

## **ORDINANCE NO. 4114**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA ADOPTING CODE AMENDMENT (CA 08-001) AMENDING THE ZONING ORDINANCE PERTAINING TO PUBLIC ASSEMBLY USES**

**WHEREAS**, the City of Pomona has duly initiated Code Amendment (CA 08-001) pertaining to public assembly uses;

**WHEREAS**, in 2000, the U.S. Congress passed the Religious Land Use and Institutionalized Persons Act (RLUIPA);

**WHEREAS**, RLUIPA prohibits local government from imposing land uses regulations that discriminate against assembly uses and institutions based on religion or religious denomination;

**WHEREAS**, RLUIPA requires that local government treat religious assembly and institutions on equal terms with non-religious assembly and institutions;

**WHEREAS**, RLUIPA prohibits local government from imposing a substantial burden on the exercise of religion unless the government demonstrates that imposition of the burden furthers a compelling government interest;

**WHEREAS**, the City desires to facilitate the development of conveniently located, well-regulated public assembly uses where people may gather for civic, cultural, educational, political and religious purposes;

**WHEREAS**, based on the foregoing, the City wishes to amend the Zoning Ordinance to establish definitions and regulations pertaining to public assembly uses in order to protect the public health, safety and welfare;

**WHEREAS**, the Planning Commission of the City of Pomona, after giving notice thereof as required by law, held a public hearing on October 8, 2008, concerning Code Amendment (CA 08-001) and carefully considered all pertinent testimony and the staff report offered in the case as presented;

**WHEREAS**, the City Council of the City of Pomona, after giving notice thereof as required by law, held public hearings on November 17, 2008, January 12, 2009, and February 2, 2009, concerning Code Amendment (CA 08-001) and carefully considered all pertinent testimony and the staff report offered in the case as presented; and

**WHEREAS**, the City Council has duly considered the proposed changes to the Zoning Ordinance as well as the impact of the changes on the general welfare of the City and the consistency of the changes with the General Plan.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Pomona as follows:

**SECTION 1.** Pursuant to the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), the City Council has determined that the project is exempt per Section 15061(b)(3). Section 15061(b)(3) exempts projects where it can be seen with

certainty that the activity does not have the potential to cause a significant direct effect on the environment. The adoption of Code Amendment (CA 08-001) to establish definitions and regulations pertaining to public assembly uses does not, in itself, have the potential to cause a significant direct effect on the environment.

**SECTION 2.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by Code Amendment (CA 08-001), or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

**SECTION 3.** Those sections of the Zoning Ordinance listed below are hereby amended in the manner stated below:

## **SECTION .062 PERTAINING TO DEFINITIONS**

Add the following new definitions in a manner consistent with the alphabetical ordering of Section 062:

**Art gallery. A facility where people view and may purchase on a retail basis works of visual art including, but not limited to, paintings, sculpture, and ceramics.**

**Auditorium. A facility designed to accommodate fewer than 300 people who gather as an audience to experience educational and cultural presentations including, but not limited to, music recitals, lectures, and plays.**

**Banquet hall. A facility primarily engaged in providing banquet rooms and meals for special occasions including, but not limited to, formal dinners, receptions, reunions, promotions, benefits, and club meetings.**

**Circuses, carnivals and fairs. Temporary events attended by people who may or may not be charged admission and which may include any combination of the following: rides, entertainment, games, food stands, exhibitions, and animal displays.**

**Commercial stadium. A privately operated open or enclosed space with tiers of seats designed to accommodate spectators for viewing any combination of the following: sports, entertainment, and other recreational events.**

**Conference center. A facility designed to accommodate fewer than 300 people and used for any combination of the following: conferences, seminars, product displays,**

recreational activities, entertainment functions, and accessory uses such as temporary outdoor displays and food preparation and service for on-site consumption.

*Convention center.* A facility designed to accommodate 300 or more people and used for any combination of the following: conventions, conferences, seminars, product displays, recreational activities, entertainment functions, and accessory uses such as temporary outdoor displays and food preparation and service for on-site consumption.

*Health club.* Any place, location, or premises used primarily for physical activities involving bodily exertion for the purpose of physical fitness, sport, or game or for the pursuit of recreational amusement including, but not limited to, gymnasiums, racquet clubs, weight training facilities, and similar athletic establishments.

*Library.* A public or quasi-public facility that houses printed and recorded material which may be used on-site or loaned for use off-site. Such material may include, but is not limited to, books, periodicals, and audio-visual recordings.

*Museum.* A public or quasi-public facility serving as a repository for collections of any combination of natural, scientific, artistic, or literary objects of interest, designed and arranged to be viewed by the public, with or without admission. Accessory uses at such facilities may include, but are not limited to, restaurants, cafeterias, and gift shops.

*Night club.* A facility where people gather for any combination of the following purposes: to view various comedy, musical, or dance performances; to dance to live or recorded music; and to consume food or beverages.

*Public assembly uses.* Facilities where groups of ten (10) or more people regularly gather for any combination of the following: civic, cultural, educational, political, and religious activities. Such facilities include art galleries; auditoriums; civic and private clubs; conference centers; educational institutions; libraries; museums; and religious facilities but do not include adult-oriented businesses; banquet halls; circuses, carnivals, and fairs; commercial stadiums; convention centers; cyber cafes; cyber learning centers; dance halls; health clubs; night clubs; restaurants; skill game centers; and theatres. For purposes of this definition, “regularly gather” shall mean assembling at the same location more frequently than once every fourteen (14) days. Notwithstanding the foregoing, this definition shall not include groups of fewer than thirty (30) people gathering within a private residence less frequently than once every six (6) days for the following purposes: (a) religious study; (b) neighborhood safety meetings which, for the purposes of this definition, shall mean neighborhood watch meetings or meetings of similar community groups, organized

to address issues such as public safety, crime reduction, and neighborhood improvement; or (c) youth activity meetings which, for the purposes of this definition, shall mean Boy or Girl Scout meetings, or meetings of similar youth groups, organized to foster the personal and social development of young people.

*Religious facility.* Premises such as, but not limited to, a cathedral, church, mosque, synagogue, or temple where people regularly gather to participate in religious meetings and where associated accessory uses may be located when authorized by the same type of land use permit required for the primary use. Such accessory uses may include, but are not limited to, living quarters for staff and day care centers. Other establishments maintained by religious organizations such as full-time educational institutions, hospitals, outdoor recreational camps, and religious retreat centers are classified according to their respective activities.

Amend the existing definition for *club* as follows:

*Club, **civic and private.** A facility without lodging where an association of persons (whether or not incorporated), religious or otherwise, **gather** for a common purpose, but not including groups which are organized primarily to render a service carried on as a business for profit.*

## SECTIONS PERTAINING TO PERMITTED USES IN VARIOUS ZONES

Amend Section .229.5.E for the R-1-20,000 single family residential district as follows:

*E. Public and private uses, as follows, subject to the granting of a ~~C~~conditional Use Permit:*

*1. ~~Churches under criteria and standards set forth in Section .5809-1 of the Comprehensive Zoning Ordinance,~~ **Public assembly uses, pursuant to Section .062, subject to the applicable development standards of this district except as follows:***

- a. **The minimum site area shall be 20,000 square feet.***
- b. **On each side of the lot, there shall be a side yard of not less than fifteen (15) feet that extends from the front yard to the rear yard and is open from the ground to the sky.***
- c. **The side and rear yards may be used for off-street parking, subject to the design and landscaping requirements of Sections .503-H and .503-J.***

*2. ~~Public libraries,~~*

*3. ~~Educational institutions (private, nonprofit),~~*

*4. ~~Civic and community clubs,~~*

*5. **2.** ~~Country clubs and golf courses, except driving ranges, miniature courses and other similar commercial enterprises;~~*

*6. ~~Museums (nonprofit),~~*

*7. **3.** ~~Planned residential unit developments;~~*

Amend Section .231.E for the R-1-10,000 single family residential district as follows:

*E. Public and private uses, as follows, subject to the granting of a conditional use permit or a public use permit:*

~~1. Churches under criteria and standards set forth in Section .5809-1 of the Comprehensive Zoning Ordinance.~~ **Public assembly uses, pursuant to .062, subject to a conditional use permit and to the applicable development standards of this district except as follows:**

- a. **The minimum site area shall be 20,000 square feet.**
- b. **On each side of the lot, there shall be a side yard of not less than ten (10) feet that extends from the front yard to the rear yard and is open from the ground to the sky.**
- c. **The side and rear yards maybe used for off-street parking, subject to the design and landscaping requirements of Sections .503-H and .503-J.**

~~2. Public libraries~~

~~3. Educational institutions (private, nonprofit).~~

~~4. Civic and community clubs.~~

~~5.~~ **Country clubs and golf courses, except driving ranges (miniature courses and other similar commercial enterprises excluded) subject to a conditional use permit.**

~~6. Museums (nonprofit);~~

~~7.~~ **Children's day nurseries subject to a conditional use permit.**

~~8.~~ **Planned residential unit developments subject to a conditional use permit.**

~~9. Repealed by Ordinance No. 3717.~~

~~10.~~ **Circuses, carnivals, fairs, and other amusements subject to a public use permit, Section .581. (Ord. No.3618, Sec.2 (part).)**

Amend Section .280.B.4 for the R-2 low density multiple-family residential zone as follows:

~~4. Churches subject to the requirements provided for in section .5809-1~~ **Public assembly uses, Pursuant to Section .062, subject to the approval of a conditional use permit and to the applicable development standards of this zone except as follows:**

- a. **The minimum site area shall be 20,000 square feet.**
- b. **On each side of the site, there shall be a side yard of not less than ten (10) feet that extends from the front yard to the rear yard and is open from the ground to the sky.**
- c. **The side and rear yards may be used for off-street parking, subject to the design and landscaping requirements of Sections .503-H and .503-J.**

Amend Section .290.B.4 for the R-3 medium density multiple-family residential zone as follows:

~~4. Churches subject to the requirements provided for in Section .5809-1~~ **Public assembly uses, pursuant to Section .062, subject to the approval of a conditional use permit and to the applicable development standards of this zone except as follows:**

- a. The minimum site area shall be 20,000 square feet.
- b. On each side of the site, there shall be a side yard of not less than ten (10) feet that extends from the front yard to the rear yard and is open from the ground to the sky.
- c. The side and rear yards may be used for off-street parking, subject to the design and landscaping requirements of Sections .503-H and .503-J.

Amend Section .300.B.3 pertaining to uses permitted in the R-4 high density multiple-family residential zone as follows:

- 3. ~~Churches subject to the requirements provided for in Section .5809-1~~ **Public assembly uses, pursuant to Section .062, subject to the approval of a conditional use permit and to the applicable development standards of this zone except as follows:**
  - a. The minimum site area shall be 20,000 square feet.
  - b. The side and rear yards may be used for off-street parking, subject to the design and landscaping requirements of Sections .503-H and .503-J.

Amend Section .316.C.3.b pertaining to uses permitted in the PRD planned residential development zone as follows:

- (b) ~~Churches, temples and other places of worship~~ **Public assembly uses, pursuant to Section .062, subject to the approval of a conditional use permit and to the development standards of the applicable specific plan.**

Amend Sections .321.B.2 and 321.B.4 pertaining to uses permitted in the A-P administrative and professional office zone as follows:

- 2. ~~Art galleries, e~~Exhibit halls for commercial and industrial exhibits provided, however, that there be no sale of stock or material from the floor and provided further, that there be no warehousing or storage either within or on the premises.
- 4. ~~Churches under criteria and standards set forth in Section .5809-1 of the Comprehensive Zoning Ordinance~~ **Public assembly uses, pursuant to Section .062, subject to the approval of a conditional use permit and to the applicable development standards of this zone except as follows:**
  - a. The minimum site area shall be 20,000 square feet.
  - b. The side and rear yards may be used for off-street parking, subject to the design and landscaping requirements of Sections .503-H and .503-J.

Amend Section .341.D pertaining to uses permitted in the C-1 neighborhood stores and services commercial zone as follows:

*D. Churches, under criteria and standards set forth in Section .5809-1 of this ordinance*  
**Public assembly uses, pursuant to Section .062, subject to the approval of a conditional use permit and to the development standards of this zone except that the minimum site area shall be 20,000 square feet.**

Amend Section .351.D.6 and delete Section .351.D.12 pertaining to uses permitted in the C-2 neighborhood shopping center commercial zone as follows:

*6. Library* **Public assembly uses, pursuant to Section .062, subject to the approval of a conditional use permit and to the development standards of this zone except that the minimum site area shall be 20,000 square feet.**

*12. Educational Institutions (subject to obtaining a Conditional Use Permit and subject to Development Standards in Section .353 and Parking Standards in Section .503) (Ord. No. 3619, Sec. 2 (part).)*

Delete Section .361.B.16 pertaining to uses permitted in the C-3 general commercial zone as follows and renumber remaining uses under .361.B as necessary:

*16. Museum*

Amend Section .361.C pertaining to uses permitted in the C-3 general commercial zone as follows:

*C. OFFICE, GROUND OR STORAGE SPACE*

*1. Auditoriums, meeting halls, for fraternal and service organizations*

*2. **1. Business colleges or private schools***

Add Sections .361.F.9 and .361.F.10 pertaining to conditionally permitted uses in the C-3 general commercial zone as follows:

**9. Banquet halls, pursuant to Section. 062, subject to the development standards of this zone except that the minimum site area shall be 20,000 square feet.**

**10. Public assembly uses, pursuant to Section .062, subject to the development standards of this zone except that the minimum site area shall be 20,000 square feet.**

Add Section .366.D.11 pertaining to uses permitted in the C-C community shopping commercial zone as follows:

**11. Public assembly uses, pursuant to Section .062, subject to the approval of a conditional use permit and to the development standards of this zone except that the minimum site area shall be 20,000 square feet.**

Add Sections .371.D.21 and .371.D.22 pertaining to conditionally permitted uses in the C-4 highway commercial zone as follows:

**21. Banquet halls, pursuant to Section. 062, subject to the development standards of this zone except that the minimum site area shall be 20,000 square feet.**

**22. Public assembly uses, pursuant to Section .062, subject to the development standards of this zone except that the minimum site area shall be 20,000 square feet.**

Delete Section .391.D pertaining to uses permitted in the C-IND commercial and industrial zone as follows:

*D. ~~Churches, under criteria and standards set forth in Section .5809-1 of the comprehensive zoning ordinance.~~*

Amend Section .391.F.2 pertaining to uses permitted in the C-IND commercial and industrial zone as follows:

*2. A minimum separation of three hundred feet shall be required from a proposed homeless shelter and another such homeless shelter or between any group ~~home~~ care facility listed in Section .231.F, or between any single family residential district. Existing shelters established within a ~~church~~ use **religious facility** shall not be included in the minimum separation requirements.*

Amend Section .391.H.1 pertaining to conditionally permitted uses in the C-IND commercial and industrial zone as follows:

- 1. Fortunetellers, subject to the following standards:
  - a. Such use may not be located within 300 feet of a ~~church~~ **religious facility**, park, school or residential use.*
  - b. Such use shall not operate before 9 a.m. or after 10 p.m. (Ord. No. 3621, Section 10.)**

Add Sections.391.H.5 and .391.H.6 pertaining to conditionally permitted uses in the C-IND commercial and industrial zone as follows:

**5. Banquet halls, pursuant to Section. 062, subject to the development standards of this zone except that the minimum site area shall be 20,000 square feet.**

**6. Public assembly uses, pursuant to Section .062, subject to the development standards of this zone except that the minimum site area shall be 20,000 square feet.**

Amend Section .396.m pertaining to uses permitted in the M special industrial zone as follows:

(m) ~~Church uses~~ **Public assembly uses, pursuant to Section .062, that are to be located in multi-use industrial parks shall be permitted only in accordance with the standards specified in Section .5809, Special Uses Church (Ord. No. 3236, Section 2.), subject to the approval of a conditional use permit and to the development standards of this zone.**

Amend Section .398.e pertaining to uses expressly prohibited in the M special industrial zone as follows:

(e) ~~Churches~~ **Public assembly uses, pursuant to Section .062, not located within a multi-use industrial park.**

Amend Section .411.A.14 pertaining to uses permitted in the M-1 light industrial zone as follows:

14. ~~Churches shall be permitted only in accordance with the standards specified in Section .5809-1 Special Uses Churches. (Ord. No. 3226, Section 4; Ord. No. 3622, Section 2.)~~ **Public assembly uses, pursuant to Section .062, subject to the approval of a conditional use permit and to the development standards of this zone except that the minimum site area shall be 20,000 square feet.**

Amend Section .411.A.16 pertaining to uses permitted in the M-1 light industrial zone as follows:

16. Fortunetellers, subject to **the** granting of **a** conditional use permit per Section .580 and the following standards:

- a. Such use may not be located within 300 feet of a ~~church~~ **religious facility**, park, school or residential zone.
- b. Such use shall not operate before 9 a.m. or after 10 p.m. (Ord. No. 3621, Section 11.)

Add Sections .411.A.22 and .411.A.23 pertaining to uses permitted in the M-1 light industrial zone as follows:

**22. Banquet halls, pursuant to Section .062, subject to the approval of a conditional use permit and to the development standards of this zone except that the minimum site area shall be 20,000 square feet.**

**23. Public assembly uses, pursuant to Section .062, subject to the approval of a conditional use permit and to the development standards of this zone except that the minimum site area shall be 20,000 square feet.**

**SECTIONS PERTAINING TO GENERAL DEVELOPMENT STANDARDS**

Delete Section .503-D.d pertaining to yards as follows and re-letter the remaining sections in .503.D as necessary:

*(d) — Schools, churches and institutions:  
In the “A-P,” “T-P,” “T,” “R,” and “O-P” districts no building shall be hereafter erected, structurally altered or used for a school church, institution or other similar use, permitted either as a matter of right or under the conditional use regulations of Section .580, unless such buildings have a front yard not less than that prescribed by the district in which said building is located, but in no case less than twenty feet, and further, that said buildings shall be removed not less than twenty feet from all other property lines. Side and rear yards may be used for required off street parking: provided, that there is a six foot masonry wall erected on the property line. (See Section 503 1.) The front yard shall be landscaped with appropriate materials and shall be maintained. (Ord. No. 1991, § 2.)*

Amend Section .503-H.F.f pertaining parking standards as follows:

<i>f. Churches, theaters, clubs, auditoriums, lodge halls and other places of fixed assembly</i> <b><u>Clubs (civic and private), banquet halls, dance halls, night clubs, religious facilities, theaters and auditoriums, pursuant to Section .062</u></b>	<i>One space for every three permanent seats in the main assembly area or one space for every thirty five square feet of seating area where temporary or moveable seats are provided (Ord. No. 3597, Section 2; Ord. No. 3661, Section 11.)</i> <b><u>thirty-five (35) square feet of assembly area</u></b>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Amend Section .503-H.F.h pertaining parking standards as follows:

<i>h. Dance floors</i> <b><u>Convention centers and conference centers, pursuant to Section .062</u></b>	<i>One space for every thirty five square feet of dance floor</i> <b><u>The number of parking spaces may be provided in accordance with Section .503-H.F.4 (Parking Study)</u></b>
-------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Add Section .503-I.3.e pertaining to required fences and walls as follows:

**(e) PUBLIC ASSEMBLY USES**

**A six foot high solid decorative masonry wall shall be constructed on the property line of any site containing a public assembly use, pursuant to Section .062, that abuts a residential district or use. Said wall need not be constructed within the required front yard or any side yard facing a public street unless necessary to screen an off-street parking area visible from a public street; in such case, a maximum three (3) foot high wall shall be provided. If abutting a required landscape area, said wall shall be placed on the interior line of such landscaping.**

Amend the opening paragraph of Section .503-K.G pertaining to the various types of permitted signs as follows:

*G. Permitted Signs in ~~Commercial, Industrial, Manufacturing, and Institutional Zones.~~  
The following signs shall be permitted subject to the requirements contained herein:*

Amend Section .503-K.G.16 pertaining to church signs as follows:

16. ~~Church~~ **Religious facility** signs. The following standards shall be met **for a religious facility, pursuant to Section .062:**
- a. Number. One (1) Monument Sign, and either one (1) Wall Directory Sign or one (1) Freestanding Directory Sign for ~~the church~~ **a religious facility** and its accessory uses.
  - b. Size and Height. A Monument Sign for a ~~church~~ **religious facility** shall not exceed thirty-two (32) square feet in size and seven (7) feet in height, and a Wall Directory Sign or Freestanding Directory Sign shall not exceed twenty-four (24) square feet in size. A Wall Directory Sign shall be mounted no higher than ten (10) feet from the ground and a Freestanding Directory Sign shall not exceed seven (7) feet in height.
  - c. Location and Mounting. A Monument Sign shall not be placed within five (5) feet of any property line and shall be within a landscaped area or planter. A Wall Sign or Directory Sign shall not be mounted higher than the building wall.

## **SECTION .580 PERTAINING TO CONDITIONAL USE PERMITS**

Add the following new use in a manner consistent with the alphabetical ordering of Section .580.J pertaining to uses requiring a conditional use permit:

\* **Banquet halls, pursuant to Section .062**

**C-3, C-4, C-IND,**  
**M-1, M-2**

Delete the following portion of Section .580.J pertaining to uses requiring a conditional use permit as follows:

<p><del>* Churches, subject to the provisions of Section .5809.1</del></p>	<p><del>R-1 6000, R-1 7200, R-1 7500, R-1 10,000, R-1 E, PRD, M, M-1</del></p>
----------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------

Delete the following portion of Section .580.J pertaining to uses requiring a conditional use permit as follows:

<p><del>* Clubs and lodges (private, nonprofit)</del></p>	<p><del>R-1 6000, R-1 7200, R-1 7500, R-1 10,000, R-1 15,000, R-1 20,000, R-1 40,000, R-1 E, R-2 A-P, C-C</del></p>
-----------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------

Delete the following portion of Section .580.J pertaining to uses requiring a conditional use permit as follows:

<p><del>* Educational institutions (private, nonprofit)</del></p>	<p><del>R-1 6000, R-1 7200, R-1 7500, R-1 10,000, R-1 15,000, R-1 20,000, R-1 40,000, R-1 E, R-2, &amp; PRD</del></p>
-------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------

Amend the following portion of Section .580.J pertaining to uses requiring a conditional use permit as follows:

<p><del>* Fortunetelling, not located within 300' of a church <b>religious facility</b>, park, school, or residential zone and not operating before 9 a.m. or after 10 p.m.</del></p>	<p><del>C-4, CIND</del></p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------

Delete the following portion of Section .580.J pertaining to uses requiring a conditional use permit as follows:

<i>* Museums and libraries (nonprofit)</i>	<del>R-1 6000, R-1 7200, R-1 7500, R-1 10,000, R-1 15,000, R-1 20,000, R-1 40,000, R-1 E, R-2, A-P</del>
--------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------

Add the following new use in a manner consistent with the alphabetical ordering of Section .580.J pertaining to uses requiring a conditional use permit:

<b><u>Public assembly uses, pursuant to Section .062</u></b>	<b><u>All residential, commercial, industrial and professional zones</u></b>
--------------------------------------------------------------	------------------------------------------------------------------------------

Delete the following portion of Section .580.J pertaining to uses requiring a conditional use permit as follows:

<i>* Schools, private</i>	<del>A-P</del>
---------------------------	----------------

**SECTIONS PERTAINING TO SPECIFIC USES IN VARIOUS ZONES**

Delete Section .5809.1 pertaining to churches as follows:

~~1. Churches. Churches shall be allowed in the various single family residential districts and in the various industrial zoning districts upon approval of a conditional use permit by the planning commission. Churches shall be allowed by right in the various multiple family residential, professional, and commercial zoning districts. All churches shall comply with the following criteria and standards applicable to the respective zone in which they are located. (Ord. No. 3622, § 5.)~~

~~a. In considering a new church use or facility, the planning commission shall make a finding that the size of the proposed church site is adequate to accommodate the proposed church use, that the use and facility will be harmonious with the surrounding land uses, that the health, safety, and welfare of the public is not endangered by the~~

~~surrounding land uses, and that appropriate conditions to mitigate any foreseen land use conflicts have been applied. (Ord. No. 3622, § 5.)~~

~~b. A new church structure must have street frontage of not less than one hundred feet on a dedicated or private street. (Ord. No. 3622, § 6.)~~

~~c. Front, side, and rear yards as for new church structures prescribed by the zoning district, but in no case less than twenty feet, except when such a use is located within a multi use facility. When such use is located in a multi use facility, the development setbacks applicable to the development as an entirety shall be adhered to.~~

~~d. Off street parking:~~

~~(1) In all zoning districts the parking ratio shall be at the ratio of a minimum of one parking space for every four seats or one parking space for every forty square feet of area within the areas used for worship service purposes, whichever is greater. (Ord. No. 3597, § 3.)~~

~~(2) When a church use is to be located in an industrial zone, and the parking spaces exclusively assigned to the unit used by the church are insufficient to meet the required parking ratios, the following shall be submitted to the planning commission in conjunction with the conditional use permit application:~~

~~(a) A shared parking agreement between the church use and both the lessor of the site and the impacted lessees in the industrial park. This agreement shall designate which parking spaces can be utilized by the church; the times that such spaces will be available to the church use; and any limitations or conditions imposed on the agreement. Additionally the agreement shall include information to the impacted lessees that they have the right to request that the planning commission revoke the conditional use permit granted to the church in the event that the church use substantially violates the parking agreement. (Ord. No. 3622, § 7.)~~

~~e. At least two percent of any off street parking area shall be landscaped and maintained. Each planted area shall contain a minimum of twenty four square feet; shall be bordered by a concrete or equal curb of not less than six inches in height; shall be generally dispersed through the entire off street parking and shall be provided with a permanent watering system. Said planting shall consist of trees and/or shrubs of not less than fifteen and five gallon stock sizes respectively.~~

~~The planting plan may be designed to allow for multiple use of a parking lot for a children's play area but shall conform to the two percent standard.~~

~~The entire front yard and side yard (if not utilized in off street parking or driveway) shall be landscaped and maintained with trees and/or shrubs (stock size as above) or ground cover or plant material including lawn which shall be provided with a permanent watering system, and well maintained.~~

~~A five foot planting strip with material and irrigation as indicated above shall be provided on any side yard on a public street which faces a residential district when said side yard is utilized as an off street parking or driveway area.~~

~~Landscaping requirements will apply to only that land being developed and not land being held for future expansion.~~

~~All church uses in the various industrial zoning districts shall adhere to the landscaping requirements established for the entirety of the project.~~

~~f. A six foot high solid masonry wall shall be constructed on any church property line which abuts a residential district. Said wall need not be constructed within the required front yard or any side yard facing a public street unless necessary to screen an off-street parking area. Within the various residential districts, a four foot high solid masonry wall shall be constructed on the outside perimeter of all off-street parking areas visible from a public street. If abutting a required landscape area, said wall shall be placed on the interior line of such landscaping.~~

~~g. Repealed by Ordinance No. 3625.~~

~~h. Conversion of existing structures, facilities or use. If valid, enforceable restrictions prohibiting use conversions are applicable to a proposed church site, such restrictions shall be respected by the city. If no valid, enforceable restrictions are applicable, the following standards shall be applied: (1) In the various commercial and professional zones structures may be converted into churches providing all other criteria and standards can be met.~~

~~(2) In the various residential zones, the structural alteration of a residential structure to accommodate church uses is prohibited. All applicable criteria and standards must be met for all use conversion.~~

~~(3) Repealed by Ordinance No. 3622.~~

~~i. Variance from the above criteria and standards may be granted by the planning commission if requests for same are contained within the original request for a conditional use permit thereby guaranteeing adequate notification to surrounding property owners.~~

~~If not a part of the original request for conditional use permit, the normal variance procedure and filing fee as contained in the Comprehensive Zoning Ordinance shall apply.~~

~~j. Collateral Church Uses:~~

~~A church use proposing to locate in an industrial zone shall specify on their conditional use permit application all the collateral uses they propose to conduct beyond their worship services. Such uses may include: Weddings, funerals, recreational events, counseling services, catechism classes, bible school, parsonage, meetings of church organizations, special events, special religious services (beyond the regular worship service), bingo, fund raisers, church management meetings, and all other uses beyond the regular worship service use.~~

~~The planning commission shall review such collateral uses on the basis of their compatibility with both the surrounding industrial uses and the submitted parking plan. Such collateral uses shall be permitted if it can be determined that the collateral use is compatible with the surrounding industrial uses and in conformance with the parking plan. Such permitted uses may have reasonable conditions applied as per Section .5809-~~

~~k. Such collateral uses shall be prohibited if the use poses a danger to the health, safety or welfare of the public via an incompatibility with the surrounding industrial uses or if~~

~~such collateral use is not able to comply with the submitted approved parking plan. If after establishment of the church, additional collateral uses are proposed by the church, such additional uses shall be submitted to the planning commission for their review and approval.~~

~~k. The planning commission or city council may impose additional reasonable conditions to those set forth here to insure public health, safety, and welfare.~~

~~1. The criteria and standards contained herein shall not be retroactive. (Ord. No. 2123, § 1.)~~

~~2. Repealed by Ordinance No. 3698.~~

Amend Section .5809.4.f pertaining to proximity requirements for off-sale and on-sale alcoholic establishments as follows:

*(f) Proximity: The proposed location shall be sufficiently removed from any existing residential development or zoning and any ~~church~~ **religious facility**, school, park or playground so as not to be detrimental to that use.*

Amend Section .583.E.4 pertaining to permitted temporary church uses as follows:

*4. ~~Church~~ **Sales, bazaars, dinners, parties or other outdoor events on church property (other than uses as listed in 1 and 2 above) held by and on the property of a religious facility** shall not be restricted as to number of occasions or duration.*

**SECTION 4.** The City Clerk shall attest to the passage and adoption of this Ordinance, and shall cause same to be posted as required by law, and this Ordinance shall take effect thirty (30) days after its final adoption.

**PASSED AND ADOPTED THIS 16<sup>th</sup> DAY OF MARCH, 2009.**

**ATTEST:**

**CITY OF POMONA:**

\_\_\_\_\_  
Marie Michel Macias, City Clerk

\_\_\_\_\_  
Elliott Rothman, Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Arnold Alvarez-Glasman, City Attorney

STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES  
CITY OF POMONA

I, MARIE MICHEL MACIAS, CITY CLERK of the City of Pomona do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Pomona held on the 2<sup>nd</sup> day of February, 2009 and adopted on the 16th day of March, 2009 by the following vote:

AYES: COUNCILMEMBERS: Soto, Lantz, Saunders, Atchley, Carrizosa  
NOES: COUNCILMEMBERS: None  
ABSENT: COUNCILMEMBERS: Rodriguez, Rothman  
ABSTAIN: COUNCILMEMBERS: None

---

Marie Michel Macias, City Clerk