extension provided the request is made in writing prior to the expiration date. ~~Planning Division Department~~ Department may refund any unexpended portion of the application fee. After expiration of the application or extension, if granted, a new application, including fees, plans, exhibits, and other materials will be required to commence processing of any project on the same property. The Director shall provide written notice to the applicant and shall also notify the applicant of the opportunity for appeal.

Sec. 30-360. Special use regulations.

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(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.~~

a. Minor outdoor dining. Outdoor dining projecting no more than four feet from the building façade where the restaurant entry is located and meeting all design and operational standards shall obtain an encroachment permit from the City Engineer.

b. Major outdoor dining. Outdoor dining projecting more than four feet from the building façade where the restaurant entry is located and meeting all design and operational standards shall obtain a minor use permit from the Planning Department and an encroachment permit from the City Engineer.

(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 floorplan 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 applicants 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 m~~ 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.
 1. Minor outdoor dining areas shall not project further than four feet from the building façade.
- b. Sidewalk clearance. 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 five (5) 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. Restaurant entry clearance. 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. Corner locations. 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 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. Floor level. 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.~~ Music Restricted. Musical instruments or sound reproduction systems are not permitted in outdoor dining areas.
- g. Adjacent business restriction. An outdoor dining area may be located directly adjacent to another outdoor dining area. No separation between outdoor dining areas shall apply. No permittee shall expand their outdoor dining area onto the sidewalk frontage of an adjacent business.
- h. Parking area restriction. 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.
- 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, busing 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.
- 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.~~ Alcohol service.

1. Minor outdoor dining. No alcohol shall be allowed in the outdoor dining area.

2. Major outdoor dining. Alcohol may be served in the outdoor dining area provided the area is enclosed and meets all other standards of the California Alcohol Beverage Control.

(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.

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Remainder of section to remain unchanged.

Sec. 30-371.2. Sierra core.

The Sierra core is the commercial core of Fontana and functions as the city center. Uses include a mixture of commercial, retail, entertainment, office, and residential.

Building placement shall be close to the streets and integrated within the pedestrian realm. Architectural features should provide shade and variation in building design.

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Parking

	Required Spaces
Residential	1.25 per unit
Nonresidential Uses Under 6,000 Square Feet	No parking required
Nonresidential Uses Over 6,000 Square Feet	50% of the requirements in the Zoning Code (30-685.A)
Retail, Entertainment and Restaurant Uses Over 6,000 Square Feet Within 400 Feet of City-Owned Public Parking Lot or Structure	No parking required

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All other portions of the section to remain unchanged.

Sec. 30-390. Off-street parking and loading standards.

(a) *Off-street parking standards.*

- (1) Off-street parking requirements shall be set forth in Division ~~5~~ 4, which outlines the development standards by zoning district.
- (2) Off-street parking dimensions shall be as set forth in Table 30-390.A.—Off-Street Parking Dimensions below. Any type of stall not listed shall refer to Section 30-606 of the Zoning and Development Code.

Table 30-390.A.—Off-Street Parking Dimensions

Type of Stall	Minimum Size (feet)
Standard	9 x 18
Garage/Carport	10 x 20
Parallel	8 x 21
Compact	8 x 16
Tandem	9 x 35
30°	9 x 17
45°	9 x 18
60°	9 x 21

The remainder of the section to remain unchanged.