

ORDINANCE NO. 1666

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA, AMENDING CHAPTER 30 OF THE ZONING AND DEVELOPMENT CODE, REVISING ARTICLE I (GENERAL PROVISIONS), SECTION 30-4, TO ESTABLISH NEW FINDINGS AND CRITERIA FOR THE APPROVAL OF OTHER USES TO BE DETERMINED BY THE DIRECTOR OF COMMUNITY DEVELOPMENT; AND, AN AMENDMENT TO ARTICLE IX (OVERLAY DISTRICTS), SECTION 30-301.18, ALLOWING TEMPORARY AUTO CENTER GATEWAY SIGNS.

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

WHEREAS, Municipal Code Amendment, (MCA) No. 12-001 is consistent with the goals and policies of the General Plan.

WHEREAS, on June 5, 2012, the Planning Commission received public testimony on Municipal Code Amendment, (MCA) No. 12-001, an amendment to Chapter 30 of the Zoning and Development Code, revising Article I (General Provisions), Section 30-4, to establish new findings and criteria for the approval of other uses to be determined by the Director of Community Development; and, an amendment to Article IX (Overlay Districts), Section 30-301.18, allowing temporary auto center gateway signs; and

WHEREAS, on June 5, 2012 the Planning Commission forwarded a recommendation to the City Council to approve Municipal Code Amendment, (MCA) No. 12-001, an amendment to Chapter 30 of the Zoning and Development Code, revising Article I (General Provisions), Section 30-4, to establish new findings and criteria for the approval of other uses to be determined by the Director of Community Development; and, amending Article IX (Overlay Districts), Section 30-301.18, allowing temporary auto center gateway signs of the Fontana Municipal Code; and

WHEREAS, Municipal Code Amendment, (MCA) No. 12-001 has been reviewed pursuant to Section 15070 of the California Environmental Quality Act, and there will be no significant environmental impacts caused by this project; therefore, a Negative Declaration has been prepared; and

ATTACHMENT NO. 1

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

SECTION 1. The City Council hereby adopts the recitals of this Ordinance as true and correct and such recitals are hereby incorporated by reference as though fully set forth in the text of this Ordinance.

SECTION 2. Section 30-4, Other uses to be determined by the Director of Community Development of Chapter 30 (Zoning and Development Code) of the Fontana Municipal Code is hereby amended to read as follows:

Other uses to be determined by the Director of Community Development.
The Director of Community Development shall have the authority to determine other uses, in addition to those specifically listed in this article, which may be permitted or conditionally permitted in each of the various zones when, in his or her judgment supported by specific findings, such other uses are similar to and no more objectionable to the public welfare than those listed, provided that a medical marijuana dispensary shall not be permitted pursuant to this section. This determination (with findings) shall be in writing and shall be forwarded to the Planning Commission as a Director's report within thirty (30) calendar days of such determination. Permitted or conditionally permitted uses approved under this Director's Determination shall be considered for future incorporation into this article.

SECTION 3. Section 30-4.1, Specific Finding for Directors Determination of Other uses of Chapter 30 (Zoning and Development Code) of the Fontana Municipal Code is hereby amended to read as follows:

Specific Findings for Director's Determination of Other Uses

In reaching a determination that a use not specifically listed in this Chapter may be permitted or conditionally permitted in each of the various zones, the Director shall make the following specific findings in writing:

- (1) That the proposed use is consistent with the applicable general plan map and text, the zoning district, and all other provisions of the Zoning and Development Code.
- (2) That the proposed use will be compatible with other permitted and conditionally permitted uses in the zoning district and that there will be no reasonably foreseeable adverse effect to other surrounding properties or their permitted uses.
- (3) That the proposed use will be organized, designed, constructed, operated and maintained so as to be compatible with the character of the zoning district and surrounding zoning districts as intended by the General Plan and Zoning and Development Code.
- (4) The proposed use encompasses or incorporates similar elements of other uses that are permitted or conditionally permitted in the same zoning district in which the proposed use is being requested, or the proposed use is a new and innovative use which does not appear to

have been contemplated at the time of adoption of the Zoning and Development Code.

- (5) The proposed use is not substantially similar to a use that is specifically prohibited in the Zoning and Development Code and/or can be seen with certainty as being inconsistent with the goals and policies of the General Plan.
- (6) The proposed use is of a type, character, size, scale and nature which is compatible, conforming and otherwise harmonious with other like and similar uses, especially as related to operational characteristics such as services offered, goods, products, hours of operation, traffic and noise generation, indoor/outdoor configuration, and any other characteristic which by its existence provides factual information pertinent to the Director's Determination.

SECTION 4. Section 30-301.18, Signs and site advertising regulations of Chapter 30 (Zoning and Development Code) of the Fontana Municipal Code is hereby amended to read as follows:

- (a) *Purpose and intent.* Signage and site advertising are a key factors and an important aspect of any coordinated Auto Center project. Freeway oriented signs, dealership and other business identification signs, directional signs, banners and other types of advertising are critical to the success of the Auto Center project. The purpose and intent of the Signs and Advertising Regulations section of the Fontana Auto Center Overlay District is:
 - To promote the economic success of the Fontana Auto Center;
 - To set forth a coordinated signage and advertising program for the Overlay District that identifies this area as a major Gateway into northern Fontana;
 - To safeguard and enhance property values;
 - To protect public and private investments in property and buildings;
 - To preserve and enhance the appearance of Fontana as a place to live and work, and as an attraction to non-residents who come to visit, shop or recreate;
 - To encourage sound signing practices as an aid to businesses and for conveying information to the public;
 - To prevent excessive and confusing sign displays;

- To reduce hazards to motorists and pedestrians;
- To promote public health, safety and general welfare by regulating and controlling all matters relating to signage and advertising;

(b) *Authority and requirements.* The Fontana Auto Center Overlay District Sign and Advertising Standards shall be applied to those properties located within the Overlay District Area, in addition to the sign and advertising regulations set forth in Chapter 3 of the Fontana Municipal Code. This Overlay District modifies certain regulations contained in Chapter 3 of the Code, as enumerated herein. If there is a conflict with Chapter 3, the Overlay District standards shall prevail.

No sign shall be erected, re-erected, constructed, installed or altered except as provided for in these development regulations, and/or Chapters 3 and 30 of the Fontana Municipal Code. A sign permit must be obtained from the Building and Safety Division prior to the construction or installation of all permanent and temporary signs within the Overlay District.

No sign shall be erected or used for business purposes of any kind, except such signs that are located on the place of business, and used solely for the naming designating or identifying that specific business, enterprise, calling, product or services available on and within the premises.

The Fontana Auto Center Overlay District is designated, and shall be considered a "Commercial Complex". All applications for approval of signs shall be submitted to the City in the form of a Design Review Sign Application. The Sign Application shall outline and present the type, size, height, composition, location, color and design of all signs, banners and other types of exterior advertising to be constructed or installed. No sign, banners or other advertising shall be installed unless it conforms to an approved Design Review Sign Permit.

(c) *Permitted signs.* All permitted signs shall file an application for, and obtain an approved Design Review Sign Permit. A sign permit must be obtained from the Building and Safety Division prior to the construction or installation of any permitted permanent and temporary signs within the Fontana Auto Center Overlay District.

1. *Planning area 1—Auto center signage standards.*

- a. *Auto center identification sign.* The overall freestanding Auto Center Identification Sign with an electronic message board is allowed within the Overlay District. This sign is allowed

subject to the approval of a conditional use permit. This Identification Sign's location, size, height, design, composition, message board size, copy, area of copy, colors and materials shall be part of the conditional use permit application. At a minimum, the Auto Center Identification Sign shall identify the "Fontana Auto Center" and the "Fontana Promenade", and shall include an electronic message board.

- b. *Auto center gateway signs.* One monument sign at each end of the Auto Center close to Sierra Avenue and Citrus Avenue up to 30 feet tall that identifies the individual auto dealership name brand or their logo/symbol, per the Design Guidelines set forth in the Fontana Auto Center Overlay District. The maximum size of the dealership's combined name and logo on these monument signs is 36 square feet.

- 1) Temporary Auto Center gateway signs may be permitted prior to the construction of the permanent Auto Center gateway sign(s) as described above; One (1) temporary sign shall be permitted at each end of the Auto Center close to Sierra Avenue and Citrus Avenue.

- i. The temporary Auto Center gateway sign(s) shall be removed, prior to the issuance of a building permit for the permanent sign(s).
- ii. The sign(s) permitted in the above provision shall provide direction and identification only to dealerships located in the Auto Center Overlay District
- iii. Each individual auto dealership's name brand and/or their logo/symbol may be located on each temporary sign.
- iv. The size of the temporary Auto Center gateway sign shall not exceed ten (10) feet in height and the width shall not be more than four (4) feet.
- v. The temporary sign(s) shall be designed, constructed and installed to the satisfaction of the Director of Community Development as a design review sign on forms provided by the Planning Division.

- c. *Building mounted signs.* One wall sign is allowed per elevation fronting a parking lot or street that identifies the dealership's brand name and the dealership's logo or symbol. The maximum size of the signs and/or logo that fronts the 210 Freeway or South Highland Avenue is 400 square feet, provided the 400 square foot requirement for elevations facing South Highland Avenue is not exceeded, a secondary wall sign may be permitted provided it identifies only the ownership name or city. The maximum size of the signs and/or logo on any other elevation is limited to a total of 250 square feet. The maximum height is 40 feet on the building.
- d. *Monument signs.* One monument sign is allowed for each 200 linear feet of frontage that identifies the dealership's name and their logo or symbol. The maximum height is 12 feet above finished grade. The maximum size of the monument sign is 36 square feet, excluding the required design theme base. This monument sign is required to be set back a minimum of five feet from the street property line, and must comply with site distance traffic standards. The design of the base of all monument signs must comply with the coordinated design theme set forth in the following Design Guidelines for the Fontana Auto Center Overlay District.
- e. *Pylon signs.* One, main brand pylon sign shall be allowed for each dealership. Each dealer will be allowed to choose one of the following height and location requirements: a) a pylon sign not to exceed 30 feet in height with a maximum 100 sq. ft. sign face abutting the I-210 Freeway; b) a pylon sign not to exceed 40 feet in height with a maximum 144 sq. ft. sign face abutting the south edge of the freeway frontage road (old Highland Avenue); c) a pylon sign not to exceed 50 feet in height with a maximum 225 sq. ft. sign face located a minimum 75 feet from the I-210 freeway. Note that the 50-foot pylon sign is meant to be located adjacent to the rear of the main building and is in no case allowed between the main building and South Highland Avenue.
- f. *Service department directional signs.* Up to three wall mounted directional signs indicating service department entrance and exit lanes or other additional services, such as oil change or quick lube are allowed above the entrance of the service department. The maximum letter height of each

sign shall not exceed two feet or exceed 34 square feet in area.

- g. *On-site signs.* On-site signs that identify the Service & Parts Departments, and auto display area signs that identify specific types of vehicles. The maximum size of each on-site sign is 16 square feet.
 - h. *Vehicle display pad signs.* One dealership vehicle brand logo or symbol is allowed on the front of the vehicle display pad. Each display pad at prominent corners shall also have a city designed and approved sign that states "Fontana Auto Center". The maximum size of the vehicle logo/symbol is five square feet.
 - i. *Window signs.* Window signs provided that not more than 25 percent of the window area is obscured.
 - j. *Directional signs.* Directional signs for customer parking, service entrance and auto carrier trucks are allowed in required setback areas, subject to City approval. The size, location, height, design, color and materials of each proposed directional sign is subject to approval as a part of the Design Review Sign Permit process. The maximum size of each on-site sign is 15 square feet.
 - k. *Temporary signs.* One temporary sign can also be allowed to acknowledge future dealership locations. "Future Home of" signs are required to be removed prior to the issuance of the certificate of use and occupancy. Temporary for sale or lease signs are allowed.
 - l. *Banners.* Banners attached to on-site light standards are allowed. Light standard banners shall not add any height above the light fixtures, and are limited to five square feet in size. Banners attached to the main dealership building, interior walls or trees are not allowed.
2. *Planning area 2—Auto center supporting uses.*
- a. The standards, regulations and control of the location, size, type and number of signs located within Planning Area 2 shall be governed by the provisions of the Sign Criteria set forth in Chapter 3 and Design Review Criteria in Chapter 30 of the Fontana Municipal Code.

3. *Planning area 3—Auto center and supporting uses.*

- a. The standards, regulations and control of the location, size, type and number of signs located within Planning Area 3 shall be governed by the provisions set forth in Section 30-301.18(c), and by the Sign Criteria set forth in Chapter 3 and Design Review Criteria in Chapter 30 of the Fontana Municipal Code.

4. *Planning area 4—Auto center and complimentary uses.*

- a. The standards, regulations and control of the location, size, type and number of signs located within Planning Area 4 shall be governed by the provisions set forth in Section 30-301.18(c), and by the Sign Criteria set forth in Chapter 3 and Design Review Criteria in Chapter 30 of the Fontana Municipal Code.

(d) *Prohibited signs.* The following types of signs are expressly prohibited within the Fontana Auto Center Overlay District:

1. Roof Signs.
2. Flashing Signs.
3. Projecting Signs.
4. Portable Signs.
5. Revolving Signs.
6. Painted Signs.
7. Animated Signs, except for the City's overall Freeway Identification Sign.
8. Strings of Flags or Banners between Light Fixtures, Trees or Buildings.
9. Banners that add height to light standards.

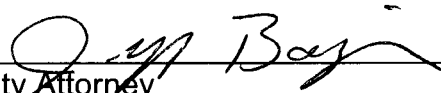
(e) *Signs not subject to the design review sign permit process.* The following types of signs do not require permits from the City:

1. The changing of advertising copy or messages on electronic message boards.
2. Window signs that do not obscure over twenty-five percent (25%) of the total window area.
3. Real estate signs, City traffic control signs and City directional signs.

4. Non-advertising signs of utility companies on equipment cabinets and meters.

SECTION 5. Effective Date. This ordinance shall take effect thirty (30) days after the date of its adoption, and prior to the expiration of the fifteen (15) days from the passage, therefore, the Ordinance, or a summary of the Ordinance, shall be published at least once in the Herald News, a newspaper of general circulation in the City of Fontana. Thereafter, this Ordinance shall be in full force and effect.

READ AND APPROVED AS TO LEGAL FORM:



City Attorney

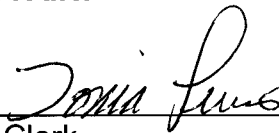
I, Tonia Lewis, City Clerk of the City of Fontana and Ex-Officio Clerk of the City Council, do hereby certify that the foregoing Ordinance is the actual Ordinance introduced at a regular meeting of said City Council on the 24th day of July, 2012 and was finally passed and adopted not less than five (5) days thereafter on the 14th day of August, 2012 by the following vote to wit:

AYES: Mayor Warren and Council Members Roberts, Slowik, Tahan, and Wibert


NOES:

ABSENT:

ABSTAIN:



City Clerk



Mayor of the City of Fontana

ATTEST:



City Clerk

NEGATIVE DECLARATION

1. Name, if any, and a brief description of project: **Municipal Code Amendment (MCA) No. 12-001, an amendment to Chapter 30 of the Zoning and Development Code, revising Article I (General Provisions), Section 30-4, to establish new findings and criteria for the approval of other uses to be determined by the Director of Community Development; and, an amendment to Article III (Design and Administrative Site Plan Review), Section 30-113, establishing additional categories for projects requiring administrative site plan review; and, an amendment to Article IX (Overlay Districts), Section 30-301.18, which will allow temporary auto center gateway signs.**

2. Location: **Citywide**

3. Entity or person undertaking project:

<u>X</u>	A. <u>Public</u>
_____	B. Other (Private)
	(1) Name: <u>City of Fontana</u>
	(2) Address: <u>8353 Sierra Avenue</u> <u>Fontana, CA 92335</u>

The City Council, having reviewed the Initial Study of this proposed project and having reviewed the written comments received prior to the public meeting of the City Council, including the recommendation of the City's Staff, does hereby find and declare that the proposed project will not have a significant effect on the environment. Brief statements of the reasons supporting the City Council's findings are as follows:

- a. **This project does not have the potential to degrade the quality of the environment.**
- b. **The project will not achieve short-term, to the disadvantage of long-term, environmental goals.**
- c. **The project does not have impacts that are individually or cumulatively considerable.**
- d. **The project will not have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly.**

The City Council hereby finds that the Negative Declaration reflects its independent judgment. A copy of the Initial Study may be obtained at:

**City of Fontana, Planning Division
8353 Sierra Avenue
Fontana, CA 92335
(909) 350-6718**

The location and custodian of the documents and any other material which constitute the record of proceedings upon which the City based its decision to adopt this Negative Declaration are as follows:

**City of Fontana, Planning Division
8353 Sierra Avenue
Fontana, CA 92335
(909) 350-6718**

Don Williams, AICP
Director of Community Development

Date Received for Filing

Notice of Determination

To: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, California 95814

From: City of Fontana
8353 Sierra Avenue
Fontana, California 92335
Ms. Stephanie Hall
Senior Planner
Tel. 909.350.6656

 X County of San Bernardino
Clerk of the Board of Supervisors
385 North Arrowhead Avenue, 2nd Floor
San Bernardino, California 92415-0130

Subject: Filing of Notice of Determination in compliance with Public Resources Code Sections 21152

State Clearinghouse Number: N/A

Project Applicant/Address: City of Fontana, 8353 Sierra Avenue, Fontana, California 92335

Project Title: Municipal Code Amendment, (AMD) No. 12-001.

Project Location: Citywide (City of Fontana, County of San Bernardino, California)

Project Description: An amendment to Chapter 30, Article I (General Provisions), Section 30-4, which will establish new findings and criteria for the approval of other uses to be determined by the Director of Community Development, Article III (Design and Administrative Site Plan Review), Section 30-113, which will include new additional categories for projects requiring administrative site plan review, and Article IX (Overlay Districts), Section 30-301.18, which will allow temporary auto center gateway signs.

This is to advise that the City of Fontana, as the [☒ Lead Agency ☐ Responsible Agency] has approved the above described Project on _____ and has made the following determinations regarding the above described Project:

1. The Project [☐ will ☒ will not] have a significant effect on the environment.
2. ☐ An Environmental Impact Report was prepared and certified for this Project pursuant to the provisions of CEQA.
 ☒ A Negative Declaration was prepared for this Project pursuant to the provisions of CEQA.
3. Mitigation measures [☐ were ☒ were not] made a condition of the approval of the Project.
4. A Mitigation Reporting/Monitoring Plan [☐ was ☒ was not] adopted for this Project.
5. A Statement of Overriding Considerations [☐ was ☒ was not] adopted for this Project.
6. Findings [☐ were ☒ were not] made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with Comments and Responses, and record of Project approval is available to the General Public on the City's website (<http://fontana.org/>) and during regular business hours at the following locations:

- Fontana City Hall, 8353 Sierra Avenue, Fontana, California 92335;

Signature (Public Agency)

Date: _____

Don Williams, AICP

Director of Community Development

Date Received for Filing at OPR: _____