

## **Article 27:**

# **AGRICULTURAL OVERLAY DISTRICT**

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- Sec. 9-1.2700: Purpose
- Sec. 9-1.2705: Applicability
- Sec. 9-1.2710: Definitions
- Sec. 9-1.2715: Uses Generally
- Sec. 9-1.2720: Permitted Land Uses
- Sec. 9-1.2725: Conditional Uses
- Sec. 9-1.2730: Time Limitation
- Sec. 9-1.2735: Temporary Uses Permitted.
- Sec. 9-1.2740: Accessory Uses
- Sec. 9-1.2745: Prohibited Uses
- Sec. 9-1.2750: Nonconforming Uses and Structures
- Sec. 9-1.2755: Animal Keeping / Separation Standards
- Sec. 9-1.2760: Separation Requirements for New Development
- Sec. 9-1.2765: Permanent Structures
- Sec. 9-1.2770: Site Development Standards
- Sec. 9-1.2775: Environmental Performance Standards
- Sec. 9-1.2780: Sign Standards
- Sec. 9-1.2785: Parking Standards
- Sec. 9-1.2790: Severability

### **Sec. 9-1.2700:**

#### **Purpose**

The Ontario New Model Colony (NMC) as described below is intended to be developed in accordance with the General Plan Amendment adopted on January 7, 1998. It is recognized that the land uses recommended by the General Plan Amendment will guide the long term development of the area and the transition of the area from agricultural use to urban development which may include residential, commercial, business park, public facilities, and open space uses.

The pre-zoning ordinance adopted by the City Council on April 20, 1998 designates the entire New Model Colony area with a zoning designation of SP, (Specific Plan District). The zoning designation of SP requires the NMC area be developed with a series of Specific Plans that carry out objectives of the General Plan for the NMC, with land uses consistent with the approved General Plan.

It is further recognized that it is the intent of the City not to prohibit or discourage the continued agricultural use of the area. Each Specific Plan is required to address the appropriate transition of the area from agricultural uses to urban uses and include provisions for buffering between such use as needed to protect agricultural uses as well as the new urban uses. It is further recognized that the transition of the area will be a gradual process and that there will be a need for regulations to guide agricultural-related development activities for the interim period until a Specific Plan is approved and urban development begins. At the time the Specific Plan is adopted, future development within the Specific Plan will adhere to the provisions of the respective Specific Plan. It is the intent of the Agricultural Overlay District to allow for the continuation of agricultural uses and agricultural support uses as defined herein on an interim basis in those areas which the New Model Colony General Plan may designate for more intensive urban uses in the future. The Agricultural Overlay District is further intended to protect vital agricultural uses by limiting land use activity to those uses which are compatible and supportive of agriculture and related uses and/or agricultural by-products.

**Sec. 9-1.2705:****Applicability**

The agricultural overlay district contained herein shall apply to property within the New Model Colony area, generally bounded by Riverside Drive to the north, Milliken Avenue and Hamner Avenue to the east, the Riverside County line and Merrill Avenue to the south, and Euclid Avenue to the west, as shown on the zoning map.

**Sec. 9-1.2710:****Definitions**

For the purposes of this Article, unless otherwise apparent from the context, certain words, terms and phrases used in this Article are defined in this section.

**A. Agricultural Support Services.** These uses are supportive of the farm community and are fully compatible with agricultural uses. Agricultural support services are uses which directly support or which are accessory or incidental to established agricultural uses within the New Model Colony. These include but are not limited to:

1. Agricultural chemicals, fuel and fuel oil, nonflammable bottled gas
2. Animal husbandry services veterinary services for large and small animals, and horseshoeing.
3. Farm machinery equipment and supplies, sale and repair;
4. Farm produce sales and supply (feed, hay, grain and grain products, fertilizer);
5. Farm products packaging and processing;
6. Feed storage, farm products warehousing and storage (except stockyards);
7. Waste management facilities, fertilizer operations in accordance with applicable Local, State and Federal Regulations.

**B. Animal Confinement Facility.** Where used, the term “animal confinement facility” includes animal barns, corrals, or pens.

**C. Commercial Kennels and Catteries.** The keeping of more than five (5) dogs or five (5) cats over the age of four (4) months for breeding, boarding, training or sale on a parcel 2½ acres minimum in area.

**D. Cow and Goat Dairies.** Any premises where milk is produced for wholesale distribution and where ten (10) or more cows or goats are in lactation.

**E. Crop Production.** A primary use of the land which includes cultivation of open field or greenhouse crops, fruits, vegetables, grain, fibers, flowers, ornamental and nursery plant materials for wholesale or retail sales and ultimate consumption by others.

**F. Expanded use:** An expanded use consists of a building expansion or new construction in excess of 5,000 square feet.

**G. Trade of Livestock.** Sale of livestock to general public (e.g. animal auctions).

**Sec. 9-1.2715:****Uses Generally**

No building, structure or land shall be used, and no building or structure shall be hereafter erected, structurally altered, or enlarged, except for the purposes set out in this Chapter.

**Sec. 9-1.2720:****Permitted Land Uses**

The following uses are permitted:

- A.** Row, Field, Tree, and Crop Production
- B.** Plant nurseries (Retail/Wholesale)
- C.** Single dwelling unit on a lot not less than ten (10) acres in area; a specific plan is required for any subdivision/master planned development pursuant to the New Model Colony General Plan (Policy 1.1.3 NMCGP)
- D.** Animal Keeping, Generally. Animal keeping activities, except household pets, shall comply with the following requirements.
  - 1. Animal keeping must be on a legally recognized parcel no less than two (2) acres. Lot area used to qualify one animal type shall not be reused to qualify another animal type.
  - 2. Proper management of animal waste shall be carried out in accordance with all requirements of the State Regional Water Quality Control Board or regulating agency.
  - 3. Small animal keeping: Aviary, or similar small animal ranches or farms (excluding chicken and hog ranches) shall be permitted on parcels that are at least one-half (1/2) acre. Fish raising shall be limited to one (1) pond per acre with a maximum of four (4) ponds per parcel. Each pond shall not exceed one-half (1/2) acre in area.
  - 4. Refer to Table 27-1 for animal density requirements and Section 9-1.2755 of this Chapter for animal separation/setback requirements.

**Table 27-1: Animal Types and Densities**

Animal Type	Animal Density
Dairy Cow	As permitted by approving authority <sup>(1)</sup>
Non-dairy Cattle/Buffalo	1/6,000 SF of lot area
Horses	1/6,000 SF of lot area
Swine (5 maximum)	1/12,000 SF of lot area
Sheep, female goats and similar livestock	1/3,000 SF of lot area
Male adult goats	
Parcel < 10 acres	1 maximum
10 acres and above	1/5 acres of lot area (4 maximum)
Rabbits and chinchillas (200 maximum)	50 / 10,000 SF of lot area
Ostriches	1/6,000 SF of lot area
Emus and rheas	1/6,000 SF of lot area

Animal Type	Animal Density
<b>Poultry</b>	
Female	
Parcel < 10 acres	25 maximum
10 acres and above	25/ 10 acres of lot area (50 maximum)
Male (9 maximum)	
Parcel < 10 acres	2 species/parcel
10 acres and above	2 species/5 acres

**NOTES:**

- (1) New or expansions to existing dairy or other animal confinement facilities will be considered on a case-by-case basis, subject to a Conditional Use Permit. Animal density shall be as determined by the appropriate approving authority (i.e. Regional Water Quality Control Board) which may impose special operational conditions, requirements or standards deemed necessary to insure the public health, safety and general welfare. Animal density shall be based on measures to prevent the unacceptable nitrification or salt pollution of soils and the pollution of groundwater by nitrates and salts emanating from the facility as defined by the Regional Water Quality Control Board.

### Sec. 9-1.2725: Conditional Uses

The following uses shall be permitted subject to the approval of a Conditional Use Permit by the Zoning Administrator or Planning Commission. The hearing body may grant a Conditional Use Permit as it was applied for, or in modified form, if, on the basis of the application and evidence, the hearing body makes the findings set forth in Article 9 of Title 9 of the Ontario Municipal Code.

- A. Agricultural Support Services.
- B. Animal raising of densities greater than or the raising of animal types different than those specified by this section, subject to review by appropriate approving authority (i.e. Regional Water Quality Control Board). Fish raising using ponds or lakes that are of greater surface area or number than those specified by this section.
- C. Animal Hospitals and Veterinary Clinics.
- D. Antennas and Wireless Telecommunications Facilities
- E. Apiary
- F. Calf growing ranches; parcel shall be five (5) acres or more
- G. Churches, temples and other places of worship within an existing building or expansions to religious facilities; establishment of new churches, temples and other places of worship in new structures shall only be permitted as part of a specific plan
- H. Dairies, including expansions to existing dairies
- I. Educational institutions
- J. Fertilizer operations, in accordance with applicable Local, State and Federal Regulations
- K. Kennels – two and one-half (2½ ) acre minimum parcel size

- L. Mushroom farms without use of manure
- M. Rodeos
- N. Trade of livestock
- O. Waste management facilities, in accordance with applicable Local, State and Federal Regulations

Article 9 of Title 9 of the Ontario Municipal Code describes the procedure required to obtain a Conditional Use Permit.

**Sec. 9-1.2730:**  
**Time Limitation**

Conditional Uses may be subject to a five (5) year time limit through an agreement with the applicant, in order to assess potential impacts from the conditional use upon surrounding land uses. Under such time limitation, a time extension application may be filed at least six (6) months prior to the end of the five-year period. Approval of a request for extension of time shall be based on the continued compatibility of the project with surrounding land uses.

**Sec. 9-1.2735:**  
**Temporary Uses Permitted.**

The following temporary uses are permitted subject to the provisions of Article 11, of Title 9.

- A. Christmas tree and Halloween pumpkin sales or other similar seasonal sales authorized by the City, not to exceed a period of thirty (30) days each.

**Sec. 9-1.2740:**  
**Accessory Uses**

The following accessory uses and structures are permitted when customarily associated with and subordinate to a permitted use on the same parcel:

- A. Barns, stables, storage tanks, and other farm buildings.
- B. Second Units and guesthouses, one (1) per parcel, in accordance with the provisions of Sec. 9-1.1435. In addition to the requirements of Sec. 9-1.1435 any guesthouse or second unit shall meet the setbacks of the main structure as listed in Table 27-2 (Site Development Standards) in Sec. 9-1.2770.
- C. Accessory building(s) not usable as a guesthouse or second residential unit. There shall be no maximum size for accessory structures in the AG Overlay District. Accessory Structures in the AG Overlay District in excess of 650 sq. ft. does not require a CUP.
- D. Office unit in conjunction with Row, field, tree, plant nursery or crop production operation, not to exceed 1,500 sq. ft. in size (one per parcel). Any office unit shall meet the setbacks of the main structure as listed in Table 27-2 (Site Development Standards) in Sec. 9-1.2770.
- E. Caretaker's unit, not to exceed 1,500 sq. ft. in size (one per parcel). Any caretaker's unit shall meet the setbacks of the main structure as listed in Table 27-2 (Site Development Standards) in Sec. 9-1.2770.
- F. Garages and carports.

- G. Fences and walls
- H. Patio covers
- I. Swimming pools
- J. Stands for the sale of agricultural products grown or produced on the same premises (excluding milk and meat products), subject to the following conditions:
  - 1. Stand shall be permitted only on lots containing a minimum of 10,000 square feet.
  - 2. The floor area of the stand shall not exceed one hundred (100) square feet.
  - 3. The stand shall not have a permanent foundation.
  - 4. The owner(s) shall remove such stand at their expense when the use has terminated.
  - 5. Stands shall be located a minimum of twenty (20) feet from the right-of-way line of any street or highway.
  - 6. Parking areas shall be improved with paving or gravel or other materials as approved per City standards to control dust or erosion.
  - 7. Adequate provision for traffic circulation, off-street parking, and pedestrian safety shall be provided to the satisfaction of the Planning Director
- K. Accessory uses and structures which the Planning Director finds to be consistent with the purpose and intent of this ordinance.

**Sec. 9-1.2745:  
Prohibited Uses**

Notwithstanding Sections 9-1.2715 through 9-1.2725, the following uses are specifically prohibited:

- A. Animal slaughter operations
- B. Commercial poultry ranches
- C. Commercial hog ranches

The Zoning Administrator will make a determination of use for those uses not specifically listed above as permitted or conditional uses, based on the similarity of the subject use to one of the above listed categories and the overall intent of this ordinance.

**Sec. 9-1.2750:  
Nonconforming Uses and Structures**

Nonconforming uses and structures are governed by Article 7 of the Ontario Development Code, except as follows:

- A. **Abandonment:** whenever a nonconforming use or structure has been abandoned, the nonconforming use or structure shall not be reestablished, and the use of the structure and the site thereafter shall be in conformity with the regulations of the Agricultural Overlay District. For the purposes of this Section, discontinuance of

the nonconforming use for a continuous period of 180 days shall be conclusive evidence of abandonment of such nonconforming use regardless of the landowners intent.

- B. Special Hardship Circumstances:** The Zoning Administrator may extend the 180-day period for up to an additional 180 days. To receive such consideration, the property owner shall request an extension in writing, prior to the expiration of the initial 180 day period, including a full explanation of the reason why the extension should be granted.

**Sec. 9-1.2755:**

**Animal Keeping / Separation Standards**

The following site development standards shall apply to the keeping of animals, except household pets:

- A.** Animals shall be restrained a distance of at least 40 feet, measured in a straight line, from any habitable structure or structure used for public assembly located on adjoining property. For dairies, refer to Section 9-1.2760(A) and (B) of this Chapter for separation requirements.
- B.** Animals shall be restrained a distance of at least 5 feet from interior side and rear property lines, and 15 feet from street side property lines.
- C.** Animals shall be secured by a fence or wall at least 5 feet in height, made of chain-link, wood with horizontal members no less than 6 inches apart, solid masonry or other appropriate solid confining material. Property line walls and fences may be used to secure animals, provided the appropriate restraint distances are maintained.
- D.** Animals shall be kept a minimum of 100 feet from any domestic water well.
- E.** For new dairies/feed lots, a separation of 500 feet shall be required between an animal feed trough, corral/pen from new development and/or from property with a residential or non-residential tract map recorded after January, 2000 as measured from the building setback line.
- F.** A reduction in animal separation requirements may also be considered for facilities with proven means of reducing odors, such as covering lagoons, substituting concrete-lined pits for lagoons, and employing recommended ventilation systems for animal confinement buildings. Consideration of alternative setbacks shall be subject to consultation with qualified agricultural engineers to ensure that the measure will reliably accomplish the intended purpose.

**Sec. 9-1.2760:**

**Separation Requirements for New Development**

The following separation requirements from existing dairies/feed lots shall apply to new residential, commercial, and/or industrial development or structures used for public assembly purposes from existing dairies/feed lots.

- A.** A minimum 100' separation shall be required between a new residential, commercial or industrial development or structure used for public assembly and an existing animal feed trough, corral/pen or an existing dairy/feed lot including manure stockpiles and related wastewater detention basins. The 100-foot separation requirement may be satisfied by an off-site easement acceptable to the Planning Director with adjacent properties, submitted with the initial final map and recorded prior to or concurrent with the final map.
- B.** Separation requirements between dairies within a proposed specific plan area and new development will be addressed through the specific plan review procedure which may include buffers, expanded parkways, open space, and other approved measures to mitigate potential impacts.

**Sec. 9-1.2765:****Permanent Structures**

Development Plan Review is required by Article 8 (Development Plan Review) of the Ontario Development Code for all new, altered or expanded structures/uses including all new structures in excess of 5000 square feet.

**Sec. 9-1.2770:****Site Development Standards**

Table 27-2 summarizes site development standards for all uses in the agricultural overlay district set forth herein.

**Table 27-2: Site Development Standards<sup>(1)</sup>**

Category	Requirement
<b>Maximum Structure Height</b>	35 feet
<b>Minimum Lot Size</b>	10 acres (per dwelling unit)
<b>Maximum Lot Coverage (building coverage)</b>	None
<b>Lot Dimensions</b>	
Maximum lot width to depth ratio	1:4
Minimum width and depth	300 feet
<b>Setbacks</b>	
Front	25 feet
Side	
Interior Side	15 feet
Street Side	25 feet
Rear	15 feet
<b>Maximum Housing Density</b>	1 dwelling unit per 10 acres

**NOTES:**

- (1) Site development standards shall not apply to the repair, maintenance, replacement, and upgrading of a legally existing use, provided that such work does not increase the size or capacity of the facility.

**Sec. 9-1.2775:****Environmental Performance Standards**

The Environmental Performance Standards established under Article 33 shall apply.

**Sec. 9-1.2780:****Sign Standards****A. Non-residential Use:**

- Freestanding:** one (1) unlighted single or double faced sign not to exceed six (6) feet in height or twelve (12) square feet in area, for each sixty (60) feet of street frontage and not to exceed a maximum of twenty-four (24) square feet, setback a minimum of ten (10') feet from the property line.
- Wall Mounted:** One (1) sign mounted on the street side (front) elevation, not to exceed one sq. ft. of sign area for each foot of the front elevation for a maximum area of 50 square feet; if the building is on a corner lot, one sq. ft. of sign area for each foot of width of the front and street side elevations of the building, for a maximum of 50 square feet per elevation.

**B. Residential Use:** refer to Table 31-1 of Article 31 of the Ontario Development Code.



C. Refer to Article 31 of the Ontario Development Code for all other general Sign provisions.

**Sec. 9-1.2785:**

**Parking Standards**

Refer to Article 30 of the Development Code for parking standards.

**Sec. 9-1.2790:**

**Severability**

If any section, subsection, sentence, clause, phrase or portion of these standards are for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct and an independent provision and such division shall not affect the validity of the remaining portions thereof. The City Council hereby declares that it would have passed these standards, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any section of the sections, subsections, sentences, clauses or phrases hereof be declared invalid or unconstitutional.