

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF CITY OF FONTANA, APPROVING ZONING CODE AMENDMENT 21-001 FOR TEXT AND FIGURE CHANGES TO DIVISION 5 – THE AUTO CENTER OVERLAY DISTRICT OF THE ZONING AND DEVELOPMENT CODE THAT INCLUDE CHANGING PLANNING AREA 1 TO PLANNING AREA 3 ON APPROXIMATELY 6.20 ADJUSTED GROSS ACRES (APN: 0240-011-03, -05, -06, -35, -38, -41, -42, and -44) AND ADDING GROCERY STORES AS PERMITTED USES WITHIN THE AUTO CENTER OVERLAY DISTRICT.

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

Section 1. On December 7TH, 2021, the Planning Commission duly conducted a noticed public hearing on Zone Change No. 21-001, received testimony and information from any and all parties, and recommended its approval to the City Council by resolution.

Section 2. After the publication of notice as required by law, the City Council of the City of Fontana, California conducted a public hearing on Zone Change No. 21-001.

Section 3. Based on the information presented to the City Council at the public hearing held for Zone Change No. 21-001, on January 25, 2022, the testimony received, and the supporting documents in evidence, the City Council found that the proposed amendment is in conformance with the goals and policies of the General Plan.

Section 4. Zone Change No. 21-001 is consistent with the goals and policies of the City of Fontana, General Plan by providing for a variety of commercial uses; and

Section 5. Based on the information in the Initial Study (IS), a Mitigated Negative Declaration, and Mitigation Monitoring and Reporting Program have been prepared for this project pursuant to the California Environmental Quality Act (CEQA) and the 2019 Local Guidelines for Implementing CEQA. Based on the information in the IS, the project could not have a significant effect on the environment as a result of project implementation and the Mitigated Negative Declaration, and Mitigation Monitoring and Reporting Program have been prepared.

Section 6. Zone Change No. 21-001 is hereby approved and the zoning for Assessor Parcel Nos. 0240-011-38, -41, -03, -05, -42, -06, -35 and -44 is changed from Planning Area 1 to Planning Area 3 as shown on Exhibit "A", attached hereto and by this reference incorporated.

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Section 7. 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 Herald News, a local newspaper of the general circulation, published and circulation in the City of Fontana, and henceforth and thereafter the same shall be in full force and effect.

APPROVED AND ADOPTED this January 25th, 2022.

READ AND APPROVED AS TO LEGAL FORM:

City Attorney

I, Tonia Lewis, 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 25th day of January , 2022, and was finally passed and adopted not less than five days thereafter on the 8th day of February, 2022, by the following vote to wit:

AYES:

NOES:

ABSENT:

City Clerk of the City of Fontana

Mayor of the City of Fontana

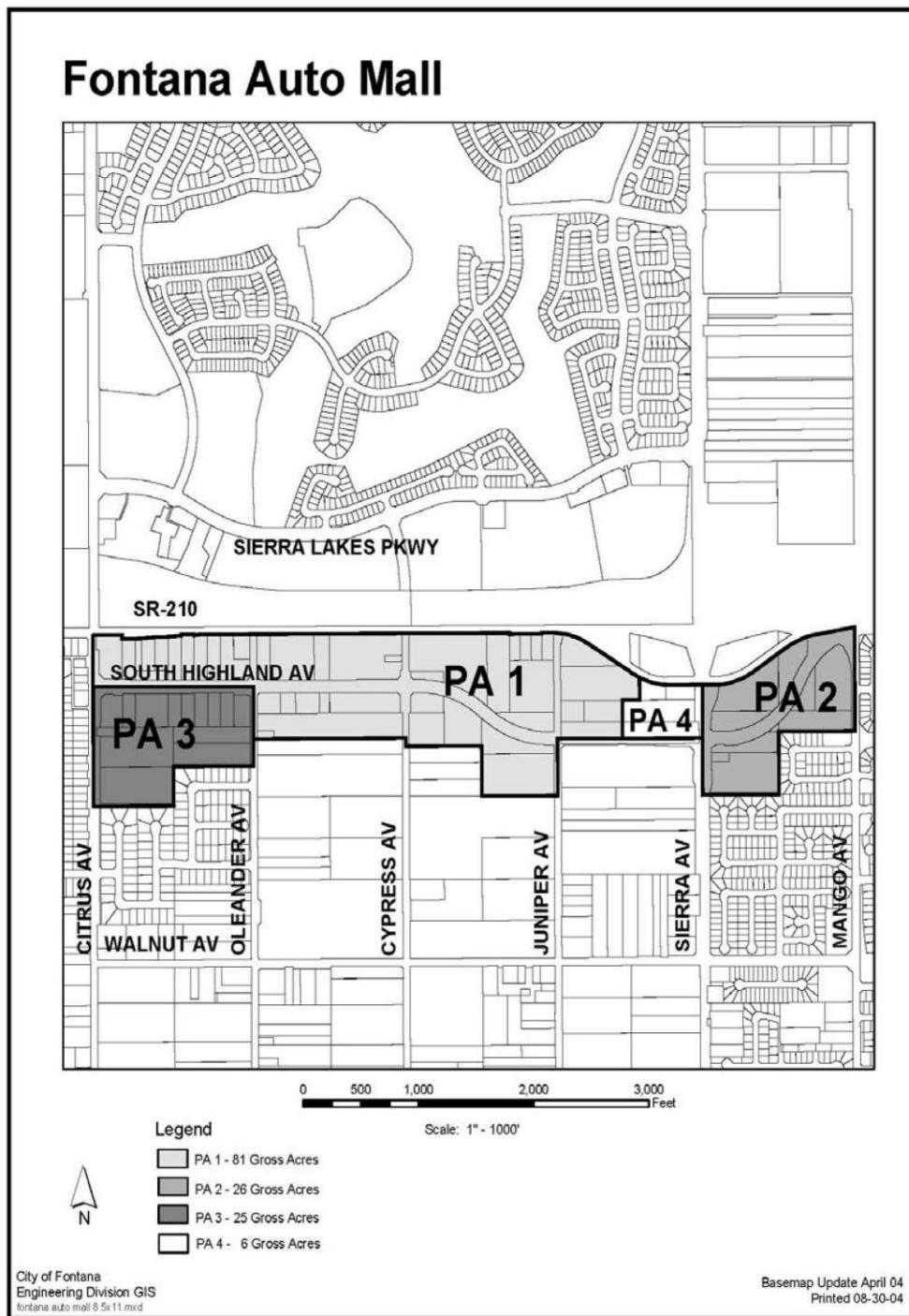
ATTEST:

City Clerk

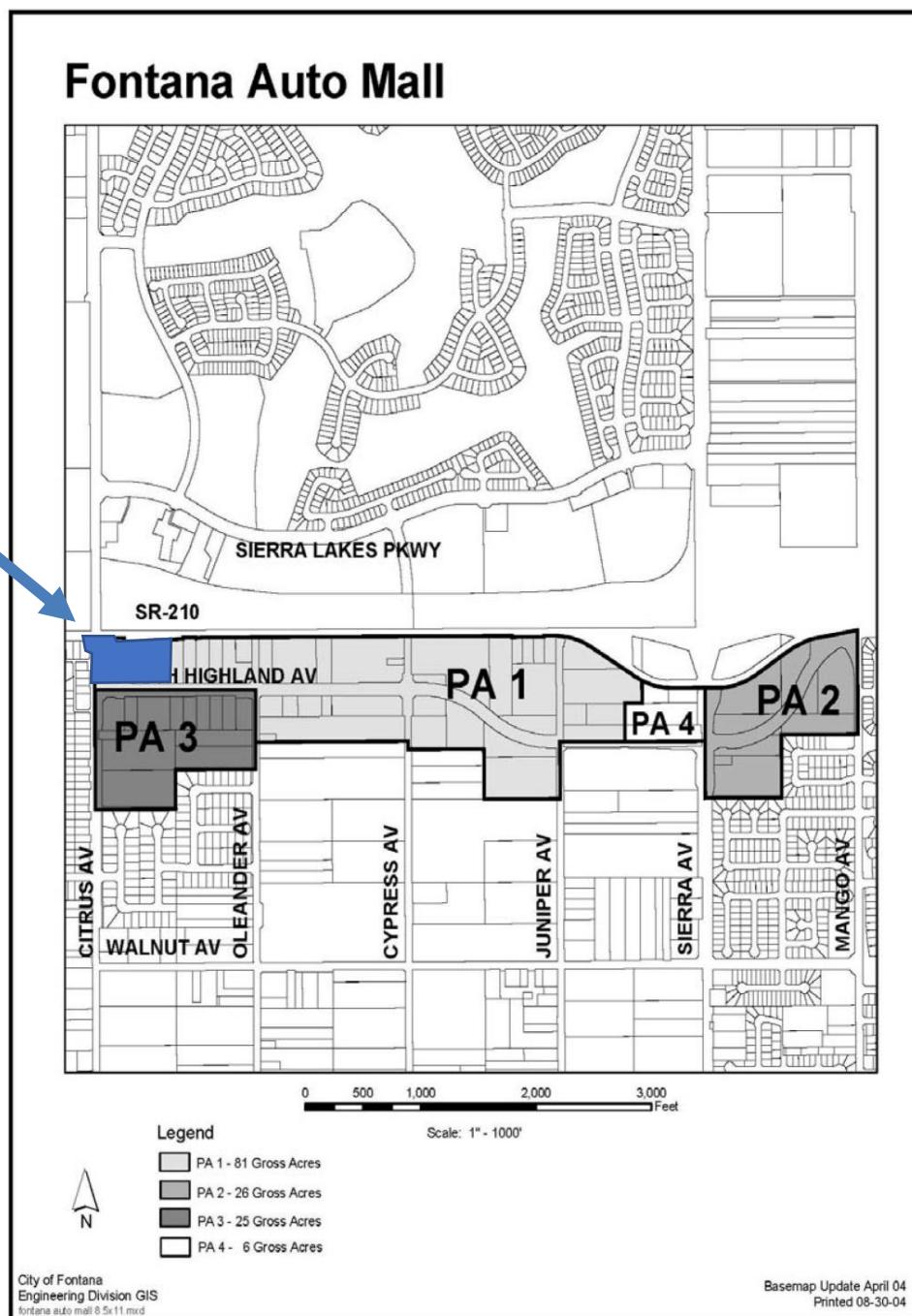
“EXHIBIT A”

Sec. 30-639, Figure 1

Existing Planning Areas



Proposed Planning Area 3



Sec. 30-640 - Permitted uses.

The Overlay District permits only the following land uses.

(a) *Planning area 1—Auto center.*

(1) *Principal uses.*

- a) New vehicle dealerships oriented primarily toward the sale of new passenger vehicles and light-to-medium weight trucks [less than 22,000 pounds gross vehicle weight (GVW)].

(2) *Accessory uses.* As an integral part of, but accessory to the operation of a new vehicle dealership, the following uses shall be permitted subject to approval through the Design Review process:

- a) Vehicle parts and accessories supply and sales as an integral, but secondary part of operating a new vehicle sales facility.
- b) Vehicle service and repair as an integral, but secondary part of operating a new vehicle sales facility.
- c) Used vehicle sales as an integral, but secondary part of operating a new vehicle sales facility.
- d) Vehicle leasing and rentals as an integral, but secondary part of operating a new vehicle sales facility.
- e) Utility infrastructure.
- f) Other accessory uses as determined by the Director of ~~Community~~ **Planning** Development to be substantially compatible with the principal permitted use of new vehicle dealerships.

(3) *Conditionally permitted uses.*

- a) Collision repair and auto body work.
- b) Paint spray booths.
- c) Specialty vehicle sales, including recreational vehicles and motorcycles.
- e) Other uses as determined by the Director of ~~Community~~ **Planning** Development to be substantially compatible with the principal permitted use of new vehicle dealerships.

(4) *Prohibited uses.*

- a) Any use of land not specifically identified in this Overlay for Planning Area 1 is expressly prohibited from the Fontana Auto Center Overlay District.
- b) Any use not fully enclosed within a building except vehicle sales, display and storage areas.

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- c) All uses of land that are found by the Planning Commission or City Council to be objectionable by reason of noise, odor, dust, smoke, vibration or similar causes shall be prohibited pursuant to Chapter 30 of the Fontana Municipal Code.
- (b) *Planning area 2—Auto center supporting uses.* The Walnut Village Specific Plan designates Planning Area 2 for General Commercial Uses. The following Overlay District principal uses and conditionally permitted uses are consistent with the land uses allowed by the Specific Plan:
 - (1) *Principal uses.*
 - a) Sit-down restaurant.
 - b) Food court.
 - c) Sit-down fast food restaurant (excludes drive-thrus).
 - (2) *Accessory uses.*
 - a) Utility infrastructure.
 - (3) *Conditionally permitted uses.* The following uses are permitted only after a conditional use permit has been approved by the City:
 - a) Gas Station.
 - b) Car Wash.
 - c) Drive-through Fast Food Restaurant.
 - d) Vehicle Parts, Supplies, Accessories Stores and Installations.
 - e) Vehicle Leasing and Rental.
 - g) Other uses as determined by the Director of ~~Community Planning~~ Development to be substantially compatible with the principal permitted uses.
 - (4) *Prohibited uses.*
 - a) Any use of land not specifically identified in this Overlay for Planning Area 2 is expressly prohibited from the Fontana Auto Center Overlay District.
 - b) All uses of land that are found by the Planning Commission or City Council to be objectionable by reason of noise, odor, dust, smoke, vibration or similar causes shall be prohibited pursuant to Chapter 30 of the Fontana Municipal Code.
- (c) *Planning area 3—Auto center and auto center supporting uses.* Planning Area 3 allows all uses within Planning Areas 1 and 2.
 - (1) *Principal uses.*
 - a) New vehicle dealerships oriented primarily toward the sale of new passenger vehicles and light-to-medium weight trucks (less than 35,000 pounds gross vehicle weight (GVW)).
 - b) Sit-down Restaurant.

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- c) Food Court.
- d) Sit-down Fast Food Restaurant (excludes drive-thrus).
- e) **Grocery store**
- f) **Other uses as determined by the Director of Planning.**

(2) *Accessory uses.* As an integral part of, but accessory to the operation of a new vehicle dealership, the following uses shall be permitted subject to approval through the design review process:

- a) Vehicle parts supply and sales as an integral, but secondary part of operating a new vehicle sales facility.
- b) Vehicle service and repair as an integral, but secondary part of operating a new vehicle sales facility.
- c) Used vehicle sales as an integral, but secondary part of operating a new vehicle sales facility.
- d) Vehicle leasing and rentals as an integral, but secondary part of operating a new vehicle sales facility.
- e) Carwash, but secondary part of operating a new vehicle sales facility.
- f) Other accessory uses as determined by the ~~Director of Community Development~~ **Director of Planning** to be substantially compatible with the principal permitted uses of new vehicle dealerships.

(3) *Conditionally permitted uses.* The following uses are permitted only after a conditional use permit has been approved by the City:

- a) Specialty vehicle sales, including recreational vehicles and motorcycles.
- b) Seniors Housing.
- c) Gas Station.
- d) Car Wash.
- e) Drive-through Fast Food Restaurant.
- f) Vehicle Parts, Supplies, Accessories Stores and Installations.
- g) Vehicle Leasing and Rental.
- i) Hotel
- j) Other uses as determined by the Director of ~~Community Development~~ **Planning** to be substantially compatible with the principal permitted use of new vehicle dealerships.

(4) *Prohibited uses.*

- a) Any use of land not specifically identified in this Overlay for Planning Area 3 is expressly prohibited from the Fontana Auto Center Overlay District.
- b) Any use not fully enclosed within a building except vehicle sales, display and storage areas.
- c) All uses of land that are found by the Planning Commission or City Council to be objectionable by reason of noise, odor, dust, smoke, vibration or similar causes shall be prohibited pursuant to Chapter 30 of the Fontana Municipal Code.

(d) *Planning area 4—Auto center and auto center complimentary uses.*

- (1) *Principal uses.*
 - a) New vehicle dealerships oriented primarily toward the sale of new passenger vehicles and light-to-medium weight trucks (less than 22,000 pounds gross vehicle weight (GVW)).
- (2) *Accessory uses.* As an integral part of, but accessory to the operation of a new vehicle dealership, the following uses shall be permitted subject to approval through the Design Review process:
 - a) Vehicle parts and accessories supply and sales as an integral, but secondary part of operating a new vehicle sales facility.
 - b) Vehicle service and repair as an integral, but secondary part of operating a new vehicle sales facility.
 - c) Used vehicle sales as an integral, but secondary part of operating a new vehicle sales facility.
 - d) Vehicle leasing and rentals as an integral, but secondary part of operating a new vehicle sales facility.
 - e) Carwash, but secondary part of operating a new vehicle sales facility.
 - f) Other accessory uses as determined by the Director of ~~Community~~ Planning Development to be substantially compatible with the principal permitted use of new vehicle dealerships.
- (3) *Conditionally permitted uses.*
 - a) Sit-down Restaurant.
 - h) Hotel.
 - l) Specialty Vehicle Sales, including Recreational Vehicles and Motorcycles.
 - o) Automobile, Passenger Van, and Pick-up Truck rated one-ton or less (carrying weight) Rental.

- v) Other retail uses as determined by the Director of **Community Planning** Development to be substantially compatible with the principal permitted use of new vehicle dealerships.

(4) Prohibited uses.

- a) Any use of land not specifically identified in this Overlay for Planning Area 4 is expressly prohibited from the Fontana Auto Center Overlay District.
- b) Any use not fully enclosed within a building except vehicle sales, display and storage areas.
- c) All uses of land that are found by the Planning Commission or City Council to be objectionable by reason of noise, odor, dust, smoke, vibration or similar causes shall be prohibited pursuant to Chapter 30 of the Fontana Municipal Code.

Sec. 30-641 - Plan review.

Design Review and/or a Conditional Use Permit approval shall be required for all projects located within the Overlay District pursuant to the requirements of Chapter 30 of the Fontana Municipal Code. Projects under 10,000 square feet in size can be approved administratively by City staff.

Sec. 30-642- Site planning.

Site planning shall involve careful consideration of the project site, adjacent properties and how the project fits into the overall context of the Fontana Auto Center Overlay District.

(a) Planning area 1—Auto center.

- (1) Locate structures and vehicle display areas on each site to enhance the architecture of the auto dealership building and to maximize vehicle displays.
- (2) The location of structures shall take into consideration the existing and/or future location of buildings on adjoining properties. Solid block walls adjacent to the 210 Freeway right-of-way are prohibited. Solid block walls that divide adjacent auto dealerships are discouraged, unless controlled pedestrian and vehicle connections are provided for.
- (3) Vehicular access and circulation within auto dealerships shall be controlled with properly sized and spaced drive aisles to ensure safe ingress and egress.
- (4) All service bays shall be located in such a manner so they are not visible from any public right-of-way, including the 210 Freeway.
- (5) All dealerships shall provide attractive, direct and safe pedestrian access and circulation. There should also be convenient pedestrian connections between dealerships.

- (6) Locate customer-oriented uses on the ground level of all auto dealership buildings. Business office space and other uses not dependent on customer traffic should be located on upper levels.
- (7) There shall be a coordinated landscape setback for all dealerships along South Highland Avenue, Cypress Avenue, Juniper Avenue, Oleander Avenue, and any new streets constructed within the Overlay District.
- (8) There shall be coordinated, elevated vehicle display pads for all dealerships located along South Highland Avenue. The vehicle display pads are allowed to encroach within the landscape setback area along South Highland Avenue.
- (9) Textured hardscape is required at all major driveway entrances and on vehicle display pads.
- (10) On-site exterior lighting shall comply with lighting criteria, as set forth within this Overlay District. Creative lighting designs and reinforcement of lighting intensity for highlighting purposes of vehicle pad displays, signage and other merchandising areas are encouraged.
- (11) Vehicle loading and unloading shall be provided on-site. Access to loading and service bays should be separated from customer parking areas wherever feasible. Adequate stacking distance shall be provided on-site for car carrier trucks. Adequate stacking distance is also required on-site when the dealership is closed and gates are locked.
- (12) There shall be coordinated edge treatments along the 210 Freeway right-of-way and between dealerships that enhances the visual appearance of this Gateway area into northern Fontana. Solid masonry block walls are not allowed along the Freeway right-of-way. The edge treatment shall consist of decorative pilasters connected by tubular wrought iron fencing.
- (13) The intersections of Sierra Avenue/South Highland Avenue, and Citrus Avenue/South Highland Avenue shall have special corner focal point treatments with Gateway features that include theme landscaping, water features, display pads, arches and appropriate monument signage.

(b) *Planning area 2—Auto center supporting uses.*

- (1) Allow uses that complement and provide service to the Auto Center dealerships.
- (2) Development proposed on the southeast side of South Highland Avenue in Planning Area 2 must demonstrate compatibility with adjacent and nearby Walnut Village Specific Plan residences through creative site planning, setbacks, landscaping and other design and land use considerations.

- (3) Design all gas stations "reversed out" with building facilities backed up to the right-of-way setback line and the pump islands to the interior.
- (4) The location of structures shall take into consideration the existing and/or future location of buildings on adjoining properties. Solid block walls between adjacent uses are discouraged and pedestrian connections are encouraged.
- (5) There shall be a coordinated landscape setback for all uses along South Highland Avenue, and any new streets constructed within Planning Area 2.
- (6) Textured hardscape is required at all major driveway entrances.
- (7) On-site exterior lighting shall comply with lighting criteria, as set forth within this Overlay District.
- (8) There shall be coordinated edge treatments along the 210 Freeway right-of-way between Sierra Avenue and Mango Avenue that enhances the visual appearance of this Gateway area into Northern Fontana. Solid masonry block walls are not allowed along the Freeway right-of-way.
- (9) The intersections of Sierra Avenue and South Highland Avenue shall have special corner focal point treatments with Gateway features that include theme landscaping, water features, arches and appropriate monument signage.

(c) *Planning areas 3 and 4.* All site planning criteria for Planning Areas 1 and 2 apply to Planning Areas 3 and 4.

Sec. 30-643 - Minimum development standards.

The minimum site development standards listed in this Section shall only apply to the specific Planning Area within the Overlay District.

- (a) *Planning area 1—Auto center development standards.*
 - (1) *Building and parking setbacks.*
 - a) All buildings and parking, except for vehicle display pads and allowed monument signs, shall be setback from all street property lines as follows:
 - Sierra Avenue: 25 Feet*
 - Citrus Avenue: 20 Feet* **15 Feet**
 - South Highland Avenue: 15 Feet*
 - Secondary Streets: 10 Feet*
 - Collector Streets: 10 Feet*
 - Local Streets: 10 Feet*

- b) Vehicle Display Pads shall have no required setback and shall be allowed to encroach into the landscape setback . Adequate site distance must be demonstrated at street intersections and driveway entrances for each vehicle display pad. Display pads shall not exceed 14 inches in height as measured from the sidewalk grade.
- c) Monument signs are required to be set back a minimum of five feet from the street property line.

(2) *Building height.*

- a) Buildings and other structures shall not exceed a maximum of 60 feet in height as measured from the top of curb located adjacent to the street property line to the highest building ridge.

(3) *Lot coverage.*

- a) No more than 50 percent of the net lot area may be covered with buildings or other structures.

(4) *Off-street parking and circulation.*

- a) Required off-street parking spaces for vehicle dealerships shall be provided at the following ratios:

Show Room: One space per 300 square feet.