



# Parkside

## 6.0 Development Regulations

### 6.1 INTRODUCTION

The provisions contained herein will regulate design and development within the Parkside Specific Plan area. The regulations contained herein provide for the development of all land use categories with development regulations established for residential uses, commercial uses, public use (fire station), parks and recreational facilities, and landscaping.

### 6.2 DEFINITION OF TERMS

The meaning and construction of words, phrases, titles, and terms shall be the same as provided in the City of Ontario Development Code Article 2, "Definitions," unless otherwise specifically provided herein.

### 6.3 APPLICABILITY

The development regulations contained herein provide specific standards for land use development for the Parkside Specific Plan, within the subject portions of Subareas 22 and 23. Regulations address residential, commercial, public, and parks and recreation land uses. General landscaping regulations are also provided. Application of the following regulations is intended to encourage the most appropriate use of the land, ensure the highest quality of development, and protect the public health, safety, and general welfare. The adoption of this Specific Plan by resolution supersedes otherwise applicable City of Ontario zoning regulations, unless stated herein to the contrary. Whenever the provisions and development standards contained herein conflict with those contained in the City of Ontario Development Code, the provisions of this Specific Plan shall take precedence. Where the Specific Plan is silent, City codes shall apply. These regulations shall reinforce specific site planning, architectural design, and landscape design guidelines contained in **Section 7, Residential Design Guidelines, and Section 8, Commercial Design Guidelines**, of this Specific Plan.

### 6.4 ADMINISTRATION

The Specific Plan is adopted by ordinance and will serve as the implementation tool for the General Plan as well as the zoning for the site. The Specific Plan Development Regulations address general provisions, permitted uses, and some development standards for the project.

### 6.5 METHODS AND INTERPRETATION

Development within the Specific Plan shall be implemented through the approval of parcel maps, tract maps, and development permits by the City of Ontario. The administration process described herein provides the mechanisms for review and approval of development projects within the project, consistent with the Specific Plan objectives.

### 6.6 GENERAL SITE DEVELOPMENT CRITERIA

The following general site development criteria shall apply to all land development proposed in the Specific Plan.

- Gross Acres - Except as otherwise indicated, gross acres for all development areas are measured to the centerline of streets;
- Grading - Development within the site shall utilize grading techniques as approved by the City of Ontario. Grading concepts shall respond to the grading design included in this Specific Plan which guide the development of land use toward the goal of providing for a livable community with streets and entries designed for walking and resident interaction;
- Building Modification - Additions and/or projections into setback areas permitted by the Specific Plan shall match the architectural style of the primary unit and shall be constructed of the same materials and colors as the primary unit;
- Utilities - All new and existing public utility distribution lines of less than 66 kV shall be subsurface throughout the planned community;
- Technology - All homes and businesses shall accommodate the most modern technology for computer internet access, phone, fax, and television. Broadband fiber optics cable will be installed on all peripheral streets and will be available to provide service to each home per the approved Broadband Master Plan;
- Density - The Specific Plan Land Use Plan allocates a total number of units to each residential neighborhood as indicated in the **Land Use Summary, Table 1**, included in **Section 4, Land Use**, of this Specific Plan. As a master-planned community developer, the developer will review each guest builder's plans and design and strongly encourage the use of current architecture, design, and product type. Accordingly, variations in the number and type of dwelling units within each residential neighborhood



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may occur. Variations in the number and type of dwelling units within each residential neighborhood may occur at the time of final design of the neighborhood, depending upon the residential product identified for development. Increases or decreases in allocation of residential units up to a maximum of fifteen percent (15%) are permitted among the planning areas within the Specific Plan area, provided the total number of units established for the Specific Plan area is not exceeded;

- Maximum Number of Dwelling Units - The maximum number of residential dwelling units permitted within the Specific Plan for portions of Subareas 22 and 23 shall be 1,947 dwelling units; and
- Buildings or parts of buildings, in particular roof overhangs, shall not encroach into the 3-foot building setback from the property line.

## 6.7 IMPLEMENTATION

- Development proposals within the project shall be subject to the implementation procedures established herein. Whenever the provisions and development standards contained herein conflict with those contained in the City of Ontario Development Code, the provisions of the Specific Plan shall take precedence;
- Severability - If any portion of these regulations is declared to be invalid or ineffective in whole or in part, such decision shall not affect the validity of the remaining portions thereof. The legislative body hereby declares that they would have enacted these regulations and each portion thereof irrespective of the fact that any one or more portions be declared invalid or ineffective;
- Unless otherwise provided, any ambiguity concerning the content or application of the Specific Plan shall be resolved by the Planning Director or his/her designee, hereinafter referred to as Director, in a manner consistent with the goals, policies, purpose and intent established in this Specific Plan; and
- Any major deviation from the design guidelines within the Specific Plan shall require a Specific Plan Amendment. The Director shall determine whether a proposed change constitutes a major deviation.

## 6.8 DEVELOPMENT PERMIT

All development projects within the Specific Plan shall be subject to the Development Plan Review Process as established in Article 8 of the City's Development Code. Adoption of the Specific Plan by the City includes adoption of the design guidelines contained within the project. Where the Specific Plan design guidelines are silent, the applicant design guidelines contained within the City's Development Code shall apply. The design guidelines are intended to be flexible in nature while establishing basic evaluation criteria for the review by the City of developer projects during design review.

Pursuant to these provisions, the Development Permit process constitutes a design review of project architecture, site plans, and landscape plans. All development project applications shall include a landscape and irrigation plan describing plant materials and their growth habits, plant size and spacing, methods of irrigation and landscaping maintenance, site plans, architectural elevations, floor plans, grading plans and other requirements as specified by the City. Development permits will be approved with conditions of approval.

## 6.9 SUBDIVISION MAPS

Approval of the Tentative Tract Map(s) and Parcel Maps will create legal lots for development. All Tentative Tract Maps and Parcel Maps will be reviewed and approved pursuant to applicable provisions of the City of Ontario Subdivision Ordinance and consistent with the applicable provisions contained within this Specific Plan.

## 6.10 SPECIFIC PLAN MODIFICATIONS AND AMENDMENTS

### 6.10.1 Minor Modifications

The following constitute minor modifications to the Specific Plan, not requiring a Specific Plan Amendment.

- Change in utility and/or public service provider;
- An increase of not more than fifteen (15) percent to the number of units within a planning area, provided the total number of units for the entire project site do not exceed that established in the Specific Plan;
- Adjustment of a neighborhood boundary, provided the total acreage of the affected area does not increase or decrease by



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more than fifteen (15) percent of the total acreage stated in the approved Specific Plan;

- Minor changes to the design guidelines, which are intended to be conceptual in nature only, and are intended to be flexible in implementation; and
- Other modifications of a similar nature to those listed above, which are deemed minor by the Planning Director, which are in keeping with the purpose and intent of the approved Specific Plan and which are in conformance with the General Plan.

## 6.10.2 Specific Plan Amendments

Amendments to the Specific Plan may be requested by the applicant or by the City at any time pursuant to Section 65433(a) of the Government Code. Amendments shall be processed pursuant to the provisions of the Government Code for Specific Plan Amendments. In the event the proposed amendment requires supplemental environmental analysis pursuant to the California Environmental Quality Act (CEQA), the applicant(s) will be responsible for preparing the necessary CEQA documentation.

A Specific Plan Amendment shall be required if adjustments are made to housing types or product lines in any neighborhood that do not meet the policy goals of the New Model Colony, Development Standards in Chapter 6, and Design Guidelines in Chapter 7.

## 6.11 APPEALS

Appeals from any determination of the Zoning Administrator shall be made to the Planning Commission. The applicant(s) or any other entity shall have the right to appeal the decision of the Planning Commission on any determination. Appeals shall be submitted by filing an application on forms provided by the City of Ontario within ten days following the final date of action for which an appeal is made. Appeals shall be processed consistent with the provisions of Article 5, "Appeals" of the City of Ontario Development Code.

## 6.12 PROJECT FINANCING

Construction and maintenance of public improvements and facilities to serve the Specific Plan will be financed through a combination of financing mechanisms including the use of public and private funds. In order for the project to be fiscally self-sufficient the following options can be considered for implementation:

## Maintenance

A community facilities district may be implemented in order to defray the costs associated with street maintenance and street light costs.

## Facilities and Services

A variety of other financing options may be considered by the City of Ontario for financing facilities and services to be provided within the Specific Plan area to include:

- Establishment of a Mello-Roos Community Facilities District, which enables governmental entities to finance public infrastructure on a tax-exempt basis;
- Special assessment districts;
- Benefit assessment financing for improvements such as storm drains and street lighting; and
- Integrated financing districts such as landowner assessments that are contingent upon development.

City Council approval is required for the establishment of all special district financing mechanisms. Establishment of a district would enable the City to levy a special tax and to issue bonds for the financing of improvements and/or services. Among the facilities that potentially could be financed are flood control, drainage, utilities, street improvements and other infrastructure, and related facilities and/or payment for such infrastructure. The district provisions for those services would cover all phases, including planning, design, acquisition, construction, operations, and maintenance. These assessments would only affect the subject portions of Subareas 22 and 23 in this Specific Plan, and the debt service incurred by these assessments would be paid by landowners or homeowners within the Specific Plan area.

## 6.13 MAINTENANCE RESPONSIBILITIES

The public and private improvements constructed within the Specific Plan area will be maintained through a combination of public and private entities as described in **Table 3, Maintenance Responsibilities**.

During the course of maintenance of public utilities (including storm drain) within private streets, the City will pave the streets and restore landscaping per City standards. Restoration of any enhancements above and beyond City standards, including but not limited to architectural, hardscaping, and landscaping enhance-

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**Table 3—Maintenance Responsibilities**

	City CFD	Private Homeowners Association (HOA)	Private (Homeowner, Commercial/Property Owners)	Utility Entity
Master Plan Roadways (Archibald Avenue, Merrill Avenue, Edison Avenue, Hellman Avenue, Carpenter Avenue)	X			
Interior Project Streets (curb to curb Primary Entry Street, Secondary Entry Streets, Neighborhood Streets, Interior Streets @ park)	X			
Private Streets in Gated Multi-Family Complexes		X		
Parkway of Master Plan Roadways/Neighborhood Edges (curb to perimeter wall including landscape, sidewalks, trees)	X			
Parkways of Interior Project Streets (landscaping, sidewalks, trees) <sup>1</sup>		X		
Interior Tract Graffiti Removal		X		
Private Recreation Areas		X		
Monument Signs (within Neighborhood edges on Master Plan Roadways)	X			
Monument Signs within tract entry		X		
Traffic Signals/Street Lights	X			
Traffic Control Signs (Public)	X			
Traffic Control Signs (Private)		X		
Lanes (Private Alleys)		X		
Driveways and Parking Areas Serving Commercial			X	
Community Trail (SCE Corridor Trail)	X			
Off-site and on-site water, sewer, and storm drain improvements (excluding laterals) <sup>2</sup>	X			
Regional Park	X			
Pocket Parks		X		
Paseos		X		
Front Yard/Corner Streetside Landscaping Areas			X	
Private Interior Yard Walls			X	
Landscaped Common Areas		X		
Private Exclusive Use Landscaped Areas			X	
Community Theme Wall and Entry Monuments on Master Planned Roadways (outside face for graffiti removal and paint)	X			
Community Theme Wall and Entry Monuments on Master Planned Roadways: Surface (interior) opposite streetside (structural integrity and face repairs)		X		
Lane (Private Alley) Landscaping and Lighting		X		
Electricity				X
Natural Gas				X
Communication Systems	X			X
Police	X			
Fire	X			
NPDES Facilities (Onsite)/W.Q.M.P. <sup>(2)</sup>	X			
Interim Detention Basin		X		
NPDES Facilities/Interim Detention Basin on Private Property		X		

(1) Including restoration work following public street repairs.

(2) Only those facilities in the public right-of-way and/or easements.



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ments shall be the responsibility of the HOA or other entity maintaining those enhancements. This applies to all areas where public utilities are located including but not limited to public and private streets, gated communities, lanes (private alleys), etc.

## 6.14 RESIDENTIAL DEVELOPMENT STANDARDS

### 6.14.1 Residential Detached

#### General

This category includes the development of all single-family detached dwelling units. The purpose of the residential standards for single-family detached housing is to establish the minimum criteria for the development of these product types in cluster configurations within the neighborhoods specified within the Specific Plan.

#### Permitted Uses

- Single-family detached dwellings, and their accessory uses;
- Public or private parks, recreational buildings, coffee concessions, greenbelts, or open space;
- Accessory uses to include the following:
  - Garages;
  - Granny flats (i.e. Second Dwelling Units), in accordance with the City's Zoning Code;
  - Home occupations;
  - Swimming pools, spas, sports courts, and other similar outdoor recreational amenities;
  - Patios and patio covers;
  - Storage, garden structures, cabanas, and greenhouses.
  - Monument signage;
  - Temporary uses such as model home and subdivision sales trailers; temporary construction parking, offices, and facilities; real estate signs, signage indicating future development and directional signage;
  - Second story additions to existing single story dwelling units; and
  - Child care facilities up to seven (7) children.

#### Conditionally Permitted Uses

- Places of worship; and
- Child care facilities/day care facilities (8-14 children).

#### Determination of Use

Uses not specifically listed may be deemed permitted subject to a "Determination of Use" as provided for in Section 9-1.1310 of the City of Ontario Development Code.

### 6.14.2 Residential Attached

#### General

The category includes the development of all multi-family attached dwelling units. The purpose of the residential standards for multi-family attached housing is to establish the minimum criteria for the development of these product types in street facing and cluster configurations within the neighborhoods specified within the Specific Plan.

#### Permitted Uses

- Multi-family attached dwellings, and their accessory uses;
- Public or private parks, recreational buildings, coffee concessions, greenbelts, or open space; and
- Accessory uses to include the following:
  - Garages;
  - Senior apartments, townhomes, and/or condominiums;
  - Home occupations;
  - Swimming pools, spas, sports courts, and other similar outdoor recreational amenities;
  - Patios and patio covers;
  - Storage, garden structures, cabanas, and greenhouses;
  - Monument signage;
  - Temporary uses such as model home and subdivision sales trailers; temporary construction parking, offices, and facilities; real estate signs, signage indicating future development and directional signage;
  - Second story additions to existing single story dwelling units; and
  - Child care facilities up to seven (7) children.

#### Conditionally Permitted Uses

- Places of worship; and
- Child care facilities/day care facilities (8-14 children).





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## Determination of Use

Uses not specifically listed may be deemed permitted subject to a "Determination of Use" as provided for in Section 9-1.1310 of the City of Ontario Development Code.

## 6.15 NEIGHBORHOOD CENTER COMMERCIAL LAND USE DEVELOPMENT STANDARDS

### General

This section sets forth the development regulations for development of commercial land uses within the Specific Plan.

### Permitted Uses

- Bakery (Retail);
- Barber Shop and Beauty/Nail Salon;
- Book Stores;
- Camera and Photographic Supply Stores;
- Clothing and Accessory Stores;
- Convenience Market;
- Daycare Facilities (Single-Family), 8 or less children;
- Delicatessen;
- Dry Cleaner;
- Florist;
- Jewelry and Watches/Clocks;
- Laundry – Self-Service;
- Locksmith/Key Shop;
- Police Storefront/Sub-Station;
- Satellite dishes/Ham Radio Antennas (private use);
- Shoe Repair;
- Specialty Food Stores;
- Tailor; and
- Travel Agency

### Conditionally Permitted Uses

- Alcoholic Beverage Sales;
- Banks, Credit Unions and Other Depository Institutions;

- Church;
- Daycare Facilities (Commercial);
- Money Transmitting;
- Other Financial Services;
- Police/Fire Station;
- Recreation Center; and
- Senior Citizen Center

## Determination of Use

Uses not specifically listed may be deemed permitted subject to a "Determination of Use" as provided for in Section 9-1.1310 of the City of Ontario Development Code.



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**Table 4—Neighborhood Commercial Development Standards**

<b>Minimum Site Area</b>	7 acres, unless developed as part of an integrated commercial center. Minimum lot size shall be large enough to accommodate the proposed use and meet all Development Standards as specified within the Specific Plan.
<b>Maximum Development Floor Area Ratio (FAR)</b>	.35
<b>Minimum Building Setbacks <sup>(1)(2)</sup></b>	
• From Public Street Property Lines	20 ft.
• From Private and Local Street Property Lines	15 ft.
• From Interior Property Lines	0 ft.
• From Interior Property Line Adjacent to Residential District	25 ft.
• From Edison Right-of-Way	35 ft.
• From Archibald Avenue Right-of-Way	19 ft.
<b>Parking &amp; Drive Aisle Setbacks <sup>(1)</sup></b>	
• From Public Arterial Streets (R/W)	25 ft.
• From Private and Local Streets & Drive Aisles to Bldgs. (R/W)	10 ft.
• From Interior Property Line	5 ft.
• From Rear Property Line	5 ft.
• From Interior Property Line Adjacent to Residential District	5 ft.
• From Edison Right-of-Way	35 ft.
• From Archibald Avenue Right-of-Way	19 ft.
<b>Minimum Landscape Coverage</b>	15%
<b>Maximum Building Height</b>	
• Main Structure	35 ft.
<b>Architectural Projections and Focal Elements such as Towers, Cupolas, and other <sup>(3)</sup></b>	55 ft.
<b>Porte-Cocheres <sup>(4)</sup></b>	1-story
<b>Other Development Regulations</b>	Per Article 16, City of Ontario Development Code
• Walls, Fences & Hedges	When a non-residential use adjoins a residential district, a 6-foot high decorative masonry wall shall be required at the interior side or rear property lines. Per Article 16, City of Ontario Development Code
• Parking	Per Article 30, City of Ontario Development Code
• Screening	All loading areas shall be screened from adjacent public streets, residential, and open space uses through the use of landscaping, earthen berms, or decorative walls or fencing. All storage, incl. cartons, containers, materials or trash shall be shielded from view within a bldg. or area enclosed by a solid fence or wall not less than 6' in height.
	All roof-mounted equipment, including but not limited to, mechanical equipment, satellite dishes, tanks, ducts, and towers, and all equipment appurtenant thereto, shall be screened on all sides from public view from the street adjoining properties, and neighboring residential units, by a parapet wall, decorative enclosure, or other architectural element. Equipment screening shall appear as an integral part of the building architecture.
• Lighting	All interior and exterior lighting shall be directed away from residential and open space uses.

(1) All setbacks areas shall be landscaped.

(2) All setbacks are measured to habitable area, not an architectural appurtenance or projection. An architectural projection is defined as an element that articulates the bldg. elevation such as eaves, window and door pop-out surrounds, bay windows, pot shelves, chimneys, enhanced window sills, shutter detail, window trim, and balconies, and other similar elements. Such elements may project a max. of 3' into setback areas.

(3) Architectural elements are not to be used for signage, subject to Planning Director approval.

(4) Porte-Cocheres shall be open on three sides.



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## Design Guidelines

Prior to the approval of the first site development permit and/or parcel map within the Community Commercial land use area, a detailed set of design guidelines for the area shall be submitted by the developer and approved by the City.

## 6.16 PUBLIC USE (FIRE STATION) DEVELOPMENT STANDARDS

### General

This section sets forth the development regulations for development of the Fire Station land use in the Specific Plan.

### Permitted Uses

Permitted uses are as defined in Article 13, Sec. 9-1.1300, Permitted, Conditional and Ancillary Land Uses of the City of Ontario Development Code.

### Conditional Permitted Uses

Permitted uses are as defined in Article 13, Sec. 9-1.1300, Permitted, Conditional and Ancillary Land Uses of the City of Ontario Development Code.

### Determination of Use

Uses not specifically listed may be deemed permitted subject to a "Determination of Use" as provided for in Section 9-1.1310 of the City of Ontario Development Code.

## 6.17 LANDSCAPE STANDARDS

### 6.17.1 General Provisions

- All landscape plans, streetscape plans, and graphic designs which create neighborhood identity or enhance entry monuments shall conform to the design guidelines and regulations as set forth herein and shall be subject to review and approval by the City of Ontario;
- The Landscape/Streetscape improvements for the Specific Plan area shall establish a landscape theme reminiscent of the regional landscape character of the surrounding area;
- Installation of landscaping within PA1 through PA19 residential areas of Parkside will be provided by the home builder; and

- Installation of landscaping within the commercial area of the Specific Plan will be provided by the developer/builder.

### 6.17.2 Landscape Standards

- Landscaping within the Specific Plan shall be provided in accordance with the Design Guidelines for Streetscapes and Entries utilizing plant materials specified on the Plant Palette included in **Section 7, Residential Design Guidelines, and Section 8, Commercial Design Guidelines**, established for the Specific Plan.
- Boundary landscaping will be required adjacent to residential, commercial, park, and public (fire station) areas. Landscaping shall generally be placed along the entire property line;
- Landscaping and irrigation systems within the public rights-of-way of the Specific Plan area shall be installed by the developer;
- The developer will provide site inspection of all construction and installation of open space areas in accordance with City of Ontario requirements;
- Parking lot landscaping within commercial areas shall be required in accordance with Section 9-1.3040 of the City's Development Code; and
- Vegetation that is non-toxic, free of thorns or spines, and without any hazardous characteristics shall be utilized adjacent to all public open space areas.

### 6.17.3 Walls and Fences

- Freestanding perimeter walls and view fencing shall be provided within and at the perimeter of the project as specified in the **Exhibit 40 Wall and Fence Master Plan, Section 7, Residential Design Guidelines**. Such walls and fences will be constructed concurrently with the construction of improvements required for development of the neighborhoods of the Specific Plan;
- Walls and Fencing—Perimeter walls shall be constructed in locations and of a design consistent with the Residential Design Guidelines and the **Fence and Walls Plan, Exhibit 40, and Fence and Wall Details, Exhibits 41 and 42**, provided in **Section 7, Residential Design Guidelines**, and shall not exceed six (6) feet in height from finished grade. Perimeter walls may exceed six (6) feet in height if required for sound attenuation. Perimeter





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walls shall be constructed of either decorative masonry or other permanent, durable, low maintenance material. Decorative all-weather vinyl fencing is not permitted;

- Residential—Side and rear yard walls and fencing shall not exceed six (6) feet in height from the highest adjacent finished grade. Walls and fencing within the residential front yard setback area shall not exceed three (3) feet in height. Walls shall be decorative masonry construction or other permanent low maintenance decorative materials. Decorative all-weather vinyl fencing is not permitted. View fencing may be of a decorative wrought iron, glass panels, or other durable material approved by the City;
- All perimeter wall and fence materials throughout the Specific Plan shall be constructed of decorative material and be of uniform manufacture with colors specified for the overall design theme;
- Decorative block (both sides) is required for all interior block walls;
- Colors shall be consistent with the colors specified for the overall design theme and shall be decoratively capped; and
- Combo walls are also permitted which include decorative block and wrought iron. Combo walls shall not exceed the maximum height requirements and are subject to approval by the City.

## 6.18 SIGNAGE

A Master Sign Program shall be submitted by the developer(s) of each land use component for the Specific Plan and approved by the City of Ontario pursuant to Article 31 of the City's Development Code to address residential project entries, residential neighborhood identification signs, commercial center identification, tenant signage, and "way-finding" signs within the Specific Plan area. All other signs shall be subject to the approval of a sign permit pursuant to the City's Development Code.

### 6.18.1 Master Sign Program Contents

All sign programs shall address, at a minimum, the following:

- Permitted signs;
- Prohibited signs;
- The hierarchy of signage;
- Definition of types of signs;

- Locations and dimensions for monument signs, neighborhood identification signs, and public facilities signs;
- Locations and dimensions of directional signage;
- Provisions for size, location, and duration of display of temporary signs;
- Permitted sign types, styles, construction materials, colors, and lettering styles;
- Requirements for a sign permit application;
- Procedures for obtaining approval of a sign permit; and
- Procedures for amendments to the sign program.

## 6.19 PRIVATE RECREATIONAL FACILITIES

This category includes the development of all private recreation facilities and is subject to the Development Permit process contained herein.