

Article 4:

General Administration

Sections:

- 9-1.0400: Purpose
- 9-1.0405: Zoning Administrator
- 9-1.0410: Development Advisory Board
- 9-1.0412: Historic Preservation Subcommittee
- 9-1.0413: Historic Preservation Commission
- 9-1.0415: Planning Commission
- 9-1.0420: City Council
- 9-1.0425: Permits and Approval Authority
- 9-1.0430: Applications and Fees
- 9-1.0435: Environmental Review
- 9-1.0440: Limitations on Application Refiling
- 9-1.0450: Public Hearing Notices
- 9-1.0450: Public Hearing Procedures
- 9-1.0455: Certificates of Occupancy

Sec. 9-1.0400: Purpose

The purpose of this article is to:

- A. Identify each reviewing and approval authority in the city, their powers and duties and related information;
- B. Identify clearly all steps necessary to obtain requisite City approvals relating to land uses and regulations set forth in the Development Code; and
- C. Establish procedures for filing applications for necessary permits and other approvals.

Sec. 9-1.0405: Zoning Administrator

- A. **Established.** In accordance with the authority granted to municipalities by State Planning and Zoning Law, pursuant to Government Code Division 1, Chapter 3 (commencing with California Government Code § 65100), there is hereby created and established in the City of Ontario, the position of Zoning Administrator, which shall be filled by the Planning Director or his/her designee.
- B. **Powers and Duties.** The Zoning Administrator shall have the power and duty to review and make decisions on those application types identified in Table 4-1 (Permit Approval Matrix) of this article.
- C. **Meetings.** The Zoning Administrator shall adopt rules and procedures governing meeting business, conduct and actions within the Zoning Administrator's jurisdiction and setting timeframes for such meetings.

Sec. 9-1.0410: Development Advisory Board

- A. **Established.** In accordance with the authority granted to municipalities by State Planning and Zoning Law, pursuant to Government Code Division 1, Chapter 3 (commencing with California Government Code § 65100), there is hereby created and established in the City of Ontario, a Development Advisory Board.
- B. **Powers and duties.** The Development Advisory Board shall have the authority to hear, recommend and decide on those application types identified in Table 4-1 (Permit Approval Matrix) of this article.
- C. **Meetings.** The Development Advisory Board shall adopt rules and regulations to govern the procedures at meetings within the Board's jurisdiction and to set a time for such meetings.

- D. **Membership.** The Development Advisory Board shall include those representatives of certain City departments and agencies as established by Resolution of the City Council.

Sec. 9-1.0412: Historic Preservation Subcommittee

- A. **Established.** In accordance with the authority granted to municipalities by State Planning and Zoning Law, pursuant to Government Code Division 1, Chapter 3 (commencing with California Government Code § 65100), there is hereby created and established in the City of Ontario, an Historic Preservation Subcommittee.
- B. **Membership.** The Historic Preservation Subcommittee shall consist of 3 members of the Historic Preservation Commission, to be appointed by the Historic Preservation Commission.
- C. **Powers and duties.** The Historic Preservation Subcommittee shall have the following powers and duties:
1. The authority to hear make recommendations and/or decide on those application types identified in Table 4-1 (Permit Approval Matrix) of this article.
 2. The authority to review historic preservation work program, assist staff in any survey or historic research being conducted, and review of the City's list of Historical Resources.
 3. The authority to act upon appeals of administrative decisions concerning Historical Resources under this development code made by any City Department.
- D. **Meetings.** The Historic Preservation Commission shall adopt rules and procedures governing meeting business, conduct and actions within the Historic Preservation Subcommittee's jurisdiction and setting timeframes for such meetings.

Sec. 9-1.0413: Historic Preservation Commission

- A. **Established.** In accordance with the authority granted to municipalities by State Planning and Zoning Law, pursuant to Government Code Division 1, Chapter 3 (commencing with California Government Code § 65100), there is hereby created and established in the City of Ontario, an Historic Preservation Commission.
- B. **Membership.** The Historic Preservation Commission shall consist of the members of the Planning Commission.
- C. **Powers and duties.** The Historic Preservation Commission shall have the following powers and duties:
1. Establish criteria for and conduct or cause to be conducted a comprehensive survey in conformance with state survey standards and guidelines of Historical Resources within the boundaries of the City. Publicize and periodically update the survey results.
 2. The authority to hear make recommendations and/or decide on those application types identified in Table 4-1 (Permit Approval Matrix) of this article.
 3. Authority to act upon an appeal of any order, requirement, permit, decisions, or determination concerning Historic Resources under this development code made by the Historic Preservation Subcommittee.
 4. Maintain a local register of Designated Historic Landmarks and Districts consistent with the National Register of Historic Places criteria including all information required for each designation.
 5. Undertake any other action or activity necessary or appropriate to implement its powers or duties to fulfill the objectives of the Historic Preservation program.
- D. **Meetings.** The Historic Preservation Commission shall adopt rules and procedures governing meeting business, conduct and actions within the Historic Preservation Commission's jurisdiction and setting timeframes for such meetings.

Sec. 9-1.0415: Planning Commission

- A. Established.** The Planning Commission's establishment, membership and operation is recognized in Ontario Municipal Code Title 2, Chapter 2, Article 3, commencing with § 2-2.301.
- B. Powers and duties.** The Planning Commission shall have the authority to hear, recommend and decide on those application types identified in Table 4-1 (Permit Approval Matrix) of this article. In addition, the Planning Commission shall have the authority to act upon an appeal of any order, requirement, permit, decision or determination concerning land use under this Development Code made by an administrative or appointed official or body, such as the Planning Director, Development Director, Zoning Administrator or Development Advisory Board.
- C. Meetings.** The Planning Commission shall adopt rules as necessary to the conduct of its affairs and in keeping with the provisions of this chapter. Meetings shall be held on a regular basis and open to the public. The Planning Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, and shall keep records of its own examinations and other official actions, which shall be filed in the Ontario Planning Department.

Sec. 9-1.0420: City Council

- A. Established.** The City Council's establishment, membership and operation is recognized in Ontario Municipal Code Title 2, Chapter 1, commencing with Article 1, § 2-1.101.
- B. Powers and duties.** The City Council shall have the authority to hear and decide on those application types identified in Table 4-1 (Permit Approval Matrix) of this article and shall have review and final authority on all appeals of Planning Commission or Historic Preservation Commission actions.

Sec. 9-1.0425: Permits and Approval Authority

- A.** Table 4-1 (Permit Approval Matrix) establishes the final reviewing authority for all land use and development entitlements in the City of Ontario. The symbols used within the Table have the following meanings:

X = Approving Authority

A = Appeal Authority (pursuant to Article 5 (Appeals) of this chapter)

R = Recommending (Advisory) Authority

- B.** A project requiring the filing of more than one land use or entitlement permit application shall, to the extent possible, file all related applications for concurrent review and action by the highest required approving authority, excepting an Administrative Exception filed in conjunction with a Development Plan, which shall require separate action by the Zoning Administrator and Development Advisory Board, respectively.

Table 4-1 - Permit Approval Matrix

<i>Application Type</i>	<i>Approving Authority</i>						
	<i>Planning Director</i>	<i>Zoning Administrator [2]</i>	<i>Development Advisory Board</i>	<i>Historic Preservation Subcommittee[2]</i>	<i>Historic Preservation Commission</i>	<i>Planning Commission</i>	<i>City Council</i>
A. Administrative Exceptions		X				A	
B. Amendments							
1. General Plan						R	X
2. Development Code						R	X
3. Zoning Map						R	X
C. CC & R Review	X						
D. Conditional Use Permit							

Application Type	Approving Authority						
	Planning Director	Zoning Administrator [2]	Development Advisory Board	Historic Preservation Subcommittee[2]	Historic Preservation Commission	Planning Commission	City Council
1. Use to be established within a new structure			R			X	
2. Use to be established within an existing structure [1]		X				A	
E. Determination of Use		X				A	
F. Development Agreement [1]						R	X
G. Development Plan							
1. Industrial developments exceeding a floor area ratio of 0.45			R			X	A
2. Residential developments totaling 5 or more dwelling units or the development of 3 or more dwelling units on a single lot or parcel			R			X	A
3. Others			X[5]			A	
H. Environmental Determinations/Actions							
1. Environmental impact report						X[4]	X[4]
2. Exempt projects	X[4]	X[4]	X[4]	X[4]	X[4]	A	
3. Ministerial projects	X[4]						
4. Negative declaration/mitigated negative declaration		X[4]	X[4]	X[4]	X[4]	X[4]	X[4]
I. Historic Preservation							
1. Certificate of Appropriateness [1]							
(i) Eligible historic resources				X	A		A
(ii) Designated historic landmarks and contributors				R	X		A
2. Certificate of Economic Hardship [1]				R	X		A
3. Removal or addition to the Ontario Register				X	A		A
4. Historic Landmark Designation [1]				R	R		X
5. Historic District Designation [1]				R	R		X
6. De-designation				X	A		A
7. Tier Designation							
(i) Tier I and II				R	X		A
(ii) Tier III				X	A		A
8. Mills Act contracts [1]				R	R		X
9. Placement of landmarks or districts on the National Register of Historic Places or the California Register of Historic Resources [1]				R	R		A
J. Home Occupation	X					A	
K. Lodging House Permit	X					A	
L. Large family day care		X				A	
M. Massage Permit							
1. Massage establishment		X				A	
2. Massage therapist		X				A	
N. Master Plan of Streets Amendment [1]			R			R	X
O. Occupancy	X					A	
P. Parking Reduction per § 9-1.3015 of this chapter			R			X	A

Application Type	Approving Authority						
	Planning Director	Zoning Administrator ^[2]	Development Advisory Board	Historic Preservation Subcommittee ^[2]	Historic Preservation Commission	Planning Commission	City Council
Q. Plan Check	X					A	
R. Planned Residential Development [1]			R			X	A
S. Planning Area Plan			R			X	A
T. Sign Plan	X					A	
U. Sign Program	X					A	
V. Specific Plan							
1. New Specific Plan [1]			R			R	X
2. Specific Plan Amendment [1]			R			R	X
W. Subdivision Maps—Parcel and Tract							
1. Final							X
2. Tentative [1]			R			X	A
X. Temporary Sign Permit	X					A	
Y. Temporary Use Permit	X					A	
Z. Time Extension		X				A	
AA. Planned Unit Development [1]			R	X [3]		R	X
BB. Variance							
1. Homeowner [1]		X				A	
2. Other						X	A
CC. Williamson Act Contract [1]						R	X

Notes:

1. Public hearing is required
2. The approving authority may refer any application subject to their review to the next higher authority (appeal authority).
3. If applicable per Article 26 (Historic Preservation) of this chapter.
4. The approving authority for environmental determinations/actions shall be the authority responsible for action on the associated application type. A Negative Declaration or Mitigated Negative Declaration that is not associated with, or is independent of, an established application type, shall be subject to Development Advisory Board review and action. An Environmental Impact Report that is not associated with, or is independent of, an established application type, shall be subject to Planning Commission review and action.
5. Development Plan applications submitted for concurrent review with another application type requiring Planning Commission action shall also be reviewed and acted upon by the Planning Commission.

Sec. 9-1.0430: Applications and Fees

The following provisions prescribe the procedures and requirements for the filing of applications for permits, amendments and approvals prescribed by this Development Code:

- A. Application filing.** An application for a permit, permit modification, amendment or any other matters pertaining to this chapter shall be filed with the Planning Department on a City application form, together with any required fees, plans, maps, reports, special studies, exhibits, and any other information deemed necessary by the Department to process the application. An application may be initiated by the City, or owner(s) or lessee(s) of property or their agent(s), or person(s) who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this Development Code or their agent(s).

- B. Fees.** The City Council shall, by resolution, establish a schedule of fees for permits, amendments, and other matters pertaining to this Zoning Ordinance. The schedule of fees may be changed or modified only by resolution of the City Council. Until all applicable fees have been paid in full, review shall not commence on any application. Failure to pay all applicable fees in full is grounds for not accepting and application as complete for filing and/or processing, and for denial of an application.

Sec. 9-1.0435: Environmental Review

The City of Ontario will conduct an environmental review of each project submitted for City approval in accordance with the City's adopted guidelines for implementing the California Environmental Quality Act (CEQA). Depending on the nature and scope of the proposed project, a negative declaration, mitigated negative declaration, or environmental impact report may need to be completed. Negative declarations and environmental impact reports shall be prepared based on CEQA, implementing guidelines and City of Ontario environmental guidelines.

Sec. 9-1.0440: Limitation of Application Refiling

A final action denying an application for a change in zoning district, Development Plan or other development permit, Conditional Use Permit or other land use decision, Variance or Administrative Exception, or tentative subdivision map relative to a specific lot(s) or parcel(s), shall prohibit the further filing of the same or a substantially similar application for a period of not less than one (1) year from the date of application denial.

Sec. 9-1.0445: Public Hearing Notices

- A.** Public notice shall be given for hearings in the manner prescribed by Table 4-2 (Public Hearing Notices).
- B.** Public hearing notices shall contain the following information:
1. A general description, in text or by diagram, of the location of the real property that is the subject of the hearing;
 2. Time, place and location of the public hearing;
 3. A general description of the matter to be considered;
 4. A statement indicating that additional application materials and documentation are on file with the City of Ontario and where such additional project information may be viewed or obtained;
 5. A statement that any interested person may appear at the hearing or submit written material prior to the commencement of the hearing.
 6. The identity of the hearing body or officer.
- C.** Public hearing notices shall be given a minimum of 10 days in advance of any hearing and shall be distributed in one of the following methods, as necessary:
1. First Class Mail or delivery to:
 - (i) Any person filing a request to the Planning Department to receive such notices; and
 - (ii) All owners of real property located within 300 FT of the exterior boundaries of the property that is the subject of the hearing, as shown on the last equalized assessment roll, or records of the county assessor or tax collector if those records contain more recent information than the information contained on the assessment roll; and
 - (iii) The owner's duly authorized agent, if any; and
 - (iv) The project applicant; and
 - (v) Any owner of a mineral right pertaining to the subject real property who has recorded a notice of intent to preserve the mineral right pursuant to California Civil Code § 883.230; and

- (vi) Each local agency expected to provide water, sewage, streets, roads, schools or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected.
2. If the number of owners to whom notice would be mailed or delivered pursuant to paragraph C.1(ii) of this section, is greater than 1,000, in lieu of mailed or delivered notice, a display advertisement of at least 1/8 page may be placed in at least one newspaper of general circulation within the City of Ontario.
 3. If notice is mailed or delivered pursuant to paragraph (C)(1)(ii) of this section, notice shall also be published in at least one newspaper of general circulation in the City of Ontario or, if there is no such newspaper of general circulation, the notice shall be posted in at least 3 public places within the boundaries of the city, including the subject site.
 4. In addition to the public noticing required by paragraphs (C)(1) through (C)(3) of this section, the City may give notice of a hearing in any other manner deemed necessary or desirable by the Planning Director.
- D. Notices required in accordance with the California Environmental Quality Act (CEQA) shall be prepared and advertised in accordance with the City's adopted guidelines for the implementation of CEQA, which are on file in the Planning Department.
- E. If an applicant or affected person requests a public hearing regarding a large family child day care application in accordance with § 9-1.1305; Child Care Facilities of this chapter, noticing requirements in subsections (A) through (D), above, shall be complied with.

Table 4-2: Public Hearing Notice Matrix

Application Type/Subject	Notification			
	Not Required	Newspaper or Posting	First class mail or delivery	Newspaper – 1/8 page advertisement if the number to whom notices would be mailed or delivered is greater than 1,000
A. Administrative Exception	X			
B. Amendments				
1. Development Code		X	X	X
2. General Plan		X	X	X
3. Zoning Map		X	X	X
C. CC&R Review	X			
D. Conditional Use Permit		X	X	
E. Determination of Use	X			
F. Development Agreement		X	X	
G. Development Plan		X		
H. Environmental Determinations/Actions				
1. Negative Declaration/Mitigated Negative Declaration		X		
2. Environmental Impact Report		X	X	X
3. Exemptions	X			
I. Historic Preservation				
1. Certificate of Appropriateness		X	X	
2. Certificate of Economic Hardship		X	X	
3. Removal of properties from the Ontario Register		X	X	

Application Type/Subject	Notification			
	Not Required	Newspaper or Posting	First class mail or delivery	Newspaper – 1/8 page advertisement if the number to whom notices would be mailed or delivered is greater than 1,000
4. Historic Landmark Designation [1]		X	X	
5. Historic District Designation		X	X	
6. Mills Act Contract		X	X	
7. Placement of Landmarks or Districts on the National Register of Historic Places or the California Register of Historic Resources		X	X	
J. Home Occupation	X			
K. Lodging House Permit	X			
L. Large Family Child Day Care	X		X[1]	
M. Massage Permit	X			
N. Master Plan of Streets Amendment		X	X	
O. Occupancy	X			
P. Plan Check	X			
Q. Planned Residential Development		X	X	
R. Planning Area Plan		X	X	
S. Parking Reduction (per § 9-1.3015(2) of this chapter)	X			
T. Sign Plan	X			
U. Sign Program	X			
V. Specific Plan				
1. New Specific Plan		X	X	
2. Specific Plan Amendment		X	X	
W. Subdivision Maps—Parcel and Tract				
1. Final	X			
2. Tentative		X	X	
X. Temporary Sign Permit	X			
Y. Temporary Use Permit	X			
Z. Time Extension	X			
AA. Planned Unit Development		X	X	
BB. Variances				
1. Homeowner [1]		X	X	
2. Other		X	X	
CC. Williamson Act Contract		X	X	

Notes:

1. First class mail to property owners within 100 FT of the exterior boundaries of the property which is subject of the hearing.

Sec. 9-1.0450: Public Hearing Procedures

- A. At any public hearing held pursuant to the provisions of this article, the Approving Authority shall hear the applicant, appellant, any interested persons and any City of Ontario staff member. The Approving Authority may preclude the introduction of any irrelevant evidence and may restrict any person's oral presentation to a time period established in

the rules and procedures of the Approving Authority. However, the Approving Authority shall receive any person's written statement.

- B. In the event that Approving Authority has obtained evidence outside of the hearing, such information shall be placed into the record. Thereafter, the applicant, appellant or any interested person may rebut such information and shall be entitled to a continuance for that purpose; however, no person may examine the Approving Authority.
- C. Any action or decision of the Approving Authority shall require a majority vote of its attending members. An abstention by any member who is present at the hearing and has heard all presented evidence shall constitute an affirmative vote on any motion regarding the application or appeal.
- D. When an action or decision of the Approving Authority is contested, and a request is made in writing prior to the date of the hearing, the Planning Director shall insure that a record of any such hearing shall be made and duly preserved, provided that a deposit is made prior to the hearing, and that the total cost thereof is made before said record is made available.
- E. Any public hearing conducted pursuant to this section may be continued from time to time. If such hearing is continued at the request of an applicant or appellant, such a continuance shall constitute a waiver of any applicable time period in which to take action or render a decision.
- F. Any action or decision of the Approving Authority shall be final and conclusive, unless appealed pursuant to the provisions of Article 5 (Appeals) of this chapter.

Sec. 9-1.0455: Certificates of Occupancy

- A. To ensure that each new or expanded use of a structure or site and each new structure or alteration of an existing structure complies with all applicable provisions of this Development Code, and in order that the City may have a record of each new and expanded use, a certificate of occupancy shall be required prior to any structure or site being occupied.
- B. No structure erected, moved, altered, enlarged, occupied or used, and no site shall be initially occupied or used after the effective date of the ordinance codified in this chapter until a certificate of occupancy has been issued by the Building Official; provided; however, a certificate of occupancy shall not be required where the proposed use of a site is cultivating the soil and the growing of agricultural products.
- C. The issuance of a certificate of occupancy is subject to the following regulations:
 - 1. An application for a certificate of occupancy shall be filed with the Building Department prior to:
 - (i) The erection, moving, alteration, or enlargement of any structure;
 - (ii) The commencement of a new use or a change in use of any structure or site.
 - 2. The applicant shall submit a written request for a certificate of occupancy. The Building Official shall route the request for certification of occupancy to applicable departments. The final certificate of occupancy is issued only after all the conditions of all departments have been met.
 - 3. A record of all certificates of occupancy will be kept on file with the Building Department and copies shall be furnished on request to any person having a propriety or tenancy interest in the structure, use, or site which is the subject of the certificate.