

ORDINANCE NO. 1861

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FONTANA APPROVING SPECIFIC PLAN AMENDMENT NO. 20-003 TO AMEND THE SOUTHWEST INDUSTRIAL PARK (SWIP) SPECIFIC PLAN TO REVISE THE NONCONFORMING PROVISIONS AND DEFINITION OF INDUSTRIAL EQUIPMENT, MATERIALS ALONG WITH THE FOLLOWING CHANGES TO THE LAND USE TABLES IN SWIP: ALLOW TRUCK AND/OR TRAILER STORAGE ONLY AS AN ANCILLARY USE; ADD REGISTERED VEHICLE STORAGE USE IN THE JURUPA SOUTH RESEARCH AND DEVELOPMENT DISTRICT WITH APPROVAL OF A CONDITIONAL USE PERMIT; AND REQUIRE THAT ANTENNAS COMPLY TO STANDARDS/PROCEDURES SET FORTH IN THE MUNICIPAL CODE CHAPTERS 25 AND 32.

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

Section 1. City staff initiated Specific Plan Amendment No. 20-003 to amend the Southwest Industrial Park Specific Plan (SWIP) Specific Plan to revise the nonconforming provisions, definitions and land use table changes to provide additional clarity and consistency in SWIP as depicted in the Exhibit A.

Section 2. On December 1, 2020, the Planning Commission received public testimony and evidence presented by the applicant, City staff, and other interested parties, at the Public Hearing held with respect hereto on Specific Plan Amendment No. 20-003.

Section 3. On December 1, 2020, the Planning Commission approved Resolution No. PC 2020-061 and recommended approval to City Council of Specific Plan Amendment No. 20-003 and after carefully considering all information pertaining to the proposed project, including the staff report, findings, and all the information, evidence, and testimony presented at its public hearing on December 1, 2020.

Section 4. On January 12, 2021, the City Council held a duly noticed public hearing on Specific Plan Amendment No. 20-003 along with the entitlements referenced herein, received testimony, and the supporting documents in evidence, the City Council found that the Specific Plan Amendment is in conformance with the goals and policies of the General Plan to provide a community that is balanced between residential, commercial, and industrial that is developed to high standards and provides diverse economic and social opportunities for our citizens and those who wish to invest here.

Section 5. Based on the foregoing, the City of Fontana City Council determines that this project is that has been reviewed under a previous Final Environmental Impact Report (State Clearinghouse No. 2009091089), pursuant to Sections 15162 through

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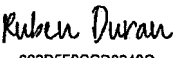
15164, and Section 15183 of the California Environmental Quality Act (CEQA) Guidelines and Section 8.10 of the City of Fontana's 2019 Local Guidelines for Implementing CEQA.

Section 6. Specific Plan Amendment No. 20-003 is hereby approved, and the text and exhibits modified as shown on Exhibit "A", attached hereto and by this reference incorporated; and

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 26th day of January 2021.

READ AND APPROVED AS TO LEGAL FORM:

DocuSigned by:

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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 at a regular meeting on the 12th day of January 2021, and was finally passed and adopted not less than five days thereafter on the 26th day of January 2021, by the following vote to wit:

AYES: Mayor Warren, Mayor Pro Tem Cothran, Council Members Roberts, Sandoval, and Garcia

NOES:

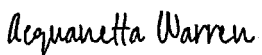
ABSENT:

ABSTAIN:

DocuSigned by:

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City Clerk of the City of Fontana

DocuSigned by:

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Mayor of the City of Fontana

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ATTEST:

DocuSigned by:

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City Clerk

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Exhibit "A"

1. The proposed Specific Plan Amendment includes changes to the Land Use Tables 6-2, 7-2, 8-2, 9-2, 10-2, 11-2, 12-2, and 13-2 as depicted in the tables below:

Table 6-2 – Allowable Land Uses and Permit Requirements	
Land Use	Permit Requirement
	"P"= Use Permitted by Right
	"C"= Conditional Use Permit Required
	"M" = Minor Use Permit Required
Freeway Industrial/Commercial District	
Entertainment, Recreation and Public Assembly Uses	
Adult Businesses	Municipal Code §30-11 & Municipal Code Chapter 15, Article XVIII
Open Space / Park	P
Public Assembly Facilities	C
Recreational Facilities	M
Industry, Manufacturing, and Processing Uses	
Flex-Tech Multi-Use Facilities (3)	P
Handcraft Industry/Small-Scale Manufacturing	P
Manufacturing, Light	
• Appliance Manufacturing	P
• Electronics & Equipment	P
• Glass Product Fabrication	P
• Paper Product Manufacturing	P
• Product Assembly and Distribution	P
Research and Development	P
Residential Uses	
Caretaker Housing (2)	C
Retail Uses	
Alcohol Sales, Off-Site/On-Site	C
Factory/Warehouse Outlet Store	P
Retail Sales, General (4)	P
Service Uses	
Business Support Services	P
Catering Services	P
Financial Facilities	P
Food Service	
• Outdoor Dining	P
• Restaurants	P
Hotel	P
Motel (1)	C
Industrial Repair	C
Mini Storage Facility (not allowed adjacent to I-10 freeway)(4)	P

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Table 6-2 – Allowable Land Uses and Permit Requirements	
Land Use	Permit Requirement
	"P"= Use Permitted by Right
	"C"= Conditional Use Permit Required
	"M" = Minor Use Permit Required
Freeway Industrial/Commercial District	
Offices	P
Personal Services	P
School, Commercial	M
Motor Vehicle	
Car Wash/ Detailing	M
Motor Vehicle Rental, Sales, and Leases	C
Service Stations (4)	C
Specialty or Antique Automotive Sales	C
Truck Sales	C
Truck Stops (4)	C
Vehicle Auctions	P
Distribution, Wholesaling and Warehousing Uses	
Warehousing Facilities	P
Transportation, Communications and Infrastructure Uses	
Antennas	M Municipal Code Chapters 25 and 32
Broadcasting Offices or Studios	P
Parking Structures (4)	P
Recycling Facility	
<ul style="list-style-type: none"> Consumer Recycling Facilities (not allowed on parcels fronting the I-10 freeway) (4) 	C
Other Uses	
Drive-Through Uses (4)	M
Outdoor Display & Sales	M
Public Facilities	P
Temporary Uses	Municipal Code Chapter 30, Division 18 (Temporary Use)

(1) Motels are only permitted at Truck Stop locations

(2) See Section 6.4D

(3) See Section 6.9E

(4) See Section 6.9F

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Table 7-2 – Allowable Land Uses and Permit Requirements	
Land Use	Permit Requirement
	"P" = Use Permitted by Right
	"C" = Conditional Use Permit Required
	"M" = Minor Use Permit Required
Jurupa North Research and Development District (JND)	
Entertainment, Recreation and Public Assembly Uses	
Adult Businesses	Refer to Municipal Code §30-11 & Municipal Code Chapter 15, Article XVIII
Open Space / Park	P
Public Assembly Facilities	C
Recreational Facilities	C
Industry, Manufacturing, and Processing Uses	
Flex-Tech Multi-Use Facilities (1)	P
Handcraft Industry/ Small-Scale Manufacturing	P
Manufacturing, Light	
• Appliance Manufacturing	M
• Electronics & Equipment	P
• Furniture and Fixture Manufacturing	M
• Glass Product Fabrication	P
• Product Assembly and Distribution	P
Research and Development	P
Pallet Yard (2)	C (Sunset on 6/30/19)
Residential Uses	
Caretaker Housing (3)	C
Retail Uses	
Alcohol Sales, Off-Site/On-Site	C
Factory/Warehouse Outlet Store	P
Retail Sales, General (4)	P
Service Uses	
Business Support Services	P
Financial Facilities	P
Catering Services	P
Food Service	
• Outdoor Dining	P
• Restaurants	P
Hotel	P
Industrial Repair	C
Mini Storage Facility (4)	P

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Table 7-2 – Allowable Land Uses and Permit Requirements (continued)	
Land Use	Permit Requirement
	"P" = Use Permitted by Right
	"C" = Conditional Use Permit Required
	"M" = Minor Use Permit Required
Jurupa North Research and Development District (JND)	
Motor Vehicle	
Car Wash / Detailing	M
Motor Vehicle Rental, Sales, and Leases	C
Service Stations (4)	C
Vehicle Auctions (not fronting on Jurupa Avenue)	P
Offices	P
Personal Services	P
School, Commercial	M
Distribution, Wholesaling and Warehousing Uses	
Logistics and Distribution Facilities (not fronting on Jurupa Avenue)	P
Warehousing Facilities	P
Transportation, Communications and Infrastructure Uses	
Antennas	M Municipal Code Chapters 25 and 32
Broadcasting Offices or Studios	P
Parking Structures (4)	P
Other Uses	
Drive-Through Uses (4)	M
Outdoor Display & Sales	M
Public Facilities	P
Temporary Uses	Municipal Code Chapter 30, Division 18 (Temporary Use)

(1) See Section 7.9E

(2) See Section 7.4G

(3) See Section 7.4D

(4) See Section 7.9F

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Table 8-2 – Allowable Land Uses and Permit Requirements	
Land Use	Permit Requirement
	"P" = Use Permitted by Right
	"C" = Conditional Use Permit Required
	"M" = Minor Use Permit Required
Jurupa South Research and Development District	
Entertainment, Recreation and Public Assembly Uses	
Adult Businesses	Municipal Code §30-11 & Municipal Code Chapter 15, Article XVIII
Open Space / Park	P
Public Assembly Facilities	C
Recreational Facilities	C
Industry, Manufacturing, and Processing Uses	
Flex-Tech Multi-Use Facilities (1)	P
Manufacturing, Light	
• Appliance Manufacturing	M
• Electronics & Equipment	P
• Furniture and Fixture Manufacturing	P
• Glass Product Fabrication	P
• Machinery Manufacturing	P
• Paper Product Manufacturing	P
• Product Assembly and Distribution	P
General Manufacturing	
• Stone and Cut Stone Product Manufacturing	P
• Structural Clay and Pottery Product Manufacturing	P
• Textile and Leather Product Manufacturing	P
Research and Development	P
Residential Uses	
Caretaker Housing (2)	C
Retail Uses	
Factory/Warehouse Outlet Store	P
Retail Sales, General (3)	P
Service Uses	
Business Support Services	P
Food Service	
• Outdoor Dining	P
Industrial Repair	P
Mini Storage Facility	P

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Table 8-2 – Allowable Land Uses and Permit Requirements	
Land Use	Permit Requirement
	"P" = Use Permitted by Right
	"C" = Conditional Use Permit Required
	"M" = Minor Use Permit Required
Jurupa South Research and Development District	
Motor Vehicle	
Motor Vehicle Rental, Sales, and Leases	C
Registered Vehicle Storage (4)	C
Vehicle Auction (not fronting on Jurupa Avenue or Mulberry Avenue)	P
Offices	P
School, Commercial	M
Distribution, Wholesaling and Warehousing Uses	
Industrial Equipment, Materials, and Supplies	C
Logistics and Distribution Facilities	P
Petroleum/Hazardous Material Storage	C
Warehousing Facilities	P
Transportation, Communications and Infrastructure Uses	
Antennas	M-Municipal Code Chapters 25 and 32
Broadcasting Offices or Studios	P
Parking Structures (3)	P
Truck, Truck Trailer Storage	C*
Other Uses	
Drive-Through Uses (3)	M
Outdoor Display & Sales	M
Public Facilities	P
Temporary Uses	Municipal Code Chapter 30, Division 18 (Temporary Use)

*Ancillary Use Only with approval of a Conditional Use Permit that must accompany a primary use that is Permitted or allowed with a Conditional/Minor Use Permit.

- (1) See Section 8.9E
- (2) See Section 8.4D
- (3) See Section 8.9F
- (4) See Section 8.4G

8.4 G. Registered Vehicle Storage

Registered vehicle storage will be defined as follows:

Registered Vehicle Storage means an off-street, ground level open area that allows parking for the purpose of storage of vehicles, including but not limited to, truck, truck-trailer, buses, boats, construction equipment, recreational vehicles, and automobile storage. These vehicles are to be stored and are not for sale, rental, or leasing. Maintenance or vehicle repair is not permitted at the premises unless otherwise

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separately allowed and approved under a separate conditional use permit.

Special use regulations are proposed to be applied to Registered Vehicles Storage. All businesses with registered vehicle storage shall comply with the following provisions:

1. The entire storage area shall be surfaced with asphalt, cement or an equivalent material. For specified and delineated storage areas, excluding required drive aisles and required non-storage parking, slag or gravel shall be considered as an equivalent paving material on a case-by-case basis. The surface material shall be striped as required (when feasible) and shall be maintained in good condition.
2. All storage areas shall clearly be identified on the site plan for the property and shall be screened from view from the public right-of-way by one or more decorative block screening walls. All screening walls adjacent to a public right-of-way shall have a minimum height of eight (8) feet and shall not be located in a required landscape setback area. Additional wall height and/or berming may be added as needed to satisfy screening requirements.
3. A line-of-sight analysis clearly demonstrating that all registered vehicles proposed to be located in the storage area(s) are screened from view from all adjacent public rights-of-way at all times shall be required with all proposals and/or applications. For the purpose of the line-of-sight analysis, the assumed height of the vehicles to be stored shall be fourteen feet and six inches (14'6"). To meet this requirement, storage areas shall be set back from required screening walls to provide the required line-of-sight clearance for screening. Storage areas which have been set back to provide the required line-of-sight clearance for screening shall be identified on the site plan and shall be marked and maintained at all times in a manner consistent with the site plan.
4. All vehicles stored on the premises shall have a valid vehicle registration from the State of California or other similar government entity and shall be maintained in an operable condition at all times.
5. Fire access lanes of a minimum twenty-six feet (26') in width shall be required along the interior perimeter of any required decorative block screening wall adjacent to a public right-of-way. Additional fire access lanes shall be provided as required by the Fire District. This required fire access lane may be used to meet the line-of-sight clearance set back requirement above.
6. All on-site fire access lanes, drive aisles, required parking, etc., (but not including Identified and marked vehicle storage areas) shall be paved with asphalt, cement or an equivalent material; gravel or slag in these lanes is specifically prohibited.
7. A guard station or similar structure shall be required near the primary access to

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the premises. The minimum size of such structure shall be sixteen square feet.

8. A residence for a caretaker may be permitted and incorporated into the project subject to the approval of a Conditional Use Permit application.
9. Permanent on-site security lighting shall be required to be designed and installed to the standards and satisfaction of the Police Chief or his/her designee.
10. Fire hydrants shall be required to the satisfaction of the Fire District.
11. Vehicles stored on the premises shall not themselves be used as storage containers to store materials in them. With prior 72 hour written notice to the property and/or business owner, any and all stored vehicles shall be open to inspection for the purpose of enforcing this provision.
12. To provide adequate space dimensions to accommodate the movement off large vehicles on the site, the minimum lot size shall be two (2) acres with a minimum lot width of 300 feet and a minimum lot depth of 300 feet. Irregular or unusually shaped lots may require additional minimums to meet the intent of this regulation, as shall lots with unusual, irregular, or severe topographic features or changes.
13. Landscaping adjacent to the public right-of-way is required per the Code. Interior lot landscaping shall not be required for any internal area (wall perimeter, parking area, storage area, etc.) enclosed by the required screening walls. Incidental landscaping may be required as needed to satisfy screening and other requirements in interface area(s) open to public view (entry gate, guard station, etc.)

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Table 9-2 – Allowable Land Uses and Permit Requirements	
Land Use	Permit Requirement
	"P"= Use Permitted by Right "C"= Conditional Use Permit Required "M" = Minor Use Permit Required
	Slover Central Manufacturing District
Entertainment, Recreation and Public Assembly Uses	
Adult Businesses	Municipal Code §30-11 & Municipal Code Chapter 15, Article XVIII
Open Space / Park	P
Public Assembly Facilities	C
Recreational Facilities	C
Industry, Manufacturing, and Processing Uses	
Manufacturing, Light	
• Appliance Manufacturing	P
• Electronics & Equipment	P
• Furniture and Fixture Manufacturing	P
• Glass Product Fabrication	P
• Machinery Manufacturing	P
• Paper Product Manufacturing	P
• Product Assembly and Distribution	P
General Manufacturing	
• Concrete, Gypsum, and Plaster Product Manufacturing	P
• Food Products Manufacturing	P
• Glass Product	P
• Plastics, Synthetics, and Rubber Product Manufacturing	P
• Pulp and Pulp Product Industries	P
• Stone and Cut Stone Product Manufacturing	P
• Structural Clay and Pottery Product Manufacturing	P
• Textile and Leather Product Manufacturing	P
• Transportation Product Assembly	P
Research and Development	P
Pallet Yard (1)	C (Sunset on 6/30/19)
Residential Uses	
Caretaker Housing (3)	C

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Table 9-2 – Allowable Land Uses and Permit Requirements

Land Use	Permit Requirement
	"P"= Use Permitted by Right "C"= Conditional Use Permit Required "M" = Minor Use Permit Required
	Slover Central Manufacturing District
Retail Uses	
Factory/Warehouse Outlet Store	P
Retail Sales, General (2)	C
Service Uses	
Animal Kennel Services	P
Industrial Repair	P
Mini Storage Facility (2)	P
Motor Vehicle	
Motor Vehicle Rental, Sales, and Leases	C
Registered Vehicle Storage (4)	C
Service Stations (2)	P
Vehicle Auctions	P
Distribution, Wholesaling and Warehousing Uses	
Industrial Equipment, Materials, and Supplies	C
Logistics and Distribution Facilities	P
Petroleum/Hazardous Material Storage	C
Warehousing Facilities	P
Transportation, Communications and Infrastructure Uses	
Antennas	M Municipal Code Chapters 25 and 32
Parking Structures (2)	P
Truck, Truck Trailer Storage	C*
Recycling Facility	
• Consumer Recycling Facility (5)	C
• Non-Consumer Recycling Facility (5)	C
Other Uses	
Outdoor Display & Sales	M
Public Facilities	P
Temporary Uses	Municipal Code Chapter 30, Division 18 (Temporary Use)

*Ancillary Use Only with approval of a Conditional Use Permit that must accompany a primary use that is Permitted or allowed with a Conditional/Minor Use Permit.

- (1) See Section 9.4I
 (2) See Section 9.9E
 (3) See Section 9.4D
 (4) See Section 9.4G
 (5) See Section 9.4H

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Table 10-2 – Allowable Land Uses and Permit Requirements	
Land Use	Permit Requirement
	"P"= Use Permitted by Right "C"= Conditional Use Permit Required "M" = Minor Use Permit Required
	Slover East Industrial District
Entertainment, Recreation and Public Assembly Uses	
Adult Businesses	Municipal Code §30-11 & Municipal Code Chapter 15, Article XVIII
Open Space / Park	P
Public Assembly Facilities	C
Recreational Facilities	C
Industry, Manufacturing, and Processing Uses	
Handcraft Industry/ Small-Scale Manufacturing	P
Manufacturing, Light	
• Appliance Manufacturing	P
• Electronics & Equipment	P
• Furniture and Fixture Manufacturing	P
• Glass Product Fabrication	P
• Machinery Manufacturing	P
• Paper Product Manufacturing	P
• Product Assembly and Distribution	P
General Manufacturing	
• Plastics, Synthetics, and Rubber Product Manufacturing	P
• Pulp and Pulp Product Industries	P
• Stone and Cut Stone Product Manufacturing	P
• Structural Clay and Pottery Product Manufacturing	P
• Textile and Leather Product Manufacturing	P
Research and Development	P
Residential Uses	
Caretaker Housing (1)	C
Retail Uses	
Alcohol Sales, Off-Site/On-Site	C
Factory/Warehouse Outlet Store	P
Retail Sales, General (2)	P
Service Uses	
Animal Kennel Services	P
Business Support Services	P
Food Service	

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Table 10-2 – Allowable Land Uses and Permit Requirements	
Land Use	Permit Requirement
	"P"= Use Permitted by Right "C"= Conditional Use Permit Required "M" = Minor Use Permit Required
	Slover East Industrial District
• Outdoor Dining	P
• Restaurants	P
Industrial Repair	P
Mini Storage Facility (2)	P
Motor Vehicle	
Car Wash/ Detailing	M
Motor Vehicle Rental, Sales, and Leases	C
Service Stations (2)	C
Registered Vehicle Storage (3)	C
Vehicle Auction	P
School, Commercial	M
School, Trucking	C
Distribution, Wholesaling and Warehousing Uses	
Industrial Equipment, Materials, and Supplies	C
Logistics and Distribution Facilities	P
Petroleum/Hazardous Material Storage	C
Warehousing Facilities	P
Transportation, Communications and Infrastructure Uses	
Antennas	M Municipal Code Chapters 25 and 32
Broadcasting Offices or Studios	P
Parking Structures (2)	P
Truck and/or Trailer Storage	C*
Recycling Facility	
• Consumer Recycling Facility (4)	C
• Non-Consumer Recycling Facility (4)	C
Other Uses	
Drive-Through Uses (2)	M
Outdoor Display & Sales	M
Public Facilities	P
Temporary Uses	Municipal Code Chapter 30, Division 18 (Temporary Use)

*Ancillary Use Only with approval of a Conditional Use Permit that must accompany a primary use that is Permitted or allowed with a Conditional/Minor Use Permit.

(1) See Section 10.4D

(2) See Section 10.9E

(3) See Section 10.4G

(4) See Section 10.4H

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Table 11-2 Allowable Land Use and Permit Requirements	
Land Use	Permit Requirement
	"P" = Use Permitted by Right
	"C" = Conditional Use Permit Required
	"M" = Minor Use Permit Required
Slover West Industrial District	
Entertainment, Recreation and Public Assembly Uses	
Adult Businesses	Municipal Code §30-11 & Municipal Code Chapter 15, Article XVIII
Open Space / Park	P
Public Assembly Facilities	C
Recreational Facilities	C
Industry, Manufacturing, and Processing Uses	
Handcraft Industry/ Small-Scale Manufacturing	P
Manufacturing, Light	
• Appliance Manufacturing	P
• Electronics & Equipment	P
• Furniture and Fixture Manufacturing	P
• Glass Product Fabrication	P
• Machinery Manufacturing	P
• Paper Product Manufacturing	P
• Product Assembly and Distribution	P
General Manufacturing	
• Plastics, Synthetics, and Rubber Product Manufacturing	P
• Pulp and Pulp Product Industries	P
• Stone and Cut Stone Product Manufacturing	P
• Structural Clay and Pottery Product Manufacturing	P
• Textile and Leather Product Manufacturing	P
Research and Development	P
Pallet Yard (1)	C (Sunset on 6/30/19)
Residential Uses	
Caretaker Housing (2)	C
Retail Uses	
Alcohol Sales, Off-Site/On-Site	C
Factory/Warehouse Outlet Store	P
Retail Sales, General (3)	P
Service Uses	

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Table 11-2 Allowable Land Use and Permit Requirements	
Land Use	Permit Requirement
	"P" = Use Permitted by Right "C" = Conditional Use Permit Required "M" = Minor Use Permit Required
	Slover West Industrial District
Animal Kennel Services	P
Business Support Services	P
Food Service	
• Outdoor Dining	P
• Restaurants	P
Industrial Repair	P
Mini Storage Facility (3)	P
Motor Vehicle	
Motor Vehicle Rental, Sales, and Leases	C
Registered Vehicle Storage (4)	C
Service Stations (3)	C
Vehicle Auction	P
Distribution, Wholesaling and Warehousing Uses	
Industrial Equipment, Materials, and Supplies	C
Logistics and Distribution Facilities	P
Petroleum/Hazardous Material Storage	C
Warehousing Facilities	P
Transportation, Communications and Infrastructure Uses	
Antennas	M Municipal Code Chapters 25 and 32
Broadcasting Offices or Studios	P
Parking Structures (3)	P
Truck, Truck Trailer Storage	C*
Recycling Facility	
• Consumer Recycling Facilities(5)	C
• Non Consumer Recycling Facilities (5)	C
Other Uses	
Outdoor Display & Sales	M
Public Facilities	P
Temporary Uses	Municipal Code Chapter 30, Division 18 (Temporary Use)

*Ancillary Use Only with approval of a Conditional Use Permit that must accompany a primary use that is Permitted or allowed with a Conditional/Minor Use Permit.

- (1) See Section 11.4I
- (2) See Section 11.4D
- (3) See Section 11.9E
- (4) See Section 11.4G
- (5) See Section 11.4H

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Table 12-2 Allowable Land Uses and Permit Requirements	
Land Use	Permit Requirement
	"P"= Use Permitted by Right
	"C"= Conditional Use Permit Required
	"M" = Minor Use Permit Required
Entertainment, Recreation and Public Assembly Uses	
Adult Businesses	Municipal Code §30-11 & FMC Chapter 15, Article XVIII
Open Space / Park	P
Public Assembly Facilities	C
Recreational Facilities	M
Industry, Manufacturing, and Processing Uses	
Flex-Tech Multi-Use Facilities (2)	P
Manufacturing, Light	
• Electronics & Equipment	P
• Glass Product Fabrication	P
• Product Assembly and Distribution	P
General Manufacturing	
• Transportation Product Assembly	P
Research and Development	P
Residential Uses	
Caretaker Housing (1)	C
Retail Uses	
Alcohol Sales, Off-Site/On-Site	C
Factory/Warehouse Outlet Store	P
Retail Sales, General (3)	P
Service Uses	
Business Support Services	P
Financial Facilities	P
Catering Services	P
Food Service	
• Outdoor Dining	P
• Restaurants	P
Hotel	P
Industrial Repair	C
Offices	P
Personal Services	P
School, Commercial	M
School, Trucking	C

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Table 12-2 Allowable Land Uses and Permit Requirements (continued)	
Land Use	Permit Requirement
	"P"= Use Permitted by Right
	"C"= Conditional Use Permit Required
	"M" = Minor Use Permit Required
Motor Vehicle	
Car Wash/ Detailing	M
Motor Vehicle Rental, Sales, and Leases	C
Service Stations (3)	C
Specialty or Antique Automotive Sales	C
Truck Sales	C
Truck Stops (3)	C
Vehicle Auctions	P
Distribution, Wholesaling, and Warehousing Uses	
Warehousing Facilities	P
Transportation, Communications, and Infrastructure Uses	
Antennas	M Municipal Code Chapters 25 and 32
Broadcasting Offices or Studios	P
Parking Structures (3)	P
Other Uses	
Drive-Through Uses (3)	M
Outdoor Display & Sales	M
Public Facilities	P
Temporary Uses	Municipal Code Chapter 30, Division 18 (Temporary Use)

(1) See Section 12.4D

(2) See Section 12.9E

(3) See Section 12.9F

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Table 13-2 – Allowable Land Uses and Permit Requirements	
Land Use	Permit Requirement
	"P" = Use Permitted by Right
	"C" = Conditional Use Permit Required
	"M" = Minor Use Permit Required
Residential Truck District (RTD)	
Entertainment, Recreation and Public Assembly Uses	
Open Space / Park	P
Public Assembly Facilities	C
Residential Uses	
Granny Housing	P
Home Occupation	P
Second Dwelling Unit	P
Single Family Dwelling	P
Other Uses	
Truck Uses	P (1)
Public Facilities	P
Signs	P
Temporary Uses	Municipal Code Chapter 30, Division 18 (Temporary Use)

Notes:

(1) See Section 13.6.D

2. The proposed Specific Plan Amendment includes rewriting SWIP Definitions for Industrial Equipment, Materials Storage as depicted below in Appendix A:

- Remove existing definition and replace with a new definition below: **Industrial Equipment, Materials Storage.** ~~Any land or buildings used for the storage of equipment, vehicles, trucks, truck trailers, containers and tanks, machinery (new or used), and raw or finished building materials used by the owner or occupant of the premises in the conduct of any building trade, industrial, manufacturing, or distribution activities.~~
- Proposed new definition: **A lot or parcel used to store and maintain construction equipment and other materials and facilities providing for some limited ancillary storage of motor vehicles (truck, trailer, and automobiles), equipment, or supplies; or distribution of supplies or construction materials required in connection with a business activity, public utility service, transportation services, or similar activity. This use shall include a construction materials yard, or similar use.**

3. Specific Plan Amendment includes proposed revising SWIP requirements for Outdoor Activities and Storage as depicted below for the Slover Central Manufacturing District Chapter 9.4.C.2.b:

- b. Areas used for the approved outdoor storage of vehicles, equipment and/or building materials (raw or finished) ~~may shall~~ be paved with asphalt and/or concrete ~~may use compacted slag, gravel, or other similar material deemed suitable by the Director of Community Development.~~

4. The proposed Specific Plan Amendment includes renumbering the existing Chapter 5.6 (Severability) to 5.7(Severability) and including a new comprehensive nonconforming section in 5.6 as depicted below

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and repealing the existing nonconforming sections 6.11(f), 7.11(f), 8.11(f), 9.11(f), 10.11(f), 11.11(f), 12.11(f), and 13.11(f). The new comprehensive nonconforming section 5.6 in SWIP is proposed below:

5.6 Nonconforming Structures, Uses, and Lots

This section regulates nonconforming structures, uses and lots.

- Policies.
 - The City finds that nonconforming structures, uses and lots within the City, are detrimental to the orderly development of the City and to the health, safety, peace, comfort and general welfare of persons and property within the City.
 - This section (5.6 Nonconforming Structures, Uses, and Lots) provides for the orderly termination of nonconforming rights for structures, uses, and lots that were lawfully established but, due to adoption of provisions of the SWIP, no longer comply. The orderly termination of legally established nonconforming structures, uses and lots is necessary to promote the public health, safety and general welfare, and to bring such structures, uses and lots into conformity with the goals, objectives and policies of the SWIP and the City's General Plan.
- This section limits the expansion of nonconforming structure, uses and lots and establishes the circumstances under which they may be continued, and provides for the repair, maintenance, alteration, enlargement, and removal of such structures and uses.
- Structures, uses and lots not having previously acquired proper permits or approvals are illegal and subject to immediate abatement. This section does not grant any right to continue occupancy of property containing an illegal use or structure.
- It shall be the property owner's responsibility to provide sufficient evidence to justify the establishment of nonconforming rights.
- Change in Use or Intensification. A use existing at the time of adoption of the SWIP that is permitted in the zoning district that does not conform with the loading, parking, planting area, trash enclosure, paving, landscaping, or screening standards of the zoning district in which it is located may continue and shall not be deemed a nonconforming use solely for these reasons. When there is a change in use or intensification of the use then the site shall comply with the current development standards.

A. Nonconforming Structures

Any nonconforming structure may be repaired, altered, or enlarged only to the extent permitted by the following:

1. Alterations or repairs that are required by state, federal or local law.
2. Ordinary repair and maintenance may be performed on a nonconforming structure.

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3. A nonconforming structure may be repaired to its nonconforming state if the need for repairs or restoration is the result of damage by fire, explosion, act of God, or the public enemy, and provided the estimated cost of such repair or restoration does not exceed fifty percent (50%) of the assessed value.
 - a. The repairs shall be commenced within twenty four (24) months of the event causing the damage to the nonconforming structure, and the repairs shall be diligently pursued until completion.
 - b. Estimate costs of repair shall be reviewed and approved by the Building Official and the Community Development Director, or their respective designees, and shall be based on the minimum cost of construction in compliance with the California Building Code.
 - c. For the purpose of this section, "assessed value" shall mean the assessed value of the structure as shown on the County of San Bernardino property assessment roll in effect at the time of the occurrence of the casualty, or at the time the repair and maintenance is first conducted.
 - d. A nonconforming single-family structure used as a single-family use, a historical structure, or contributing structure within a historic district that damaged by fire, explosion, act of God, or the public enemy may be repaired to its nonconforming state and shall not be subject to the fifty (50%) percent assessed value limitation.
4. A nonconforming structure damaged more than fifty (50%) percent of the assessed value shall not be restored except in full conformity with the regulations of the district in which it is located. This subsection shall not apply to a nonconforming single-family structure, historical structure, or contributing structure within a historic district damaged as a result of fire, explosion, act of God, or the public enemy.
5. Where parking facilities are insufficient to meet the standards set forth in this section, or where no such parking facilities have been provided for structures constructed prior to the effective date of the SWIP, such structures may not be altered, nor may additional facilities or square-footage be provided within such structures until the requirements for off street parking shall have been satisfied for those facilities or square-footage added or enlarged.
6. Seismic Retrofit. A nonconforming structure, may be seismically retrofitted in compliance with the building codes, any modification not essential to the seismic retrofitting shall not be permitted unless such modification is in compliance with the nonconforming code sections.
7. Nonconforming single-family residential structure used as a single family use.

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- a. A nonconforming single-family residential structure used as a single-family use, may be enlarged by no more than twenty five percent (25%) of its legal floor area that existed at the time the single-family residential structure became nonconforming provided no nonconformities are expanded or created.
- b. Any increase in the number of bedrooms in a nonconforming single-family residential structure used as a single-family use shall provide off-street parking facilities in accordance with the provisions in Article XI (On-site parking and loading regulations) of Chapter 30 of the Zoning and Development Code.
- c. Any legal non-conforming single-family residential structure which does not conform to current enclosed parking standards may construct a one (1) car garage or carport, provided the property owner demonstrates that the physical limitations of the site prohibit full conformance to the Development Code standard of a two (2) car enclosed garage. Said physical limitations shall consist of any construction which would encroach upon a required front, side, street side or rear yard setback area, or the location of the existing structure(s) on site, that were legally constructed with appropriate building permit, which because of their location do not permit sufficient physical space between the structure(s) and any property line to allow a driveway and/or access to the rear or side of the property where a garage, attached or detached, in conformance to the Development Code standards, could be constructed. All individual parking spaces shall conform to the Code's minimum size standards.

B. Nonconforming Uses.

A nonconforming use is one that lawfully existed prior to the effective date of the SWIP, but which is no longer permitted in the land use district in which it is located. The continuance of a nonconforming use is subject to the following:

1. A nonconforming use that is discontinued for a period of one hundred eighty (180) consecutive days or more shall lose its legal nonconforming status, and the continued use of the property shall conform thereafter with the SWIP. Discontinuation shall mean any termination of a use, regardless of intent to resume the use. Payment of a valid business license or business tax certificate shall in and of itself not be considered to be a continuation of the use.
2. A nonconforming use shall not be expanded on any lot or moved in whole or in part to any portion of the lot.
3. If a portion of the property or structure used by a nonconforming use is converted to a conforming use, the portion of the property or structure may not thereafter be used for a nonconforming use.

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4. Change of ownership, tenancy, or management of a nonconforming use shall not affect its legal nonconforming status, provided that the use and intensity of use, as determined by the Director of Community Development, does not change or increase.
5. If a structure used by a nonconforming use is damaged, the nonconforming use may continue upon restoration of the structure if the need for repairs or restoration is the result of damage by fire, explosion, act of God, or the public enemy, and provided the repairs are commenced within twenty four (24) months of the event causing the damage to the structure, and the repairs shall be diligently pursued until completion.
6. Nonconforming single-family residential uses shall be subject to the following:
 - a. Nonconforming single-family residential use may be enlarged by no more than twenty five percent (25%) of its legal floor area that existed at the time the single-family residential use became nonconforming, provided the expansion complies with the zoning standards and if there is the addition of one or more bedrooms then parking shall be in compliance with Article XI (On-site parking and loading regulations) of Chapter 30 of the Zoning and Development Code.
 - b. A nonconforming single-family use that is discontinued for a period of one hundred eighty (180) consecutive days or more shall lose its legal nonconforming status, and the continued use of the property shall conform with the SWIP unless the Director of Community Development can make the following findings:
 - i. The nonconforming single-family use has not been discontinued for more than three hundred sixty five (365) consecutive days.
 - ii. The nonconforming single-family use will not adversely affect or be materially detrimental to the public health, safety, and welfare.
7. If provision is made for the termination of a use, any use of such land after the termination shall conform to the requirements of this section for the district in which it is located.

C. Nonconforming Lots:

1. Determination Of Nonconforming Status: A nonconforming lot of record that does not comply with the current access, area, or dimensional requirements of this title for the zoning district in which it is located, shall be considered to be a legal building site if it meets one of the criteria specified by this section. The applicant shall be responsible for providing sufficient evidence to establish the applicability of one or more of the following to the satisfaction of the Community Development Director or his/her designee.
 - a. Approved Subdivision: The lot was created through a subdivision approved by the City, or the County before incorporation of the City.

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- b. Individual Lot Legally Created By Deed: The lot is under one ownership and record, and was legally created by a recorded deed before the effective date that made the lot nonconforming or before the City adopted regulations requiring a Parcel Map for minor subdivisions.
 - c. Variance or Lot Line Adjustment: The lot was approved through the variance procedure or its current configuration resulted from a lot line adjustment.
 - d. Partial Government Acquisition: The lot was created in conformity but was made nonconforming when a portion of the lot was acquired by a governmental entity.
- 2. Further Subdivision Prohibited: A nonconforming lot shall not subdivided, nor shall lot lines be altered through lot line adjustment, unless after the subdivision or lot line adjustment all lots will be conforming.

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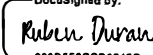
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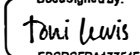
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Browsers (for SENDERS):	Internet Explorer 6.0? or above
Browsers (for SIGNERS):	Internet Explorer 6.0?, Mozilla FireFox 1.0, NetScape 7.2 (or above)
Email:	Access to a valid email account
Screen Resolution:	800 x 600 minimum
Enabled Security Settings:	<ul style="list-style-type: none"> •Allow per session cookies •Users accessing the internet behind a Proxy Server must enable HTTP 1.1 settings via proxy connection

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